

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, AUGUST 17, 2010

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, August 17, 2010 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: William P. Hallisey, Jr., Chairman
John T. Mahoney, Jr., Vice Chairman
Richard J. Quintal, Jr. [arrived 8:10 p.m.]
Sergio O. Harnais
Mathew J. Muratore

Mark Stankiewicz, Town Manager
Melissa Arrighi, Assistant Town Manager

CALL TO ORDER

Chairman Hallisey called the meeting to order at 7:03 p.m. and led the Pledge of Allegiance.

SWEARING IN CEREMONY: FIRE DEPARTMENT PROMOTIONS

Fire Chief G. Edward Bradley introduced the swearing-in ceremony to recognize four newly-promoted members of the Fire Department:

Battalion Chief Anthony Thompson
Battalion Chief Gregory Kane
Captain Bruce Eddy
Lieutenant Jeffrey DeLappe

Chief Bradley provided information on the educational background and training of each officer, and Fire Department Chaplain Reverend William Fillebrown led the officers through the oath of service. Chief Bradley facilitated the formal pinning ceremony, and the Board of Selectmen offered its congratulations to the newly-promoted officers.

TOWN MANAGER'S REPORT

NSTAR – Town Manager Mark Stankiewicz informed the Board that he met with representatives from NSTAR to hear a presentation on NSTAR's plans for an electric transmission reliability project for southeastern Massachusetts. Essentially, he explained, NSTAR proposes to add another 345kV line within its existing right-of-way, which will provide a redundant power source to southeastern Massachusetts and Cape Cod in the event of a power blackout. Mr. Stankiewicz noted that NSTAR has identified two potential routes,

one of which runs through Plymouth along existing power lines. If the Plymouth route is chosen, he noted, a good deal of tree clearing will take place to accommodate the additional line. Mr. Stankiewicz informed that Board that NSTAR will begin the permitting process with the State and the Town in 2011, in anticipation of a construction start date of November 2011.

Japanese Delegation from Shichigahama – Mr. Stankiewicz reported on the recent visit of eight dignitaries and two translators from Plymouth’s sister city, Shichigahama, Japan. The group, he said, included the Vice-Mayor, two council members, the Superintendent of Schools, and the local postmaster. Mr. Stankiewicz offered thanks to all those who helped to welcome the delegation with various receptions and activities.

Entergy Training Agreement – Mr. Stankiewicz offered a brief review of the recent meeting between Town officials and representatives from Entergy Nuclear Northeast to discuss the Pilgrim Radiological Emergency Response Plan and the funding agreement between the Town and Entergy. At issue, he explained, is the amount of funding that Entergy is obliged to pay to the Town for staff training and the operation of the Emergency Operations Center. Mr. Stankiewicz noted that both sides offered proposals for further review and discussion before a final decision is made on the agreement.

Building Committee Meeting – Mr. Stankiewicz noted that he and DPW Director Hector Castro attended the Building Committee’s recent meeting to discuss the Plymouth North High School (“PNHS”) and Senior Center construction projects. Per regulations set forth by the Massachusetts Department of Environmental Protection (“DEP”), he explained, the projects cannot proceed without the implementation of improvements to the sewer system that will allow the connection of both facilities. Mr. Stankiewicz listed the two options identified by Mr. Castro that will satisfy DEP’s regulations:

- Increase the size of the existing sewer lines (approximate cost: \$800,000 to \$1,000,000)
- Intercept the flow near the South Street Transfer Station and utilize the existing force main (approximate cost: \$2,000,000)

While the second option will be more costly, Mr. Stankiewicz noted, it will allow for additional sewer connections in the Obery Street area, reduce operation and maintenance costs (by lessening the distance and number of pumping stations required for efficient flow of effluent), and add the required grit screening capacity necessary for the high school project. For these reasons, he said, the Building Committee ultimately agreed that the second option would be in the best interest of the Town.

Public Works Review – Mr. Stankiewicz informed the Board that he invited retired Stoughton Public Works Director Larry Barrett to meet with DPW Director Hector Castro and Acting Assistant Director Dennis Westgate. During the meeting, he said, Mr. Barrett was given a tour of the Town’s DPW facilities and an overview of the department’s general operations, and the group discussed Mr. Castro’s plans to improve the department.

At the close of his report, Mr. Stankiewicz responded to some brief questions from Vice Chairman Mahoney and Selectman Muratore regarding NSTAR’s transmission reliability

project and the sewer expansion proposal for the PNHS and Senior Center facilities. Both proposals will be brought forth in public presentations before the Board in the near future, Mr. Stankiewicz explained. Mr. Stankiewicz noted that there may be some way that Plymouth's municipal wind turbine projects could be connected with NSTAR's transmission project.

Vice Chairman Mahoney asked Mr. Stankiewicz if he planned to introduce Dennis Westgate, the recently-appointed Acting Assistant DPW Director, to the Board. Mr. Stankiewicz offered an explanation that Mr. Westgate's appointment is temporary, and, as such, it is not typical for temporary appointments to be brought before the Board. If it is decided that the Assistant DPW Director position should be fully reinstated, Mr. Stankiewicz noted, the usual advertisement and hiring practices will be followed.

Selectmen Muratore and Harnais offered thanks to staff and community members for their efforts to entertain and welcome the visitors from Shichigahama.

Chairman Hallisey congratulated Gary Maestas and the Plymouth Public Schools for successfully attaining a very competitive \$5 million "i3" grant (through the U.S. Department of Education).

LICENSES

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to approve the following list of licenses, as outlined. Voted 4-0-0, approved.

ONE DAY WINE AND MALT LIQUOR LICENSE

- ❖ **Garabaldi Club** (Kevin Stas, 36 Castle Street) requested a One Day Wine & Malt License for a club clam bake to be held from 10:00 a.m. to 11:00 p.m. on September 18, 2010. The clam bake will be held in the fenced-in outside area at the rear of the club. Liquor Liability Insurance is in place and trained staff will serve the alcohol.
- ❖ **Plymouth Lions Club** (Richard Anderson, P.O. Box 3491) requested two (2) One Day Wine & Malt licenses for the Thirsty Pilgrim Beer Fest to be held on the Hedge House Lawn, 126 Water Street, from 1:00 p.m. to 7:00 p.m. on September 11 and 12, 2010. Liquor liability is in place and professional bartenders will be serving the alcohol.
- ❖ **Sabor Inc., d/b/a Sabor Restaurant** (Vinicio Cordon, 23 Court Street) requested a One Day Wine & Malt Liquor License from 5:00 p.m. to 11:00 p.m. for a wedding to be held at the Plymouth Center for the Arts on North Street for August 28, 2010. Liquor liability is in place.

INN HOLDERS LICENSE (NEW)

- ❖ **OS Golf Club (Old Sandwich Golf Club)**, 41 Doublebrook, requested an Innholder's license for the three cottages on the premise; Drew Ford, Manager

LICENSES IN CONJUNCTION WITH A PUBLIC HEARING

❖ **Dearbams Inc. d/b/a Guru Indian Grille, Music and Bar**, 56 Main Street, Alishba Panjwani, Manager requested the following licenses in conjunction with the request for a Transfer of their All Alcohol Liquor License:

- Common Victualler
- Comprehensive Entertainment – Radio, TV, dancing, live entertainment
- Extension of Hours – 1:00 a.m.
- Early Sunday Opening

VEHICLE FOR HIRE (NEW)

❖ For **Habilitation Assistance** (434 Court Street):

- Jerard Gunderway 370 Court Street, Plymouth, MA 02360

Issuance of the above license is subject to the CORI background check and driving record.

VEHICLE FOR HIRE OPERATOR (NEW)

❖ For **Plimoth Transportation Inc. d/b/a Mayflower Taxi** (166 Gunners Exchange)

- Kimball Coombs 234 Gunners Exchange Road, Plymouth, MA 02360

Issuance of the above license is subject to driving record and CORI background check.

ADMINISTRATIVE NOTES

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following administrative notes. Voted 4-0-0, approved.

Acquisition of County Property on Long Pond Road – The Board approved and executed the following documents pertaining to the acquisition of a parcel of property located off Long Pond and Boot Pond roads identified as Lot 26H on Assessor’s Map 88, as authorized by Article 13B of the 2010 Spring Special Town Meeting:

- *Consensual Order of Taking of Conservation Restriction and Conservation Easement*
- *Purchase & Sale Agreement*
- *Acceptance of Deed*

Sam Diego’s / 51 Main Street Lease – The Board exercised the lease option for Sam Diego’s Restaurant (51 Main Street) that extends the lease from January 1, 2012 to December 31, 2021 and adds an additional option to the lease from January 1, 2032 to December 31, 2041 for the purpose of building repair.

research to assess the amount of work required and identify any problems/issues. Attorney Betters noted that he had completed the first phase and a portion of the second phase (title examinations) when Plymouth Rock Studios halted its development activities planned for the 1,000 Acres site in 2008.

Attorney Betters displayed maps illustrating the nature and extent of the number of parcels that were subdivided into five proposed developments in the early 20th century under the names, “New England Park,” “Woodmere Park,” “Smithsonian Park,” “Bournehurst Park,” and “Sandy Lake Park.” Based on his preliminary research, he said, 7,085 lots spanning these five proposed developments were identified within the 1,000 Acres site.

Attorney Betters informed the Board that, in many cases, past-due taxes on these parcels grew in excess of the value of the property, and, thus, most have long since been abandoned. The Town, he noted, must determine whether an owner has actually been assessed for his/her respective parcel before proceeding with a tax-title-taking. Attorney Betters reviewed a preliminary report detailing those parcels for which (a) the Town has a good/clear title (via tax-title-taking), (b) the Town does not have clear title (a.k.a. “suspect” titles), and (c) a private owner is clearly established.

Full completion of the title research on the 7,085 parcels will take an estimated 8 months and \$450,000 in expenses (not including the cost of land takings), Attorney Betters noted, but, once achieved, the Town will have a decisive picture of those titles that are clear and those that are defective. In addition to the exhaustive title studies comes genealogical research, he reported, which must be conducted to establish the legal heirs of the properties. Attorney Betters also discussed the inherent legal rights to the “paper streets” that were laid out when the lots were first subdivided, giving parcel owners a legal right-of-way over the property—a significant deterrent which factored into Plymouth Rock Studios’ decision to abandon pursuit of the 1,000 Acres site.

Attorney Betters briefly discussed some of the aforementioned hurdles associated with the development of the 1,000 Acres site, including environmental, transportation, and zoning challenges. The suggested next steps for the Town, he said, would be to (1) identify the privately-owned parcels, (2) perfect/rectify previous tax-title takings, and (3) continue to pursue State and Federal funding for a transportation interchange that would establish better vehicular access to the area.

[Note: Selectman Quintal arrived at the meeting during this point in the presentation.]

At the close of his presentation, Attorney Betters responded to questions from the Board regarding the findings of his research and his recommendations for approaching the title issues at the 1,000 Acres site. The Woodmere and Smithsonian subdivisions are in the “best shape,” he said, while the Bournehurst and Sandy Lake sections will be the biggest challenge. Attorney Betters suggested that the Town identify the areas that have the best collection of titles, namely in the New England Park, Smithsonian Park, and Sandy Lake Park areas (approximately 250-300 acres), where future development would be most likely to occur. He

talked more about the technical aspects related to title clearing and land takings and reiterated that the process will be both time-consuming and expensive.

Mr. Hanks explained that most businesses seek sites that are ready and permitted, which is why the Town has yet to see development at the 1,000 Acres site. In response to a question from Selectman Quintal, Mr. Hanks affirmed that the State's Department of Fish & Wildlife has expressed interest in taking a portion of the 1,000 Acres for conservation purposes, which, he said, could further reduce the site's development potential.

Members of the Board discussed Attorney Betters' recommendations for moving forward with title research on the 1,000 Acres site and the possibility of addressing the matter with a subsequent article for the 2011 Spring Annual Town Meeting. Selectman Harnais stated his belief that it is imperative for the Town to clear the titles on the 1,000 Acres. Selectman Quintal noted his wish to comparatively review the cost of clearing the titles with the price that the Department of Fish & Wildlife may be willing to pay for a portion of the 1,000 Acres.

Discussion came to a close at approximately 8:30 p.m., at which time Chairman Hallisey thanked Attorney Betters and Mr. Hanks for their presentation.

OTHER POST EMPLOYMENT BENEFITS

Chairman Hallisey welcomed Advisory & Finance Committee chairman William Driscoll, Retirement Board chairman Thomas Kelley, Insurance Advisory Committee chairman Dale Webber, and Plymouth Retired Employees Association chairman Warren Ottino to a presentation on the Town's liability for Other Post Employment Benefits ("OPEB").

Lynne Barrett, Director of Finance, introduced the presentation on the actuarial valuation of the Town's Other Post Employment Benefits, which was conducted for the purpose of (a) measuring the actuarial accrued liabilities associated with such benefits and (b) calculating a funding schedule to address the liabilities. The current report, she explained, is required by law and is based on participant data as of January 1, 2009. Ms. Barrett introduced Larry Stone, president of Stone Consulting, Inc., the actuary who prepared the report.

Mr. Stone provided a definition of OPEB, noting that it represents post-employment benefits other than retirement income, such as health, dental, and life insurance. The Governmental Accounting Standards Board ("GASB"), he explained, is an accounting organization that drives the general accounting principles that are recommended for the actuarial report. While there is no requirement for the Town to separately fund OPEB, Mr. Stone noted, the Town is required to reflect its OPEB liabilities in its accounting statements, because it is a long term liability for which the Town will eventually be responsible. Plymouth is an "unfunded system," he said, i.e. it is not accumulating invested assets for such expenses, even though it is paying for them.

Mr. Stone responded to questions from the Board and provided further details related to the valuation report, the estimated costs for future liabilities, the differences between funded and

unfunded systems, and the number of other communities who have opted to fund their OPEB's. Based on Plymouth's operational size and liabilities, Mr. Stone recommended that Plymouth consider establishing a funding mechanism for its OPEB.

Ms. Barrett discussed the research she conducted on other Massachusetts communities that have opted for an OPEB funding mechanism, noting that less than a handful of those communities have reached the required annual fund contribution. She spoke on various funding strategies that other communities have utilized and offered her recommendation that the Town at least adopt the OPEB statute (M.G.L. Chapter 32B, Section 20), regardless of whether it is ready to establish a funding mechanism.

Mr. Stone fielded further questions and comments regarding his report and subsequent recommendations from members of the Board, Mr. Webber, Mr. Driscoll, and Mr. Kelley.

Mr. Webber handed out packets he prepared for the Selectmen and stated that the Insurance Advisory Committee has been urging the Town to establish a post-employment benefits trust fund since 1988. He asked the Board to consider bypassing the adoption of the funding statute (M.G.L. Chapter 32B, Section 20) for a home-rule petition that will address the need for a funding mechanism and allow the Town to engage in a more aggressive investment portfolio. Had the Town initiated such action years prior, he speculated, the fund could have grown into the millions by this time.

Ms. Barrett explained the difference between adopting M.G.L. Chapter 32B, Section 20 (the statute) and enacting a home-rule petition. If approved by Fall Town Meeting, she said, the statute will enable the Town to establish an OPEB account and begin customizing a funding strategy/policy for the Spring Town Meeting.

Discussion ensued amongst the Board and its invited guests about the benefits and challenges of the statute versus home-rule petition methods of addressing the Town's OPEB liabilities. Following some brief final comments, Chairman Hallisey thanked the presenters and invited guests for their participation in the discussion and then called for a five minute break.

PUBLIC HEARING: TRANSFER OF RESTAURANT LIQUOR LICENSE **DEARBAMS, INC. D/B/A GURU INDIAN GRILLE MUSIC, & BAR**

Chairman Hallisey reconvened the meeting at 9:45 p.m. and opened a public hearing to consider the application for a Transfer of an All Alcohol Restaurant Liquor License from Surendra D. Acharya d/b/a Shangri-La Cuisine, 56 Main Street, Surendra D. Acharya as Manager to Dearbams, Inc. d/b/a Guru Indian Grille, Music & Bar, 56 Main Street, Alishba Panjwani as Manager. Chairman Hallisey affirmed that notice of the hearing was given in accordance with Chapter 138 of the Massachusetts General Laws and those wishing to be heard on the matter were encouraged to attend.

Alishba Panjwani, president of Dearbams, Inc., addressed the Board on behalf of the transfer application. The Board of Selectmen approved a previous Transfer of License she requested

for Guru Indian Grille, Music & Bar, she explained, but due to changes in the invested ownership of the venture, the Alcoholic Beverage Control Commission (“ABCC”) asked that the license be established under a new corporation/partnership.

Seeing no questions or comments from the Board, Chairman Hallisey opened the public hearing to public comment in favor of, or against, the license transfer.

Ric Cone inquired if there would be any changes made to the operation of the establishment. Ms. Panjwani responded that the same management and operations remain in place at the restaurant.

No further citizens came forward to offer public comment, and, thus, Chairman Hallisey closed the hearing to await a motion of the Board.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to approve the Transfer of an All Alcohol Restaurant Liquor License from Surendra D. Acharya d/b/a Shangri-La Cuisine, 56 Main Street to Dearbams, Inc. d/b/a Guru Indian Grille, Music & Bar, 56 Main Street. Voted 5-0-0, approved.

UPDATE ON EMERGENCY OPERATIONS CENTER PROJECT

Greg Carell, of the architectural and planning firm of The Carell Group, provided a brief presentation to the Board regarding the progress of the new Emergency Operations Center (“EOC”).

Mr. Carell reported that the EOC project is currently out to bid, with construction expected to begin in October of 2010 and completion anticipated for May of 2011. He compared the Town’s current leased facilities on Obery Street to the features planned for the new EOC, which will be annexed to the Cedarville Fire Station. A communications room, storage area, operations room, conference area, office and break room will be housed in a facility with a wind resistance rating greater than that of the attached fire station, he noted.

Mr. Carell displayed renderings of the site and floor plans and reviewed the project timetable. Funds in the amount of \$1.5 million were appropriated for construction of the facility, he noted, but actual costs are now estimated at approximately \$1.4904 million. Mr. Carell informed the Board that the Cedarville Fire Station’s community room will not be available during the construction period.

At the close of the presentation, Selectman Quintal expressed his excitement that, despite the wait, the Town will soon have its own state-of-the-art EOC facility.

UPDATE ON HEDGES POND RECREATION AREA PROJECT

DPW Director Hector Castro offered a presentation to the Board on the status of the Hedges Pond Recreational Area. After acquisition of the land surrounding Hedges Pond (formerly

known as Camp Dennen), Mr. Castro explained, the Town set out on an ambitious schedule to revitalize the park and revamp the facilities that had long lay dormant on the property. The initial hope was to at least have the pond area open for the summer of 2010, he reported, but budget reductions have delayed the work necessary to bring the park's amenities up to code and ready the site for safe public use.

Mr. Castro outlined the Phase 1 tasks that have already been completed at the site, including construction of the entrance and access roadways and gravel parking lots. Remaining Phase 1 work includes the installation of electrical service and the re-energizing of the potable well water supply at the site, he added, which should be completed some time in October or November. Upon the completion of Phase 1, Mr. Castro said, the park will be open to the public. An article will be placed on the Fall Town Meeting warrant to request funding for Phase 2, he explained, which will provide for the self-sustaining recreational programs planned for the site.

Mr. Castro responded to some brief questions from members of the Board regarding the delay caused by budget constraints and the work needed to ready the site for public use. Selectman Quintal expressed concern that the use of DPW staff on the Hedges Pond and Nelson Park projects has left the department's routine but essential work unaccomplished. Mr. Castro assured the Board that, once work at both parks is complete, the DPW will intensify efforts to get back to its everyday responsibilities.

DPW Recreation Director Barry DeBlasio spoke briefly to the Board to review his department's plans to establish a unique, self-sustaining day-camp program at the Hedges Pond Recreation Area, which, he estimated, will not be ready until the spring of 2012. Considering the lack of such amenities in the southern area of Town and the park's proximity to the dense residential developments within the Ponds of Plymouth, he said, the Hedges Pond Recreation Area will likely be well-received by the community.

BOARD LIAISON / DESIGNEE UPDATES

Tidal Beaches Advisory Committee – Selectman Muratore reported that he met with Tidal Beaches Advisory Committee chairperson Stephanie Fugazzi, who took him on a tour of Plymouth Long Beach to discuss some of the concerns voiced by committee members. He asked if a member of the Environmental Management staff could attend the next meeting of the committee to address those concerns.

Nuclear Matters Committee – Selectman Muratore noted that he and Selectman Harnais took a tour of the Pilgrim Nuclear Power Station to familiarize themselves with operations at the plant. The Nuclear Matters Committee, he said, has a presentation that it would like to bring before the Board at some point in October or November.

Roads Advisory Committee – Selectman Harnais noted that he toured 15 miles of roadway that was recently resurfaced by the DPW with chip-seal. In addition, he said, the Roads Advisory Committee met to discuss its concerns regarding Town Counsel's delay in

certifying the vote taken by Town Meeting to accept 17 private roads as public ways. Assistant Town Manager Melissa Arrighi clarified that the Attorney General's Office is responsible for the three-month delay (a typical timeframe), as it must certify all of the votes taken at Town Meeting.

Consolidation Committee – Selectman Harnais reported that he was recently elected as the chairman of the Consolidation Committee. A consultant has been hired, he said, to assist the group in its efforts to review Town services and find areas where duplicated services—and expenses—can be consolidated.

Plymouth Growth & Development Corporation – Selectman Quintal noted that he and members of the Plymouth Growth & Development Corporation took a tour of the Newport, Rhode Island Visitors Center & Convention Bureau to gain a better understanding of a similar community's management of parking and tourism. At some point, he said, he would like to make a brief presentation to the Board on the PGDC's visit.

Council on Aging – Selectman Muratore informed the Board that the Council on Aging is currently focusing on achieving accreditation status. He noted that the Friends of the Council on Aging organization is working upon an upcoming charity golf tournament event to be held at Southers Marsh on September 13, 2010.

OLD BUSINESS / LETTERS / NEW BUSINESS

Return to Five-Day Work Week – Selectman Quintal inquired if members of the Board would consider discussing a return of Town Hall's hours to a five-day work schedule. Ms. Arrighi noted that any changes to the schedule must be impact-bargained with the Town's unions. No decision was made on Selectman Quintal's suggestion.

Town Hall Employee Food Drive – Selectman Muratore thanked the employees of Town Hall for their efforts in collecting a significant amount of non-perishable food items for the Greater Plymouth Food Warehouse.

Tall Pines Flooding Issues – Chairman Hallisey inquired about the status of the Tall Pines flooding issue. Ms. Arrighi noted that the Board asked staff to place two articles on the Fall Town Meeting warrant to address drainage issues in that neighborhood.

Federal Furnace Road Flooding Issues – Selectman Quintal expressed concern that the article placed on the Fall Town Meeting warrant to address flooding issues at West Pond and Federal Furnace Road may need to be withdrawn, based on the expense of the project and the expectation that State Aid will be further reduced. He made a motion to withdraw the article for improvements to Federal Furnace Road. Vice Chairman Mahoney seconded the motion for discussion.

Selectman Quintal cited the uncharacteristic nature of the rainfall that flooded the American Legion facility and Federal Furnace Road in March 2010 and questioned whether the raising

of the roadway surface would be an appropriate expense, now that the Town possesses an aquabarrier to address any future roadway flooding. Following a brief discussion, the Board voted 5-0-0 in favor of withdrawing the Fall Town Meeting article associated with the flooding issues at West Pond and Federal Furnace Road.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to adjourn its meeting at approximately 10:50 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen