

# PLYMOUTH SELECT BOARD

TUESDAY, OCTOBER 18, 2022

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

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## 5:00PM - CALL TO ORDER

Betty Cavacco, Chairman of the Board, called the meeting to order at 5:00 p.m. and asked Select Board Member, Harry Helm to read the opening statement. She 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](https://pactv.zoom.us/webinar/register/WN_-cge_yk_Q9KtC8f1ydH61g)

Present: Betty Cavacco, Chairman  
John Mahoney Jr.  
Harry Helm  
Charlie Bletzer  
  
Derek Brindisi, Town Manager  
Brad Brothers, Assistant Town Manager

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## 5:00PM – 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.

- ❖ 30 Town Wharf (Lease)
  - ❖ 132 Warren Avenue (Lease)
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## 5:50PM – BACK TO OPEN SESSION

Chairman Cavacco called the meeting back to Open Session.

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## AMENDMENT TO AQUACULTURE REGULATIONS

Chad Hunter, Harbormaster described the amendment to the Aquaculture Regulations, Section 7.3, Public Hearing Notice Section C, which addresses abutter notification. Mr.

Hunter stated that smaller upweller sites which are typically less than 640 square feet and are temporary in nature still require abutter notification. Mr. Hunter stated that the amendments were discussed on October 6, 2022, Harbor Committee recommended to include the following language:

*“nursery sites for floating upwellers of less than 640 square feet, located within a private Marina, docked or moored to Town of Plymouth owned infrastructure, piers, and floats, systems, or DCR state pier are exempt from abutter notification with written permission from the owner operator”*

Mr. Hunter stated that the Harbor Committee wanted to make sure that the owner of the infrastructure had permission to have the upweller at the site.

Chairman Cavacco stated that the Harbor Committee unanimously approved the proposed amendment to the Aquaculture Regulations.

On a motion by Harry Helm and seconded by Charlie Bletzer, the Board voted to approve an amendment to the Aquaculture Regulations, Section 7.3, Public Hearing Notice Section C, as described as follows:

*“nursery sites for floating upwellers of less than 640 square feet, located within a private Marina, docked or moored to Town of Plymouth owned infrastructure, piers, and floats, systems, or DCR state pier are exempt from abutter notification with written permission from the owner operator”*

*Voted 4/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes.*

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## **DONATION OF TABLE FOR MARITIME FACILITY**

Mr. Hunter stated that with the construction of the Maritime Facility in 2019, staff wanted to try and incorporate pieces of Plymouth’s Maritime Facility. Mr. Hunter stated that he had conversations with Captain Whit Perry of the Mayflower II about incorporating an original hatch for the Mayflower II as a table.

Whit Perry, Director of Maritime Preservation and Operations, Plimoth Patuxet Museums and Captain of the Mayflower II stated that the table is made of English White Oak, from six cargo hatches from the Mayflower II.

On a motion by Harry Helm and seconded by Charlie Bletzer, the Board voted to accept the donation of the table.

*Voted 4/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes.*

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## **STATE COMMENDATION– Steve Grattan, Redevelopment Authority**

Stephen Michael Palmer, Chairman of the Redevelopment Authority recognized Steve Grattan for 27 years of service to the Town. Mr. Grattan thanked the Governor, the Board, and the Redevelopment Authority for being recognized. Mr. Mahoney thanked Mr. Grattan for being a pillar of public service in the Town.

Chairman Cavacco read the Public Hearing notice into the record as follows: In accordance with Chapter 130 of the Massachusetts General Laws as amended. Notice is hereby given that a Public Hearing will be held at Plymouth Town Hall, 26 Court Street Plymouth, MA on Tuesday, October 18, 2022 at 6:00 p.m. to consider the issuance of an aquaculture upweller license to Kevin Dory, David Tarantino, Michael Withington, Don Wilkinson, and Sean Withington, for an area situated in Plymouth Harbor described by coordinates, included in the Select Board Agenda Packet.

Mr. Hunter stated that he would recommend that all Aquaculture License Requests for October 18, 2022, be approved.

On a motion by Charlie Bletzer and seconded by Harry Helm, the Board voted to approve and execute the Aquaculture License Requests of Kevin Dory, David Tarantino, Michael Withington, Don Wilkinson, and Sean Withington.

*Voted 4/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes.*

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## **PUBLIC COMMENT**

Michael Withington, Precinct 15, stated that his brother reminded him that it has been 40 years since they first applied for an aquaculture license. Mr. Withington presented the Board with a gift of oysters. Mr. Mahoney and Mr. Bletzer thanked Mr. Withington and his family. Mr. Bletzer noted that the Board is supportive of the Blue Economy in the Town. Chairman Cavacco stated that her family has participated in oyster harvesting, and believes it is an important part of the Town's economy.

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## **IN-HOUSE TOWN COUNSEL DISCUSSION – RESERVITZ AND BERGERON**

David Reservitz, Attorney introduced his legal firm, Reservitz, and Bergeron. He introduced Michael Bergeron, Stacy Kein Verde, Brittany Blye, and Sean Murphy. Mr. Reservitz stated that his legal team are Plymouth County lawyers. Mr. Reservitz stated that smaller Towns generally utilize outside Counsel. Mr. Reservitz noted that the Town is a relatively large community. Mr. Reservitz stated that the hybrid in-house Town Counsel model will include office space in Town Hall.

Mr. Reservitz stated that he is the former President of the Plymouth County Bar Association and that Mr. Bergeron has been active in the Pilgrim Bar Advocates Organization. Chairman Cavacco stated that she is looking forward to having in-house Town Counsel.

Mr. Helm asked what experience Reservitz and Bergeron have in municipal law. Mr. Reservitz stated that in 1998, the firm represented the City of Brockton regarding land use issues, and labor issues, and represented the Brockton Housing Authority. Mr. Reservitz stated that the firm represented the City of Brockton, part-time, and represented the Town of Easton and West Bridgewater. Mr. Reservitz stated that Attorney Bergeron has strengths in writing and research, and Attorney Murphy was a former solicitor for the City of Brockton. Mr. Reservitz stated that Attorney Verde has experience in civil litigation, employment law, and real estate.

The Town Manager, Derek Brindisi conversed with Reservitz and Bergeron, Mr. Serkey, and Ms. McCarthy to develop a policy so that Town Meeting members can access in-house Town

Counsel at Town Hall. Mr. Brindisi described the hybrid model for Reservitz and Bergeron would have office space on the Fourth Floor of Town Hall on Tuesdays and Thursdays of each week. Mr. Reservitz stated that the firm will only bill for the time that the legal team works for the Town. Mr. Reservitz stated that due to the size of the Town, access to Town Counsel may be necessary for a more expedited manner than outside Town Counsel would be able to provide.

Richard Serkey, Precinct 2, stated that Reservitz and Bergeron reached out to him to answer several questions. Mr. Serkey stated that Mr. Brindisi reached out to him to gather his input. Mr. Serkey stated he believes the Board conferred in private to hire Reservitz and Bergeron as Town Counsel. Mr. Serkey says he recommends that Reservitz and Bergeron enact an initial proposed contract. Mr. Serkey asked procedural questions as to how staff and Town Meeting members can access Town Counsel.

Mr. Bletzer stated that the discussion to have Reservitz and Bergeron as Town Counsel was not a private matter. Mr. Bletzer stated that one of Mr. Brindisi's goals was to make the Town more efficient and to have in-house Town Counsel. Mr. Bletzer stated that Reservitz and Bergeron are reputable firms. Mr. Bletzer stated that he believes that Reservitz and Bergeron would save the Town money.

Pat McCarthy, Town Meeting Member, Precinct 18, Vice Chair, stated that she is in favor of the proposal. Ms. McCarthy stated that she is concerned about the County Woodlot. Ms. McCarthy stated that she would like Reservitz and Bergeron to follow the County Commissioners' decision regarding the County Woodlot.

Mr. Reservitz stated that the firm will not be representing any other town or municipality besides the Town of Plymouth. Mr. Reservitz noted that his firm is very familiar with the Town. Mr. Brindisi noted that Reservitz and Bergeron will be beneficial to have directly in the Town to act upon issues that arise quickly.

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## **CABLE ADVISORY COMMITTEE – SURVEY RESULTS**

Paul McGee, Cable Advisory Committee, Chair stated that the presentation given will provide an update on the negotiation with Verizon's renewal license with the Town. Mr. McGee stated that a survey was conducted to ask for feedback from the community to evaluate the cable performance of Verizon. Mr. McGee stated that 20,000 postcards were printed and mailed.

Sean Mullin, a Cable Advisory Committee member gave the Board a report of the survey results. Mr. Mullin stated that the questions in the survey asked for information regarding the Verizon renewal and the services offered by PACTV and EdTV. Mr. Mullin stated that the results were relatively positive. Mr. Mullin stated that respondents had relatively good opinions of the cable service. Mr. Mullin noted that respondents were concerned about the expenses of cable and fewer channel offerings. Mr. Mullin stated that those concerns do not affect Verizon's renewal. Mr. Mullin stated that 68% of respondents are satisfied with Verizon's customer service, slightly better than Comcast's. Mr. Mullin stated that 85% of respondents are satisfied with their cable signal. Mr. Mullin stated that 79% of respondents are planning to cancel their cable subscription and switch to a streaming-only service.

Mr. Mullin stated that he believes that there are no substantial future funding issues with PACTV and EdTV regarding the upcoming Verizon renewal contract. Mr. Mullin stated that funding sources for public access services are based on rates of subscribers to cable.

Mr. Mahoney stated that there are two members of the Cable Advisory Committee currently. Mr. Mahoney asked Mr. Anthony Senesi to advertise for the vacant positions.

Mr. Ewing, K.P. Law, stated the current Verizon license will expire in June 2023. Mr. Ewing stated that there is a Public Hearing on November 14<sup>th</sup>, which is a legal requirement. Mr. Ewing stated that the Town's ability to negotiate will be limited for the upcoming renewal of Verizon. Mr. Ewing stated that Verizon will look at Comcast 2022 renewal with the Town as the basis of their renewal. Mr. Ewing stated that the Cable Advisory Committee will have enough time to negotiate with Verizon before the June 2023 expiration.

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## **AMERICAN CRUISE LINES AGREEMENT**

Chairman Cavacco stated that the American Cruise Lines Agreement agenda item would be tabled at the next Board meeting.

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## **TOWN MANAGER'S REPORT**

### Simes House Update

Mr. Brindisi stated that the Simes House Task Force surveyed the Town to determine future usages, and the Simes House Task Force will use the results to inform their recommendation. Mr. Brindisi stated that a meeting at the Simes House occurred with 15 local non-profits to determine the feasibility for use of an area non-profit. Mr. Brindisi stated that Town staff are working to determine how to conduct a structural analysis and to identify an engineer to conduct a condition assessment. The Assessor's Office completed an updated assessment of the property.

### 2<sup>nd</sup> Annual Children's Business Fair

Mr. Brindisi said that the fair will occur on Thursday, October 20, at South High School.

### Blue Future Conference

Mr. Brindisi stated that the Conference will occur on October 24, 2022, and October 25, 2022, at Hotel 1620.

### Town Hazardous Waste Day

Mr. Brindisi stated that Hazardous Waste Day is October 19, 2022, at DPW Headquarters from 5:00 p.m. to 8:00 p.m.

### Debris Collection Days

Mr. Brindisi stated that Debris Collection Days will occur on October 22, 2022, and October 23, 2022, at DPW Headquarters

### Flooding Concerns

Mr. Brindisi stated that the DPW Staff met with the Manomet Village Steering Committee to learn more about the recent flooding concern with construction in the area. DPW staff have engaged with an engineering firm to determine solutions.

### Town Electric Vehicles

Mr. Brindisi stated the Town received an electric vehicle grant for \$22,000 which will offset the cost of purchasing the vehicles.

### Halloween on Main Street

Mr. Brindisi thanked the Chamber of Commerce for their candy donation to the Town for the Halloween on Main Street event. Mr. Brindisi stated that Town Hall will be participating in the Halloween on Main Street event.

### Early Voting

Mr. Brindisi stated that Early Voting will occur from October 22, 2022, through November 4, 2022, with weekend hours from 10:00 a.m. to 4:00 p.m., and weekday hours are normal business Town Hall hours.

### Hotels and Meals Taxes

Mr. Brindisi stated that Hotels and Meals taxes generate \$330,000 more than in 2021. Mr. Brindisi stated that the funds are higher than before the COVID-19 pandemic.

### Additional Ambulance Services

Mr. Brindisi stated that Chief Foley worked with Brewster Ambulance to have a fifth ambulance available during the day hours.

### National Opioid Settlement

Mr. Brindisi stated that the Town over the course of 17 years will receive, \$2.2 million from the settlement. Mr. Brindisi stated that the funds would be deposited in the General Fund, and would have to be appropriated at Town Meetings for the use of mini-grants to locally qualified applicants.

### Online Volunteer Application

Mr. Anthony Senesi, Assistant to the Select Board/Town Manager described the new online application for Board/Committee volunteers.

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## **LICENSES AND ADMINISTRATIVE NOTES**

On a motion by Charlie Bletzer and seconded by Harry Helm, the Board voted to approve the Licenses and Administrative Notes as a group, excluding Administrative Note 4, 'revocation of the Town Wharf Fueling Policy'.

*Voted 4/0 By Roll Call: Mahoney-Yes, Cavacco-Yes, Helm-Yes, Bletzer-Yes*

### Licenses

1. **Trailsend Bistro**, 1 Greenside Way N., Sahin Gulsen is requesting a One Day Wine and Malt License for October 30, 2022, from 4:00 p.m. to 11:00 p.m. at Redbrook Town Green for a fundraiser.
2. **The Plymouth Foundation**, 32 Court Street, Stephen Cole is requesting a One Day Wine and Malt License for October 24, 2022, from 5:30 p.m. to 7:30 p.m. for a reception at the Plymouth Center for the Arts.
3. **The Jeff Cohen Charitable Foundation**, 55 Tree Top Way, Jeff Cohen is requesting a One Day All Alcohol License for October 22, 2022, from 7:00 p.m. to 12:30 a.m. for an annual Halloween fundraiser at Memorial Hall.

### Change of Manager (Liquor)

4. **White Cliffs Community Association Inc.**, 1 East Cliff Drive is requesting a change of manager from Patricia Whalen to Richard Dobrowski.

5. **Patriot Spirits Inc. d/b/a Liquor 'N More**, 35 Home Depot Drive is requesting a change of manager from Jennifer Tewksbury to Michael John Patterson.

#### ADMINISTRATIVE NOTES

1. The Board will vote to approve the Open Meeting Minutes from the May 17, 2022, May 24, 2022, and June 21, 2022, Select Board Meetings.
2. The Board will vote to appoint the following people to the following Board and Committees as follows:
  - o Yuna Yi, No Place for Hate Committee (Student)
  - o Daniel Holland, Cemetery Committee
3. The Board will vote to approve and execute the Operational Policy for Storms and Emergencies as presented in the agenda packet and will be effective immediately.
4. The Board will vote to approve and execute the 2022 State Election Warrant on Tuesday, November 8, 2022.
5. The Board will vote to open the 2023 Annual Town Meeting warrant on Tuesday, October 25, 2022, at 7:30 a.m. and close on December 21, 2022, at 4:00 p.m.
6. The Board will vote to approve and accept the proposed donation from Plymouth Youth Baseball, which includes improvements to the Forges Field Concession stand area.

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#### **ADJOURNMENT**

On a motion by Harry Helm and seconded by Charlie Bletzer, the Board voted to adjourn the Open Session at 7:25 p.m.

*Voted 4/0 By Roll Call: Mahoney-Yes, Cavacco-Yes, Helm-Yes, Bletzer-Yes*

**Recorded by:** Anthony Senesi

*Assistant to the Select Board/Town Manager*