

# PLYMOUTH SELECT BOARD

TUESDAY, MAY 17, 2022

GREAT HALL, 26 COURT STREET, PLYMOUTH, MA  
HYBRID REMOTE MEETING VIA ZOOM, PLYMOUTH, MA – 5:00 PM

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## 5:00PM - CALL TO ORDER

Richard Quintal, Chairman of the Board, called the meeting to order at 5:00 p.m. and asked everyone to join the Board in the Pledge of Allegiance.

In accordance with S2475, and pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted via remote means and in-person. Members of the public who wish [to watch the meeting may do so](#) in the following manner: tune into PACtv government cable access channels Comcast Channel 15 or Verizon Channel 47 and watch the meeting as it is aired live, or watch the meeting live the PACtv website at <https://pactv.org>. Members of the public who wish to **PARTICIPATE** in the meeting may do so in the following manner:

**Remote Participation:** please go to the Town website under the Select Board page and click on the Zoom Webinar Registration box or simply click on the link below.

[https://pactv.zoom.us/webinar/register/WN\\_-cge\\_vk\\_Q9KtC8f1vdH61g](https://pactv.zoom.us/webinar/register/WN_-cge_vk_Q9KtC8f1vdH61g)

Present: Richard Quintal, Chairman  
Betty Cavacco, Vice Chairman  
Patrick Flaherty  
Harry Helm  
Charlie Bletzer  
  
Derek Brindisi, Town Manager  
Brad Brothers, Assistant Town Manager

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## 5:00 p.m. EXECUTIVE SESSION

The Select Board will hold 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 an open meeting may have a detrimental effect on the bargaining, negotiation, and the chair so declares. Following Executive Session, the Board will reconvene in open session.

- ❖ 46 Sandwich Road
- ❖ Executive Session Minutes

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## 6:09PM – BACK TO OPEN SESSION

Chairman Quintal called the Open Meeting back to order and thanked everyone for joining them tonight. He then said that the Select Board had been in Executive Session since 5:00pm conducting other business and thanked everyone for their patience as they ran a little late.

Selectman Flaherty came on and said this will be his last meeting as a member of the Select Board as he did not run for re-election. He said he is so grateful and appreciative for all of the community's support and encouragement over his years in office. He thanked everyone sincerely that he has met along the way. He also wanted to thank the hundreds of staff members and volunteers that it takes to run the town. He said as Board members we get a front row seat to see the scope of what has to get done everyday and that gives him a great appreciation for all of the effort it takes to keep the town running smoothly. He then wanted to give a really big thank you to his partner Lindsey who has been so understanding about the amount of time it takes to do this job the right way on top of working my day job. He said without her support all of this wouldn't have been possible. He said it has been an honor to serve this Board and the Town and he wishes the new Board a lot of success along with the New Town Manager and Assistant Town Manager because if they are successful then the Town and our community will be successful.

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## **6:12PM – SPECIAL TOWN MEETING**

Steve Triffletti, Town Moderator, came on and congratulated Selectman Flaherty and his wife for their service to the Town of Plymouth. He said he has enjoyed working with Selectman Flaherty and he wishes him great success in the future. He then said he sent a letter to the Board dated May 11, 2022 regarding the Special Town Meeting which is scheduled for a little over a month. He said he has spoken with the Police Chief, the Fire Chief, the Disabilities Commission, and also met with the Board of Health regarding the Special Town Meeting. He said when he met with the Board of Health last week, he did receive feedback from the members. He said there was a motion brought forth to hold the Special Town Meeting in-person, but that motion was not seconded therefore the other four members of the Board of Health did not support that motion. He said based on his discussions with the Board of Health and based on his own understanding of the current status of the pandemic, which shows cases are up 57% nationally, he is requesting that the Special Town Meeting be held remotely. He said many of our Town Meeting Members are older and vulnerable to the virus. He said a hybrid meeting is not possible because the legislation does not address a hybrid option. He said he has heard that our State Representative has file legislation for a hybrid model for Town Meeting. He said because of all of this information he is respectfully proposing that this Special Town Meeting be conducted using the zoom webinar and the OTI virtual voting platform which we have done in the past for other Town Meetings.

Alan Costello came up and said he was a Town Meeting Member from Precinct 10, and he is here to ask the Board to discard the request to conduct the Special Town Meeting virtually. He said it is premature because he also attended the Board of health meeting and the Chairman said that the pandemic data is inconclusive and is difficult to track. He then said all of our kids are back in school, all town staff are back in their buildings, and most of the Town Boards and Committees are already back to meeting in-person. He said there are no mask mandates in our schools and Plymouth North High School is now accommodating musicals, recitals, and other large gatherings. He said there is no reason at this time that two hundred plus people cannot meet in-person one month from now for a couple of hours to do the business of the Town. He said we all know how important this Special Town Meeting will be as we will be talking about a lot of money to be spent on a parcel of land which is only the beginning of the process and has huge ramifications. Something of this magnitude should be taken seriously and if we hold a virtual Special Town Meeting it would be a great dis-service to the Town and the Town's residents.

David Golden came up and said he is Plymouth resident and a member of the Plymouth Board of Health. He said he did not intend to speak tonight but as a member of the Board of Health he did want to point out that what Mr. Triffletti said about the proceedings of last week's Board of Health meeting was intentionally misleading. He said even though there was a motion to conduct an in-person Town Meeting without a second, there also was not a motion made to conduct a fully virtual Town Meeting as well so there was zero support on record for a virtual Town Meeting. He also wants to express his disagreement with the Town Moderator that Town Meeting should be held virtually. He said Mr. Triffletti has consistently referred to the ages of Town Meeting Members when he seeks support for a virtual platform, and he estimated that about 65% of Town Meeting Members are over the age of 65 but what he leaves out is about 96% of the Town's population who are in that population are fully vaccinated. He said he thinks that is an important thing to recognize because the vaccines are our best defense against the pandemic, and we should trust the science behind them. He also said the makeup of Town Meeting Members will change greatly once we go to the ballot boxes this weekend so, please keep that in mind. He reiterated that most town groups are back to meeting fully in-person or hybrid and there have been no reports if any widespread outbreaks of the virus. He said last Friday all members of the Select Board and Board of health join about two hundred other people and attended Senator Markey's Public Hearing and no one was even trying to stay socially distanced. He said if an in-person meeting is good enough for a United States Senator then he thinks they are good enough for our legislative body as well. He then thanked the Board for allowing him to speak tonight.

Vice Chairman Cavacco said one of the issues she has is that Mr. Triffletti has the ability to postpone Town Meeting. She said not only is this an important vote that Town Meeting will be taking but another important aspect is if the Moderator postpones this Special Town Meeting, we will not be able to use free cash for this purchase because of the timing. She said she is all for an open format meeting in-person, but she is hesitant to support something that could potentially cost our taxpayers more money. She said it's an important article and an important piece of property. She said she hears what he is saying and agrees with him, but she really doesn't want to take the risk of having Town Meeting postponed to a later date.

Vice Chairman Cavacco then asked if an outdoor venue would be something that Mr. Triffletti would consider, to which he said he would consider anything but Chapter 22 of the Acts of 2022 requires that he determines whether it is possible to safely assemble Town Meeting Members and interested members of the public in a common location and at this point he has not investigated whether or not a common location outside of Plymouth North High School is available and would work and meet all of the requirements. He then said in regard to Alan Costello's comments it is not premature to be planning out this Town Meeting because it is actually late in the planning stage because this Special Town Meeting came upon us very quickly. He said he does have the responsibility to lead in this community and based on the information that he has he agrees that the information is not accurate because there is testing going on that is not being tracked. He said we have demonstrated several times that we can conduct a virtual Town Meeting successfully and that is the reason for his request tonight for another virtual Town Meeting.

Vice Chairman Cavacco asked if he could gather all of that information over the next week so we can put this back on the agenda for next week because she said she will not support an in-person meeting and jeopardize the use of free cash.

Selectman Flaherty said he also will support the virtual Town Meeting option because we will have a number of new Town Meeting Members so the quantity will go up significantly due to the re-precincting so we would want to make sure that we have a quorum.

Selectman Helm said that from May 21<sup>st</sup> to June 21<sup>st</sup> we will have to train many new Town Meeting Members that have never used the voting system or the zoom meeting platform. He then asked if we would be able to get all of that training done in time, to which Stee Triffletti said yes, he has spoken to PACtv and OTI and he has already planned for a Town Meeting Orientation Preview and a Presentation Night for Monday, June 13<sup>th</sup> at 6:00pm. He said in addition to that, both PACtv and the Assistant Moderator, Nicole Manfredi has videos in place so that as soon as the New Town Meeting Members are elected can watch the video and start their training. He said he does not anticipate any problems with this training.

Vice Chairman Cavacco said that she knows how everyone feels and agrees with Alan Costello and David Golden, but she still does not want to risk losing the opportunity to use the free cash that we have set aside for this acquisition. She then said she hopes this new legislation gets passed for a hybrid version of Town Meeting.

On a motion by Patrick Flaherty and seconded by Betty Cavacco, the Board voted to approve the recommendation of the Town Moderator to conduct the June 21, 2022 Special Town Meeting. *Voted 4/1 Quintal-Yes, Cavacco-Yes, Flaherty-Yes, Bletzer-Yes, Helm-No*

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### **6:33PM – FACILITY UPDATE**

Nick Hill, Facility Manager, came up and thanked the Board for having him in tonight. He said he will be giving an overview of what can be expected over the next ten to twenty years in regard to our facilities in Plymouth. He began by giving a facilities maintenance division overview and introduced all of his staff through an organizational chart. He talked about a couple of vacant position and what their plans were to eventually fill them and said that they also had four unfunded positions.

Vice Chairman Cavacco said that those four positions were actually funded by a Town Meeting vote. She said Alan Costello actually made the motion on Town Meeting floor so she doesn't really understand why we still don't have these positions filled, to which Nick Hill said he can look back at his notes and get that question answered for you.

Derek Brindisi, Town Manager, came on and said he did a little research and those position were budgeted right before covid hit. He said since then there were a number of budget cuts during covid that never got refunded. He said he can look into this and see what we would have to do to go back and get these positions funded once again.

Selectman Helm asked if Town Meeting was informed about these budget cuts, to which Derek Brindisi said he was not here during that time so he would have to look into that.

He then went over some of the recent projects which include the Fire Stations, Police Department's Roof, DPW Door and Kitchen, Memorial Hall Painting, Manomet Youth Center ADA Ramp, Seasonal Building Upgrades, and LED Conversions. He then talked about Brightly which was formerly Dude Solution which is a software that they use to track their capital outlook, maintenance, and scheduling projects on a daily real-time basis. He said this program can also help you keep track of your budget and can be adjusted as inflation changes. He then took a look back at FY21 and what their spending history was broken down into custodial supplies, roofing, carpentry, plumbing, electrical, HVAC, and Miscellaneous. He said their FY21 spending was at \$798,381.36 overall. He then went over their projected FY22 budget saying it was at \$1,195,182.55 which was up about 49% from last year overall. He said these increases really had to do with specific projects such as the very large Fire Headquarters project. He said it is difficult to plan for surprises like this.

Nick Hill said that they worked very closely with Fire Chief Foley on this restoration as this is a very in-depth project that includes pipe sealing, and other renovations which took up a good deal of this year's budget. He then talked about their capital plan over the next five years, ten years, fifteen years, and twenty years. He said some of these number may look high but eh then showed a slide that broke the numbers down and said that a lot of information goes into this program, and he talked about the details of their capital plan broken down by year. He said moving forward the Maintenance Division will be working closely with the Brightly Capital Planning Software. He said they will have to deal with unforeseen capital project but will continue with their usual capital planning. He said they would also like to increase their funding due to the future of growing needs. He finally thanked the Board for allowing him to give this update and said he would be happy to answer any questions that the Board Members may have.

Vice Chairman Cavacco said we have a significant amount of money that we have to layout here and one of the things we have to talk about is the meals tax and when it ends. She asked if we were maxed out with the meals tax and if not, can we earmark any excess meals tax after paying for the Town Hall's mortgage and use it for facility maintenance because we need to offset these costs, to which Derek Brindisi said he believes we are at the max with the meals tax and does not think there is much remaining to do anything else with at the moment. He said even if there was a balance, he doesn't think it would make much of an impact on what we are talking about here tonight. He said if there was a large sum of money available, we could follow the pathway that was created years ago with a stabilization fund. He said this is certainly an option and there are several ways that we could do this, but we would need to take a detailed look at what funds are available after we make these mortgage payments for the Town Hall.

Vice Chairman Cavacco asked if there was something we could begin to do in regard to the meals tax sunset clause, to which Derek Brindisi said we could look at changing the special act and start to allocate some of those funds for other buildings and uses.

Selectman Helm said he isn't sure how that works but he believes changing the special act will take an action by Town Meeting to authorize the change at the state level and he recommends starting to look at that now. He said the first thing we need to know is when the meals tax ends and when with the Town Hall be paid off. He said he thinks we should have our states delegation and Town Meeting ready to address this special act, so it stays in place. He then asked about the stabilization fund and said we have been putting a set amount of money into that as part of the budget but wondered if we have a set source of income for that fund yet, to which Derek Brindisi said he would be happy to put this on an upcoming agenda and have a conversation about the sunset and the special act that created this tax.

Brad Brothers, Assistant Town manager, said this is one of the prime reasons he came to the Town from the School Department. He said the Town needs a solid long-term capital plan and he is excited to help out with that. He said both the Town and Schools need significant capital improvements and this is a first step in that process. He said there are a lot of areas and avenues that we can look at for funding this, but until we map out all of our liabilities, we won't be able to know how we can best allocate funds, so this is a good starting point. He said this is a top priority for him and once the new HR Director starts and he gets that off his plate he will dive right into this which he looks forward to, to which Chairman Quintals said that is what he wants to see. He said the disconnect with this presentation is that we need to see the Town and the Schools move together and show their twenty-year buildout so that residents and Town Meeting Members know what to expect in the coming years.

Steve Lydon came up and said he appreciates the presentation tonight. He said he is on the Capital Improvement Committee, and they come in every year to one of their meetings and give a detailed explanation of what their requests are. He then said the Town currently has 32 buildings and then asked why and wondered if we actually need all of them. He said maybe we should look into the possibility of selling some of the buildings we don't need or use.

Everett Malaguti came up next and said these numbers are humbling as a Town Meeting Member even though he realizes it is necessary if we want everything functioning correctly and not falling down around us. He then said the facility maintenance fund that was created a few years ago currently has about \$4,500,000 in it but we haven't actually determined a funding mechanism to sustain this account into the future, but we could look at the meals tax, but he thinks that sunset is around 2040 or somewhere around then. He said he thinks there could be other funding sources to look at in the meantime such as each department that uses some of these buildings. He said maybe we could take a portion of their stabilization funds and put them into the building maintenance account. He thinks this will be a better way to look at this because everyone will have some skin in the game.

Chairman Quintal said maybe we could get some numbers together that we can look at during a future meeting with a list of all of our unused buildings as well as a list of all of the buildings that we lease out. He said this information will help us to plan long-term moving forward with our goals.

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#### **7:07PM – 46 SANDWICH ROAD**

Derek Brindisi came on and said as everyone may be aware, we have had many conversations with Rick Vayo who is in the process of acquiring 46 Sandwich Road from Holtec. He said through these discussions and the direction of the Board, we have been able to come to an agreement on a purchase price of \$3,750,000 for that property. He said our attorney worked with the closing counsel and drafted a Purchase and Sales Agreement which was discussed earlier this evening in Executive Session. He said you all voted in favor and now what is before you tonight is to decide if you want to ratify this agreement or not.

Vice Chairman Cavacco said this is a pretty significant facility and she thinks it is important for our infrastructure. She said both the Police Chief and Fire Chief have weighed in on this property and the option for its use and they are both in full agreement that this is an important piece of property for the town.

Selectmen Helm said it was mentioned in Executive Session that there was an appraisal, to which Derek Brindisi said yes, there is an appraisal which we just received today. He said Bill Keohan worked with a company that he is very familiar with, and they moved quickly and got us the appraisal in time for this evening's meeting. He said the appraised value came in at \$4,350,000 total for the property and building.

Selectman Flaherty said he appreciates the time that both the Police Chief and Fire Chief took to write up their memos and both expressed their full support of this acquisition. He said he knows that this has to go through Town Meeting and there will be questions, but it is really clear that this is a really important piece of land and strategic for the Town. He said he supports this completely and said, if for some reason we can't find anything to do with this land we can always sell it to someone else. Having said that, he said he has no doubt that they will find plenty of uses for this property moving forward. He said once again that he supports the purchase of this property wholeheartedly.

Selectman Bletzer said if Town Meeting passes this article, and we purchase this land then that means that the Town controls this land. He said if the Town owns this land, then we will also control what gets developed there so this acquisition is very important.

Chairman Quintal said this was a unanimous vote in Executive Session earlier this evening to purchase this property. He said this property has many potential uses such as a public safety training center as well as available land for a possible cemetery. He said anytime we have a parcel of land that we can hold on to for future uses even twenty or thirty years down the road is a good thing. He said right now we have land that we would like to use for a cemetery but they have conservation restrictions on them so that isn't possible and forces us to go out and look for land to purchase for that use. He said we have talked about partnering with the CPC and that has yet to be determined but time will tell. He said if we can afford it then maybe we should not partner with the CPC so we don't have any conservation restriction on any of that land so we can save it for possible future uses.

Steve Bolotin came up and said that he echoes what Chairman Quintal said. He said information for Town Meeting Members is the single most important thing right now. He said information seems to get disseminated in dribs and drabs with some factual and some inaccurate. He said it will be an unusual circumstance come this Saturday when we suddenly have 162 Town Meeting Members, 20% of whom did not run for Town Meeting. He said they will be elected by write-in ballots or appointments. He said they will not be ready to pay attention to such an important issue. He agrees that this is a very important piece of property whether we use it for public safety or simply to make sure we have control of the property. He said he implores the Select Board to do whatever it can and as soon as it can, to get Town Meeting article information out to everyone that is elected or appointed to Town Meeting.

Rich Serkey came up and asked if the Board knew how much Rick Vayo was purchasing this property for, and if so, can you disclose that tonight, and then Rich Serkey asked if they could share the Purchase and Sales Agreement that they voted to sign tonight, to which Derek Brindisi said from what they understand Rick Vayo is paying Holtec \$2,300,000 for the property located at 46 Sandwich Road. He said that was said to us verbally as we have never seen their Purchase and Sales Agreement. He then said as far as the Purchase and Sales Agreement between the Town and Rick Vayo we can certainly share that once it has been finalized as it will then be a public document and we can provide that through a public records request if you would like. He said it should be finalized by the end of the week.

On a motion by Betty Cavacco and seconded by Harry Helm, the Board voted to accept the Purchase and Sales Agreement and move forward to the Special Town Meeting. *Voted 5/0*

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## **7:14PM – CITIZEN OF THE MONTH**

### Article 1 – 46 Sandwich Road

On a motion by Betty Cavacco and seconded by Patrick Flaherty, the Board voted to recommend Article 1 to the June 21, 2022 Special Town Meeting. *Voted 5/0*

### Article 2 – Hybrid Town Meeting

Derek Brindisi said there is special legislation filed to allow for hybrid Town Meetings. He said this article is a home rule petition and specific to Plymouth. He said we used the same language as the original legislation as well. He said we talked to PACtv and to OTI to

confirm that they could participate in a hybrid model Town Meeting, and they confirmed that they both could conduct such a meeting.

Derek Brindisi said if the Select Board, Advisory and Finance, and Town Meeting all support this then we will go ahead and file this petition with the state and hopefully we will get favorable actions with our delegation and state legislature.

On a motion by Betty Cavacco and seconded by Harry Helm, the Board voted to recommend Article 2 (Hybrid Town Meeting) to the June 21, 2022 Special Town Meeting. *Voted 5/0*

#### Article 3 – Communication Tower on Camelot Drive

Neil Foley, Fire Chief, came up and said this article is simply requesting to send out an RFP to lease two locations on our new 180-foot communication tower as we have identified some space on that tower. He said each of the identified locations has a range of about \$34,000 to \$64,000 in revenue yearly. He said we are bringing this to Town Counsel strictly because Town Counsel has made us aware that it would need to be voted on by Town Meeting in order for us to accept an RFP that was submitted. He said basically we are looking for Town Meeting's approval to lease the identified space out to a telecommunication company.

Everett Malaguti came up and said he supports this but said he would hope that some of this revenue would go into the sewer fund because the sewer department maintains this property. He said there is a similar agreement with the water department and a lease that is on their property that the water department maintains.

On a motion by Betty Cavacco and seconded by Charlie Bletzer, the Board voted to recommend Article 3 (Communication Tower Lease) to the June 21, 2022 Special Town Meeting. *Voted 5/0*

#### Article 4 – Conservation Wetland Protection Bylaw

Randy Parker came on and said a group of residents gathered signatures over a long weekend in support of Article 4 which is to require Town Meeting's approval to any changes in the Conservation Commission Rules and Regulations. He said such approval would be required before any regulations and rules could be engaged and enforced.

Selectman Helm asked why he would like these rules and regulations to be approved by Town Meeting prior to implementation, to which Randy parker said that is correct. He said we are looking to require Town Meeting to approve and future changes to the Conservation Commission's Rules and Regulation prior to them being implemented. He said there isn't much that we can do about the current Rules and Regulations, but we can change the rules to them making the new rules. He said it is his opinion that we really need to do something to balance things out and not have them one-sided. He said the Conservation Commission has more power over land than the landowners do who live close to the water.

Selectman Helm then said that you are not contesting that the Conservation Commission has statutory rights to set rules and regulations but rather you are proposing that Town Meeting should approve or disapprove any changes before they go into effect and Town Counsel has reviewed them, to which Randy parker said yes, that is what he is proposing.

Selectman Flaherty said they met with the Conservation Commission last summer because there were certain rules and regulations that would require a homeowner to change their plan for their Title V and also at the same time not allow them to do it. He said when people saw that, many of them came forward to voice their concerns about their ability to sell their property. He said since that initial meeting this has seemed to bounce around back and forth



so he is confused. He said something this significant should have the opportunity to be looked at by Town Meeting and be properly vetted. Selectman Flaherty said the work of the Conservation Commission is critical to our Town for a number of reasons, but there are certain things that rise to the level that affect homeowners that really need to be looked at a second time by another set of eyes.

Sharl Heller came up and thanked the Board for allowing her to speak. She then said with the increased pollution of our ponds and numerous wetland protection violations, she thinks Plymouth should be strengthening our bylaws to protect our wetlands more. She said Randy Parker's two Articles are both an attempt to weaken our bylaw protections. She said in 2007 Town Meeting voted to take this very provision out of the bylaws because the majority of them felt that the Conservation Commission had a better perspective on what should be included in the rules and regulations. She said it was said that Town meeting Members don't have the time or inclination to focus on the minutia of these rules and regulations and felt it would be more appropriate for the Conservation Commission to set their own rules and regulations. As mentioned, the Conservation Commission adopted an updated set of rules and regulations which took years to draw up and they held multiple public meetings for comments and then they incorporated those comments into the new rules and regulations. She said the Select Board actually asked the Conservation Commission for a third-party review of the new rules and regulations which they did, and they have been very open during this process. She said the Conservation Commission has been very generous with residents, homeowners, and Randy Parker's clients when they come before them.

Selectman Helm said 2007 was fifteen years ago and things change. He said given that the Conservation Commission is open and listens to residents when they are creating these rules and regulations, he sees no reason why the Commission should be concerned with Town Meeting agreeing to these rules and regulations. He said he understands that in 2007 Town Meeting voted to strike this exact language that is proposed to be added but he thinks it is worth having a discussion at the very least. He said he will be voting in favor of this so there can be more conversations.

Vice Chairman Cavacco said she echoes what Selectman Helm just said. She said if the Conservation Commission is open then a Town Meeting discussion shouldn't bother them. She said that they did request a third-party review, but she doesn't recall them coming back to the Board with those results. She said Town Meeting makes all of the decisions and she has no problem supporting this moving forward.

On a motion by Betty Cavacco and seconded by Patrick Flaherty, the Board voted to recommend Article 4 to the June 21, 2022 Special Town Meeting. *Voted 5/0*

#### Article 5 – Bylaw Change (Grandfather Property)

Randy Parker came back on and said he is proposing adding the following sentence to the Wetlands Bylaw Chapter 196, Section 196-6 Paragraph D: *A permit and application shall not be required for residential lots or structures existing prior to March 27, 1973.* He said he chose that date because if you look at the zooming bylaw that is the date in which it was voted and approved. He said we are driving resident's crazy with all of these regulations. He said you can't tell a landowner that lives on the coast that they can't move a simple paver just because it is within thirty-five feet of the top of their bluff.

Sharl Heller came back up and said she can see that Randy Parker is frustrated but these proposed bylaw changes need work. She said he is correct in that the Commonwealth created stronger wetland protection in 1973 but it is unclear as to how this change would affect

permitting. She said the Town cannot diminish state bylaws so she thinks we need direction from our Town Counsel on how this will work.

Sharl Heller then said she is concerned that this would cause people that owned their property before March 27, 1973 to push the envelope and do more development that could be detrimental to our wetlands and our coastal waters. She said it would also cause an unequal application of our bylaws because one neighbor that owned land before 1973 could do things that the neighbor living next door couldn't do so that is confusing. She said the Conservation Commission could not be here tonight because they are involved in public hearings, but she urged the Select Board to refrain from voting on this tonight until we get some clarification.

Randy Parker said that this language would only apply to Chapter 196, Section 196-6 of the wetland's protection bylaws. He said it is only applicable to our local wetland regulations. He said it will not be less restrictive than the state's regulations. He said if you own land prior to March 27, 1973 and it is smaller than the buffer that they are encouraging it should be exempt from the need for an application and permit.

Selectman Flaherty thanked them both for their comments and said he saw Article 4 as a second look to changes with the rules and regulations, but he doesn't think Town Meeting should get involved with approving individual projects. He said he sees Article 5 as making an exception to the rules and regulations so he cannot support this.

Selectman Helm said that he agrees with Sharl Heller and Selectman Flaherty. He said he doesn't understand what the implications are with this language change. He said he believes that he should never vote on something that he doesn't understand so he can't support this.

Vice Chairman Cavacco said she thinks we should send this over to Town Counsel and get their opinion on this. She said we can postpone this vote until our meeting next week, to which Chairman Quintal said they all go to Town Counsel, but we can certainly ask them for a more detailed explanation of what this would really mean.

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## **7:55PM – TOWN MANAGER'S REPORT**

### Smokestack

Brad Brothers, Assistant Town Manager, said that the crane was delivered to the smokestack today and it is being assembled in preparation to take the smokestack down. He said the assembly should be completed tomorrow and the demolition will begin on Thursday. This schedule is dependent on the weather of course but it should be complete by Friday.

### Beaches

Brad Brothers said it looks like this weekend is going to be very hot and wanted to remind everyone that our beaches are not staffed until Labor Day Weekend. He said Plymouth Beach, Morton Park, and Long Beach open on Memorial Day Weekend which means there will be no access to bathroom with the exception of White Horse Beach and Plymouth Beach if Sandy's Restaurant is open this weekend.

*Selectman Helm said this is just about the anniversary of a similar very hot weekend which turned into the fight club day at White Horse Beach. He then asked the Assistant Town Manager know that so they can be aware.*

*Vice Chairman Cavacco asked if the access crossover would be open out to Long Beach, to which Brad Brothers said he does not know the answer to that but will speak to David Gould and find out the details.*

### Voting Locations

Brad Brothers said with the re-precincting there are new voting locations for many of the precincts and encouraged people to visit the Town's website.

### Selectman Flaherty

Brad Brothers said on behalf of staff and residents he would like to thank Selectman Flaherty for his three years serving on the Select Board. He said even though he hasn't been here long he enjoyed working with Selectman Flaherty and wished he and his family all the best. He then wished all of the candidates running for open seats this weekend good luck.

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### **7:59PM – PUBLIC COMMENT**

Steven Bullock came up and said as you know there is a well near him called Darby Station but what you do not know is that for the past seven years the generator has not worked. He said for the past three days there has been no power to that well. He said a few months ago we had a storm, and the power went out. He said Eversource came out and said these were private poles and they are not responsible for repairing them and said we would have to hire a private company to restore the power. He said Eversource also told him that the Town well is at the end of that powerline so they should be the ones to have to restore the power. He said you can also transfer those poles over to Eversource as well and then they would maintain them. He said every time we lose power the Town loses power to the well. He said he has gone to Engineering but nobody has done anything about this. He said the Town has an easement to access the bogs out behind their property which we were never notified about. He said now they have walking trails and he thinks it isn't right that the Town is bringing people over my property to get onto the walking trails without having changed the easement. He then said with summer coming there are no 15-minute tie-ups in the harbor near the ramp. He said the Harbor Master gets new boats and a new facility and we get less and less every year. He then asked when would they get their tie-ups back because we are starting another boating season and they still aren't there. He said there is no place to pick up or drop off people when you are just going out to have dinner on your boat.

Vice Chairman Cavacco said if you ever have an issue with anything like this you can always reach out to any one of the five Selectmen. She then said that there are tie-ups that are on the side of the docks facing south. She said the Harbor Committee has made a lot of progress over the past few months and the New Town Manager is very receptive to requests so things should start getting better.

Derek Brindisi asked Steven Bullock to give his information to Brad Brothers so we can look into these issues. He said we always respond to all of our complaints. He said we may not be able to give you the answer you would like but we always respond to them.

Brad Brothers wanted to circle back saying that Long Beach would not be open, but residents can park along Ryder Way and also utilize the day parking area as well. He said this is due to the Management Plan which has specific dates, to which Vice Chairman Cavacco said she thinks we should look at amending the Management Plan with new dates.

Everett Malaguti came up and said they went through the State's Environmental Department so this is a state mandate and not a decision that the Town can make. He said the Management Plan has been looked at and some parts of it have been contested. He said they would like to take another look at the Management Plan, but we would need to make sure we were funded in case there are any court battles that arise.

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## 8:12PM – LICENSES AND ADMINISTRATIVE NOTES

### LICENSES

On a motion by Betty Cavacco and seconded by Harry Helm, the Board voted to approve a One Day Wine and Malt License for **Plymouth Pride Inc** for the Plymouth Pride Festival being held on June 26, 2022 from 11:00am to 6:00pm at Nelson Park. *Voted 5/0*

On a motion by Betty Cavacco and seconded by Harry Helm, the Board voted to approve an Amplified Music Permit for **Plymouth Pride Inc** for a Band at the Plymouth Pride Festival being held on June 26, 2022 from 11:00am to 6:00pm at Nelson Park. *Voted 5/0*

On a motion by Betty Cavacco and seconded by Charlie Bletzer, the Board voted to approve Temporary Outdoor Dining for **Mamma Mia's Pinehills** on the Village Green across from the existing outdoor patio. The area will have 40 seats and will be cordoned off and be staffed. *Voted 5/0*

### ADMINISTRATIVE NOTES

On a motion by Betty Cavacco and seconded by Patrick Flaherty, the Board voted to approve the Open Meeting Minutes from the March 1, 2022 Select Board Meeting. *Voted 5/0*

On a motion by Betty Cavacco and seconded by Patrick Flaherty, the Board voted to grant Exclusive Vendor Rights to Plymouth Pride Inc for their Plymouth Pride Festival being held on June 26, 2022 from 9:00am to 6:00pm at Nelson Park. *Voted 5/0*

On a motion by Betty Cavacco and seconded by Patrick Flaherty, the Board voted to appoint Daniel Baldassini to the Climate Action Net Zero Committee for a term beginning immediately and terminating on June 30, 2025. *Voted 5/0*

On a motion by Betty Cavacco and seconded by Patrick Flaherty, the Board voted to approve and execute a License Agreement between the Town of Plymouth (as Licensor) and Scott A. Belval and Tracy C. Belval, owners of 216 Manomet Point Road (as Licensee) which shall authorize (1) regulated, temporary vehicular access over Boat House Lane and public coastal beach property located off Manomet Point Road, and (2) the encroachment, construction, and maintenance of an erosion control revetment upon town-owned coastal beach property identified as Lot A-O-5Z and A-N-5Z on Plymouth Assessor's Map 46. *Voted 5/0*

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## 8:14PM - COMMITTEE LIAISON / DESIGNEE UPDATES

None

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## 8:15PM - OLD BUSINESS / LETTERS / NEW BUSINESS

Chairman Quintal thanked everyone for watch their meeting tonight and asked everyone to keep the people of Ukraine in their thoughts and prayers.

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**8:16PM - ADJOURNMENT**

On a motion by Betty Cavacco and seconded by Harry Helm, the Board voted to adjourn the Open Session at 8:16pm.

*Voted 5/0 By Roll Call: Quintal-Yes, Cavacco-Yes, Flaherty-Yes, Helm-Yes, Bletzer-Yes*

**Recorded by:** Christopher Badot

*Administrative Assistant, Board of Selectmen*