

PLYMOUTH SELECT BOARD

TUESDAY, JANUARY 3, 2023

GREAT HALL, TOWN HALL, 26 COURT STREET, PLYMOUTH, MA – 5:30 PM
HYBRID PARTICIPATION IN-PERSON OR VIA ZOOM WEBINAR

5:30 PM - CALL TO ORDER

Betty Cavacco, Chairman of the Board, called the meeting to order at 5:30 p.m. and asked Select Board Member, Betty Cavacco to read the opening statement.

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 Jr., Vice Chairman
John Mahoney Jr.
Harry Helm
Charlie Bletzer

Derek Brindisi, Town Manager
Brad Brothers, Assistant Town Manager

EXECUTIVE SESSION

The Select Board will hold an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21(a), clause 4, to discuss the deployment of security personnel or devices, or strategies with respect thereto; 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.

- 911 Dispatch

6:00 P.M. - BACK TO OPEN SESSION – PUBLIC COMMENTS

Meg Sheehan, Community Land & Water Coalition, spoke regarding the Claremont development at Colony Place for 348 units. Ms. Sheehan believes that the project with Claremont went against Open Meeting Law. Ms. Sheehan believes that the DPW and ZBA negotiated a deal for Claremont to pay up to \$2.52 million to fix a booster pump in the West Plymouth service area, for an agreement towards Town permits. Ms. Sheehan expressed the belief that Open Meeting Law complaints were not sent to the Select Board and the ZBA.

Joe Falconeiri, Northeast Wilderness Trust, stated that he is in the process of holding a 450-acre easement on Great South Pond. Mr. Falconeiri had questions regarding Administrative

Note 6 that would like to be addressed. Mr. Brindisi stated that he will work with the resident.

COMMUNITY PRESERVATION COMMITTEE WARRANT ARTICLE REQUEST

Bill Keohan, Community Preservation Committee Chair, read a letter from the Committee into the record:

The Community Preservation Committee would like to thank you for your invitation to attend your meeting on January 3rd. The Community Preservation Committee met Thursday, December 29 to discuss the status of CPA articles for spring town meeting. The CPC voted not to request a special relief from the new deadline policy for the annual town meeting and will move the appropriate articles, if possible, to the special annual town meeting and the fall town meeting. The town warrant opening and closing process has always had a deadline and it has been the past practice of the town to offer placeholders on the warrant. Since the Town Manager has announced this deadline would be enforced and no placeholders would be offered, the CPC is fully supportive of this initiative. The CPC commends the Town Manager on this new policy and we support it. We believe that having all the information on time will give the residents, Town manager, staff ample time to review the final language on the warrant. The CPC believes this policy will greatly enhance transparency of important public documents, which elected and appointed boards and committees in the town meeting will have to review and vote on. The CPC is scheduled to meet Thursday, January 12th to meet with the Town Manager and staff to discuss better ways of communicating as well as implementation of the Community Preservation Act. We invite and welcome you and your input. Feel free to attend or forward your concerns.

Mr. Keohan stated that there is a potential warrant article that will be brought forth to the 2023 Fall Town Meeting, instead of April 2023, due to the warrant article submission deadline requirements.

Mr. Bletzer asked Mr. Keohan, that will the potential warrant article in question be jeopardized due to the delay in making it to Town Meeting. Mr. Keohan stated that CPC has the administrative fund until July 1, 2023. Mr. Keohan stated that the CPC application process will be moved up in advance of the warrant submission deadline. Mr. Keohan stated that the CPC has taken advantage of the placeholder warrant article process, and now with the submission deadline of all backup materials in place, he believes this will provide an additional review in advance of Town meetings.

Mr. Helm asked Mr. Keohan why CPC was not able to meet the warrant deadline. Mr. Keohan believes that the Town Manager announced the policy and that he was under the impression that the deadline was a day after the actual deadline date.

On a motion by John Mahoney and seconded by Charlie Bletzer, the Board considered a motion to support three CPC articles for Annual Town Meeting; (1) \$1 million for the Stephens Field Project, (2) \$1.1 million Jenney Pond Dredging Project, (3) Annual Routine Maintenance Funds effective July 1, 2023

Mr. Bletzer was asked for Mr. Mahoney's rationale. Mr. Mahoney stated that he completely disagrees with the notion that CPC can operate without money after July 1, 2023, until Fall

Town Meeting. Mr. Mahoney stated that CPC meetings require signing off on dozens of invoices throughout that timeframe. Mr. Mahoney noted that the Town has the most Chapter 61 land, and if a property becomes available, he believes that the CPC cannot expend funds for an appraisal. Mr. Cavacco asked Ms. Barrett, Finance Director to describe the consequences of not having CPC articles at the Annual Town Meeting. Ms. Barrett stated that she is only concerned about the Committee not having the authority to spend any money out of their annual budget from July 1, 2023, until the Fall Town Meeting.

Mr. Bletzer believes that approving the articles will undermine the warrant article submission policy. Ms. Cavacco believes that the Board can waive the policy for this instance. Mr. Brindisi stated that the CPC would have to vote on the articles before the Board can recommend them for Town Meeting. Mr. Russell Shirley, CPC Member, stated that he was not aware of the policy until two days before the final CPC meeting. Mr. Brindisi stated that he sent the policy to the CPC on November 20, 2023. Mr. Keohan stated that the CPC did receive the policy on November 20, 2023.

Mr. Mahoney withdraws his original motion, in anticipation of the next Select Board meeting.

Mr. Quintal asked David Gould, Director of Marine and Environmental Affairs that if the CPC Article for Jenney Pond is not added to Town Meeting, would this affect the timeline of the project. Mr. Gould stated that the project could go out to bid, but the Town couldn't award a contract without the full amount of financing in hand. Ms. Barrett interjected to state that Town Meeting voted for the CPC share to authorize borrowing the full amount, based on the grant award from the Federal government.

Mr. Bletzer withdraws his second from the original motion made by Mr. Mahoney.

Mr. Mahoney believes there needs to be a communication reset with the Board and the CPC, to streamline the application process and give Town staff the ability to attend and be involved in projects sooner.

FISCAL YEAR 2024 SELECT BOARD BUDGET

Mr. Brindisi gave a presentation regarding the FY24 Select Board Proposed Budget. Mr. Brindisi stated that the Budget is essentially the same as presented in December 2022. Mr. Brindisi stated that there are slight changes, with an increase in revenue of \$9,353,870. Mr. Brindisi stated that the Town and School budgets have remained the same. Mr. Brindisi stated that the total overall budget increased by 3.5%.

Mr. Helm asked Mr. Brindisi if it was the case the Town's budget reflected a decrease whilst the School budget remained the same, and did not decrease. Mr. Brindisi stated that the Town requested a 50/50 split for both the Town and Schools to assume a \$800,000 deficit. Mr. Brindisi stated that School Committee has continued to maintain their original budgeted amount.

Mr. Mahoney stated that he went to the Capital Improvements Committee meeting, and the Town Manager created a different process. Mr. Mahoney stated that CIC was presented only

items that were able to be afforded within the budgeted amount. Mr. Mahoney stated that in previous years, all requests were presented to CIC.

Mr. Brindisi stated that if the Schools continue to insert \$800,000 into the operating budget. The Town's utilization of excess levy capacity would increase to \$2.8 million. Mr. Helm believed that the Town's budget was fiscally responsible compared to the School budget. Ms. Cavacco agreed.

Steve Lydon, Visitor Services Board Chair, believes that when the Schools are asked to cut their budget, they do not cooperate. Mr. Lydon noted that enrollment is down in the Schools.

Virginia Davis, Precinct 4, stated that during the League of Women Voters Taxation Forum, the Schools described the increase in costs due to transportation, special education, and language programs.

On a motion by Harry Helm and seconded by Richard Quintal, the Board voted to approve the Proposed Select Board FY24 Town Budget, as presented.

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

AGREEMENT WITH CLAREMONT PLYMOUTH LLC

Mr. Brindisi described the background information of the proposed project. Mr. Brindisi stated that DPW issued an analysis from Environmental Partners to determine the status of the northern and eastern pressure zone in the Town. Mr. Brindisi stated that the analysis determined there is a firm capacity of \$1 million gallons of water per day. Mr. Brindisi stated that the Town is not in a firm capacity deficit currently, however, expressed concerns that if there is an extended drought, there may be a deficit.

Mr. Brindisi noted that the Claremont Development represents an estimated 30,000 gallons compared to the 1 million gallons per day firm capacity definite. Mr. Brindisi believes this is an immediate problem, and stated that the Fire Chief and DPW Director have concerns that this may be a public safety issue. Mr. Brindisi stated that Environmental Partners recommends that the Town build a booster station, not because the Town has a lack of water, but a problem with moving water from one zone to another.

Mr. Brindisi stated that the Planning Director told Claremont that the project cannot move forward through the ZBA unless there is a solution to the firm capacity issue. Claremont negotiated with the Town to bring the project forward, but with this agreement, the Select Board must waive all building permit fees and connection fees for the proposed water booster station. Mr. Brindisi stated that Claremont estimates the design and construction would cost the company approximately \$3 million. Mr. Brindisi stated that if the Board decides not to waive the fees, he would request at Town Meeting, \$4.5 million to build a booster station.

Mr. Brindisi noted that Meg Sheehan filed an appeal to the ZBA's special permit issuance, which could be held in land court for upwards of two to three years. Mr. Brindisi stated that if the appeal moves forward he would go before the Board and eventually Town Meeting asking residents, to fund a booster station.

Mr. Helm asked if this project would be a 40b project. Mr. Brindisi stated that in the conversations he had with Claremont, he stated that they are not considering bringing this forth as a 40b. Mr. Brindisi stated that if the agreement did not occur, Claremont may potentially list the project as a 40b.

Mr. Bletzer asked Mr. Michael Bergeron, Town Counsel if the plaintiffs are Plymouth residents. Mr. Bergeron agreed and stated that Ms. Meg Sheehan is the legal representative of the Plaintiffs. Mr. Bergeron described the appeal. Mr. Bletzer believes that if the agreement does not occur, the taxpayers of Plymouth would be responsible to pay \$5 million for a booster station.

Francis Mand spoke to the Board and described his belief that Mr. Bletzer assumed that Mr. Mand was involved with Ms. Sheehan. Mr. Mand stated that he was not aware of the water deficit. Mr. Mand expressed the belief that there are other cost-effective conservation efforts to reduce water usage.

Steve Lydon, believes that there is not a water deficit, but a water pressure and firm capacity issue regarding public safety.

Nick S. resident of Sawyer's Reach, believes that this agreement is a temporary fix to an overall larger water conservation problem in the Town.

Ms. Sheehan, Attorney who practiced environmental law in Massachusetts for 40 years, said that she strongly resents the implications of Town Counsel. Ms. Sheehan said that Claremont can not be responsible to pay the \$2.5 million. Mr. Brindisi stated that Ms. Sheehan is correct, however, Claremont has to utilize other water connections. Mr. Brindisi believes that the only possibility Claremont has is building its well. Ms. Sheehan disagrees and recommends reading her complaint. Ms. Sheehan believes the Board should look at the issues holistically.

Katherine Harrelson, Community Land, and Water Coalition member, is located at 158 Center Hill Road. Ms. Harrelson believes that there is not enough public input regarding the project. Ms. Harrelson asks for another water study.

Mr. Mahoney believes that the three recommendations made by the Water Conservation Committee should be considered by the Board, and the progress is brought before the Board in future meetings.

On a motion by Charlie Bletzer and seconded by Richard Quintal the Board considered a motion to approve the waiving of Town fees regarding the Claremont Development Agreement

Mr. Helm stated that he would like to read the appeal of the Claremont Development before he votes.

Mr. Bletzer withdraws his original motion. Mr. Quintal withdraws his second to Mr. Bletzer's motion.

Ms. Cavacco asks that the Claremont Development Agreement be brought before the Board at the next Board meeting.

TOWN DEVELOPMENT

Ms. Cavacco stated that Steven Bolotin and Mr. Helm have held meetings in Town to discuss issues related to development in Plymouth.

Steven Bolotin, Precinct 15, stated that the purpose of those informational meetings was to hear from residents regarding misconceptions about development in the Town. Mr. Bolotin stated that he was clear in the meetings that he was speaking on behalf of himself and not the Planning Board. Mr. Helm stated that the meeting was held at the request of CAL members.

Mr. Quintal recommends that the Planning Board and Select Board have a joint meeting. Ms. Cavacco agrees. Ms. Biritta Kuehn, a Planning Board member, has been expressing interest in having a joint meeting with the Select Board in the past.

TOWN MANAGER'S REPORT

Mr. Brindisi stated that the hotel and motel taxes are up by 16% from the same time last year. Mr. Brindisi stated that the meal tax is up 3% from the same time last year. Mr. Brindisi stated that the marijuana excise is down by 50% from the same time last year. Mr. Brindisi noted that this is generally occurring throughout the State.

Mr. Brindisi stated that the Town received a \$2.5 million federal award for the wastewater treatment plant upgrades.

Mr. Brindisi was given a report by Fire Chief Foley stating that the Fire Department has seen a 22% increase in their call volume.

SELECT BOARD OPEN DISCUSSION – NEW BUSINESS/LETTERS/OLD BUSINESS

Mr. Helm asked Mr. Brindisi to provide an update regarding an ice rink. Mr. Brindisi stated that he will provide an update at the next Board meeting.

LICENSES AND ADMINISTRATIVE NOTES

On a motion by Harry Helm and seconded by John Mahoney, the Board voted to approve the Licenses and Administrative Notes as a group, with the separation of the Second Wind Taproom & Kitchen license, and removal of Administrative Note 2 (tabled until future meeting).

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

Licenses

1. MAR Promotions, 10 Pimental Way, Michelle Polvere is requesting a One Day Wine and Malt License from 5:00 p.m. to 11:30 p.m. at Memorial Hall for Cage Titans events on the following dates: January 7, 2023, March 18, 2023, July 22, 2023, September 23, 2023, and November 18, 2023.
2. The Shanty, 16 Town Wharf, Paul Tupa, Owner, is requesting One Pool Table at the establishment.

3. John Alden Sportsman Club, 16 Minuteman Lane is requesting a Change of Manager from David Balutis to William Bradford Holmes.
4. John Alden Sportsman Club, 16 Minuteman Lane is requesting a Change of Officers. List of proposed new officers are included in the Agenda Packet.

ADMINISTRATIVE NOTES

1. The Board will vote to approve the Open Meeting Minutes from the June 28, 2022 Select Board Meeting.
2. The Board will vote to approve the November 15, 2022, executive session meeting minutes.
3. The Select Board will vote to enter into health insurance coverage negotiations with the Town of Plymouth Public Employee Committee following M.G.L. Chapter 32B Section 19 for a period until June 30, 2023.
4. The Board will vote to decline to exercise first refusal to purchase Map 111 Lot: 1C12 Area removed 0.70a., pursuant to the provisions of Chapter 61, Section 8 and Chapter 61A, Section 14.
5. The Board will vote to support the Massachusetts Department of Fish and Game's (DFG) proposed purchase of a particular 28.85 acre property off of Halfway Pond Road, and presented in the Agenda Packet.
6. The Board will vote to support the Massachusetts Department of Fish and Game's (DFG) proposed purchase of a particular 245 +/- acre property west side of Mast Road, as presented in the Agenda Packet.
7. The Board will vote to support the Massachusetts Department of Fish and Game's (DFG) proposed purchase of a particular 360+/- acre property east of Frogfoot Reservoir, as presented in the Agenda Packet.
8. The Board will vote to approve and execute a Temporary License Agreement between the Town (as Licensor) and Peter Godfrey, owner of 34 Oak Bluff Circle (as Licensee), which shall authorize temporary vehicular access over public coastal beach property located off Ellisville Road known as Landing Way, for the purpose of transporting equipment and materials related to the repair of an erosion control revetment on private property at 34 Oak Bluff Circle.
9. The Board will vote to approve and execute a Temporary License Agreement between the Town (as Licensor) and Neil J. Boyle, owner of 50 Nameloc Road (as Licensee), which shall authorize temporary vehicular access over public coastal beach property located off Nameloc Road, for the purpose of transporting equipment and materials related to the repair of an erosion control revetment on private property at 50 Nameloc Road.
10. The Board will vote to approve and execute a "Consent and Agreement of Landlord" for the Town of Plymouth between FRAGAL, INC (New Owners) and LYNRUBA, INC (Note Holder) for the transfer of ownership of Sandy's at Plymouth Beach.
11. The Board will vote to approve and affirm the decision of the Designated Dog Hearing Officer with regard to a Complaint of Dangerous or Nuisance Dogs filed against the owner of a dog harbored at 14 Debbie Court as outlined in the Hearing Minutes and Decision.
12. The Board will vote to accept a gift from the Plymouth Public Library Foundation in the amount of \$15,000 for a Meeting Pod for the Public Library.

On a motion by Harry Helm and seconded by John Mahoney, the Board voted to approve the Second Wind Taproom & Kitchen, 11 Main Street, Kenny Semcken is requesting 30 One Day Wine and Malt Licenses on Friday, Saturday and Sunday, January 6,

2023, to March 12, 2023 for Winter Pop up Beer Garden at 35 Main Street (Formerly Roll Street Tavern).

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

ADJOURNMENT

On a motion by John Mahoney and seconded by Harry Helm, the Board voted to adjourn the Open Session at 8:10 p.m.

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

Recorded by: Anthony Senesi

Assistant to the Select Board/Town Manager