

PLYMOUTH SELECT BOARD

TUESDAY, NOVEMBER 15, 2022

GREAT HALL, TOWN HALL, 26 COURT STREET, PLYMOUTH, MA – 4:00 PM
HYBRID PARTICIPATION IN-PERSON OR VIA ZOOM WEBINAR

4:00PM - CALL TO ORDER

Betty Cavacco, Chairman of the Board, called the meeting to order at 4:00 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

4:00PM – EXECUTIVE SESSION

The Select Board and Zoning Board of Appeals will hold an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21(a), clause 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.

❖ 174 Colony Place, Lot 26-26 and 26-30 on Plat 104

The Select Board will hold an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21(a), clause 3, to discuss strategy with respect to (1) potential litigation to protect the interests of the Town; and (2) the appeal to the Appellate Tax Board by Holtec International of the Town's assessed tax rates, where the Chair has determined that an open meeting may have a detrimental effect on the litigating position of the Town in both instances.

The Select Board will hold an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21(a), clause 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.

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.

PUBLIC COMMENTS

Irene Caldwell stated that she apologizes for how she mischaracterized her concerns regarding Morton Park. Ms. Cavacco stated that she recommends that Ms. Caldwell express her concerns to the Natural Resource Committee. Ms. Caldwell that she is concerned about nearby neighbors of frequented ponds controlling who has access to recreational areas, and how many parking spaces there are. Ms. Caldwell stated that she believes that there should be a Town-wide forum regarding the accessibility of recreational opportunities.

Kathy Khederian, 16 Allerton Street stated that her family used the park for several years, she stated that she lives across from Allerton Park. Ms. Khederian estimated that 25-30 dogs a day utilize Allerton Park. Ms. Khederian stated that the park is not healthy for children due to the number of dogs that are in the park. Ms. Khederian noted that she met with Mr. Brindisi on October 5, 2022.

Mr. Helm clarified that Allerton Park is not Allerton Dog Park. Mr. Helm stated that there was an agreement with the dog owner group to keep dogs leashed and take care of cleaning up after their dog. Mr. Helm stated that the agreement is not taking place. Mr. Helm stated that the Dog Park Committee has been examining dog parks across the area to review the process of creating a community dog park.

LICENSES AND ADMINISTRATIVE NOTES

Licenses

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

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

Mayflower Brewing Company, 12 Resnick Road, Jeff Nardone, requesting a Day Wine and Malt License for December 4, 2022, from 11:00 a.m. to 6:00 p.m. at the Town Green in the Pinehills.

Second Wind Brewing Company, 7 Howland Street, Kenny Semcken requesting a One Day Wine and Malt License for December 11, 2022 (Rain Date of December 18, 2022) from 11:30 a.m. to 8:30 p.m. for a Winter Market in the parking lot of the Second Wind Brewery.

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.

South Shore Race Management, 124 Long Pond Road is requesting an Amplified Music Permit for the following dates and times for a DJ at a road race: March 26, 2023, from 8:30 a.m. to 11:00 a.m., September 9, 2023, from 8:00 a.m. to 1:00 p.m., October 1, 2023, from 8:30 a.m. to 11:30 a.m.

Vehicle for Hire Operator (New)

On a motion by Mr. Mahoney and seconded by Mr. Helm, the Board voted to approve the Vehicle for Hire Operator request.

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

Special Occasion Limousine, (61 Camelot Drive, Diane Dockery, Owner). New operator, Jonathan Raymond, 34 Vernon Street.

Comprehensive Entertainment (Amendment)

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

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

3a Café Bar & Grill, 295 Court Street, Judson Cunha, Manager. Amendment to add, Group 3 – Live Entertainment.

Change of Manager (Liquor)

On a motion by Mr. Mahoney and seconded by Mr. Helm, the Board voted to approve the Change of Manager request.

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

Plymouth Lodge 2485 Loyal Order of Moose, 601 State Road is requesting a change of manager from Francis J Kuhn Jr. to Raymond E Tompkins.

Plymouth Yacht Club Co., 34 Union Street, is requesting a change of manager from Leonard Blaney to Lucas J Packard.

Keno

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

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

Plymouth G Pub, 101 Carver Road, is requesting a Keno License for the establishment.

ADMINISTRATIVE NOTES

On a motion by Mr. Bletzer and seconded by Mr. Helm, the Board voted to approve the Administrative Notes 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 the June 7, 2022, and June 13, 2022, Select Board Meetings.
2. The Board will vote to approve and execute the revised Special One Day Liquor License Policy, effective immediately.
3. The Board will vote to approve the revised Vacancies on Boards, Commissions, and Committees Policy, effective immediately.
4. The Board will vote to accept permanent easement for access and utility purposes on, over, across, under and through portions of the properties located off Herring Pond Road, shown on Assessor's Map 56, Lot 52-44, and Map 56, Lot 52-2.
5. The Board will approve and execute a temporary License Agreement between the Town (as Licensor) and Priscilla Beach Realty Trust, owner of 50 Priscilla Beach Road (as Licensee), which shall authorize temporary vehicular access over public coastal beach properties located off Taylor Avenue identified as "White Horse Beach" on Plymouth Assessor's Map 45A and Lot 30B on Plymouth Assessor's Map 44, for the purpose of transporting equipment and materials related to the construction of an erosion control revetment on private property at 50 Priscilla Beach Road.

DEPARTMENT OF MARINE AND ENVIRONMENTAL AFFAIRS – 10 YEAR REPORT/PRESENTATION

David Gould, Director of Marine and Environmental Affairs (DMEA) gave a presentation regarding the 10 Year Report. Mr. Gould stated that DMEA was formed in 2012, 10 years ago, as a recommendation from a consolidation subcommittee, and the Select Board. Mr. Gould stated that the report has sections; (1) restoring nature, which includes dam removals, and stormwater projects; (2) environmental monitoring, lakes and ponds testing and sampling, harbor TMDLs; (3) protecting open space, in conjunction with the Community Preservation Committee, trail projects; (4) harbor development, including Town wharf, dredging projects; (5) climate resiliency, sea walls, and beach nourishment programs.

Mr. Gould stated that DMEA numerous grant awards are needed to operate DMEA. Mr. Gould stated that DMEA is less than half of 1% of the Town's overall budget. Mr. Gould stated that in the past 10 years, DMEA has brought in \$67 million in grant funds, roughly \$6.7 million a year.

Mr. Mahoney commended DMEA for the Department's efforts to collaborate effectively. Mr. Mahoney stated that DMEA has proven credibility at Town Meeting to save taxpayers funds on critical projects and programs through grants and private donations.

PARTING WAYS CEMETERY UPDATE – JONATHAN BEDER, DEPARTMENT OF PUBLIC WORKS

Mr. Beder introduced Ken King, Cemetery and Crematory Superintendent, and Frank Drollett, Cemetery Commission Chairman. Mr. Beder stated that burial space is currently limited. Mr. Beder stated that the Town has three years of burials left, roughly 300 plots. Mr. Beder stated that the Town has seven active cemeteries.

Mr. Beder noted that a potential cemetery could occur at Plympton Road, at Parting Ways Cemetery. Mr. Beder stated that the Town purchased the land in the 1970s and is 37 acres. Mr. Beder stated that deed research was done, and the area is approved for cemetery purposes. Mr. Beder stated that the DPW is submitting a capital request of \$600,000 for the design of the future Parting Ways Cemetery. Mr. Beder stated that there is a potential for 6,500 – 7,000 plots over 10 acres. Mr. Beder stated that the Town would like the design to be easy to maintain, with flat consistent topography.

Mr. Beder noted that higher fees and moratoriums on selling lots have slowed sales by 50%. Mr. Beder stated that there will be rules and regulations changes that the Cemetery Commission would need to address.

Mr. Mahoney asked Mr. Beder if the proposed cemetery will compromise a good municipal water source. Mr. Mahoney also asked Mr. Beder if there is any Indigenous significance to the proposed land. Mr. Beder stated that the Town has not dedicated or developed any cemeteries in about 400 years. Mr. Beder stated that the proposed cemetery would provide 300 years of cemetery space. Mr. Beder noted that the proposed cemetery would not impact the people that were slaves that were buried on the opposite side of Route 80. Mr. Beder stated that the Town conducted an extensive analysis to determine that a well was not feasible on the Parting Ways Cemetery. Mr. Beder noted that the costs of installing a well were not feasible in comparison to the number of gallons (estimated 200,000 – 300,000 gallons per day).

Mr. Beder stated that the strategy to accomplish the Parting Ways Cemetery construction would be to go to the 2023 Spring Town Meeting for the design funds, then the 2024 Spring Town Meeting would be for construction costs.

Mr. Helm asked about the feasibility of multiple columbaria. Mr. King stated that currently, the Town's burial rate is roughly 60%, and he believes by 2030 cremations will be roughly 70%. Mr. King stated that for the FY24 Budget, he is asking the Town to purchase four new columbariums for Vine Hills Cemetery at two different locations. Mr. Cavacco stated that she is concerned regarding the current restrictions to purchase lots in advance. Mr. King stated that he has noticed that people are buying more plots than what is needed. Mr. King stated that the Town cannot purchase lots back from people. Mr. King stated that there is no mechanism for the Town to purchase lots back from people. Mr. King stated that by law, people are not supposed to sell their lots for any more than what they purchase them for. Mr. King stated that in the future cemetery, the goal would be to have double-deep vaults to utilize space more efficiently.

Mr. Quintal stated that it has taken the Town too long to get to this point. Mr. Quintal stated that there has been poor planning from the Town to move the Parting Ways Proposal

forward. Mr. Beder stated that the Town has done the proper research to determine that there isn't a historical significance to the site.

Mr. King noted that many of the cemeteries became the Town's possession. Mr. King stated that half of the burial lot cost goes into the perpetual care of the cemeteries, and the other half goes into the sale lots fund, to be used for planning and design of the cemetery. Mr. King noted that the new cemetery would pay for itself once the plots are sold. Mr. Quintal stated that he believes that the new cemetery should be as economical as possible.

Mr. Brindisi stated that the Town should draft a policy to purchase lots back or develop a policy that the Town can create a list of individuals that wants to sell their plots, and the Town can facilitate the transaction. Mr. Beder stated that enterprise funds are not available for crematories or cemeteries.

Mr. Cavacco asked Mr. King why visitors cannot visit the White Horse Cemetery. Mr. King stated that the cemetery is surrounded by private property. Mr. King stated that in the early 1970s, a subdivision was planned with an easement for cemetery access. Mr. King stated that the access was never followed through, and the subdivision was approved and that closed the right of way to the cemetery. Mr. King said that during that time, a person who was developing land wanted to swap land and give the Town access, to a piece of property that is not accessible for equipment. Mr. King stated that access since he started working for the Town 30 years ago, was off Cedar Road. Mr. King stated that a property owner allowed the Town to access the site to maintain the cemetery. Mr. King stated that the property owner that allowed the Town access rescinded their offer. Mr. King noted that the owner had problems with people going across her property, and was worried about liability, so the access was closed roughly 8 months ago. Mr. Beder noted that there may be another owner that may provide the Town access to maintain the Cemetery. Mr. Beder noted that the Town's legal counsel is working with the owner to allow general-purpose access to residents.

Mr. Quintal made a motion that the Town lifts the moratorium of two lots at the point of death to residents only for the next year. Mr. Helm stated that the Board should include this as an agenda item in a future meeting. Mr. Quintal withdrew his motion.

PROPOSED TOWN CHARTER – DELIVERED TO THE SELECT BOARD

Bill Abbott, Chair of the Charter Commission read the Plymouth Charter Commission statement that was drafted collectively by the Commission and included as an attachment to the meeting minutes.

Mr. Bletzer asked if every registered voter will receive a copy of the Charter. Mr. Abbott stated that the State statute says that the Town provides every resident with a copy of the Charter. Mr. Abbott stated that there is less than \$19,000 in the Charter Commission budget. Mr. Helm requested that the red-lined version (with changes from the existing Charter) be mailed to every household with one registered voter. Mr. Abbott discussed how the Charter would be implemented, and how elected officials' terms and responsibilities will change. Mr. Bletzer noted that Town Meeting representatives and COPC will have too much power in the new form of government. Mr. Abbott noted that there are effective checks and balances. Mr. Bletzer stated that the Select Board was voted by the Town, not just specific precincts.

Ms. Cavacco stated that the proposed Charter makes the Select Board figureheads with no responsibility. Ms. Cavacco noted that she heard Mr. Abbott describe the role of the Select

Board in the new Charter as figureheads. Ms. Cavacco stated that she does not get involved with the day-to-day business of the Town. Ms. Cavacco stated that many people reach out to her regarding their concerns with the Town, and she directs them to the Town Manager, or the previous Town Manager. Ms. Cavacco stated that in the proposed Charter, she believes there are no checks and balances for the COPC and Town Meeting members. Ms. Cavacco stated that the Select Board represents the Town, not just specific precincts. Ms. Cavacco stated that the Moderator will have less responsibility. Ms. Cavacco noted that with three Town Meetings a year, Town staff will perpetually be involved in organizing and preparing for Town Meetings throughout the entire year. Ms. Cavacco stated that she has spoken to employees of the Town, that says, that if the proposed Charter passes, they will terminate employment with the Town.

Mr. Quintal stated that the proposal of adding two more Select Board members would essentially be a Town Council. Mr. Quintal stated that there will be substantial costs to the Town regarding increasing more staff. Mr. Quintal noted that changes to the Charter are what he believes stem from self-interests and political advantages. Ms. Cavacco stated that she believes that the proposed Charter was formed based on personalities, not what is best for the Town.

On a motion by Betty Cavacco and seconded by Richard Quintal, the Board voted to approve the yearly placement of the Holiday Tree in front of Town Hall on Town Green.

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

WARRANT ARTICLE SUBMISSION POLICY – VOTE ANTICIPATED

Mr. Brindisi stated that the Town is currently working on updating all Town policies. Mr. Brindisi stated that the proposed Warrant Article Submission Policy would take effect immediately and creates a procedure for how warrant articles are submitted to the Town. Mr. Brindisi stated that as the former Assistant Town Manager, it was challenging to pull together the warrant when article language and supporting documents were not finalized. Mr. Brindisi stated that the proposed policy aims to correct how the Town collectively submits articles. Mr. Brindisi stated that he, the Town Clerk, Kelly McElreath, Finance Director, Lynne Barrett, Kevin Canty, Advisory & Finance Chairman, and Assistant Town Manager, Brad Brothers have met to finalize the proposed policy and create a master calendar for the Town. Mr. Brindisi stated that the policy would be distributed to all Boards and Committees if approved.

Mr. Mahoney stated that the policy should be cognizant of time-sensitive issues that may need to be addressed quickly. Mr. Brindisi stated that the Board can reopen a warrant if there is an additional article that needs to be submitted to the Board. Mr. Brindisi noted occurrences in the past where an article is submitted, but an appraisal is not complete.

On a motion by Mr. Bletzer and seconded by Mr. Helm, the Board voted to approve the Warrant Article Submission Policy, effective immediately.

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

TOWN MANAGER'S REPORT

Children's Business Fair

Mr. Brindisi reported that the recent Children's Business Fair was successful and that 265 children participated in the program. Mr. Brindisi stated that \$50,000 - \$80,000 was received during the fair. Mr. Brindisi noted that space may be limited next year.

Blue Future Conference

Mr. Brindisi stated that the Conference was successful with 100 attendees, including DMEA staff that presented at the Conference.

Downtown Business Association

Mr. Brindisi stated that the Association has formed to create opportunities for commerce and engagement within downtown. Mr. Brindisi stated that the Association is holding a Light the Night event, which is a light display at Brewster Gardens.

Hometown Stroll

Mr. Brindisi stated that the Hometown Stroll is occurring the first weekend of December.

America's Hometown Thanksgiving Celebration

Mr. Brindisi stated that the event will occur on Saturday, November 19, 2023, at 10:00 a.m. Mr. Brindisi noted that there will be street closures occurring at 8:00 a.m., and shuttle bus service will occur from 7:00 a.m. to 3:00 p.m. Mr. Brindisi stated that the restroom trailer will be available.

Mass DPH Public Health Excellence Grant

Mr. Brindisi stated that the Town received a Public Health Excellence regional grant to share a Public Health Nurse and Public Health Food Inspector with neighboring communities.

Opening of the CAL Café

Mr. Brindisi stated that the CAL Café will be operational on Wednesday, November 16, 2022, for breakfast and lunch.

Employee Engagement Committee

Mr. Brindisi highlighted a new internal staff committee that was formed to form connections with the community and staff.

SELECT BOARD OPEN DISCUSSION

Mr. Mahoney requested that the Chair add an agenda item regarding the State Pier, including the infrastructure of the Pier and the park itself.

ADJOURNMENT

On a motion by Mr. Bletzer and seconded by Mr. Mahoney, the Board voted to adjourn the Open Session at 8:00 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