

PLYMOUTH SELECT BOARD

TUESDAY, OCTOBER 4, 2022

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

5:00PM - 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 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

5:00PM – 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.

- ❖ 253 South Meadow Road Building (Sale)
- ❖ 30 Town Wharf (Lease)

6:00PM – BACK TO OPEN SESSION

Chairman Cavacco called the meeting back to order at 6:00 p.m. and stated that the order of items listed on the agenda will change. Chairman Cavacco requested that Aidan Basinski present his Eagle Scout Project to the Board.

6:00PM - PUBLIC HEARING – PROOF 22 INC. D/B/A PROOF 22

- Extension of Hours – 1:00 a.m.
- Early Sunday Sales – 10:00 a.m.
- Comprehensive Entertainment – Group 1, 2, 3 (Radio, TV, Live Entertainment, Dancing)
- Common Victauller

- Sunday Entertainment (Live Entertainment)
- Amplified Music Permit (Live Entertainment, DJ, Recorded Music)

Chairman Cavacco read the public hearing notice into the record: In accordance with Chapter 138 of the Massachusetts General Laws as amended, notice is hereby given of a public hearing that will be held remotely at Plymouth Town Hall, 26 Court Street, Plymouth, Massachusetts on Tuesday, October 4, 2022, at 6:00 p.m. to consider the application for an All Alcohol License from Proof 22 Inc. doing business as Proof 22, 22 Main Street, Peter J. Lucido, Manager, a description of the premises is as follows, approximately 4600 square feet of the first-floor restaurant space, plus storage in the basement with a bar area and seating area and one entrance and exit.

Steve Triffletti, who is representing the principal partner and applicant of Proof 22 Inc. Mr. Triffletti stated that the proposed restaurant is at the former T-Bones location on 22 Main Street. Mr. Triffletti stated that the restaurant will have a southern BBQ-style food menu. Mr. Triffletti stated that there will be no DJ entertainment and that any musical entertainment would end at 11:00 p.m. Mr. Helm noted that the former T-Bones restaurant had an amplified music permit at the stage of the restaurant and then proceeded to move the live entertainment near the windows, which caused noise complaints. Mr. Helm asked the owners if they are only allowing live entertainment on the stage. Mr. Lucido stated that the live music during the day.

On a motion by Mr. Quintal and seconded by Mr. Bletzer, the Board voted to approve Proof 22 Inc. d/b/a Proof 22 as presented.

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

PUBLIC COMMENTS

Irene Caldwell stated that she is concerned about the perception of whom is utilizing Morton Park, she stated she believes it is problematic. Ms. Caldwell stated that she enjoys Morton Park and those who frequent the park in the summer. Ms. Caldwell remarked how some of the park visitors are people of color. Ms. Caldwell stated that everyone should feel welcome at the park. Ms. Caldwell remarked on the issues surrounding Ukraine and people who do not receive COVID-19 vaccines. Ms. Cavacco asked if anyone else would like to speak during the public comment. Ms. Caldwell interrupted Ms. Cavacco and remarked about how people were not able to park in the Morton Park parking lot. Ms. Cavacco gaveled for order in the meeting.

LICENSES AND ADMINISTRATIVE NOTES

Licenses

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

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

Plymouth Philharmonic Orchestra, 116 Court Street, Kara McEachern is requesting a One Day Wine and Malt License for November 5, 2022, from 9:00 p.m. to 10:30 p.m. at the Center for Active Living for a dessert after the concert party.

Village Sports Club, LLC, 30 Golf Drive, Timothy Hajjar, Manager is requesting a pledge of license, inventory and stock to Rockland Trust Company and SBA.

Ambrosi Restaurants, LLC, 2240 State Rd., Christian Ambrosi, Manager is requesting a Change of D/B/A from Flynn's Irish Pub Cedarville to Mayflower Tavern.

Amplified Music Permit

On a motion by Mr. Mahoney and seconded by Mr. Helm, the Board voted to approve the Amplified Music Permit.

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

America's Hometown Thanksgiving Inc., Laura Tonello is requesting an Amplified Music Permit for November 17, 2022, from 4:00 p.m. to 6:00 p.m. and November 19, 2022, from 9:00 a.m. to 4:00 p.m. for band music at Pilgrim Memorial State Park pavilion.

ADMINISTRATIVE NOTES

Mr. Richard Serkey, a Town Meeting member stated that he had a concern about Administrative Note 8, regarding hiring in-house Town Counsel. Mr. Serkey stated his belief that the administrative note should be an agenda item. Mr. Serkey asked the Board what qualifications Reservitz Bergeron P.C. must represent the Town. Mr. Serkey asked if they had any experience with municipal law. Mr. Serkey asked if they would have to be precluded to work with other clients. Ms. Cavacco stated that the Town has over six Town Counsels, and the role of the Select Board is to hire Counsel. Mr. Serkey stated that there should be public input in determining Town Counsel. Ms. Cavacco stated that she doesn't recall having public comment regarding hiring Counsel.

Mr. Wrestling Brewster, Chair of Precinct 15 asked the Board if Town Meeting members would be able to ask Counsel for a legal opinion. Mr. Cavacco stated that accessing Town Counsel goes through the Town Manager.

Mr. Steve Lydon stated that he believes the Board should hire Town Counsel when they see fit, without having a full discussion with members of the public. Mr. Bletzer stated that he has full confidence in the Town Manager's ability.

Mr. Helm asked Mr. Brindisi to answer Mr. Serkey's questions to the best of his ability. Mr. Brindisi stated that the principals of the firm are David Reservitz and Michael Bergeron. Mr. Brindisi stated that they have 25 years of experience as attorneys. Mr. Brindisi stated that the proposal would be to have Counsel at Town Hall two days a week. Mr. Brindisi stated that the firm agreed to not represent any other municipality but would still practice privately. Mr. Brindisi stated that they will be paid by the hour, \$250 per hour. Mr. Brindisi stated that the Town would not have a contract with Reservitz Bergeron P.C. Mr. Brindisi stated that he is not aware of any municipality hiring an outside firm to do screenings for attorneys.

Mr. Helm asked Mr. Brindisi if the Town would engage with previously hired Town Counsel, and Mr. Brindisi stated that would still occur.

On a motion by Ms. Cavacco and seconded by Mr. Helm, the Board voted to approve Administrative Note 8.

Voted 5/0. Mr. Helm, Yes; Mr. Mahoney, No; Mr. Bletzer, Yes; Ms. Cavacco, Yes; Mr. Quintal, Yes.

On a motion by Ms. Cavacco and seconded by Mr. Helm, the Board voted to approve Administrative Notes 1 through 4 as a group.

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

Mr. Jeff Lindquist, a member of the Chiltonville Congregational Church stated that two other churches and a non-profit sent a letter to the Board and the Town Manager, requesting that the Christian flag be flown from the Town's flagpole. Mr. Lindquist stated that other groups had been allowed previously to fly a flag. Mr. Lindquist stated that he is concerned that a Flag Policy is being considered tonight, in response to a request to fly a flag.

Mr. Brewster stated that the request was made before the policy was enacted and that the Town should allow previous requests to be approved, before enacting the policy.

Mr. Brindisi stated that the City of Boston had a similar request for their local flag pole, which they did not have a policy for. The Christian group that asked for the flag to be raised in the City of Boston filed a complaint against the City. Mr. Brindisi stated that the case was brought to the United States Supreme Court. Mr. Brindisi stated that the Court ordered the City to raise all flags unless a policy was put into place. Mr. Brindisi stated that the City raised the flag for a brief period, and enacted a policy that gives the City rules of engagement on when a flag would be raised.

Mr. Paul Jehle, Paster at New Testament Church noted that the City of Boston didn't have a policy in place, and never refused a request, until a request for a Christian flag to be flown. Mr. Jehle stated that the City of Boston didn't fly flags for more than 2-3 hours at a time. Mr. Jehle stated that he would be in favor of having the Christian flag be raised at Town Hall during Thanksgiving Day or Mayflower Compact Day.

Mr. Mahoney stated that he believes the Board should never play favorites and that a policy should be in place to dictate consistent order across all requests.

Mr. Helm asked Mr. Brindisi to site the request letter addressed to the Board;

Dear Mr. Brindisi and Ms. Cavacco, we see that the town has decided to open up the use of the town hall flagpole to outside groups. It appears that a group's banner can be flown for a period of one month. The churches/organizations listed below would like to arrange to fly a Christian flag. The month of November, we think would be the best time for this. In November, the national celebration of the Thanksgiving holiday has a special significance in Plymouth. We feel that it is the best time to remind people that is the Lord God, they should be thankful to. And it was certainly God who

the pilgrims were thankful to that first Thanksgiving. Please let us know what requirements they may be to fly this flag, and any size limitation etc. And if there are any existing application forms, we will need to complete. We thank you for this opportunity to proudly display the Christian flag as a reminder the faith of the pilgrims in this County's Christian heritage. We look forward to your prompt reply sincerely, Jeff Lindquist.

Mr. Helm noted that the letter asks the Town to grant the request on the basis to remind people that they need to be thankful to the Lord God, and that they not be thankful for anything else.

Ms. Cavacco stated that she doesn't believe Thanksgiving to be a religious holiday. Ms. Cavacco made a motion to amend Administrative Note 8, that the Town adopt and execute the Town Flag Policy, effective immediately, seconded by Mr. Helm.

Mr. Bletzer stated that he believes that the Town should honor the request of the requestors.

Reverend Susan Thornton, Pastor of Chiltonville Congregational Church asked for clarification as to what the process was for the pride flag to be approved and flown in front of Town Hall during the month of June 2022. Mr. Helm stated that the request for the pride flag was to honor pride month, which is recognized in the month of June. Mr. Helm recalls that the petitioner was from Plymouth Pride, a local organization. Mr. Helm stated that the Board voted to approve the pride flag to be flown in the month of June at Town Hall.

Mr. Brindisi noted that he received an email from a person on June 3, 2022, at 12:27 p.m. that stated:

Derek, why is there a rainbow flag outside of Town Hall? This isn't a place to do something like that. As you know, the City of Boston just went through this, fly one, and you have to fly them all. I assume you'll have no problem flying a Christian flag next month.

Mr. Quintal noted that the Town should focus on the larger issues at hand.

Ms. Cavacco amended her motion to allow the Christian Flag to be flown during the week of Thanksgiving, November 21 through 25, 2022, and enact the Town Flag Policy, effective immediately.

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

On a motion by Mr. Quintal and seconded by Mr. Helm, the Board voted to approve Administrative Notes 6 through 7, and 9 through 16 as a group.

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

1. The Board will vote to approve the Open Meeting Minutes from April 26, 2022, May 3, 2022, and May 10, 2022, Select Board Meetings.
2. The Board will vote to appoint the following people to the following Board and Committees as follows:

- Karen Keane, Senior Task Force
 - Melissa Matinzi, Senior Task Force
 - Suzanne Goldberg, No Place for Hate Committee*
3. The Board will vote to approve and execute the Department of Public Works and Collective Bargaining Relief Association contract, effective from July 1, 2021, to June 30, 2024.
 4. The Board will vote to approve the exclusive vending rights for America's Hometown Thanksgiving Celebration from November 18 – November 20, 2022.
 5. The Board will vote to approve and execute the Town Flag Policy as presented in the agenda packet and will be effective as of November 10, 2022.
 6. The Board will vote to accept the reconveyance of land (Junction of Clark Road & Long Pond Road) to be placed under the care and custody of the Conservation Commission.
 7. The Board will vote to approve and execute the amendment to the Traffic Rules and Orders, which would include prohibited parking on sections of Hall Street as presented in the agenda packet.
 8. The Board will vote to appoint Reservitz Bergeron P.C. as in-house Town Counsel.
 9. The Board will vote to approve and execute a license to execute and use real property at 228 Ryder Way as presented in the agenda packet.
 10. The Board will authorize the application for, and acceptance of, grant funds in the amount of \$63,636.36 through the Federal Emergency Management Agency's (FEMA) Assistance to Firefighters Program, to be utilized toward the replacement of the Fire Department's primary Air Compressor/Cascade Fill Station for its Self-Contained Breathing Apparatus (SCBA) units.
 11. The Board will authorize the application for, and acceptance of, grant funds in the amount of \$113,520 through the Mass. Executive Office of Energy & Environmental Affairs' (EEA) Dam, Levee, & Sewall Repair & Removal Program, to be utilized towards the design and permitting of the Jenney Pond Dam Repairs and Jenney Grist Mill Nature-Like Fishway Bypass projects.
 12. The Board will authorize the application for, and—if awarded—acceptance of, grant funds in the amount of \$6,000,000 through the National Oceanic & Atmospheric Administration's Restoring Fish Passage through Barrier Removal Program, to be utilized toward the construction of the Jenney Grist Mill Nature-Like Fishway Bypass and Jenney Pond Dredging projects.
 13. The Board will authorize the application for, and—if awarded—acceptance of, grant funds in the amount of \$22,500 through the Massachusetts Department of Environmental Protection's Electric Vehicle Incentive Program, to be utilized toward the purchase of three (3) battery electric vehicles (BEVs) for the Town's auto fleet.
 14. The Board will authorize the application for, and—if awarded—acceptance of, grant funds in the amount of \$1,000,000 through the Massachusetts Seaport Economic Council's Supportive Coastal Infrastructure Project Program, to be utilized toward the reconstruction of the Town Boat Ramp.
 15. The Board will authorize the application for, and—if awarded—acceptance of, grant funds in the amount of \$18,480 through the Mass. Department of Industrial Accidents' Workplace Safety Training & Education Program, to be utilized toward the provision of specialized driver safety training for employees of the Department of Public Works.
 16. The Board will vote to accept that New England Bar Pizza Co. III Plymouth LLC d/b/a Crisp, Robert Carnes has voluntarily relinquished the Annual Wine and Malt Liquor License for the premises located at 9 Samoset Street. They never opened for business.

COMMITTEE APPOINTMENTS – VISITOR SERVICES BOARD (1 FULL SEAT)

Michael Tubin described his interest in the Board and his involvement in the Town. Mr. Tubin stated that he has been a resident for 20 years, and lives in the waterfront downtown district. Mr. Tubin stated that he has been on the historic district commission for 17 years.

Sue Krabbe, stated that she is new to Plymouth, and moved to the Town a year ago. Ms. Krabbe stated that she has been the director of a real estate and development company. Ms. Krabbe stated that she recognizes how vibrant Plymouth's tourism industry is. Ms. Krabbe stated that she would help improve tourism in the community through better transportation opportunities.

The Board voted to appoint Sue Krabbe to the Visitor Services Board.

Board members that voted to appoint Sue Krabbe; were Mr. Quintal, Mr. Helm, and Ms. Cavacco.

Board members voted to appoint Michael Tubin; Mr. Mahoney and Mr. Bletzer.

AMERICAN RESCUE PLAN ACT – LYNNE BARRETT, DIRECTOR OF FINANCE

Ms. Barrett described the four projects that need to be adjusted for current funding needs.

1. SCADA Upgrades, the Board previously authorized \$797,000, and requested revised authorization of \$497,000.
2. Airport Wastewater Treatment Plant Upgrades, the Board previously authorized \$2.5 million, and requested revised authorization of \$3.2 million.
3. Water Street Interceptor Project, the Board previously authorized \$3.850 million, and requested revised authorization of \$4.7 million.
4. COVID-19 Test Kits, a reduction of \$153,200, due to not needing an additional shipment of test kits.

On a motion by Mr. Mahoney and seconded by Mr. Quintal, the Board voted to approve the American Rescue Plan Act Project authorization adjustment as described.

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

Ms. Barrett described the three new ARPA requests; (1) Jenney Pond Dam, \$350,000; (2) Water Service Connecting for Oak Street Housing \$22,371; (3) purchasing of a hot box for \$55,100.

On a motion by John Mahoney and seconded by Richard Quintal, the Board voted to approve the ARPA requests as described.

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

Mr. Quintal asked about how the Airport Wastewater Treatment Facility will be funded and maintained. Ms. Barrett stated that any user of the Facility would pay funds into the sewer enterprise fund to support the maintenance of the facility. Mr. Beder stated that after the Facility is online, the goal would be to connect the Facility with other nearby users. Mr. Beder stated that there are only 32 users that would be connected to the Facility. Mr. Quintal commented on the small number of users.

Mr. Quintal asked about overhead lighting for Jenney Pond. Mr. Beder stated that there was not enough funding left to install new light fixtures. Mr. Beder stated that he has been working with Mr. Gould and DMEA to find sources of funding for the lighting improvements. Mr. Barrett stated that the Airport Wastewater Treatment Facility would be funded through County issued ARPA monies.

ARPA SEWER PROJECTS UPDATE – FLOOD BARRIER WALL & WATER STREET SEWER INTERCEPTOR – JONATHAN BEDER, DPW DIRECTOR

Mr. Beder described the importance of climate resiliency and protecting infrastructure along the waterfront area of the Town. Mr. Beder stated that both the Flood Barrier Wall and Water Street Sewer Interceptor projects have gone out to bid, bids have been awarded, and the projects will begin in the coming weeks.

Doug Pinard, Sewer Division, Wastewater Manager, described the two infrastructure projects. Mr. Pinard noted that the Flood Barrier Wall would be in line with FEMA's 100-Year Flood Plan. Mr. Pinard noted that the design will limit the impact of the landscaping near the pump station. Mr. Pinard stated that if this pump station becomes inoperable, service for the Town would be impacted. Mr. Beder stated that the scrub pines would have to be removed near the pump station. Mr. Beder stated that the wall height can be added to over time. Mr. Bletzer stated he has seen positive improvements with the flood barrier wall project.

Mr. Pinard described the Water Street Sewer Interceptor project. Mr. Pinard stated that the project will remove the pipes from the beach to underneath Water Street. Mr. Pinard stated that the construction plan will have less of an impact on businesses and traffic patterns. Mr. Pinard noted that the project will occur in the Winter/Spring of 2023. Mr. Pinard stated that the project would be complete by April 2023.

AMERICAN CRUISE LINES

Ms. Cavacco stated that the agenda item has been tabled.

TOWN MANAGER'S REPORT

Planning Board Member Vacancy

Mr. Brindisi reported that Paul McAuffe passed away a week ago. Mr. Brindisi stated that the responsibility of the Select Board is to jointly appoint a replacement with the Planning Board.

Drug Take Back and Sharps Disposal Program

Mr. Brindisi stated that the program will occur on October 29, 2022, from 10:00 a.m. to 2:00 p.m. at Cedarville Fire Station and Plymouth Police Headquarters.

Coffee with a Cop

Mr. Brindisi stated that Coffee with a Cop will occur on October 5, 2022, at Stowells Cafe in Manomet.

Blue Future Conference

The Economic Development Foundation will host a Blue Future Conference on October 24 and 25. Mr. Brindisi stated that the conference will center around fostering opportunities to grow marine sciences and aquaculture businesses in the Town of Plymouth and the region. Mr. Brindisi stated that nearly 70 community representatives will be in attendance.

Fire Station 2 Improvement Project

Mr. Brindisi noted that the exterior of the Fire Station will be removed in certain sections. Mr. Brindisi noted that the Station is still completely operational.

Graffiti/Tagging Update

Mr. Brindisi stated that 8 vehicles were tagged at Town Hall. Mr. Brindisi stated that the Police Department has an individual in custody.

New Assistant Town Clerk

Mr. Brindisi announced that the Town Clerk's Office has a new Assistant Town Clerk, Elveera Gallino.

Halloween on Main Street

Mr. Brindisi thanked Mr. Quintal for donating a large amount of candy to Town Hall for the Halloween on Main Street trick-or-treating event. Mr. Brindisi stated that the Town Hall staff will be handing out candy to families during the day at Town Hall.

SELECT BOARD OPEN DISCUSSION

Mr. Mahoney asked the Chair to consider holding a joint meeting with the School Committee. Ms. Cavacco stated that a joint meeting will be occurring in the coming weeks.

Ms. Cavacco stated that she spoke to a resident, and she requests that the Harbormaster investigate the aluminum gaps in between the dock sections that may be slippery.

ADJOURNMENT

On a motion by Mr. Mahoney and seconded by Mr. Helm, the Board voted to adjourn the Open Session at 8:23 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