

PLYMOUTH SELECT BOARD

TUESDAY, FEBRUARY 22, 2022

REMOTE VIA ZOOM, PLYMOUTH, MA – 5:00 PM

5:00PM - CALL TO ORDER

Richard Quintal, Chairman of the Board, called the meeting to order at 5:00 p.m. and asked Selectman Flaherty to read the opening statement. He then called for an Executive Session.

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_yk_Q9KtC8f1ydH61g

Present: Richard Quintal, Chairman
Betty Cavacco, Vice Chairman (*Absent*)
Patrick Flaherty
Harry Helm
Charlie Bletzer

Lee Hartmann, Acting Town Manager
Derek Brindisi, New Town Manager

5:00PM – EXECUTIVE SESSION

The Select Board 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, negotiation, and the chair so declares. Following Executive Session, the Board will reconvene in open session.

❖ Collective Bargaining (All Groups)

6:00PM – BACK TO OPEN SESSION

Chairman Quintal called the Open Session back to order and thanked everyone for their patience as the Select Board was in Executive Session since 5:00pm and just concluded. He then said that Vice Chairman Cavacco would not be joining the meeting tonight due to a conflict in her schedule.

6:01PM – PUBLIC HEARING – The Store at Sandy Pond

Chairman Quintal read the following Public Hearing notice into the records as follows:
In accordance with Chapter 138 of the Massachusetts General Laws, as amended, notice is hereby given that a Public Hearing will be held remotely on Tuesday, February 22, 2022 at 6:00pm to consider the application for a Transfer of an Annual Wine and Malt Package Store License from the Store at Sandy Pond Inc, 832 Bourne Road, Richard Doonan, III to New Camp Corp d/b/a The Store at Sandy Pond, 832 Bourne Road, Paresh Patel, Manager. Description of premises will be as follows: One floor, five total rooms, 4,800 square feet, one entrance and three exits.

Matthew Porter, attorney for New Camp Corp, came on and said he was there with Paresh Patel to answer any questions. He said this is the transfer of a licenses related to the Store at Sandy Pond due to the sale of that business which is located at 832 Bourne Road. He said Paresh Patel is the President of the Corporation and will also be the license manager. He said Mr. Patel is a very experienced operator and has other liquor store locations as well as convenience stores with a business in Plymouth as well. He said there are no major changes anticipated for the store but there is a Pledge of Licenses to Rockland Trust.

On a motion by Charlie Bletzer and seconded by Harry Helm, the Board voted to approve a Transfer of an Annual Wine and Malt Package Store License from The Store at Sandy Pond to New Camp Corp d/b/a The Store at Sandy Pond, Paresh Patel, Manager. *Voted 4/0*

6:10PM – PUBLIC HEARING – Cemetery and Crematory Fees

Ken King, Cemetery Superintendent, came on and thanked the Board for having them in tonight. He said they are respectfully asking for the Board's support for raising the rates in the Cemetery Department. He said these fees haven't been changed in about nine years. He said our rates are a lot lower than other surrounding towns. He then talked about where the fees go once, they are paid, He said half goes towards the perpetual care and the other half goes into the sale of lots fund. He said both accounts help fund the Cemetery Department with equipment, projects, and supplies that are needed to maintain the Town's cemeteries. He said they do have one revolving fund that is generated through the sale of foundations and those funds are used for things like stump grinding and repairing headstones. He then said the cemetery that abuts one of our cemeteries has had two price increases and another further down that road has had at least one price increase. He said we have been selling lots on the lower price range and people have been buying more lots than they actually need which is an issue because we are running out of space. He then talked about the proposed rates which the Board has in their packets and said he would be happy to answer any questions.

Selectman Flaherty said his concern is with the non-resident rates. He said many people leave Plymouth after living there their whole life and come back but have to pay a higher price, so he feels this is worthy of a discussion and possibly not having a non-resident rate.

Selectman Bletzer asked what the surrounding town charged for their non-resident lots, to which Ken King said generally other towns are about \$200 to \$400 more than our current non-resident rate. He said currently we are at \$1,000 per lot and would like to increase that to \$2,400 per lot for non-residents.

Selectman Bletzer said he agrees with Selectman Flaherty but said we have to worry about supply and demand in this instance because we are less expensive than surrounding towns.

Ken King said that a lot of other towns have not raised their rates in a very long time, but some towns are charging three times what Plymouth is charging mainly because they do not do the volume that the Town of Plymouth does. He said our lots are selling very quickly because of this price difference.

Chairman Quintal said he agrees and feels bad for residents that move to a warmer climate and then something happens, and they want to be buried back home there is a concern. He said in the spirit of compromise he will support this tonight but would like to revisit this once we have found more space for an additional cemetery.

On a motion by Charlie Bletzer and seconded by Patrick Flaherty, the Board voted to approve the new Cemetery and Crematory rates as presented. *Voted 4/0*

6:23PM – TOWN MEETING ARTICLE 16B

Bill Keohan came on and thanked the Board for having him in tonight. He said he is the Chairman of the Community Preservation Committee, and they have three Articles that they are moving forward at Town Meeting. He said Article 16B is CPA funding for Jenny Pond. He said Jenny Pond is a landmark in our Town along Town Brook and the Community Preservation Committee has used CPA funds to acquire land along and around Jenny Pond connecting our waterfront to our town forest. He said, recently fish ladders and dams have been removed and material has to be removed and dredging has to occur to improve the ecological condition of the pond for the passage of the fish that use Town Brook. He said this will also make it more enjoyable for visitors. He said they are requesting the full funding for this, but any grants awarded to the Department of Marine and Environmental Affairs would be put towards this and lower the amount coming from the CPA fund. He said Jenny Pond is moving into its final stages of restoration and there are plans to have the bridge rebuilt as well as updated lighting. He then talked about some other parcels of land acquired around Jenny Pond, so this has been a long-term goal to revamp Jenny Pond.

Selectman Helm asked about what this project entails and what are the reasons for doing this, to which David Gould said this project would entail the dredging of Jenny Pond which is artificial and created by the presence of Jenny Pond Dam. He said this was last dredged in 1968 so there is 54 years of accumulated sediment which has migrated down-stream. He said the pond really should be dredged every 25 years or so meaning we are well past that. He said this will increase the depth to about five feet and that material will be tested and disposed of at a safe location, which is a good amount of this cost. He then talked about the different methods to dredge and said they will be using geo-tubes.

Selectman Bletzer asked what the timeframe was for the dredging, to which David Gould said about two months total to actually dredge the pond but it will take a little longer to test the sediment and to dispose of it.

Selectman Bletzer then asked where the equipment will be staged, to which David Gould said as far back in the parking area as possible towards the cul-de-sac in the back section.

Chairman Quintal said he hopes when they do the lighting that they use green lighting. He said it is time that the Town starts being greener and use solar powered light, to which Bill Keohan said the CPC has been talking about green lighting and we have already started saving funds for that very reason. He said they are also planning green lighting to be used in the Stephen's Field renovations as well.

Bill Keohan then said this Article doesn't touch on the lighting and mainly focuses on the dredging of Jenny Pond. He said they will be taking all of these comments and including them in their future discussions regarding this entire project and not just the dredging.

On a motion by Harry Helm and seconded by Charlie Bletzer, the Board voted to recommend Article 16B (Jenny Pond Dredging) to the April 2, 2022 Spring Town Meeting. *Voted 4/0*

6:33PM – TOWN MEETING ARTICLE 16B

Bill Keohan came back on and said this is an administrative article that we put forth every year in coordination with the Town's Finance Department. He said it is a requirement of the statute that we set aside 10% of the income in the Community Preservation Act fund for housing purposes, historical purposes, or open space purposes. He said any funds leftover and not used go back into the CPA fund and get re-allocated the next year.

On a motion by Patrick Flaherty and seconded by Charlie Bletzer, the Board voted to recommend Article 16C (CPA Funds) to the April 2, 2022 Spring Town Meeting. *Voted 4/0*

6:35PM – TOWN MANAGER'S REPORT

None

6:36PM – PUBLIC COMMENT

None

6:37PM – LICENSES AND ADMINISTRATIVE NOTES

On a motion by Patrick Flaherty and seconded by Harry Helm, the Board voted to approve the following licenses for **Franciscano's of Plymouth Inc d/b/a Ocho Café Tacos & Tequila**, 275 Colony Place, Ana Michel, holder of an Annual All Alcohol License: *Voted 4/0*

- Sunday Entertainment (Live)
- Extension of Hours (1:00am)
- Early Sunday Sales (10:00am)

ADMINISTRATIVE NOTES

On a motion by Patrick Flaherty and seconded by Harry Helm, the Board voted to approve and execute the Warrant for the April 2, 2022 Annual Town Meeting. *Voted 4/0*

On a motion by Patrick Flaherty and seconded by Harry Helm, the Board voted to recommend Article 2 (Reports of Boards and Committees) to the April 2, 2022 Spring Annual Town Meeting. *Voted 4/0*

On a motion by Patrick Flaherty and seconded by Harry Helm, the Board voted to recommend Article 4 (Continuation of Committees) to the April 2, 2022 Spring Annual Town Meeting. *Voted 4/0*

On a motion by Patrick Flaherty and seconded by Harry Helm, the Board voted to recommend Article 6 (Salaries of Elected Officials) to the April 2, 2022 Spring Annual Town Meeting. *Voted 4/0*

On a motion by Patrick Flaherty and seconded by Harry Helm, the Board voted to allow the April 2, 2022 Spring Annual Town Meeting and Special Town Meeting to be conducted virtually due to covid concerns. In the event that the Town Meeting Members vote not to allow them to proceed virtually, the meetings shall be reconvened on April 16, 2022 at 8:00am at Plymouth North High School. *Voted 4/0*

Lee Hartmann, Acting Town Manager, said if Town Meeting votes to go virtual then we are all set and proceed through Town Meeting. If the majority of Town Meeting Members do not want to proceed virtually then without this Administrative Note the premise would be to start the process all over again and re-post the Warrant with a new date and time. He said this Administrative Note would allow us to proceed remotely and if the majority wanted to proceed in-person then we could have an adjourned session and come back in-person on April 16, 2022 and reconvene.

Wrestling Brewster came on and said he was speaking on behalf of the Committee of Precinct Chairs. He said the Precinct Chairs had a lengthy discussion with the Moderator on the form of Town Meeting and they signified that the Committee really wanted an in-person Town Meeting. He said they pleaded with him to keep both options open in case we ended up where we are now. He said covid numbers are going down and it is getting safer to be in-person. He then said it does not appear that the Moderator kept both options on the table at all. He said the Moderator keeps saying that legislation gives him the power to do whatever he wants. He said Town Meeting is a responsibility and having a face-to-face discussion is what makes Town Meeting the sheerest form of democracy. He then urged the Select Board to vote for an in-person Town Meeting.

Chairman Quintal wanted to make sure we had this right. He said by taking this vote we are giving Town Meeting Members the ability to vote and decide whether to proceed virtually or reconvene in-person, to which Lee Hartmann said yes, that is correct. He then said what Wrestling Brewster would like the Board to do is to not take this vote, but rather vote to have the Town Meeting in-person and to make that decision for everyone.

Selectman Helm said that the Select Board vote is more cosmetic because the Town Moderator does have the right and ability to determine if the Town Meeting is virtual. He said the first order of business is to vote if Town Meeting wants to continue virtually or in-person and he thinks they should be the ones to decide.

Selectman Flaherty came on and said he wants to be clear on what they are voting tonight. He said as he understands it the Board is voting to allow an in-person meeting in two weeks if the virtual meeting is voted down by Town Meeting Members. He then said that Wrestling Brewster is also asking the Select Board to vote to reconsider their last vote approving a virtual Town Meeting option. He said he just wanted everyone, including himself, to be clear on what the votes are tonight.

Alan Costello came on next and said the Committee of Precinct Chairs met last night and they conducted a Survey Monkey Study with three questions which were directed at the 135 Town Meeting Members.

Alan Costello said the first question asked if they would prefer a face-to-face in-person Spring Town Meeting which 49% voted for in favor and 41% voted against an in-person meeting. He then said the second question asked if they would prefer a hybrid Spring Town Meeting to which 53% voted in favor and 35% voted against. He said the last question asked if they would prefer a virtual Spring Town Meeting to which 42% voted in favor of a virtual meeting and 48% voted against a virtual meeting. He said this is the type of dialogue that we have had with the Moderator over the last three months of COPC meeting. He said the Moderator told them that he was going to work towards an in-person meeting but was also preparing to do a virtual meeting as well. He said things happened with the spike in covid cases and the Moderator went after the virtual meeting on his own. He said he needs the Select Board's approval to hold a totally virtual Town Meeting. He said the Moderator also said that if Town Meeting voted down the virtual Town Meeting, then he would have the ability to push the meeting out another 30 days and try for a virtual meeting once again. He then said they are asking the Select Board to rescind the vote from three weeks ago to allow for a virtual Town Meeting and take the Select Board completely out of this process and try to have a hybrid or in-person meeting on April 2, 2022 because he feels that there is an appetite to have an in-person meeting among Town Meeting Members. He said if we don't do this then we could see Town Meeting vote down the virtual Town Meeting and we would have to readjourn two weeks later and a greater cost to the Town. He said it is time to have an in-person Town Meeting with all of the safety protocols in place. He also added that the Town Moderator has already said that a hybrid version is off the table as he has consulted with Town Counsel who says the new legislation excludes a hybrid component. He said when pushed he had very little proof of that statement and quite honestly it was astounding that his email to Town Counsel was one word which was "hybrid" so he would like the Acting Town Manager to research the hybrid aspect of a Town Meeting.

Selectman Bletzer said he agrees and that he voted against a virtual Town Meeting. He said as a former Town Meeting Member it is much more effective meeting in-person. He said he would get a lot of information by talking with people which you can't do during a virtual Town Meeting. He said the masks are coming off at school and things are getting safer. He also said the Town Moderator has too much power and if Town Meeting Members want to meet in-person then they should be able to.

Joe Hutchinson came on next and said several Town Meeting Members are older voters and are reluctant to join an in-person meeting. He said he was at the Committee of Precinct Chairs meeting last night and he does not agree with the sentiments that they are proposing here tonight. He said he would also like to point out that the COPC did not vote on this last night so what you are hearing tonight are the sentiments of Alan Costello and Wrestling Brewster only.

Selectman Helm asked if the Acting Town Manager had any additional information on this matter, to which Lee Hartmann said he just talked with Mark Reich from Town Counsel. He then said before that he wants to stress that Town Meeting is five to six weeks away and we are hopeful that covid gets better but it still could get worse, so he recommended proceeding with caution. He said he spent a lot of time over the weekend working with Town Counsel and the Town Moderator and Mark Reich has made it very clear that the current legislation does not allow for a hybrid version of Town Meetings. He said if the Board rescinds their vote from three weeks ago then Town Meeting will have to be live and in-person.

Alan Costello came on and said that at last night's Committee of Precinct Chairs meeting there was an active and spirited discussion, and the Town Moderator was present. He said the Chair, Katherine Holmes, and the Vice Chair, Mike Landers, were unable to attend this meeting tonight but they asked Wrestling Brewster and himself to represent the COPC at tonight's meeting. He said there were at least a half dozen people that were very vocal about this and engaged with the Moderator in a respectful way. He said of all of the people that spoke we never heard anyone in the negative characterization of an in-person Town Meeting.

Wrestling Brewster came back on and said he wanted to clarify that we have both been deeply concerned about Town Meeting since we went virtual. He said the Committee of Precinct Chairs, as a committee, has spoken with the Moderator about working towards an in-person meeting. He said they have tried to work within the system but frankly the Moderator keeps saying he has the authority, and he is trouble by the amount of authority that he has. He said this is a democracy and we should be in charge of our own destiny. He realizes some people don't feel safe but at some point, we need to get back to an in-person meeting.

Selectman Helm came back on and said he is concerned that voting on this tonight presents a number of problems because we are not a full Board. He then said he voted in opposition to a virtual Town Meeting the last time and now he is confused about how to vote for this tonight because of the ramifications. He said he really needs to think about this and asked if we could bring this back at next week's meeting and hopefully, we will have a full Board, to which Lee Hartmann said we do have the time to do that and take this vote next week.

Wrestling Brewster wanted to reiterate that the cost of holding a virtual Town Meeting only to adjourn after a half hour would be very expensive and he just wanted to caution the Select Board to think about that very carefully, to which Selectman Helm said it's not about making a hard decision but more about coming to a deadlock decision and being forced to do something you didn't want to. If we move forward tonight with this vote, we could reach a two-to-two deadlock.

Selectman Flaherty said if we do not vote this in and Town Meeting votes to not hold the Town Meeting virtually then Town Meeting will not happen because there will not be an in-person option. He then said we can always re-motion something that doesn't pass so we can always revisit this at any time. He said this vote tonight will just ensure that Town Meeting will happen in-person two weeks later if the virtual option gets voted down, but without this vote then Town Meeting won't happen at all if the virtual option is voted down by Town Meeting Members.

Chairman Quintal said he doesn't think we need more time because by moving this Administrative Note as written tonight it will give the option for both virtual and in-person based on what the Town Meeting Members vote for. He said he would not want to tell anyone that they must meet in-person because we don't know what the covid variants are going to do and he doesn't want to put anyone at risk. He said this is a very complex situation dealing with covid. He then said the Committee of Precinct Chairs was formed to help Town Meeting Members understand articles that were being brought forth to Town Meeting but what he is now seeing is the Committee of Precinct Chairs wanting more and more power. He said he respects that committee very much but the fights between them and the Town Moderator or getting worse and worse so he will support this.

Alan Costello said if you vote for this tonight you are voting for the possibility to have an in-person Town Meeting two weeks later so what is going to change in two weeks, to which Chairman Quintal said the difference is we are allowing the Town Meeting Members to vote and make their own decision.

Alan Costello said they have been trying to get the hybrid version off the ground and not just because of covid but it could also be helpful with weather events as well so they would like to have that option available. He then asked if the COPC could spend some time with Town Counsel because the legislation doesn't say we cannot have a hybrid version, it just simply isn't mentioned, to which Lee Hartmann said he would defer that to the Select Board because Town Counsel already told us that a hybrid version is clearly not an option.

Al DiNardo came on and said normally when a Town Meeting is called the Warrant would come before the Select Board and there wouldn't be any problems but because of this emergency order, which is what this is, it puts the Moderator in charge. He said the current legislation does not mention a hybrid option and said they really need to dovetail that in somehow. He said they really should have three options rather than only two options. He then said he spoke to someone working on the legislation and recommended that they include a hybrid option moving forward. He said they may be working on this now but as our Charter states, Town Meeting Members rule how Town Meeting will operate and hopefully we will get that change in the legislation that will give Town Meeting the option to offer a hybrid option. He said there are many people, lie himself, that are uncomfortable meeting in-person and others that would rather meet in-person, so we really need that to change. He said this would promote younger and older folks to get involved with local government.

Wrestling Brewster wanted to thank the Board for allowing them this time to have this discussion. He said it is an important topic and the COPC appreciates the Select Board letting them be heard as they are a representative of Town Meeting.

Chairman Quintal thanked everyone for their comments and said he would put this back on the agenda next week for further discussion and a vote.

7:19PM - COMMITTEE LIAISON / DESIGNEE UPDATES

None

7:20PM - OLD BUSINESS / LETTERS / NEW BUSINESS

Selectman Flaherty said once we have our full Board here, we should also discuss the Select Board Meetings going back to in-person possibly with a hybrid option for people that still do not feel safe, to which Lee Hartmann said we should also wait to see what happens at the next Board of Health meeting.

Selectman Helm said if the Board of Health does vote to rescind their mandatory virtual meetings for Town Boards and Committees would the Select Board be able to meet in-person or would we have to take a formal vote, to which Lee Hartmann said yes, the Chairman could make that call. He said one important thing that we need to keep in mind is there may have been Public Hearing advertised so we would have to be mindful of that.

Chris Badot, Administrative Assistant to the Select Board, came on and said he would be more concerned about the meeting rooms being ready to air live broadcasting. He then said he will reach out to PACtv and talk to them about getting the rooms fit for in-person use.

Chairman Quintal said that would be great but in the meantime the Board needs to have a serious discussion on whether or not it feels like we are all ready to return to in-person meetings or not. He then said the Acting Town Manager can report back to us next week and see where we stand with the broadcasting equipment and then go from there. He also said we need to discuss which nights we are meeting on, so we don't meet on the same night as the Planning Board. He said he would be willing to switch to Wednesday night's if the rest of the Board were to be willing to do that, to which Selectman Helm said he would have an issue with that because Finance and Advisory Committee meet on Wednesday nights. He also said during Town Meeting season Town Meeting Members and residents depend on both the Advisory and Finance Committee and the Select Board.

Chairman Quintal said we can finalize all of those details once the New Town Manager starts working with the Town, but until then we can throw some ideas around to discuss.

7:28PM - ADJOURNMENT

On a motion by Charlie Bletzer and seconded by Harry Helm, the Board voted to adjourn the Open Session at 7:28pm and reconvene in Executive Session.

Voted 4/0 By Roll Call: Quintal-Yes, Flaherty-Yes, Helm-Yes, Bletzer-Yes, Cavacco-Absent

7:30PM – EXECUTIVE SESSION

The Select Board 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, negotiation, and the chair so declares. Following Executive Session, the Board will reconvene in open session.

- ❖ Collective Bargaining (All Groups)

Recorded by: Christopher Badot

Administrative Assistant, Board of Selectmen