

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MARCH 8, 2016

MAYFLOWER ROOM, TOWN HALL

6:00pm 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, and Paragraph 6; to consider the purchase, exchange, lease or value of real property.

- ❖ Cherry's Bait
- ❖ Plymouth Watersports
- ❖ Veolia Litigations (Article 8)

8:15PM - CALL TO ORDER

Chairman Tavares returned to Open Session and called the meeting to order at 8:15 p.m. and led the Pledge of Allegiance.

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

Melissa Arrighi, Town Manager
Derek Brindisi, Assistant Town Manager
Jonathan Beder, Director of Public Works
Gary Frizzell, Wastewater Superintendent

Paul Gabriel, Environmental Partners
Ziad Kary, Environmental Partners
Paul Millette, Environmental Partners
Rick Holland, Kopelman and Paige, P.C.

Before the meeting began, Chairman Tavares asked the Board and the public to join him in a moment of silence in honor of John P. Hanson who passed away on February 29, 2016. He described John as a significant resident who served on the Plymouth Police Force for 23 years. Ken also asked to have the Town Clerk write their names in the Annual Town Report.

8:20PM - PUBLIC COMMENT

No Public Comment at this time.

8:49PM – TOWN MEETING ARTICLES

Article 27

To see if the Town will vote to amend the Zoning Bylaw as on file with the Clerk by adding a new section entitled “Ground-Mounted Solar Energy Facilities” that identifies solar energy facility site locations, selection criteria, and evaluation criteria as well as amending associated definitions, procedures, and schedules, or take any other actions relative thereto.

Lee Burns, Chairman of the Energy Committee, took the podium with a PowerPoint presentation. He emphasized that this Article pertains only to Ground-Mounted Solar, not mounting on your house roof. He explained about the bylaws in other communities around Plymouth by showing a slide that had installed solar farms and the restrictions that their towns enforce such as lot size, and height of panels. Mr. Burns then described some possibly good locations for solar farms such as airports, along highways and interstates.

Chairman Tavares spoke about being taken back at a recent ZBA meeting where a land owner got permission to clear a large lot for the installation of a cranberry bog. Once the clearing was done they decided that a bog wouldn't be feasible and decided to put up a solar farm. It was quite unfortunate for many reasons. And the neighbors were upset because they didn't sign up for a huge solar farm but rather a cranberry bog that would fit in better with their surroundings. Mr. Tavares then asked Mr. Burns once a solar farm is spent or abandoned, how it would be enforced that the solar farm is removed and the land restored. What if the owner goes into bankruptcy?

Mr. Burns replied by saying Section 4e explains that a performance guarantee in the form of a cash bond surety is required to cover the costs of the removal of the GMSPS and stabilize the site with loam and seed in an amount approved by the Building Commission. Mr. Burns described them as being similar to the surety bonds that are in place for wind turbines.

Ken Tavares asked if the Town had the capability to hold and manage these surety bonds.

Melissa Arrighi, Town Manager, said that we absolutely have the ability to hold these bonds, but her concern is what if these were placed on private property which would mean there could be legal issues. She went on to say she is comfortable with the Planning and Finance Departments managing these surety bonds but that another concern was the cost to remove and restore today as compared to the cost in another 15 or 20 years once the life of the solar farm has expired.

Lee Burns stated that the surety bonds are reanalyzed every 7 years to account for removal and disposal rates.

David Malaguti, Selectman, asked if a cost increase can be added to a cash surety bond.

Mr. Burns replied by saying that was a valid question that he will research.

Chairman Tavares stated that he would like the Planning Board to address this question before the Board of Selectmen recommend this Article to Town Meeting.

Ken Tavares then asked if there was any public comment on Article 27.

Everett Malaguti, Precinct 1 and Energy Committee Member, came to the podium and said that this document (Article 27) took many years to evolve to what is presented tonight. He said that the Planning Board tore it to shreds. We reformatted the entire Article and the Planning Board approved it last night. Mr. Malaguti stated that these surety bonds are already based on 10 to 15 years out and that it's a lot closer to the cost than you may think. Mr. Malaguti said that all of the concerns from the Planning Board and Town Counsel have been addressed and that it's a living document which can be amended at any point. He finished by saying he felt it is a solid request as it stands now and he asked for the Boards support.

Chairman Tavares asked if these slight changes could be made before Town Meeting.

Melissa Arrighi mentioned that the Board was signing the Town Meeting Warrant tonight so it might have to be a motion to amend.

Chairman Tavares said he'd like to recommend that the Board table Article 27 until we get answers and take it up at next week's meeting, saying if the changes can be made it would be great. He also added that the Energy Committee did a great job.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board voted to table Article 27 until the March 15, 2016 Selectmen's Meeting. *Voted 4/0*

Article 12

To see if the Town will vote to authorize the Board of Selectmen to accept perpetual easement for public way purposes over the property located on Sandwich Road and River Street, Plymouth, MA and shown as Plymouth Assessor's Parcels No. 047-000-001-000 on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said way for all purposes for which public ways are used in the Town of Plymouth; and further, to raise and appropriate, transfer from available funds, accept gift or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, or take any other action relative thereto.

Melissa Arrighi explained that this easement was to gain access from the Sandwich Road and River Street at Bramhall's Corner.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board voted to approve moving Article 12 to Town Meeting. *Voted 4/0*

Article 8

To see if the Town will vote to appropriate a sum of money for the cost of temporary and permanent repairs related to the sewer line breaks and the Town's sewer system in general, including the payment of costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto.

Jonathan Beder, Director of Public Works, came to the podium and introduced members of his staff that were attending the meeting. Among them were Gary Frizzell, Chad Whitting, and Sheils Sgarzi. He thanked them for coming. He then introduced and thanked three members of Environmental Partners; Paul Gabriel, Paul Millette and Ziad Kary.

Mr. Beder then wanted to thank the residents of Plymouth for their patience and his staff for their hard work during this process. He mentioned how daunting it's been and that everyone involved had risen above this crisis.

Mr. Beder then asked Ziad Kary from Environmental Partners to come to the podium and explain some of the work that they've been doing. He began by talking about the pipe assessments. He told the Board that they have done ultrasonic testing at various locations, as well as sending samples out for analysis. Mr. Kary said their preliminary findings were conclusive in that there are many parts of the force main that are corroded. He also touched on the sludge found in the last portion of the force main to be analyzed and he said he felt the decision to continue the bypass on that section was the right one. Mr Kary then talked about possible causes for the corrosion, such as design and lack of chemicals.

Paul Millette then came up and talked about the size of pipes and their velocity. He explained how this played a role in the current sewer break. A pipe that is too large allows less velocity (less flow) which leaves air pockets where gases can build up. Then he explained that is where the corrosion breakdown begins.

Ziad Kary came back up to talk about the type of pipes that are proposed for the repair. He said that the two piped that are considered are both plastic, one being PVC and the other HDPE (high-density polyethylene). Both are fusible and corrosion resistant. He said that each pipe option has its benefits but either one would work well in this repair.

Paul Millette stepped up once again to go over the different repair options as follows:

- ❖ Option 1: Spot repair at 4 locations with new pipe.
- ❖ Option 2: Spot Slip-Line using 24 inch pipe and replace the rest with new 24 inch pipe.
- ❖ Option 3: Remove existing pipe and replace with all new 24 inch pipe.
- ❖ Option 4: Spot repair then add a 24 inch redundant pipe.
- ❖ Option 5: Spot Slip-Line and replace the rest and add 24 inch redundant pipe.
- ❖ Option 6: Spot repair and a new treatment plant closer to Water Street.

Jonathan Beder thanks Mr. Kary and Mr. Millette for their work and taking time to come to the Selectmen's meeting to present their findings. Mr. Beder then went on to talk about the options and their different prices. He stated that all of these options are big jobs and require digging up roads, laying or replacing pipes, road repair, etc. He told that Board that after going over all of the analysis and looking at the different options and their benefits that the DPW recommends Option 5. He urged that they would slip-line the existing pipes as quickly as possible so they can remove the temporary bypass as it is costing \$300,000 per month to lease. He finished by saying that they have tirelessly looked at every option and believe that Option 5 will be the best solution for the Town.

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

John Mahoney, Selectman, asked about the redundant pipe and how many access points there would need to be in order to be effective.

Mr. Beder replied by saying there would be several access points for a couple of reasons, one being that they would give them better access to clean the pipes and perform other maintenance chores, and the second being if there ever was another break, these access points would give them the opportunity to shut off and do repairs faster and more efficiently.

David Malaguti said that the important piece of this that the public should know is besides Option 5 being the most expensive solution; it is by far the best option for our system. He stated that with this evolving situation there was corrosion found throughout the entire force main, not to mention the fact that it's not even known what is under the 8 inches of sludge. Mr. Malaguti finished by telling the public that there was a methodology that was used to come to the conclusion of recommending Option 5.

Anthony Provenzano Jr added that the price is daunting but cheapest isn't always best.

Paul Millette from Environmental Partners stood and reminded the Board and the public that the \$7,000,000 price tag for the emergency repairs from the last few months are included in the option quotes.

Ken Tavares said that the Selectmen have worked very hard on this because they never want to see the community or any future Boards to go through this type of emergency situation again. He then asked the public if there were any questions or comment. There were none.

Anthony Provenzano Jr said that the question is who is going to be burdened to pay this back. He said that this cannot be the burden of the general tax-payers, but rather the burden should be on the users of the sewer system. He said he felt that all tax-payers should pay for the emergency repairs, but the rest of the cost to rebuild should be paid by the users. He then asked Lynne Barrett, the Finance Director, if there was any insight on what that would do to the sewer rates.

Lynne Barrett came to the podium and said that there was still a balance of \$9,300,000 from the original bill which would not be paid off until at least 2021 so having the users pay for this new construction will significantly affect the rates.

Mr. Provenzano then asked if we would be able to defer the cost until the old balance is paid off.

Mrs. Barrett said she could check with policy on that. She stated that when the rates are set they typically ask if they are going to fund the debt with a particular rate, so it's difficult to say.

Ken Tavares said that he disagreed, stating that the users were sold a bill of goods and they've been paying for it ever since. This burden can't be placed on such a small group. Originally the plan was to expand and have the commercial base expand and it never happened, and this small group is still paying for it. Now we can't ask them to pick up

another debt. Ken finished by saying he could not support Mr. Provenzano's suggestion and that there had to be fairness.

Selectman Mahoney added that there aren't enough users on the system to make it cost effective for them.

On a motion by David Malaguti and seconded by John Mahoney, the Board agreed to recommend Option 5 for the sewer repairs to Town Meeting, and wait to determine the burden until a later date. *Voted 4/0*

9:55PM – LICENSES AND ADMINISTRATIVE NOTES

LICENSES

On a motion by David Malaguti and seconded by John Mahoney, the Board approved a Vehicle For Hire Operator License (New) for **Special Occasion Limousine**, 170 Court Street, Tim and Diane Dockery, Owners, for John Chase, 82 Ellisville Drive, Plymouth, MA. *Voted 4/0*

ADMINISTRATIVE NOTES

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved the Open Meeting Minutes from February 23, 2016. *Voted 4/0*

On a motion by David Malaguti and seconded by John Mahoney, the Board approved and executed the Annual Town Meeting Warrant and the Special Town Meeting Warrant for the April 2, 2016 Town Meeting. *Voted 4/0*

The Board granted permission to Margaret McClenahan-Schneider, owner of 122 Warren Avenue, to file a Notice of Intent with the Plymouth Conservation Commission, related to a proposal for the construction of a Private Foot-Bridge over Eel River that will span onto a portion of Town-Owned land located at Plymouth Beach, identified as Parcel ID 039-000-010A-002.

On a motion by David Malaguti and seconded by John Mahoney, the Board approved and executed an Aquaculture License for Robert H. Davidson of 11 College Pond Road, Plymouth, MA for a term of three years, commencing on March 9, 2016 and terminating on March 8, 2019, for use of an area within Plymouth Harbor described by the following coordinates: *Voted 4/0*

Northwest Corner:
N 41° 59' 11.633"
W 70° 40' 47.204"

Northeast Corner:
N 41° 59' 13.204"
W 70° 40' 44.366"

Southwest Corner
N 41° 59' 8.913"
W 70° 40' 44.802"

Southeast Corner:
N 41° 59' 10.508"
W 70° 40' 42.007"

9:59pm - COMMITTEE LIAISON / DESIGNEE UPDATES

None

10:00PM - OLD BUSINESS / LETTERS / NEW BUSINESS

Selectman John Mahoney wanted to mention that he had a meeting at the new town hall with the Site Manager and Derek Brindisi, Assistant Town Manager. He said the project is moving along nicely. Mr. Mahoney also said that there have been comments about the telephone poles taking away from the historic integrity but it now appears some of the electrical work will be underground. He finished by saying that Malissa Arrighi, Town Manager, has been working with Eversource on these issues.

10:05PM - ADJOURNMENT

On a motion by Anthony Provenzano and seconded by John Mahoney, the Board voted to adjourn the meeting at 10:30pm and not reconvene into Executive Session. *Voted 4/0*

Recorded by: Christopher Badot
Administrative Assistant, Board of Selectmen