

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, SEPTEMBER 27, 2016

MAYFLOWER ROOM, TOWN HALL, 11 LINCOLN STREET, PLYMOUTH, MA – 6:00 PM

6:00PPM 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 litigating position of the public body and the chair so declares, and 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.

- ❖ Collective Bargaining
- ❖ Chapter 61 – Pinehills

7:28PM - CALL TO ORDER

Ken Tavares, Chairman of the Board, called the meeting to order at 7:00 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
- Jessica Casey, Director of Economic Development (Executive Session)
- David Gould, Director of Marine and Environmental (Executive Session)

7:29PM – PUBLIC COMMENT

Gill Freeman, Coordinator for the Friends of Morton Park, came to the podium to present a letter of thanks to the Selectmen and the Town of Plymouth for a great season. He said with the hot, dry summer the park was very busy. Mr. Freeman went on to say that the Selectmen's ne management policy and the heightened police presence made for an enjoyable season.

Ken Tavares, Chairman of the Board, thanked the residents of Morton Park for their patience, and added that they also played an important part in this season's success.

7:30PM – TOWN MANAGER’S REPORT

Obery Street – Master Plan

Melissa Arrighi, Town Manager, updated the Board on the Obery Street Master Plan, highlighting the most recent development of two possible roundabouts on Obery Street. She told the Board that she included the plan in their packet and that she would provide a presentation after Town Meeting.

Special Leave Status Policy

The Town Manager then spoke on the issue of Special Leaves. Ms. Arrighi said that every so often a situation arises where an employee becomes very ill and can no longer perform the duties of their job. She said thankfully the Family Medical Leave Act (FMLA) allows us to place an employee on 12 weeks leave which protects their job while they recover. Unfortunately there are times where the employee does not get better, runs out of FMLA and other earned time off and the Town is forced to terminate their employment. Ms. Arrighi stated that she has been trying to come up with a plan that can help to keep a sick employee on the books and to continue to have health insurance coverage as well.

1820 Town Hall

Ms. Arrighi told the Board that they were planning a “Topping off Ceremony” within the next six weeks for the New Town Hall. She said they are approaching the last steel delivery and have been working with the Project Manager, Construction Company, and Building Committee on this. She finished by saying should would go over the restorations projects in the near future.

Water Street

Ms. Arrighi let the Board and the public know that PA Landers will begin their work on the south section of Water Street soon so to be mindful of that.

Rescue Effort

Melissa Arrighi made the Board aware of four letters that were received from the U.S. Coastguard commending employees of the Plymouth Fire Department and Harbor Master for their efforts in rescuing a Kingston man in distress.

Emergency Plan

Ms. Arrighi finished her report by letting the Board know that Henry Lipe, Director of Emergency Management, was working on an Emergency Operations and Community Recovery Plan and that he may want to speak with them on this matter in the future.

7:38PM – PUBLIC HEARING – Plymouth House of Pizza

In Accordance with Chapter 138 of the Massachusetts General Laws, as amended, notice was given that a Public Hearing was held at the Plymouth Town Hall, 11 Lincoln Street, on Tuesday, September 27, 2016 to consider the application for a Change of Category from an Annual Wine and Malt Restaurant License to an Annual All Alcohol Restaurant License for Jocomo, Inc. d/b/a Plymouth House of Pizza, 50 Long Pond Road, Jacob Pappas, Manager.

Mark Vaz and Stacey Connors came to the podium and told the Board that their plans were to add a small bar to accommodate three bar stools in order to give customers a place to sit and have a drink while they wait for take-out.

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved a Change of Category from an Annual Wine and Malt Restaurant License to an Annual All Alcohol Restaurant License for Jocomo, Inc. d/b/a Plymouth House of Pizza, 50 Long Pond Road, Jacob Pappas, Manager. *Voted 5/0*

7:43PM – ARTICLE 4C – Parking Deck (*Melissa Arrighi*)

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the construction and/or purchase and/or lease and/or replacement of departmental buildings and/or equipment and/or capital facilities and/or for feasible studies and other types of studies for the various departments of the Town, or take any other action relative thereto.

Melissa Arrighi, Town Manager, gave the Board and the public a PowerPoint Presentation highlighting the plans for the Parking Deck at the New Town Hall, saying that the upper deck will be used for Town Hall employees and the lower deck will be used by everyone including residents, visitors, local businesses and Town Hall visitors.

John Mahoney, Selectman, asked John Burke, of Park Plymouth, to come up for a few questions. Mr. Mahoney began by thanking Mr. Burke for giving him a site tour the Saturday prior, then went on to ask him how security and trash will be addressed, and how the upper deck will integrate with Burial Hill.

John Burke began by saying the design stage is just under way and said there would be no way to get into Burial Hill from the Parking Deck. Mr. Burke went on to say that Park Plymouth would take care of trash removal on a regular basis. He finished by telling the Board that they have coordinated with the Plymouth Police Department for security cameras throughout the Parking Deck and that their staff would go through it hourly, and finished by saying there will be LED lighting on the lower deck for safety.

Shelagh Joyce, Selectman, asked Mr. Burke about disability access, adding that there are no elevators in the plans. Ms. Joyce also voiced her concern for the pitch of the road when crossing from the Parking Deck to the New Town Hall.

Mr. Burke said that they were looking at the road pitch during the design process and would address the issue when it arises.

June Gillette, of the Friends of Burial Hill, said that they expressed their concern about grave stones that are immediately behind the Parking Deck and they were assured they would not be disturbed. Ms. Gillette also added that they talked about appropriate fencing and not interfering with the cemetery entrance.

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board recommended Article 4C for the 2016 Fall Town Meeting. *Voted 5/0*

8:01PM – ARTICLE 30 AND 31 – Tree Removal (*Anatol Zuckerman*)

To see if the Town will vote to install the following bylaw into the Plymouth Zoning Ordinance: Any tree equal or greater than 8 inches in caliper that is removed during the site preparation for any project within all districts of Plymouth shall be replaced with a tree of smaller caliper within or without the site of the project as a mitigation of the damage to the

natural environment. If the site of the project cannot accommodate replanted trees the owner may either plant those trees on the public land of Plymouth, or remunerate the cost of the removed trees to the Town of Plymouth under the directions of the Tree Warden of Plymouth. Exemption: Residential lots 20,000 square feet or less, or take any other action relative thereto.

Anatol Zuckerman came to the podium and said that he presented it to the Planning Board and that they resolved not to support the Article as written so he decided to make amendments to the language. Mr. Zuckerman said that he modeled this Article after the City of Newton and took the recommended changes from the Planning Board. He then went over the proposed changes to the language and reiterated that this was an attempt to stop the deforestation of Plymouth.

Steve Lydon came up and said he was speaking as a Town Meeting Member and not on a Board. Mr. Lydon said that he has no idea what he would be voting on, saying that there have been many revisions and versions that it's just too confusing. Mr. Lydon went on to say he was a property owner and felt that this bylaw would take away his rights to take down trees on his own land. Mr. He finished by saying that he was in support of saving trees but that this was going overboard.

Everett Malaguti came up and said he agreed with the previous speaker and that as a Town Meeting Member he too was getting confused as to what he would be voting on. Mr. Malaguti said the intent was good but that there are too many flaws. He finished by saying it would be very taxing on the Town to monitor and enforce this bylaw.

The Board took no action on thThe Board will vote to temporarily “unadopt” the version of the Retirement Benefit Document dated September 1, 2015 and temporarily revert back to the September, 2014 version in order to provide the Insurance Advisory Committee and opportunity to review this Article.

8:14PM – ARTICLE 33 – Poultry (*Lynne Holdsworth*)

To see if the Town will vote to amend Chapter 23 of the bylaws of the Town of Plymouth to add: Article 5 Poultry, or take any other action relative thereto.

Lynn Holdsworth came up and gave a PowerPoint presentation highlighting changes that were agreed upon at a special meeting between chicken owners and proponents of Article 33. Ms. Holdsworth said her biggest frustration is that at the meeting, chicken owners felt that each nuisance should be handled individually, such as noise, smell, etc. but not to regulate birds. She went on to say her sentiment was to regulate the birds as they are the cause of these nuisances. Ms. Holdsworth added that they had long discussions in this meeting but there were no compromises made. She then pointed out the few changes made to the Article.

Emerson Carpenter came to the podium and introduced himself as the offender in Manomet and that he owned poultry. He told the Board that this is America's Hometown and chickens came over with the Pilgrims. He stated that he was never contacted by his neighbors and that he had the Police, the Animal Control Officer and the Board of Health to his house after his neighbors called to complain and said that none of them could find any problems. Mr. Carpenter finished by saying they were trying to take all of this away from him, his family, and his children.

James Dio came up and said that Lynn Holdsworth is his neighbor. He said he also owns a rooster and that no one has ever complained to him about him. Mr. Dio said he's lived next to barking dogs but has never once considered banning them.

Jim Wilson came to the podium and said that he also has a rooster which is very important. He said the rooster protects his flock of hens and does not make noise at night. Mr. Wilson said he felt good leaving the meeting last week but that tonight Ms. Holdsworth is throwing it all out the window like the meeting never happened.

David South came to the podium and said that each complaint should be treated on an individual basis. If it's noise or smell then the Board of Health should deal with it. Mr. South added that to blanket the whole Town because of a couple of complaints was plain wrong.

Ron Reilly came up and said he agrees with everyone that's spoken tonight, but as a supporter of this article he wanted to tell the Board that they were trying to limit the number of birds so we can limit the smell and noise. Mr. Reilly added that others have gotten rid of their roosters because they bothered their neighbors, and that's the way it should be.

John Mahoney, Selectman, asked what was discussed in this meeting and what kind of feedback did they receive from members of the Board of Health.

Derek Brindsi said that the Board of Health said that they currently have the ability to deal with these recent complaints and hold Public Hearings.

Selectman Mahoney stated that it took way too long to get relief to the residents in and around Morton Park. He added that if the Board of Health has the mechanism to help the residents in West Plymouth without the Selectmen's approval, then he hopes they can get out there as soon as possible to rectify that issue.

Shelagh Joyce, Selectman, asked if dealing with these issues would affect the man power for the Board of Health.

Steve Striar, from the Board of Health, said dealing with these complaints would not, but if Article 33 passed, they would more than likely they would have to add additional staff to the Health Department to enforce the bylaws.

Ken Tavares, Chairman, said that what is lacking is some common sense. He said we need to go back to the Board of Health and help them take care of these particular issues. Mr. Tavares said that if a complaint comes in like the one in West Plymouth, the BOH simply needs to get out there and have them clean it up to rectify the situation immediately.

On a motion by Seam Page and second by Anthony Provenzano Jr, the Board did not recommend Article 33 for the 2016 Fall Town Meeting. *Voted 0/5*

8:54PM - LICENSES AND ADMINISTRATIVE NOTES

LICENSES

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a One Day All Alcohol License for **Mark Chaupetta of the Jett Foundation**, 63 High Street, Carver, Massachusetts, for a Comedy Show being held on October 14, 2016 from 5:30pm to 10:30pm at Memorial Hall. *Voted 5/0*

On motion by Anthony Provenzano Jr and seconded by Sean Page, approved the following licenses for **Jacomo Inc. d/b/a Plymouth House of Pizza**, 50 Long Pond Road, in conjunction with a Change of Liquor License Category: *Voted 5/0*

- Comprehensive Entertainment – Group I and Group III (TV, Radio and Live)
- Extension of Hours – 1:00am

On a motion by John Mahoney and seconded by Sean Page, the Board approved the following licenses for **Texas Roadhouse Holdings LLC d/b/a Texas Roadhouse**, 60 Long Pond Road, in conjunction with a previously approved Annual All Alcohol Restaurant Liquor License: *Voted 5/0*

- Common Victualler
- Comprehensive Entertainment – Group I (TV and Radio)
- Extension of Hours – 1:00am
- Early Sunday Sales – 10:00am

ADMINISTRATIVE NOTES

On a motion by John Mahoney and seconded by Shelagh Joyce, the Board approved a **Special Event Permit Policy** as recommended by the Economic Development Department.

On a motion by Sean Page and seconded by John Mahoney, the Board approved a **Handicap Violation Fine** increase from \$100 to \$200 as recommended by the Disabilities Commission, which would take effect as of November 1, 2016.

The Board designated **George Sansoucy** as a Special Municipal Employee.

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board approved the **Open Meeting Minutes** from the September 6, 2016 Selectmen's Meeting. *Voted 5/0*

On a motion by John Mahoney and seconded by Shelagh Joyce, the Board approved the **Open Meeting Minutes** from the September 13, 2016 Selectmen's Meeting. *Voted 3/0*
Anthony Provenzano Jr and Sean Page Abstained.

The Board agreed to vacate a **Foreclosure** for Lot 10A-35, Plat 54, also known as 30 Sharps Drive upon making the Town whole as determined by the Treasurer.

The Board agreed to vacate a **Foreclosure** for Lot B-605, Plat 132, located on Saquish Beach, upon having the Town made whole again as determined by the Town Treasurer.

The Board accepted and executed a **Deed for a Drainage Easement** that is located at 9 Overlook Road.

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board ratified the successor **Collective Bargaining Agreement** for the 2015 – 2018 COBRA – Crossing Guard and Meter Enforcement Officer. *Voted 5/0*

9:01PM - COMMITTEE LIAISON / DESIGNEE UPDATES

Selectman Mahoney mentioned that he was able to view the Eagle that was restored, and put back on its perch on top of the 1820 Court House, came out stunning. Mr. Mahoney said that the footage produced from a drone is up on the website.

Selectman Provenzano wanted to mention that he traveled to London, on behalf of the Town, to attend a meeting for Plymouth 400, which included the Pilgrim Society, a group of British and Americans that harbor the relationship between the two countries. Mr. Provenzano added that while he used his own resources for this trip, he decided to make a stop in Bologna, Italy and met with the Mayor for an illuminate event during the Plymouth 400 celebrations.

9:06PM - OLD BUSINESS / LETTERS / NEW BUSINESS

None

9:15PPM EXECUTIVE SESSION

On a motion by Sean Page and seconded by John Mahoney, the Board voted to enter into Executive Session at 9:15pm and to reconvene in Open Session.

Voted 5/0 By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Joyce-Yes

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 litigating position of the public body and the chair so declares.

❖ Collective Bargaining

10:00PM – RETURN TO OPEN SESSION

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board left Executive Session and re-entered into Open Session. *Voted 5/0*

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

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved and executed the Special Leave Policy as presented. *Voted 5/0*

10:02PM - ADJOURNMENT

On a motion by Sean Page and seconded by John Mahoney, the Board voted to adjourn the Open Session at 10:02pm and not reconvene. *Voted 5/0*

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

Recorded by: Christopher Badot

Administrative Assistant, Board of Selectmen