

PLYMOUTH SELECT BOARD

TUESDAY, AUGUST 30, 2022

1820 COURT ROOM, TOWN HALL, 26 COURT STREET, PLYMOUTH, MA – 5:00 PM
HYBRID PARTICIPATION IN-PERSON OR VIA ZOOM WEBINAR

5:00 PM - CALL TO ORDER

Betty Cavacco, Chairman of the Board, called the meeting to order at 5:00 p.m.

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 on 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: Betty Cavacco, Chairman
Richard Quintal, Vice Chairman
John Mahoney Jr.
Harry Helm
Charlie Bletzer

Derek Brindisi, Town Manager
Brad Brothers, Assistant Town Manager

5:00 PM – 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 an open session.

❖ Town Manager’s Contract Negotiations

6:00 PM – BACK TO OPEN SESSION

Chairman Cavacco called the meeting back to order at 6:00 p.m.

6:00 PM - PUBLIC HEARING – AQUACULTURE LICENSE REQUEST – WILLIAM MARANI

Chairman Cavacco stated that the Harbormaster wrote a memo recommending to the Board the assignment of William Marani, from the aquaculture waiting list to the one vacant aquaculture site with the aquaculture development zone.

On a motion by Mr. Helm and seconded by Mr. Mahoney, the Board voted to approve the Aquaculture License Request to William Marani.

Voted 5/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes; Mr. Quintal, Yes.

LICENSES AND ADMINISTRATIVE NOTES

Licenses

On a motion by Mr. Helm and seconded by Mr. Bletzer, the Board voted to approve the Licenses and Administrative Notes.

Voted 5/0. Mr. Helm, Yes; Mr. Mahoney, Yes, Abstain from Administrative Note #1; Mr. Bletzer, Yes; Ms. Cavacco, Yes; Mr. Quintal, Yes.

Spectacle Management, 57 Bedford Street, Peter Lally is requesting a One Day Malt and Wine License for concerts at Memorial Hall: October 7, 2022, November 13, 2022, and December 2, 2022, from 6:00 p.m. to 11:00 p.m.

Mar Promotions, 10 Pimental Way., Michelle Polvere is requesting a Day Wine and Malt License for a mixed martial arts event at Memorial Hall: on October 29, 2022 from 6:00 p.m. to 12:00 a.m.

KKatie's Express Manomet Inc., 761 State Road, Keith Steiding, is requesting a Common Victualler License (New).

Amplified Music Permit

Alzheimer's Association, 309 Waverly Oaks Rd, Waltham, is requesting an Amplified Music Permit: September 24, 2022, from 8:30 a.m. to 12:00 p.m.

Vehicle for Hire

Skoolie Inc. 19 Debbie Ct., Matthew Collard and Ellen Collard is requesting the following new licenses/permits:

- Applying for one (1) Vehicle for Business Permit (Livery)
- Applying for one (1) Livery Vehicle (Converted School Bus), Subject to Inspection
- Applying for one (1) Vehicle for Hire Operator License, Matthew Collard, 19 Debbie Ct.

Pole Petitions

Eversource Energy, Work Order 7756416, One (1) petition covering the installation of one (1) new pole #167/2.5 on Old County Road, Plymouth MA.

Keno

Red Tea Garden, 204 South Meadow Road

ADMINISTRATIVE NOTES

1. The Board will vote to approve the Open Meeting Minutes from the May 3, 2022, Select Board Meeting.

2. The Board will vote to approve and execute the Plymouth Public Library and Collective Bargaining Relief Association contract, effective from July 1, 2021, to June 30, 2024.
3. The Board will vote to appoint the following people to the following Boards and Committees as follows:
 - o Karen Peterson – Senior Task Force
 - o Cheryl Botieri – Senior Task Force

Chris Moore – Capital Improvements Committee

SUICIDE PREVENTION MONTH AND DAY PROCLAMATION

Mr. Cavacco read the Suicide Prevention Month and Day Proclamation:

Proclamation from the Town of Plymouth, whereas the Plymouth Select Board takes pride in recognizing National Suicide Prevention Day and month, whereas suicide is the 10th leading cause of death in United States, and the second leading cause of death among individuals between 15 and 24 years of age. And whereas in the United States, one person completes suicide every 14 minutes. And whereas it is estimated that 5 million people in the US are survivors of suicide loss, and whereas, an increase in overall suicide rate and our country was seen in 2019, representing a change in the recent pattern of stability, or slight declines, and whereas suicide is a community problem, and thus must be community response through various initiatives to reduce suicidal behaviors, whereas the Plymouth Suicide Prevention Coalition, which is dedicated to reducing the frequency of suicide attempts and deaths through education, awareness and action, urge that we as a community (1) recognize suicide as a national, state, and town of Plymouth public health problem, (2) declare suicide prevention to be a Plymouth County priority to acknowledge that no single Suicide Prevention Program or effort will be appropriate for all populations or communities. (3) encourage local initiatives based on the goals contained in the national strategy for suicide prevention that will develop and implement strategies to reduce the stigma associated with being a consumer of mental health, substance abuse, and suicide prevention services. B develop and implement community-based suicide prevention programs, and suicide Bereavement Support Services, implement training for the recognition of at-risk behavior and for delivery of the effective treatment. Increase access to and community link linkages with mental health and abuse in the entertain substance abuse in the entertainment and news media. Now, therefore, a great many suicides are preventable, therefore it be resolved that we the Plymouth Select Board do hereby designate September 10, 2022, which overlaps World Suicide Prevention Day on September 12, 2022, as National Suicide Prevention Month in the Town of Plymouth, Massachusetts.

On a motion by Mr. Helm and seconded by Mr. Mahoney, the Board voted to recognize September 10, 2022, as National Suicide Prevention Month.

Voted 5/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes; Mr. Quintal, Yes.

PUBLIC COMMENTS

Mr. Richard Serkey, Precinct 12 asked the Board when the Board will review the article regarding changing the month when municipal elections occur. Mr. Brindisi stated that the Board will review the article at their September 8, 2022, meeting.

Ms. Patricia McCarthy, Precinct 18, Vice Chair, described her support of an in-person Town Meeting. Ms. McCarthy stated that she believes that the COVID-19 disease is endemic, and communities will have to live with the disease in perpetuity. Ms. McCarthy stated that she believes that Town Meeting works best when all members are in-person.

Mr. Joe Hutchinson, Precinct 17, stated that he believes the Town is on track to hold a hybrid Town Meeting in the future, because of pending special legislation at the State level. Mr. Hutchinson noted that he believes that there is no evidence that remote, hybrid, or in-person Town Meetings are more or less advantageous than the other. Mr. Hutchinson stated that his precinct meets every month on a hybrid basis.

Ms. Leonard Vaz, Precinct 1, stated that he is 90 years old, and has been a Town Meeting member for 16 years. Mr. Vaz remarked that he believes the Town should hold an in-person Town Meeting and that Mr. Moderator should end his pursuit of multiple rooms or a fully remote option.

Mr. David Golden, Cultural Council, Manomet Village Steering Committee, and Board of Health. Mr. Golden stated that he does not represent the groups tonight, he stated that he is a Town Meeting member and Precinct 7 Chair. Mr. Golden stated that during Spring Town Meeting, he believed the votes of Town Meeting members were not being counted and that the Moderator and Assistant Moderator were not helpful in the situation. Mr. Golden stated that the past 6 virtual Town Meetings felt rushed, he believed the meetings were not legislative. Mr. Golden stated that the virtual meetings limited the ability to fully debate issues. Mr. Golden stated that the Moderator had unfettered control to dictate who spoke during virtual Town Meetings. Mr. Golden stated that at a recent Board of Health meeting, the Moderator remarked that if a hybrid Town Meeting would not occur, the Moderator would continue the meeting indefinitely. Mr. Golden stated that the number of COVID-19 cases and deaths is significantly lower than in previous months in the Town. Mr. Golden stated that he believed the Moderator is not following data.

TOWN MEETING LOCATION DISCUSSION – TOWN MODERATOR STEVE TRIFFLETTI

Mr. Steve Triffletti stated that he has been in contact with the State delegation, and the special legislation regarding hybrid Town Meetings is anticipated to be passed. Mr. Triffletti stated that the Assistant Town Moderator surveyed Town meeting members, which asked one question if the members preferred a virtual Town Meeting or an in-person Town Meeting if the hybrid option is not available. Mr. Moderator stated that the results were split 50%-50%. Mr. Triffletti cited Massachusetts General Laws, Chapter 39, Section 10;

“whenever the moderator determines that voters in attendance are being deprived of the opportunity to participate, they're in for any reason whatsoever. Then the moderator shall, on his motion, recess the meeting and adjourn the same to another date. but not later than 14 days until we can accommodate the voters attending and enable them to participate.”

Mr. Triffletti remarked that he is aware of Town Meeting members who have said they are at risk and will not participate in person. Mr. Triffletti noted that he has to make a decision that does not deprive anyone of the opportunity to participate for any reason. Mr. Triffletti stated that he requests the Board to agree with a remote Town Meeting for October 15, 2022. Mr. Triffletti stated that if the Board does not agree, then as Moderator, he will continue Town Meeting for 14 days until a hybrid model is approved, or until the Select Board agrees to

proceed with a fully virtual meeting. Mr. Helm remarked that he does not appreciate being threatened with that type of ultimatum. Mr. Helm asked Mr. Triffletti if there has been any consideration to holding the meeting fully in person with designated seating for people who don't feel comfortable being around large crowds. Mr. Triffletti noted that there has been a discussion regarding that. Mr. Triffletti noted that there is still risk regarding the COVID-19 disease. Mr. Triffletti commented that he is not making a threat to the Board, he believes he is informing the Board of his potential actions. Mr. Helm stated that Mr. Triffletti did not answer Mr. Helm's question. Mr. Helm stated that he believes that there has been no valid attempt to hold Town Meeting in-person whilst minimizing risk.

Mr. Bletzer stated that he is aware that some Town Meeting members were not able to utilize the equipment required for virtual meetings, Mr. Bletzer stated that some members believed they were deprived to participate in past Town Meetings. Mr. Triffletti stated that for virtual Town Meetings, there has been equipment training provided by Plymouth North High School tech buddies.

Mr. Mahoney asked Mr. Brindisi to provide an update regarding the special act request to have the Town of Plymouth hold hybrid Town Meetings. Mr. Brindisi stated that the special legislation was filed in June 2022, toward the end of the formal session. Mr. Brindisi stated that the legislation made it to the second reading, but there was not enough time for it to be approved before the end of the formal session. Mr. Brindisi stated that the next session is January 1, 2023, and he believes the earliest the Town could see a hybrid Town Meeting would be October 2023.

Mr. Mahoney stated that he is sympathetic to people who do not feel comfortable attending an in-person Town Meeting. Mr. Mahoney stated that numerous large-scale public events are occurring all the time in the region. Mr. Mahoney stated that there is enough time for the Town to prepare for an in-person meeting with accommodations to be made for people who do not feel comfortable in a large room with others. Mr. Triffletti noted that Mr. Mahoney is siting large-scale events that are non-governmental.

Ms. Cavacco stated that the Town Manager initiated a survey of Town Meeting members, which stated that 63% of members voted for in-person and 38% voted for the remote meeting. Mr. Cavacco noted that there is no issuance of a public health emergency in the Town, so she believes the Moderator does not have the authority to hold Town Meeting remotely. Ms. Cavacco stated that Town Meeting members can decide by a 2/3 majority vote to overrule the Moderator's decision to postpone Town Meeting for 14 days.

Kevin Canty, Advisory & Finance Chairman, noted that he has been able to perform his duties whilst wearing a mask, in-person. Mr. Canty stated that he has family members and his profession requires him to wear a mask in public. Mr. Canty noted that he is the only person wearing a mask currently in the meeting. Mr., Canty stated that his chief priority is to make sure that Town Meeting occurs at the time it is supposed to occur. Mr. Canty noted that the Moderator's potential decision to delay Town Meeting two weeks at a time in perpetuity should be avoided at all costs. Mr. Canty stated that he believes the sentiment of the Board is to approve an in-person meeting format, and he believes the Moderator should be amendable to that fact. Mr. Canty noted that he could have his appointment to A&F removed by the Moderator at any point in time.

Ginny Davis, Precinct 4, stated that she was a high school nurse for 26 years at Plymouth North High School. Ms. Davis noted that COVID-19 will be around forever. Mr. Helm agreed that the Moderator has been willing to create in-person solutions to technical concerns among technically challenged Town Meeting members.

On a motion by Mr. Quintal and seconded by Mr. Helm, the Board voted to hold the 2022 Fall Town Meeting fully in person.

Voted 5/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes; Mr. Quintal, Yes.

SENIOR TASK FORCE UPDATE – AGE & DEMENTIA FRIENDLY NEEDS ASSESSMENT

Ms. Bratti introduced the Senior Task Force. Ms. Bratti noted that 40% of the Town’s population is 55 years old or older. Ms. Bratti noted that Plymouth is a desirable retirement community. Ms. Bratti stated that the Task Force has focused their attention on the Town being designated as an Age and Dementia Friendly Community. Ms. Bratti noted that they worked to become designated focuses on transportation, communication, and housing. Ms. Bratti stated that the designation requires a comprehensive needs assessment because she believes every community is unique. Ms. Bratti stated that the comprehensive needs assessment would occur over 10 months in partnership with Gerontology Institute at UMass Boston. Ms. Bratti stated that an in-depth survey will occur across the entire Town to determine needs and input. Ms. Bratti requested that the Board approve a \$35,000 comprehensive needs assessment for the Town. Ms. Cavacco stated that the request will be reviewed and voted on at the next Select Board meeting.

SPECIAL TOWN MEETING ARTICLES

Article 12 (Amend Center for Active Living Meals on Wheels Revolving Fund)

Mr. Quintal asked if CAL provides Meals on Wheels every day. Ms. Bratti stated that the revolving fund is being amended to include the future CAL Café.

On a motion by Mr. Mahoney and seconded by Mr. Bletzer, the Board voted to recommend Article 12 to the 2022 Fall Town Meeting.

Voted 5/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes; Mr. Quintal, Yes.

Article 16 (Amend Bylaw Ch. 132-1 Plastic Bag Ban - Definitions)

Mr. Quintal stated that the Town already has a plastic bag ban, and he asked why this is being brought up again. Mr. Ken Stone, Sustainable Plymouth stated that when the bag ban was enacted, they believed that large businesses wouldn’t make plastic bags with a more durable thickness to abide by the ban, because it didn’t appear to be cost-effective. Mr. Stone believed the deterrent of more durable plastic bags would encourage to switch to paper bags. Mr. Stone stated that larger big box stores have been using more durable plastic bags instead of switching to paper bags. Mr. Stone stated that Article 16 and Article 17 address those concerns. Mr. Stone stated that \$18 million bags have not been used in the Town. Mr. Stone

noted that the bag ban would include language to only allow carry-out bags with stitching in the handle.

Article 17 (Amend Bylaw Ch. 132-4 Plastic Bag Ban - Enforcement)

Mr. Quintal asked who is enforcing the current ban. Mr. Stone stated that the Board of Health enforces it. Mr. Stone stated that the enforcement amendment would include language that states that each day is an additional offense. Mr. Stone noted that small businesses are still able to use plastic bags.

On a motion by Mr. Helm and seconded by Mr. Mahoney, the Board voted to recommend Articles 16 and 17 to the 2022 Fall Town Meeting.

Voted 4/1. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes; Mr. Quintal, No.

Article 18 (Withdrawn) (Transfer Parcel off Billington Street to Agricultural Commission)

Mr. Hartmann stated that Articles 10 and 11 were both recommended by the Planning Board.

Article 10 (Amend Zoning Bylaw – Lot Regulations)

Mr. Hartmann stated that the purpose of the amendment is to allow multiple industrial unified complex buildings on the same lot, without submitting a special permit request and without going before the Zoning Board of Appeals. Mr. Hartmann noted that this amendment would be consistent with the Town's Master Plan. Mr. Bletzer stated that this will spur business development. Mr. Hartmann noted that this will incentivize developers to not only look at the viability of 40B developments, but also industrial unified complexes.

On a motion by Mr. Helm and seconded by Mr. Mahoney, the Board voted to recommend Article 10 to the 2022 Fall Town Meeting.

Voted 4/1/1. Mr. Helm, Yes; Mr. Mahoney, No; Mr. Bletzer, Yes; Ms. Cavacco, Yes; Mr. Quintal, Abstain.

Article 11 (Amend Zoning Bylaw – Use Table)

Mr. Hartmann noted that special permits require 2 to 5 meetings with representatives from experts. Mr. Hartmann stated that currently, special permit requests are extensive, in his opinion. Mr. Hartmann stated that the average cost to go through a special permit process is \$50,000 - \$75,000. Mr. Hartmann noted that some of the uses of the special permit have no substantive reasoning for certain instances.

On a motion by Mr. Helm and seconded by Mr. Mahoney, the Board voted to recommend Article 11 to the 2022 Fall Town Meeting.

Voted 5/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes; Mr. Quintal, Yes.

Article 13 (Retirement Board COLA)

Ms. Lynne Barrett, Vice Chair of the Retirement Board, recommended that the Town increase the COLA base for retirees. Ms. Barrett stated that the State 2010 began allowing Towns to increase the local COLA base for retirees. Mr. Barrett stated that the average pension for retirees in the Town is \$27,000 a year. Mr. Barrett noted that the funds would come from the retirement fund.

On a motion by Mr. Quintal and seconded by Mr. Mahoney, the Board voted to recommend Article 13 to the 2022 Fall Town Meeting.

Voted 5/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes; Mr. Quintal, Yes.

Article 1 (Withdrawn) (Amend Classification and Compensation Plans)

Article 2A (Supplemental Budgets)

Article 2B (Supplemental Budgets - Enterprise)

On a motion by Mr. Helm and seconded by Mr. Mahoney, the Board voted to recommend Articles 2A and 2B to the 2022 Fall Town Meeting.

Voted 5/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes; Mr. Quintal, Yes.

Article 5 (Pavement Management Stabilization Fund)

On a motion by Mr. Mahoney and seconded by Mr. Helm, the Board voted to recommend Article 5 to the 2022 Fall Town Meeting.

Voted 5/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes; Mr. Quintal, Yes.

Article 14 (Nor'easter Storm Funding)

On a motion by Mr. Mahoney and seconded by Mr. Helm, the Board voted to recommend Articles 14 to the 2022 Fall Town Meeting.

Voted 5/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes; Mr. Quintal, Yes

TOWN MANAGER'S REPORT

Early Voting

Mr. Brindisi stated that early voting is occurring at Town Hall for the State Primary Election during normal Town Hall hours until Friday at noon. Mr. Brindisi stated that the State Primary Election is September 6, 2022, for 18 precincts from 7:00 a.m. to 8:00 p.m.

Concession Stand at Forges Field

Mr. Brindisi stated that the Town responded to a concession stand catching fire the following week. The Town is investigating the cause of the fire.

Lifeguard and Beach Staff Labor Day Weekend

Mr. Brindisi reminded the Board that the lifeguard and beach staff's last day working is Labor Day. Mr. Brindisi stated that Long Beach will be staffed by DMEA staff until September 17, 2022.

Police Department Accreditation

Mr. Brindisi stated that the Town has been notified of the approval of the Town's Police Department Accreditation. Mr. Brindisi stated that it will be announced on October 26, 2022. Mr. Brindisi thanked the Police Chief and staff for going through the process. Mr. Brindisi stated that the Police Chief will be implementing two new School Resource Officers for the eight elementary schools. Mr. Brindisi stated that seven police officers will be graduating from the training program next week. Mr. Brindisi stated that 3 officers are transferring and 2 are retiring.

School Street Graffiti/Tagging

Mr. Brindisi stated that the Planning and Development Department sent letters to property owners on School Street to request the removal of graffiti on their property, with an opportunity for grant assistance.

Site Visit in New Bedford – American Cruise Lines

Mr. Brindisi stated that he and Ms. Cavacco, and other staff, will be visiting an American Cruise Lines ship that is docked in New Bedford Harbor. Mr. Brindisi thanked Mr. Phil Chandler, Harbor Committee Chair for making introductions to contacts at American Cruise Lines.

SELECT BOARD OPEN DISCUSSION

Ms. Cavacco stated that she has been notified that there are issues with Fresh Pond's facilities and maintenance. Mr. Everett Malaguti, Chair of the Natural Resources and Beaches Committee agrees that the Town should focus on bettering the recreational areas for all to enjoy.

Mr. Bletzer questioned the rationale for the Charter Commission to get answers from Counsel for \$13,000 to three questions.

Mr. Quintal describes the complexities and challenges that business owners have to deal with to start their businesses.

ADJOURNMENT

On a motion by Mr. Bletzer and seconded by Mr. Helm, the Board voted to adjourn the Open Session at 8:41 p.m.

Voted 5/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Mr. Quintal, Yes; Ms. Cavacco, Yes.

Recorded by: Anthony Senesi
Assistant to the Select Board/Town Manager