

# PLYMOUTH BOARD OF SELECTMEN

**TUESDAY, JUNE 7, 2016**

LITTLE THEATER, PLYMOUTH INTERMEDIATE SCHOOL

117 LONG POND ROAD – 7:00PM

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## **7:00PM - CALL TO ORDER**

Ken Tavares, Chairman of the Board, called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

Present:        Kenneth A. Tavares, Chairman  
                  Anthony F. Provenzano Jr, Vice Chairman  
                  John Mahoney  
                  Sean Page  
                  Shelagh Joyce  
  
                  Melissa Arrighi, Town Manager  
                  Derek Brindisi, Assistant Town Manager

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## **7:01PM – IN MEMORY – JAMES COTTER MOMENT OF SILENCE**

Ken Tavares, Chairman, talked briefly about James Cotter, a retired Plymouth Firefighter of 27 years, who recently passed away. Mr. Tavares touched on his many accomplishments and asked the Board and the audience to join him in a moment of silence.

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## **7:03PM – JULY 4<sup>TH</sup> UPDATE**

Jeff Metcalf of the July 4<sup>th</sup> Committee came to the podium to give an update on the progress of the Parade and Road Race. He announced that the parade theme was “Land of the free and home of the brave” which they welcomed any participants to use on their floats. Mr. Metcalf also stated that they needed an additional \$65,000 of the \$125,000 that it costs for the parade and fireworks display so he urged people to donate, then then thanked the Plymouth Rotary for donating \$1000. He went on to say that volunteers were still needed as well.

Mr. Metcalf said that they were partnering with the Old Colony Club of Plymouth and invited President, Jim Stanne, to the podium to speak briefly. Mr. Stanne began by saying the Old Colony Club celebrates forefathers so they were excited to be involved in the parade. He went on to say that they will read the Mayflower Compact and Declaration of Independence among others. Mr. Stanne finished by saying they will march at 8:00am and fire the ceremonial cannon to officially start the parade and road race.

Annmarie Winchester, road race director, came up and said that the updated course had been sent out and it has been received well. She said there will be a larger turnout and that the new course would alleviate a lot of traffic congestion during the race. Ms. Winchester reiterated that donations could be made online or can be mailed in. She finished by saying that the website, [july4plymouth.com](http://july4plymouth.com), has a lot of information such as parking, road closures, road race and fireworks to name a few.

Jeff Metcalf finished by thanking the Town of Plymouth for supporting the parade and fireworks and for their help partially funding the events. He finished by reminding everyone that the Plymouth Philharmonic will be playing at 7:30pm on July 4 at Pilgrim Memorial State Park thanks to funding from the Plymouth Visitor Services Board.

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**7:10PM – PATRICK FARAH – *ELECTRICAL AGGREGATION***

Patrick Farrah, Planning Technician for the Town of Plymouth, came to the podium to recap the Community Choice Aggregation Program which gives residents the opportunity to buy their power in lump amounts for a cheaper rate.

Mark Cappadona, President of Colonial Power Group, came to the podium to discuss the time frame for the Aggregation Agreement. The steps include adopting the plan, Town Manager signs Agreement, State Filings, Energy Pricing, Town decides to proceed after pricing, rate-payer notified, opt-out period and finally Energy Flow.

The Board did not have any question and Melissa Arrighi, Town Manager, stated that she recommends this program.

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved the Design and Implementation of the Community Choice Aggregation Program. *Voted 5/0*

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**7:15PM – PUBLIC HEARING – *WATER/SEWER RATES CONTINUED***

Ken Tavares, Chairman of the Board, continued the Public Hearing from May 24, 2016 by opening up the floor to the public for comments on the proposed Water/Sewer Rates for FY17. Below is a list of residents that spoke and what they had to say:

Richard Nealey said he realized that debt needs to be paid but doesn't feel as if non-users should pay for sewer repair.

Rick Caprone stated that he feels that a 5% increase is inadequate and recommended that the sewer rate be increased to 12% or 15% at the very least.

Elaine Donoghue, a resident of Great Island, stated that she came from a community that went through this same scenario and the users bore the brunt of the cost. She also said that she moved into Pinehills knowing that she would be paying for her private water and sewer so she thinks she should not have to contribute to the sewer repair.

Wayne Lewis thanked the Board and said he also lives in Great Island. He wanted to know why the Town is still using Veolia's services after they failed the Town with the sewer system, and why the Town hired them for the school's sewer work.

Jim Donoghue, also from Great Island, said that there hasn't been a lot of transparency with the sewer issues stating he has not seen anything on the Town website. Melissa Arrighi said that the sewer repair can be found under the budget and Enterprise Fund. Mr. Donoghue asked if the Enterprise Fund could have a stipulation that those funds can only be used for the sewer system. Ms. Arrighi replied by saying that is exactly what the Enterprise Fund is set up for and that it can only be used for the sewer system and related items.

Joe Coughlin came up next and said that he and his wife supported the Water/Sewer Rate increase because a portion of that will go into the Enterprise Fund to be used in the future for the sewer repair. He said he would also support a slightly higher increase in order to build up that fund. He finished by asking if the repair can be financed over 25 or 30 years.

Michael Hanlon of Pinehills also said he supports the increase and would support it being a little higher. He said that most of Precinct 15 is not happy with supporting the sewer system users, stating that if the same failure happened in Pinehills the rest of the Town would not be helping them financially. He went on to say we all benefit from a vibrant downtown, but added that this was not a community-wide problem. He finished by saying Pinehills has always been considered a separate community but that they vote, volunteer, etc. and are very much a part of this community.

Janet Vansteensel said she was confused and thought there would be more focus on the repair debt. She went on to urge the Board to increase the Water/Sewer Rate even more than proposed. She said that they shouldn't have to pay for the repairs but didn't mind helping the users by paying a small share.

Dale Webber came to the podium and stated that he is a Sewer System user and wanted to throw out some facts. Even though residents aren't hooked up, when they get their septic tanks pumped out it goes directly to the Plymouth Treatment Plant. He added that it is the most difficult and expensive waste water to handle.

Alan Pointer said he felt it wasn't fair to make people with private septic systems pay for the repairs. He reiterated that if his private system failed no one in town would help him out financially.

Lois Badwan said that she lives in Cedarville but if her waste came up to the treatment plant she has no problem paying for that. She also said she was confused as to why we would have to pay for Veolia's mistakes.

Pat McCarthy came up and said she has a private sewer system but stated she is part of the community and knows that she uses the treatment plant and sewer system when she is downtown. She finished by saying she has no problem paying her fair share.

Phillip Avatrele came up and said he had a few comments. He told the Board that he just replaced his private sewer system and paid \$20,000 to do so. He added that he pays a disposal fee when the truck comes to pump his tank. He finished by saying that he did not benefit from the sewer system so why should he pay.

Joseph Curley said he was proud to be a citizen of Plymouth and he loves living here. He stated that he is a Town Meeting Member and it's his job to represent them, not to give his personal opinions. His precinct does not want to be taxed for the sewer repairs and that he would be back next year when it is being discussed.

Everett Malaguti said that he may be one of the minorities but wanted to state some facts based on this community-wide issue, and reminded everyone that the rate-payers are also tax-payers. He went on to say if Plymouth didn't have the sewer system we would have less economic activity and much dirtier harbor which would result in much higher taxes. The sewer system stabilizes the current tax rate. He finished by saying the system needs to be expanded with mandatory hook ups.

Paul Vaitkus was up next and said he is a White Cliff's Resident and presented the Board with a letter on behalf of the White Cliff's Community. He said White Cliff's maintains their own sewer system and that Mass DEP requires them to keep an emergency reserve of \$165,000 just in case and wondered why we didn't do that. He finished by saying imposing the repair costs on non-users is not fair.

Peter Savaughn said he supports sewer users paying for the repairs. He also said he did some research and even with this current proposed increase, Plymouth has the cheapest rate for sewer and that it could and should be increased even more.

Gary Ferrari stated that he uses store and restaurants downtown and that the cost of sewer use is built into their prices so he already pays. He continued by saying he shouldn't have to pay for something twice as he already pays sewer fees in Pinehills. However, he said he does not mind paying a small amount for Town and public buildings.

Bob Ercilini introduced himself as the Manager of Algonquin Heights for the past 35 years. He submitted a handout to the Board showing what the block rates would do to his tenants once they are hooked up to the sewer system. He asked if that was something that could be looked at beforehand.

Sandra Mumford came to the podium and said when she moved to Pinehills 15 years ago she signed a lot of paperwork stating that she would be paying for her private sewer system within the development. She then asked why the town sewer line wasn't offered to Pinehills. Melissa Arrighi replied and said that is not how Pinehills was presented to the Town as they proposed being a completely self-sufficient community.

John Demarko came up and said he was troubled by the fact that the Town Hasn't tried to get more people hooked up to the sewer system stating that only 15% of the Plymouth residents are on sewer. He asked what could be done to make the system more fruitful. Jonathan Beder replied by saying he has been working on expanding the sewer system since 2011 but it takes time saying that Warren Avenue alone would cost \$6,000,000. He said that they are slated for expansion along with Waverly Oaks and Red Brook as well.

Richard Rothstein came to the podium with a different perspective. He said that if Veolia was doing their job and been on top of it this wouldn't have happened. He also mentioned the lawsuit against the Town brought on by the State should have a counter suit brought against the State.

Rob Cunningham said that tax-payers should not be burdened for the sewer repair and stated that they cannot take any more tax increases.

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### **8:35PM – PUBLIC HEARING – SANDY'S AT PLYMOUTH BEACH**

Lynne Ferrucci, owner of Sandy's at Plymouth Beach, came to the podium and stated that they had cleaned, painted and improved on the building. She said they had one more day of work and it would be completed, then presented the Board with a letter and some additional photographs showing the work that they had completed to date.

Sean Page, Selectman, said that the brightness of the paint color was a shock to him. He went on to say he had pushed to make sure the property was clean before they took it over. He said he brings his children to the beach and as always made them wear shoes because of the

conditions in and around the bath house. He finished by saying even though the color is bright, he commended them on the cleanliness of the property and said they did a great job.

Shelagh Joyce, Selectman, stated that the property looked very neat and clean, but added that her letter needed to be dated before submitting it.

Anthony Provenzano Jr, Vice Chairman, said that he looked at the lease and he did not consider painting as an exterior alteration. He continued by saying the color is aggressive but still did not think that they did anything wrong after re-reading the lease terms.

Sean Page stated that the bath house is not part of the lease then added that he appreciates that extra work and thought it was done out of good will as a tenant. He said he would not vote to make them change the color but asked that it be revisited next year before they paint again.

John Mahoney, Selectman, said that there were hundreds of man hours put into the lease agreement and it should have been brought to the Town Manager's Office for approval before the work was done. He also said that he could not support the color as it is a drastic change and added that he didn't know how it would be rectified.

Ken Tavares, Chairman, said that they deal with a lot of issues that keep them awake at night and in the big scheme this is not one of them. He finished by saying this will be a lesson learned for the future.

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board voted to approve the paint color that was already selected for the exterior of Sandy's at Plymouth Beach. *Voted 4/1 – Tavares-Yes, Provenzano-Yes, Page-Yes, Joyce-Yes, Mahoney-No*

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## 9:01PM - LICENSES AND ADMINISTRATIVE NOTES

### LICENSES

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved a One Day All Alcohol License for Thomas Begley of the **Plimoth Plantation**, 137 Warren Avenue for a Chamber of Commerce After-Hours event being held on June 23, 2016 from 6:00pm to 7:30pm at the Exhibit Area of the State Pier. *Voted 5/0*

On a motion by Sean Page and seconded by John Mahoney, the Board approved a One Day Wine and Malt License for Catherine Baird of **Fred Astaire Dance Studio**, 9 Aldrin Road for a Dance Showcase being held on June 12, 2016 from 5:45pm to 8:30pm at Memorial Hall. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a Special License to Sell Bottled Wine for Robert Russell, **Westport River Incorporated**, 417 Hix Bridge Road for the Farmer's Market being held every Thursday starting on June 2, 2016 and running through October 28, 2016 from 2:30pm to 6:30pm held at the Plimoth Plantation. *Voted 5/0*

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board approved a PediCab Operators License for Plymouth PediCab, 4 Freedom Street, Michael Tubin – Owner, for the following drivers: *Voted 5/0*

- Matthew Sacchetti, 6 Chapel Hill Drive, Plymouth
- Lisa Drennan, 3 Sandy Lane, Pembroke

### ADMINISTRATIVE NOTES

The Board approved and ratified a Deed of Acceptance for a parcel of land located at **227 Long Pond Road, Plymouth, MA** as voted on for Article 19 at the April 5<sup>th</sup>, 2016 Annual Town Meeting.

The Board approved and ratified a Deed of Acceptance for a parcel of land located at **2106 State Road, Plymouth, MA** as voted on for Article 17 at the April 5<sup>th</sup>, 2016 Annual Town Meeting. *Voted 5/0*

The Board granted Exclusive Vendor Rights to the **Plymouth Chamber of Commerce** for the Plymouth Waterfront Festival being held on August 27<sup>th</sup>, 2016 on Water Street, Brewster Garden, and Jenney Grist Mill. *Voted 5/0*

The Board granted Exclusive Vendor Rights to the **Plymouth Chamber of Commerce** for the following events: *Voted 5/0*

- Project Arts Free Summer Concert Series from 6:30pm to 9:30pm on the following dates: June 29<sup>th</sup>, July 6<sup>th</sup>, 13<sup>th</sup>, 20<sup>th</sup>, 27<sup>th</sup>, August 3<sup>rd</sup>, 10<sup>th</sup>, 17<sup>th</sup>, 24<sup>th</sup> and 31<sup>st</sup>
- The Project Arts Harborfest from 10:00am to 7:00pm on July 16<sup>th</sup> and 17<sup>th</sup>

The Board appointed **Marilyn Levine** of 624 Long Pond Road, Plymouth to the No Place for Hate Committee. *Voted 5/0*

The Board authorized the Chairman to **Execute (2) Documents** for the U.S. Department of Energy, Office of Nuclear Energy. *Voted 5/0*

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board approved the **Open Meeting Minutes** from the May 3<sup>rd</sup>, 2016 Selectmen's Meeting. *Voted 5/0*

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board approved the **Open Meeting Minutes** from the May 10<sup>th</sup>, 2016 Selectmen's Meeting. *Voted 5/0*

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board approved the **Open Meeting Minutes** from the May 17<sup>th</sup>, 2016 Selectmen's Meeting. *Voted 5/0*

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### **9:08pm – TOWN MANAGER'S REPORT**

Melissa Arrighi, Town Manager, started her report off by sharing that she had attended an event at the Plymouth Council on Aging (Center for Active Living) which was “Putting on the Ritz”. This is an event that they hold every year and this year there were well over 100 guests which included Mass Maritime Students in full uniform assisting and dancing throughout the event. The day also included Marc Eisner as part of a two piece band.

Ms. Arrighi also said that the DPW Day held at the Public Library was a huge success. The day included DPW equipment and employees for kids to experience. There were over 200 visitors throughout the day.

Ms. Arrighi finished with letting the Board know that John Mahoney, Selectman, attended a White Horse Beach meeting held on May 31, 2016 with Town Staff. Approximately 55 residents attended and discussed issues that the residents want addressed. Mr. Mahoney stated that some things do slip through the cracks and that he was amazed at how doing the simple things really make the area residents very happy.

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**9:14pm - COMMITTEE LIAISON / DESIGNEE UPDATES**

Ken Tavares, Chairman, said that he was going to attend the Plymouth County Commission meeting this week. He mentioned that there was not a lot of information provided so he wasn't going to be well prepared. He finished by saying there would be budget changes from last year.

Chairman Tavares then thanked the Town Manager's Staff for their hard work put into the White Horse Beach meeting. He said it was well attended and that it was time well spent.

Lastly, Mr. Tavares wanted to congratulate each and every high school senior from both Plymouth North and Plymouth South on their recent graduation, and wished them well.

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**9:20PM - OLD BUSINESS / LETTERS / NEW BUSINESS**

Melissa Arrighi mentioned that a Chapter 61 sale on Bourne Road had a bona-fied offer so the Board had to think about what they would like to see happen.

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**9:21PM - ADJOURNMENT**

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board voted to adjourn the Open Session at 9:21pm and enter into an Executive Session and not reconvene in Open Session.

*Voted 5/0 Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Joyce-Yes*

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**9:30PM - EXECUTIVE SESSION**

The Board of Selectmen held an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 6; to consider the purchase, exchange, lease or value of real property, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the governmental body.

- ❖ *Hedge Road – North Plymouth Fire Station*
- ❖ *Pinehills – Chapter 61*
- ❖ *Wood's Seafood*

**Recorded by:** Christopher Badot  
*Administrative Assistant, Board of Selectmen*