

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MARCH 23, 2010

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, March 23, 2010 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: Richard J. Quintal, Jr., Chairman
David F. Malaguti, Vice Chairman
John T. Mahoney, Jr.
William P. Hallisey, Jr.

Mark Stankiewicz, Town Manager

Absent: Selectman Daniel "Butch" Machado, Jr.
Melissa Arrighi, Assistant Town Manager

CALL TO ORDER

Chairman Quintal called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

TOWN MANAGER'S REPORT

Entergy Local Agreements – Town Manager Mark Stankiewicz reported that he met with Mary Ann Wilson and Edward Hartnett of Entergy / Pilgrim Nuclear Power Station to discuss Entergy's agreement with Plymouth and other surrounding communities for emergency response in the event of an incident at the power station. During the meeting, he said, Ms. Wilson acknowledged some inequities amongst the neighboring communities and requested an opportunity to revisit Entergy's agreement with Plymouth and implement an increased payment to the Town. Mr. Stankiewicz noted that staff will work further with Entergy officials to review the projected costs for staff, training, and other incidental expenses related to serving as the nuclear power plant's host community.

Pilgrim Hall Museum – Mr. Stankiewicz informed the Board that he attended a reception at Pilgrim Hall Museum, which was held to welcome the museum's new Executive Director, Ann Berry. During the event, he explained, guests were given a tour of the facility that demonstrated the museum's impressive documentation of the Pilgrim story. On behalf of the Town, Mr. Stankiewicz welcomed Ms. Berry and noted his enthusiasm for working collaboratively with the museum on future programs.

Covanta Energy – Mr. Stankiewicz noted that he met with Covanta Energy Vice President and New England Regional Business Manager Stephen Diaz to discuss the proposed contract

between the Town and Covanta/SEMASS (for solid waste disposal). During the meeting, he said, he spoke with Mr. Diaz about the time-frame for Town Meeting action on the article authorizing the execution of a 20-year extension. Mr. Stankiewicz noted that Mr. Diaz offered to have a SEMASS representative available at Town Meeting to answer any questions regarding the proposed contract.

Emergency Operations Center – Mr. Stankiewicz reported that he and the Town’s Procurement Officer met with Gregory Carell of Carell Group Architects, the firm chosen to design—and assist with the bid documents for—the Town’s new Emergency Operations Center (“EOC”). It is anticipated, he noted, that Mr. Carell will be on-track to design and bid the project for a fall 2010 construction.

Chairman Quintal requested a presentation on the design and progress of the EOC project for an upcoming meeting.

Plymouth County Interim Administrator – Mr. Stankiewicz noted that he met with the new Interim County Administrator, Jerry Chipman, as a means of introduction and an opportunity to discuss the County’s plans with Kingstown Trucking to remove approximately 250,000 cubic yards of gravel from a County parcel off Camelot Drive. Mr. Chipman informed him, he said, that Kingstown Trucking will access the County’s property from its own abutting site within Camelot Park to conduct the gravel removal operation, which is expected to take nearly two years at approximately 35 trailer trips per day. Mr. Stankiewicz reported that the County has applied for a Special Permit through the Zoning Board of Appeals, which will include a per yard fee paid to the Town for wear and tear placed on the Town’s roads leading to the site.

North Plymouth Steering Committee – Mr. Stankiewicz made note that he attended a recent meeting of the North Plymouth Steering Committee (“NPSC”) to familiarize himself with the committee’s members and the issues that are important to that particular area of Town. The committee, he said, raised several issues of concern, including the long-term maintenance of the walking trails leading to the Nelson Street Park; the paving of Standish Avenue; and the removal of snow and ice from the sidewalks leading to Hedge Elementary School. Mr. Stankiewicz thanked the NPSC and expressed his interest in working with them in the future.

Little Sandy Pond Road – Mr. Stankiewicz reported that he received a message from the Bourne Town Administrator’s Office regarding the deteriorating condition of a culvert on Little Sandy Pond Road in Bourne. He noted that he and staff from the Town Manager’s Office conducted a site visit to view the culvert and, on casual observation, the structure is, indeed, in poor shape. While the culvert is in Bourne, Mr. Stankiewicz explained, the road services many Plymouth residents and its closure would cause a major detour and delay. He informed the Board that he has placed a return call to the Bourne Town Administrator and noted that he will report back on any plans to repair or reconstruct the culvert.

LICENSES (continued on next page)

LICENSES

ONE DAY WINE AND MALT LICENSE

- ❖ **Our House Services** (Linda Ducrot, 40 Russell Street) requested four (4) One Day Wine & Malt licenses for wine dinners to be held from 6:00 p.m. to 11:00 p.m. on the following dates: April 16, 17, 23, and 24, 2010. Liquor liability Insurance is in place and trained staff will serve the alcohol.

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board approved four (4) One Day Wine & Malt licenses (as outlined above) for Our House Services / Linda Ducrot. Voted 4-0-0, approved.

ONE DAY ALL ALCOHOL LIQUOR LICENSE

- ❖ **Plymouth Philharmonic Orchestra** (Deborah Cox, 11 North Street) requested a One Day All Alcohol License for a Symphony Soiree to be held from 6:00 p.m. to 7:30 p.m. on March 27, 2010. Liquor liability Insurance is in place and trained staff will serve the alcohol. Plymouth Philharmonic is a not-for-profit agency.

On a motion by Vice Chairman Malaguti, seconded by Selectman Hallisey, the Board approved a One Day All Alcohol License for Plymouth Philharmonic / Deborah Cox. Voted 4-0-0, approved.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board approved the minutes of the February 9, 2010 Selectmen's meeting. Voted 4-0-0, approved.

Re-Endorsement of Easement on Armstrong Way – The Board re-endorsed an easement agreement as provided by Article 19 of the October 25, 2001 Town Meeting. *[Note: This easement agreement was reviewed by Town Counsel and previously endorsed by the Selectmen on December 17, 2002. The parties involved were unable to locate an original document, and, thus, re-endorsement was needed to allow the document to go to record at the Registry of Deeds. The easement defines those portions of Armstrong Way that are on Town property.]*

Amendments to Benefits Document – The Board approved the *Retirement Benefits, Eligibility Standards and Contribution Percentages for Health and Dental Insurance* document, as amended.

Wild Animal Permit – The Board granted a Wild Animal Permit pursuant to Chapter 23, Article IV of the Town of Plymouth Bylaws to Lynne Germain of 16 Worcester Street for her male American Staffordshire Terrier (2 years old).

Correction to Term on Visitor Services Board – The Board made a correction to the expiration date of the Chamber of Commerce’s seat on the Visitor Service Board (currently held by Robert Bradley, Jr.) from June 30, 2011 to a corrected date of June 30, 2012.

PUBLIC COMMENT

Vice Chairman Malaguti spoke under public comment to acknowledge the Distinguished Citizen Award that was given to Chairman Quintal by the Plymouth Elks Club. Chairman Quintal offered his thanks to the Elks Club for the award they bestowed upon him at their recent meeting on March 19th.

Rich Rothstein asked the Board for a response on his request to reduce the speed limit on Clark Road near The Pinehills development from 45 to 40 miles per hour. Mr. Rothstein noted his observation of several accidents that have come close to occurring along this stretch of road due to excessive speeds and increased traffic, which prompted him to contact the Police Department. The issue was passed on to the Town’s Parking & Traffic Task Force in the fall (of 2009), he said, but no response to his request has been issued, to date.

SPECIAL TOWN MEETING ARTICLE 18

To see if the Town will vote to amend its Zoning Bylaw, Section 205-56. Highway Commercial Section E, Special Permits subject to environmental design conditions, and table 5, by adding to Section E new and used automobile sales as a special permit use subject to environmental design conditions as well as Table 5 and other associated definitions, procedures, and schedules, or take any other action relative thereto.

PLANNING AND DEVELOPMENT

Marc Garrett, chairman of the Planning Board, presented Article 18 of the Special Town Meeting, pertaining to the permitting of automobile sales as an allowed use within a Highway Commercial (“HC”) zone. Mr. Garrett explained that the owner of the property in question (off Long Pond Road) approached the Planning Board to see if some agreement could be reached (regarding the divergent interpretations—between the Planning Board and the Zoning Board of Appeals—of allowed uses within the HC zone), which resulted in the drafting of Special Article 18. The Planning Board agreed to discuss the draft zoning amendment outlined within Special Article 18 during a public hearing on March 22, 2010, he reported, at which the Planning Board voted 3-2 in favor of the article.

The proposed amendment, Mr. Garrett informed the Board, clarifies that auto dealerships are not an allowed retail use within the HC zone, except by special permit (subject to use). This amendment, he explained, will afford the special permit process to “licensed new auto dealerships” that also have used cars as part of regular stock. Regardless of the allowance by special permit process, he noted, auto dealerships will not be allowed upon any HC-zoned land that falls within the Town’s well zones.

Mr. Garrett explained that, as part of the compromise agreement, the auto dealership proponents will not go forth with any assumed rights under the ZBA's decision, and the Planning Board will not go forth with its appeal of the ZBA's decision. He commended the proponents for their willingness to work collaboratively with the Planning Board, and he reiterated his explanation that Special Article 18 will enact the compromise that (a) clarifies auto dealerships as a prohibited retail use within the Highway Commercial Zone while (b) allowing auto dealerships by special permit.

Members of the Board complimented Mr. Garrett and the Town's Director of Planning & Development, Lee Hartmann, for their work on striking a balance between clarifying the zoning language while allowing auto dealerships by special permit.

While Mr. Garrett was available for questions, Chairman Quintal turned the discussion to the County's plans to remove gravel from its property off Long Pond Road (near Camelot Drive). Mr. Garrett explained that the County has filed for a special permit to remove gravel at the aforementioned site. If the County is assumed by the State, Mr. Garrett noted, the permit remains with the land, not the applicant. Through the special permit process, Mr. Garrett informed the Board, the Town can place controls on noise and the number of hauling trips.

Vice Chairman Malaguti stated his belief that the Town should have a mechanism in place to attach a fee to all gravel removal operations for the repair of any damage done to the Town's roads under the weight of gravel hauling. Lee Hartmann, Director of Planning & Development, addressed the Board to explain that the Town makes an effort within the special permit process to negotiate some sort of payment for repair to those specific roads affected by gravel removal operations.

Richard Serkey, Precinct 2 Town Meeting Representative, brought the discussion back to Special Article 18 and noted his favor of the compromise solution presented by the Planning Board. Mr. Serkey explained that, like the Planning Board, he was simply concerned with the ZBA's apparent circumvention of the vote of the 2000 Annual Town Meeting that prohibited auto dealerships as an allowed retail use within Highway Commercial zones. He complimented the authors of Special Article 18 for reaching a solution that clarifies the zoning language and honors the vote taken by Town Meeting while allowing the proponent the opportunity to bring the project forth through the special permit process.

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board voted to recommend Article 18 of the 2010 Special Town Meeting. Voted 4-0-0, approved.

UPDATE ON SOUTH STREET TRANSFER STATION

Prior to the commencement of the presentation on the South Street Transfer Station, Chairman Quintal asked the Town's Environmental Manager to speak about the boards that regulate the flow of Town Brook into and out of Jenney Pond. Some citizens, Chairman Quintal said, expressed concern to him that the elevation of the pond was too high.

David Gould, Environmental Manager, explained that staff removed some boards during the previous week to mitigate the significant amount of water flowing through the brook from recent rainfall events. Mr. Gould noted that he and his staff regularly monitor the elevation of water at all of the Town's dams; if not monitored or adjusted properly, the level and flow of water at Jenney Pond will affect operation of the fish ladder and the Grist Mill.

Mr. Gould began his presentation on the impending closure of the South Street Transfer Station with a history of the site and the issues that have necessitated its capping. The Town, he explained, owns the property on which the abutting Police Station exists but leases the transfer station site from the County, making both "responsible parties" in the matter. Mr. Gould displayed aerial photos of the site and provided the Board with the following information:

The Town used the South Street Transfer Station site as an "open burn dump" from 1942 to 1968, and then as a municipal solid waste ("MSW") landfill from 1968 to 1973. The site was "capped" in 1973 with gravel, peat, and seed cover—consistent with the regulations in place at that time—with no regard to how the materials in the landfill might affect groundwater or generate natural gas from decomposition. The Department of Environmental Protection ("DEP") will soon require the Town to initiate a Corrective Action Plan ("CAP") to "cap" the site according to DEP Landfill Technical Guidance standards, and, thus, the Department of Public Works ("DPW") has begun the process with an Initial Site Assessment and Comprehensive Site Assessment. Town Meeting will be asked to appropriate \$90,000 from the Solid Waste Enterprise Fund for the Corrective Action Alternative Analysis / Corrective Action Design of the site.

Through extensive monitoring and testing during the Comprehensive Site Assessment, the subsurface extent, depth, and chemical nature of MSW at the site was determined, revealing elevated levels of methane and hydrogen sulfide, along with other contaminants characteristic of municipal landfills. In 2001, elevated methane concentrations were detected within the abutting Police Station that triggered an Immediate Response Action. As a result, cracks in the Police Station's foundation were sealed, a passive landfill gas venting system was installed on the side of the building, and gas monitoring equipment was established to monitor any further penetration of gas into the facility. To date, no measurable methane levels have been identified within the Police Station.

Groundwater and surface water are "exposure pathways" through which contaminants at the site can travel and come into contact with humans, animals, and the surrounding environment. There are no wetlands or bodies of surface water down-gradient of the landfill between the site and Plymouth Harbor, and the nearest down-gradient body of surface water used for recreation is the confluence of Plymouth Harbor and the Eel River, approximately 6,000 feet northeast of the site. There are no private wells within the vicinity of the landfill, and the nearest public well is up-gradient and more than one half mile away from the landfill. Based on testing and the aforementioned considerations, groundwater and surface water are not considered exposure pathways for contaminants identified at the South Street site. The air within the Police Station has the potential to serve as an exposure pathway of the methane gas

emanating from the landfill, but, again, the measures undertaken through the Immediate Response Action in 2001 appear to have removed any risk to health and public safety.

The Corrective Action Alternative Analysis is a pre-design phase that will evaluate what corrective actions must be taken, e.g. removal of MSW, consolidation of MSW, landfill capping, ancillary controls for landfill gas and contaminated groundwater discharge, etc. The Corrective Action Design includes the preparation of specific design plans related to the final Corrective Action Plan, including excavation, construction, MSW consolidation, capping, etc.

At the close of his presentation, Mr. Gould offered his recommendation that the Town (a) enter into an Administrative Consent Order with DEP to proceed with the closure plan and (b) approve the Town Meeting Article authorizing the expenditure for the Corrective Action Alternative Analysis / Corrective Action Design. The Administrative Consent Order, he explained, permits the Town to bring soil and sediment from various project sites to the landfill for grading purposes, and it establishes a schedule for the capping of the site. The State, he noted, will ultimately require the Town and the County to comply if either fails to do so of its own accord.

Mr. Gould invited David Murphy from the firm of Tighe & Bond to provide further information to the Selectmen on the Corrective Action Alternative Analysis / Corrective Action Design. Mr. Murphy discussed the process for landfill capping and commended the Town for taking proactive action to comply with DEP regulations.

Mr. Gould displayed a schematic of the draft closure plan and discussed the conceptual redesign of the South Street Transfer station, once the capping is complete. He reported that, because the Town will be allowed to use soil and sediment to cap the South Street landfill from the forthcoming Harbor dredge, T-Wharf reconstruction, and Town Brook dam removal projects, a major hurdle within the process of completing these projects has been eliminated—saving the Town both time and money.

Mr. Gould, Kerin McCall (the Town's Environmental Technician), and Mr. Murphy (of Tighe & Bond) fielded questions from the Board regarding the design, procedures, and costs associated with the capping process and the relationship between the landfill and the Police Station facility. Mr. Gould re-displayed a map detailing the extent of buried MSW at the site, noting that the "trash plume" does not extend under the Police Station. In late fall, the Town will have a better idea of how much the capping will cost, Mr. Gould explained. Mr. Murphy discussed the 'membrane' buffer that will prevent further migration of waste and gas, and he estimated that the lifespan of the capping should be reasonably long. The cost of the capping could run \$2 million or more, Mr. Murphy noted, and DEP will require continued monitoring of the site.

Vice Chairman Malaguti stated his relief that the Board and the public have been provided an informational presentation that dispels much of the misinformation and incorrect assumptions circulating in the community about the landfill site and its effects upon the Police Station facility. The Town does not need to tear the Police Station down, he said, and the choice to site the facility at such a centrally located, accessible location still stands, in his opinion.

Mr. Stankiewicz provided some thoughts on how the Town will fund the expense of the capping, whether through the General Fund, transfer station fees, or borrowing.

Chairman Quintal thanked Mr. Gould for the presentation and opened the discussion to public comment.

Plymouth resident Rich Rothstein noted his previous career experience in the municipal solid waste field, during which he had the occasion to work with Mr. Murphy of Tighe & Bond. Mr. Rothstein posed questions regarding the expected duration of the remediation work and the controls that will be in place to monitor methane and hydrogen sulfide at the work site. Mr. Murphy responded to Mr. Rothstein's questions, noting that it will take one to two months to excavate an estimated 12,000 cubic yards.

OLD BUSINESS / LETTERS / NEW BUSINESS

OLD BUSINESS

Liaison Updates – Chairman Quintal asked that updates from the Board's committee designees / liaisons be placed on the weekly agenda, before Old Business / Letters / New Business.

Plymouth Airport Advisory Group – Selectman Hallisey provided an update to the Board on the recent meeting of the Plymouth Airport Advisory Group ("PAAG"), noting that the meeting was productive and well-facilitated. He mentioned, however, that the West Plymouth Steering Committee ("WSPC") neglected to recommend to the Selectmen a representative from the neighborhoods south of the airport. Selectman Hallisey then invited Airport Commissioner Doug Crociati to address the Board regarding the matter.

Mr. Crociati explained that the WSPC was given the task of recommending at least one resident from each quadrant surrounding the airport—north, south, east, and west—but the WSPC overlooked a candidate from the south side of the airport. The facilitator who is assisting the PAAG, he said, was very explicit that the residents of all areas surrounding the airport be represented.

Selectman Hallisey noted that Doug Hawthorne, a resident of one of the neighborhoods south of the runway, submitted a letter of interest to the Selectmen to serve on the PAAG but was not recommended by the WSPC. Selectman Hallisey recommended that the Board appoint Mr. Hawthorne as an additional member of the PAAG. Chairman Quintal asked the Board's Administrative Assistant to schedule Mr. Hawthorne's appointment to the PAAG for the following week's meeting.

Visitor Services Board – Chairman Quintal reiterated his belief that the establishing legislation behind the Town's Visitor Services Board ("VSB") needs updating to reflect the Town's current needs. The 400th anniversary in 2020 will require significant infrastructure,

he said, and the Plymouth Growth & Development Corporation (“PGDC”) should be the entity that focuses on parking and other infrastructure costs. Chairman Quintal stressed the importance of setting aside money each year to assist in the planning of the anniversary event.

Discussion ensued amongst members of the Board regarding the cost for promoters to hold events in Plymouth, considering the expense of overtime for necessary Police, Fire, and DPW details. Chairman Quintal suggested that the Director of Planning & Development meet with John Burke (of ParkPlymouth) and Paul Cripps (of Destination Plymouth) to minimize fragmented efforts and duplicative funding amongst groups (like the PGDC and the VSB).

Selectmen Terms – Chairman Quintal announced that he would like to work on establishing five-year terms for the Board of Selectmen, so that only one seat is up for election each year.

Lights on Utility Tower in West Plymouth – Chairman Quintal thanked Assistant Town Manager Melissa Arrighi for contacting the owner of the utility tower on Sparrow Hill (on which a flashing strobe had been installed that drew complaints from neighboring residents). The problem has since been corrected, he said, and the Town should consider notifying other tower owners of the issue, to prevent any similar nuisances in the future.

LETTERS

Stephens Field – Vice Chairman Malaguti referenced a letter he received from an abutter to the former DPW facility adjacent to Stephens Field in which the author asked that the Town clean the site up.

Property on Beaver Dam Road – Chairman Quintal noted a letter he received from a citizen regarding the development of property on Beaver Dam Road that has been (allegedly) delayed by a planning issue. Neighboring residents are frustrated with the apparent holdup of the project, he explained.

Manomet resident Ken Buechs approached the podium from the audience to provide information on the matter, noting that the Planning Board approved phase three of the project on Beaver Dam Road at its most recent meeting. It was his understanding, he said, that the delay was associated with prior management of the project. The Planning Board worked collaboratively with the new project manager to reach an amicable solution, Mr. Buechs added, and residents appear to be pleased with the board’s decision...

NEW BUSINESS

Recognition for Former PSHS Student – Selectman Mahoney congratulated Plymouth South High School graduate Vinny Renaut for his recent win at the national college-level wrestling championships.

Graffiti in North Plymouth – Chairman Quintal expressed concern about recent graffiti incidents in North Plymouth that involved the tagging of Hedge School and residential homes.

Debris on Braunecker Road – Chairman Quintal noted that residents came across a pile of old telephone poles while clearing brush away from the gate near Braunecker Road. He asked that the DPW visit the site and remove the poles.

158 Water Street / Parking Meters – Chairman Quintal noted that the Plymouth Growth & Development Corporation (“PGDC”) plans to install meters along the public parking spaces near 158 Water Street, but they have agreed to delay the installation while the Town considers the proposal from the owners of 158 Water Street to reconfigure the nearby sidewalk and parking area. Chairman Quintal asked for an update on the status of the project, so that the PGDC may know how to proceed.

ADJOURNMENT OF MEETING

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board voted to adjourn its meeting at approximately 8:50 p.m. Voted 4-0-0, approved.

Tiffany Park, Clerk to the Board of Selectmen