

# **PLYMOUTH BOARD OF SELECTMEN**

**TUESDAY, OCTOBER 5, 2010**

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, October 5, 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  
Sergio O. Harnais  
Mathew J. Muratore

Mark Stankiewicz, Town Manager  
Melissa Arrighi, Assistant Town Manager

Absent: Selectman Richard J. Quintal, Jr.

## **CALL TO ORDER**

Chairman Hallisey called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

## **DISCUSSION ON BUDGET WITH LEGISLATIVE DELEGATION**

Present: Senate President Therese Murray  
State Representative Vinny deMacedo  
State Representative Thomas Calter

Chairman Hallisey welcomed Plymouth's legislative delegation to a discussion on the status of the State's budget.

On behalf of the legislative delegation, Senate President Therese Murray provided a fiscal update on the State's current FY2011 and subsequent FY2012 budgets. Senate President Murray explained that the State was faced with the challenge of filling a \$1.9 billion funding gap during FY2011, which it was able to offset with temporary Federal stimulus funds. Though the economy is showing some minimal signs of positive change—based on the recent surpassing of tax collection benchmarks—FY2012 will be a challenge without the availability of such assistance, she reported. Senate President Murray discussed the State's efforts to preserve local aid, create jobs, and replenish the rainy day fund, noting that Massachusetts has retained a good bond rating and is in better financial shape than many other states. Plymouth's delegation, she said, will continue to work collaboratively in a non-partisan way to do what is best for its constituents.

State Representative Vinny deMacedo talked about the need for cities and towns to plan cautiously and budget conservatively. He offered his estimation that the economy has fully bottomed-out, but noted that, despite signs of an upturn, real estate sales are still down. Though Plymouth is in better financial shape than many other towns in the Commonwealth, recovery will come slowly, and, thus, it will be best for the Town to plan a strict budget, Representative deMacedo noted.

Representative Thomas Calter spoke about the potential impact of the ballot initiative to roll the State sales and use tax rates back from 6.25% to 3%, effective January 1, 2011 (Question 3 on the November 2, 2010 ballot). If passed, he said, the measure would affect the current fiscal year budget and reduce State revenue by nearly \$2.5 billion, annually—amounting to an approximate 30% cut to the State’s budget and creating instability during a time when the economy has shown only minor signs of recovery.

The delegation fielded questions from the Selectmen with regard to municipal health insurance costs, tax revenue benchmarks, job creation, and tax credits for the film industry (relating to the Plymouth Rock Studios project).

Senate President Murray noted that the Town passed a home rule petition in 2003 which set the percentage that Town employees pay towards health insurance benefits. If the Town wants to make changes to the contribution percentage, the Senate President explained, it will require a change of the home rule petition. State Representative deMacedo acknowledged that some discussion has taken place at the State level about the potential taxing of so-called “Cadillac” health plans, which could be viewed as part of personal income. Both Senate President Murray and Representative Calter talked about the measures the legislature has taken to encourage business development within Massachusetts, particularly within the ‘green’ energy and life-science fields. Representative deMacedo reported that the legislature will continue to offer incentivized tax credits for the film industry, regardless of the future of Plymouth Rock Studios.

At the close of the discussion, Town Manager Mark Stankiewicz stated that Plymouth is fortunate to have a dedicated team of State legislators with whom Town staff and officials have a very good working relationship. Chairman Hallisey thanked Senate President Murray, State Representative deMacedo, and State Representative Calter Board for their visit.

## **PUBLIC HEARING: FALL TOWN MEETING STREET ACCEPTANCES**

Chairman Hallisey opened a public hearing to review and discuss the proposed layouts of Carver Road (alteration), River Run Way, Loring Boulevard, and Commerce Way (alteration) as Town ways. Notice of the hearing was given, he noted, and those wishing to speak on the matter were encouraged to attend the meeting.

Russell Firth, Town Surveyor from the DPW Engineering Division, provided the Board with a brief explanation and map overview of the following Fall Town Meeting articles related to the proposed layouts:

## **ARTICLE 21**

To see if the Town will vote to authorize the Board of Selectmen to accept a perpetual easement for public way purposes over the property of Augustino Diodato located at 1 Carver Road, Plymouth, MA and shown as Plymouth Assessor's Parcel No. 103-000-003-004; and further to accept and allow as a public way the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, to raise and appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition:

**Carver Road, Re-Establish, and alter a Portion Thereof;**

**or take any other action relative thereto**

### **BOARD OF SELECTMEN**

Mr. Firth explained that a developer has granted the Town a portion of land at the corner of Carver Road and Summer Street for possible future improvements (i.e. roadway widening, installation of traffic signalization). He asked the Board to first consider accepting the gift of land associated with the roadway alteration layout prior to making a recommendation to Town Meeting on the layout, itself.

Chairman Hallisey opened discussion on Article 21 to public comment. No citizens came forth to speak.

On a motion by Vice Chairman Mahoney, seconded by Selectman Muratore, the Board voted to accept the gift of land associated with the roadway alteration layout (Article 21 of the 2010 Fall Annual Town Meeting). Voted 4-0-0, approved.

*[Note: Please see the Board's vote to recommend Article 21 (the Carver Road layout alteration) to the 2010 Fall Annual Town Meeting, coupled with its vote on Article 22, detailed on page 4.]*

## **ARTICLE 22**

To see if the Town will vote to accept and allow as a public way the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, to raise and appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition :

**River Run Way, Entire Length thereof**

**or take any other action relative thereto**

### **BOARD OF SELECTMEN**

Mr. Firth reported that River Run Way is a new road that will serve as the main entry way to the River Run Development. The road, which is in the final stages of completion, will connect Bourne Road to Wareham Road, he said. Mr. Firth reminded the Board to first consider accepting the gift of land associated with the roadway layout prior to making a recommendation to Town Meeting on the layout, itself.

Mr. Firth responded to some brief questions from the Selectmen about the length and location of River Run Way. Chairman Hallisey then opened the discussion to public comment.

Paul Tirrell of Oliver Neck Road inquired if the Town has plans to pave Wareham Road. Mr. Firth indicated that the paving of Wareham Road, though some years away, is part of the overall River Run development project.

Jim Sullivan of Oliver Neck Road asked if both ends of Wareham Road would be paved. Mr. Firth responded that Wareham Road would be addressed on the Plymouth side, as it is already paved on the Wareham side.

Selectman Harnais inquired if the side roads off of River Run Way would be brought before the Town for acceptance. Attorney Richard Serkey, representing the A.D. Makepeace Company (developers of River Run), answered the question, stating that A.D. Makepeace has no intention to seek public acceptance of the roads stemming off of River Run Way.

Seeing no further public comment, Selectman Muratore made a motion to accept the gift of land associated with the layout of River Run Way. Selectman Harnais seconded the motion, and the Board voted 4-0-0 in favor.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to recommend Articles 21 and 22 to the 2010 Fall Annual Town Meeting. Voted 4-0-0, approved.

## **ARTICLE 23**

**To see if the Town will vote to accept and allow as a public way the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, to raise and appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition:**

**Cordage Park, Court Street to the Cul-de-sac;**

**or take any other action relative thereto**

### **BOARD OF SELECTMEN**

Mr. Firth reported that Loring Boulevard will serve as the entrance to the Cordage Park site. At this time, he explained, it is uncertain as to exactly how much of the boulevard will be

accepted by the Town, but, in the meantime, the Town is committed to constructing the “t” design at the Cordage entrance from Court Street.

Mr. Stankiewicz noted that the Loring Boulevard project is associated with a \$2 million Community Development Action Grant (“CDAG”), which will pay for the construction of the boulevard and improvements to the intersection as part of the redevelopment of Cordage Park. Because the Town will receive the grant through the State to construct the roadway, he explained, the owners of Cordage Park must grant the property associated with the roadway to the Town.

Mr. Firth explained that it is not yet clear as to how much of the roadway can be constructed within the \$2 million budget, hence the reason why the Town does not yet know exactly how much land associated with the roadway it will accept as public.

Chairman Hallisey opened the discussion to public comment. No citizens came forth.

Selectman Muratore made a motion to accept the gift of land associated with the layout of Loring Boulevard and recommend Article 23 to the 2010 Fall Annual Town Meeting. Vice Chairman Mahoney seconded the motion, and the Board voted 4-0-0 in favor.

## **ARTICLE 24**

**To see if the Town will vote to accept and allow as a public way the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, , and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, to raise and appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition:**

**Commerce Way, Re-Establish, and alter A Portion Thereof;  
or take any other action relative thereto**

### **BOARD OF SELECTMEN**

Mr. Firth informed the Board that Article 24 represents a minor “housekeeping” alteration to the layout of Commerce Way, to properly accommodate traffic signals that were installed after the original acceptance of the roadway layout. The property owner is granting the additional land associated with the alteration to the Town, he noted.

Chairman Hallisey opened the discussion to public comment. No citizens came forth.

Selectman Harnais made a motion to accept the gift of land associated with the roadway alteration layout and recommend Article 24 to the 2010 Fall Annual Town Meeting. Vice Chairman Mahoney seconded the motion, and the Board voted 4-0-0 in favor.

## **ARTICLE 19**

**To see if the Town will vote to transfer the care, custody, management, and control of a Portion of Assessor's Plats 45C-000-151-000, 046-000-007A001, 046-000-007-087, 046-000-087C-000, 046-000-881-000, and 046-007-025-000, all as shown on a sketch plan dated September 30, 2010, on file with the Town Clerk, from the Board of Selectmen for General Municipal purposes to the Board of Selectmen for Highway purposes in conjunction with the reconstruction of Taylor Avenue; or take any other action relative thereto.**

### **BOARD OF SELECTMEN**

Town Engineer Sid Kashi explained that, in order to reconstruct Taylor Avenue, Town Meeting must change the designation of certain portions of parcels held by the Town from "General Municipal Use" to "Highway Purpose Use." The \$6 million Taylor Avenue reconstruction project, he reported, will be funded by the State as part of the Massachusetts Department of Transportation's ("DOT") Transportation Improvement Program ("TIP").

Mr. Stankiewicz noted that it is necessary for the Town to have these easements for drainage infrastructure in place so that it can proceed with the reconstruction of Taylor Avenue as soon as State funding is provided.

Mr. Kashi fielded questions from the Board regarding the project. If the Town wishes to use State funding for the reconstruction of Taylor Avenue from White Horse Beach Road to Manomet Point Road, he explained, it must wait until MassHighway (DOT) releases the funding. Mr. Kashi estimated that the wait could last another five to six years, even though the project has already been on MassHighway's TIP waiting list since 2000.

Selectman Muratore made a motion to recommend Article 19 to the 2010 Fall Annual Town Meeting. Vice Chairman Mahoney seconded the motion. Chairman Hallisey opened the discussion to public comment. No citizens came forth to speak. The Board then voted unanimously in favor of the motion (4-0-0).

## **ARTICLE 20**

**To see if the Town will vote to authorize the Board of Selectmen to accept a perpetual easement for public way purposes over the property of Augustino Diodato located at 1 Carver Road, Plymouth, MA and shown as Plymouth Assessor's Parcel No. 103-000-003-004, or take any other action relative thereto.**

### **BOARD OF SELECTMEN**

Mr. Kashi explained that Article 20 relates to Article 21, regarding property at the corner of Carver Road and Summer Street (1 Carver Road). The article, he said, asks Town Meeting to authorize the Board of Selectmen to accept a perpetual easement granted by the property owner which will allow the Town to undertake improvements at the intersection in the future.

Chairman Hallisey opened the discussion to public comment. No citizens came forth.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 20 to the 2010 Fall Annual Town Meeting. Voted 4-0-0, approved.

## ARTICLE 4

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease and/or replacement of departmental buildings and/or equipment and/or capital facilities and/or for feasibility studies and other types of studies for the various departments of the Town substantially as follows:

- a. Stephens Field 21E
- b. Tall Pines Drainage Option 1
- c. Tall Pines Drainage Option 2
- d. Oliver Neck Road Access Option 2
- e. Oliver Neck Road Access Option 3
- f. Withdrawn
- g. Withdrawn
- h. Intersection on Samoset Street
- i. Sewer Interceptor Project
- j. Airport Taxiway Relocation

Or take any other action relative thereto.

### BOARD OF SELECTMEN

Mr. Stankiewicz introduced the discussion on proposed capital options that would improve the ability of Plymouth's emergency first responders to reach the Oliver Neck Road neighborhood in a more efficient manner. The DPW Director, he reported, investigated several ideas/options that were offered during neighborhood meetings the Town held with Oliver Neck Road residents. The Capital Outlay Expenditure Committee ("COEC") has since offered another solution, Mr. Stankiewicz noted, which is now listed on the warrant as Article 4E – Oliver Neck Road Access Option 3.

DPW Director Hector Castro reminded the Board that Option 2 (now Article 4D) is a proposal to construct a new, gated access roadway connecting Fairhaven Way to White Island Road using an existing trail that has been (illegally) cut through Town-owned property, at an estimated cost of \$310,000. Option 3, Mr. Castro explained, represents the COEC's suggestion (made at its meeting of September 15, 2010) to re-open Concord Road as a limited access, gated roadway for emergency vehicles, at an estimated cost of \$160,000.

Mr. Castro reported that the COEC has since voted (at its meeting of September 30, 2010) to make no recommendation on the Oliver Neck Road options. Mr. Stankiewicz noted that the COEC did not feel it was prudent for the Town to have multiple options for the same issue on the Fall Town Meeting warrant.

Mr. Castro answered questions from the Board regarding the various options that have been discussed as solutions to the Oliver Neck Road access issue. The Twin Lakes Improvement Association (owner of Concord Street) has every legal right to restrict access to Concord Street, he noted, and, thus, the Town cannot move forth with Option 3—the least expensive—without the association's permission. Because Option 3 may no longer be an option, Mr. Castro said, he would have to recommend Option 2 (Article 4D).

Discussion ensued as to whether the Twin Lakes Improvement Association ("TLIA") would be willing to re-open Concord Road on a restricted basis for emergency vehicles, only. Mr. Stankiewicz reported that the police and fire chiefs have expressed concern with the

unreliability of gated access. Mr. Castro stated that he could reach out to the TLIA to determine if there would be any interest in reopening the road in a limited manner.

Discussion then turned to the construction of River Run Way between Bourne Road and Wareham Road and how the new connection might help with emergency access to Oliver Neck Road. Mr. Castro explained that the construction of River Run Way may improve—but will not solve—emergency response time to the Oliver Neck Road neighborhood.

Chairman Hallisey opened the discussion to public comment.

Jim Sullivan of Oliver Neck Road stated that the average emergency response time to the Oliver Neck Road neighborhood is approximately 30 minutes, mentioning that three homes in the area have burned to the ground because fire trucks could not respond in a timely manner. The issue with inadequate emergency access extends beyond the Oliver Neck Road neighborhood to the Sandy Beach Road neighborhood, he noted, bringing the total number of homes affected to approximately 125. The TLIA has thus far been uncooperative about access via Concord Street, Mr. Sullivan said, and the Town has an obligation to provide public safety to the taxpayers in these neighborhoods.

Paul Luszc advised the Town to find a solution to the emergency access issues in the Oliver Neck Road area. Mr. Luszc explained that he was once in need of critical emergency services, and he waited nearly 20 minutes for an ambulance. Town Meeting, he speculated, has been favorable in the past to public safety-related projects.

Paul Tirrell of Oliver Neck Road noted that he counted 145 homes on Oliver Neck, Wareham, and Sandy Beach roads that would be better served by improved access. Based on his observations, he reported, the average response time for emergency vehicles is a problematic 30-40 minutes. The homeowners of the affected area pay a good deal of taxes, Mr. Tirrell said, and, thus, they should not be forced to fight with the Town and other neighborhoods for improved emergency services. He advocated for the option that would connect Fairhaven Way to White Island Road (Option 2), rather than the reopening of Concord Street (Option 3).

Paul Hapgood, Town Meeting Member from Precinct 9, noted that he spoke with a district chief within the Fire Department about emergency response to the Oliver Neck Road area. Ambulance response does not always originate from Bourne Road, Mr. Hapgood said, but, rather, it typically comes from Cedarville, from which access to the Oliver Neck Road area is achieved over paved roads. In some cases, he added, all three ambulances assigned within Plymouth are out on calls, and another ambulance must be called into service.

The Board posed further questions to Mr. Stankiewicz and Mr. Castro during its discussion of options 2 and 3. Mr. Stankiewicz noted that the Town would need easements from the TLIA in order to proceed with Option 3 and install gates on Concord Road. Mr. Castro reported that Option 2 would require the attainment of access easements from six property owners on Fairhaven Way prior to the construction of the access road.

Selectman Muratore stated his view that the issue of access to Oliver Neck Road is clearly one of safety, and he made a motion to pursue Article 4D (Option 2 – connect Fairhaven Way



to White Island Road). Selectman Harnais seconded the motion for discussion and asked Mr. Castro to outline what Option 2 would entail.

Mr. Castro explained that the layout of the connector road between Fairhaven Way and White Island Road would be cleared of brush and graded along an existing—but illegally cut—ATV path. Environmental mitigation and significant cutting/filling of the rough terrain will be required, he noted.

Vice Chairman Mahoney cited the challenges that Plymouth has experienced due to unprecedented growth, and he acknowledged the impassioned arguments from homeowners who feel that the taxes they pay are disproportionate with the services they receive. The Board, he noted, voted to withdraw other capital project articles related to public safety and quality of life issues, based on their expense. If he were to approve Article 4D, he said, it would be inconsistent with those previous votes.

Selectman Muratore acknowledged Vice Chairman Mahoney’s sentiments about the expense associated with capital projects during difficult economic times but noted his belief that the Board must start taking action on these types of projects at some point. Public safety should be the Board’s number one concern, he said.

Chairman Hallisey explained that, in those cases where the Board withdrew other capital items, its intent was to seek more cost-effective alternative solutions. In the case of Oliver Neck Road, he said, there seems to be no better plan to address emergency access. Chairman Hallisey noted his belief that the Town must address emergency access when planning for future residential development in remote areas of town.

Selectman Harnais offered his view that Option 2 is a short-term solution to the Oliver Neck Road access issue, while River Run Way could become part of a long-term solution. He advised Mr. Castro that the connector road should not be improved to the point that it would invite more traffic and the subsequent vandalism of the gate. With regard to the other capital projects that the Board voted to withdraw, he said, access by emergency response vehicles was not an issue.

At the close of discussion, the Board voted 3-1 in favor of recommending Article 4D (Option 2 – connect Fairhaven Way to White Island Road) to the 2010 Fall Annual Town Meeting. Vice Chairman Mahoney cast the opposing vote.

## **ARTICLE 31**

**To see if the Town will vote, pursuant to G.L. c.43B, §10, to amend the Town Charter, Chapter 2, Section 2-12-1, by striking out the words “at least one member” and inserting in place thereof the words “no more than three (3) members”, or take any other action relative thereto.**

### **CHARTER REVIEW COMMITTEE**

Paul Luszcz, chairman of the 2010 Charter Review Committee, presented the committee’s recommendation to change language in the Town Charter pertaining to the Advisory & Finance Committee. The committee, he reported, was convened to review several Charter-

related issues, including the anticipated increase in voting precincts (from 14 to 16) following the tabulation of the 2010 Federal Census. From this, Mr. Luszcz explained, the committee chose to focus on two areas affected by the precinct changes, namely the number of Town Meeting Members per precinct and the composition of the Advisory & Finance Committee (“FinCom”). He provided details on the research and deliberation by which the committee came to its two recommendations:

- Retain 9 Town Meeting Representatives per precinct
- Maintain a 15-member Advisory & Finance Committee, but change the language dictating the committee’s composition from “at least one member (from each precinct)” to “no more than three members (from each precinct)”

If the number of voting precincts is increased to 16, Mr. Luszcz explained, the provision requiring that the Moderator appoint at least one member from each precinct to a 15-member committee would become contradictory. Adherence to the one-from-each-precinct provision has been inconsistent, he noted, and thus, by changing the language to prohibit no more than three members from each precinct, representation of the Town’s precincts will remain broad while the Moderator has more flexibility to make appointments. Though a small change, Mr. Luszcz said, the proposed language must go before Town Meeting, the voters, and the State legislature in time to coincide with the addition of precincts in the Spring of 2012.

Mr. Stankiewicz offered the suggestion that Article 31 be postponed to the Spring, so that the Town Meeting vote on the Charter change could be bundled with other Charter-related items and coincide with the associated ballot question—thereby saving costs on mailing information to voters. Mr. Luszcz contended that, if the recommended change is not initiated now and in place by 2012, the Town will not be following its Charter when the new precincts are added.

Following some brief final discussion, Selectman Harnais made a motion to recommend Article 31 to the 2010 Fall Annual Town Meeting. Vice Chairman Mahoney seconded the motion, and the Board voted unanimously in favor. Voted 4-0-0, approved.

## **ARTICLE 36**

**To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or other exchange certain parcels of land shown as Lots 155 and 156 on Assessors Map 37A and or convey by sale or exchange land shown as a portion of Lot O on Assessors Map 37A, all parcels located in an area generally known as “Plymouth Long Beach” and further that the Town be authorized to vote the transfer of the care, custody and control of a portion of Lot O on Assessors Map 37A, said parcel located in the area generally known as “Plymouth Long Beach” currently in the custody of the Board of Selectmen for general purposes to the Board of Selectmen for conveyance; and further that the Town authorize the Board of Selectmen to sell said property for a sum or convey said property by other exchange and upon conditions to be determined by the Board of Selectmen and pursuant to the requirements of M.G.L. c.30B, or take any other action relative thereto.**

**BY PETITION: John H. Wyman, et al.**

Petitioner John H. Wyman informed the Board that Article 36 is intended to correct an engineering error dating back to the 1920’s which resulted in the inadvertent situation of a private home on Town-owned land. Conversely, he explained, the land actually owned by

the Graham family has, for years, been thought to be the Town's, and, thus, through Article 36, a land exchange is proposed. Mr. Wyman reminded the Board that this is the fourth such correction to land boundaries on Plymouth Long Beach caused by the engineering errors made in the 1920's. The correction proposed via Article 36, he said, will enact an exchange of land between the Town and the Graham Family, essentially relocating and squaring-off a boundary around the Graham family's cottage while relocating the Town boundary. In the exchange, he reported, the Grahams will add more land to their property, but the Town will be given additional frontage along Warren Cove on a parcel that spans the beach from the cove out to the harbor. No money will be exchanged in this transaction, Mr. Wyman added.

Mr. Stankiewicz noted that he spoke with DPW Environmental Manager David Gould, who affirmed that both he and the Conservation Commission supported the proposed change, so long as the private owner's new boundary line did not extend to the water line, which, in this proposal, it does not.

On a motion by Selectmen Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 36 to the 2010 Fall Annual Town Meeting. Voted 4-0-0, approved.

## **PUBLIC COMMENT**

Ken Buechs distributed DVD's he made of video footage taken during the recent visit of officials from Plymouth's sister town of Shichigahama, Japan. Selectman Quintal, he said, had requested the DVD's, so that Plymouth's delegation could bring the footage to Shichigahama on its upcoming official visit.

Selectman Muratore thanked Mr. Buechs for the DVD's. Plymouth's official visit to Shichigahama, Japan, he said, will be an educational experience, and it is important for the delegation to inform the people of Plymouth of the value of the sister town relationship. To that end, Selectman Muratore noted, he will bring a video camera to document the trip, with the hope of showing the footage at Fall Town Meeting.

Steve Lydon of Precinct 12 stated that he disagreed with the Advisory & Finance Committee's rejection of the proposal to reimburse Plymouth's sister town delegation for travel expenses to Japan from the Town Promotions Fund. The sister town relationship is important to tourism, he said, and, thus, the delegation should be reimbursed for its expenses.

Mr. Stankiewicz and Selectman Harnais both discussed the importance of the visit to honor the 20<sup>th</sup> anniversary of the sister town relationship. Chairman Hallisey noted that Denis Hanks (Plymouth Area Chamber of Commerce) assembled an informative business marketing booklet for the delegation to deliver to Shichigahama officials.

## **LICENSES**

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

(Licenses – continued)

### **VEHICLE FOR HIRE OPERATOR (NEW)**

❖ For **Morris and Sons Coach and Cab** (193 Fairview Lane)

- Steven R. Morris      193 Fairview Lane

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

### **EARLY SUNDAY SALES (AMENDMENT)**

❖ The following licensees that currently have an 11:00 a.m. Early Sunday Sales Permit applied for the 10:00 a.m. Early Sunday Sales Permit (now allowed by the State):

- Unity Club Inc of Plymouth, 40 Main Street Ext.
- KKatie's Burger Bar, 38 Main Street

### **COMMON VICTUALLER (NEW)**

❖ **Jettie's**, 186 Water Street, John J. Scott, Owner

Issuance of the above license is subject to approval from the Building and Health Departments

❖ **The Upper Crust**, 15 Court Street, ABCC, Inc., Owner

Issuance of the above license is subject to approval from the Building and Health Departments

### **FUEL STORAGE (CHANGE OF OWNERSHIP)**

❖ **109 Court Street** – This location has storage tanks with a capacity of 24,000 gallons already in place and approved, currently licensed under Exxon Mobil Oil Corp., transferring to Global Companies, LLC.

### **ADMINISTRATIVE NOTES**

**Meeting Minutes** – On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board approved the minutes of the September 14, 2010 Selectmen's meeting. Vote 4-0-0, approved.

**Amendment of Purchase and Sales Agreement** – The Board amended the *Purchase and Sales Agreement* between the Town of Plymouth and Habitat of Humanity for Greater Plymouth, Inc. relative to the conveyance of property at South Pond Street for affordable housing purposes. *[Note: this amendment simply reflects an extension of the closing date.]*

**Fall Town Meeting Warrant** – The Board signed the 2010 Fall Town Meeting Warrant.

During the Administrative Notes portion of the meeting, Selectman Muratore noted that the Board had voted to table its decision on Article 30 (regarding proposed changes to the legislation establishing the Visitor Services Board) until its meeting of October 5<sup>th</sup>, but the article was not listed on the evening's agenda. He made a motion to hear Article 30 on October 12, 2010. Selectman Harnais seconded the motion, and the Board voted 4-0-0 in favor.

## **TOWN MANAGER'S REPORT**

**Entergy / Pilgrim Nuclear Power Station** – Mr. Stankiewicz informed the Board that he received a call from a Boston Globe reporter about a ruling from the United States Nuclear Regulatory Commission (“NRC”) that waste produced at the Pilgrim Nuclear Power Station will be stored at the plant for up to 60 years after the plant closes. While the decision is disappointing, he said, the Town will review, with special counsel, Pilgrim's long range plans for waste disposal as part of upcoming negotiations with Entergy (the plant owner).

**i3 Federal Education Grant** – Mr. Stankiewicz was pleased to report that the Plymouth School Department is the recipient of a \$5 million Investing in Innovation (“i3”) stimulus grant from the Federal government. Plymouth, he explained, was the lead community of 50 applicants chosen for the grant, which will be distributed over the next five years. He congratulated Superintendent Gary Maestas and the Plymouth School Committee for the achievement.

**Voting Polling Locations** – Mr. Stankiewicz reported that the Town Clerk was required to make some minor adjustments to the Town's Precinct 4 and Precinct 8 polling locations (Plymouth North High School and the Cedarville Fire Station), due to construction projects taking place at each site. Some minor modifications to PNHS have been made in the interest of handicapped accessibility, he said, and Precinct 8 voting will be moved to the fire truck bays within the Cedarville Fire Station.

**Municipal Law Seminar** – Mr. Stankiewicz noted that he and Lynne Barrett, the Town's Finance Director, attended a recent seminar hosted by the State's Division of Local Services on “Recent Developments in Municipal Law.”

**Plymouth Long Beach Management Plan** – Mr. Stankiewicz explained that the Town received notice that the State's Division of Fisheries & Wildlife has extended the date for its final decision on the Town's Beach Management Plan. Once the decision is rendered (anticipated on Monday, October 25<sup>th</sup>), the information will be forwarded directly to the Selectmen.

**State Ballot Question #3 / Sales Tax Reduction** – Mr. Stankiewicz made note that he provided the Board with a two-page summary of the potential impact of State Ballot Question # 3, reducing the sales and use tax from 6.25% to 3%, effective January 1, 2011. If passed, he said, the reduction will have a detrimental effect on the services the Town provides.

## **BOARD LIAISON / DESIGNEE UPDATES**

**Roads Advisory Committee** – Selectman Harnais reported that the Roads Advisory Committee will hold its October meeting at 7:00 p.m. on October 6, 2010, at the Plymouth Public Library.

**Memorials Advisory Committee** – Selectman Muratore noted that he met recently with the Memorials Advisory Committee to clarify what the Selectmen voted upon relative to the Benjamin Sherman memorial proposed for the intersection of State and Beaver Dam Roads. There will likely be some clarification about this matter included in the Board's October 12<sup>th</sup> administrative notes, he said.

## **OLD BUSINESS / LETTERS / NEW BUSINESS**

**Plymouth Long Beach** – Vice Chairman Mahoney referred to a number of local news articles covering the issues of access for off-road vehicles at Plymouth Long Beach and the protection of endangered shorebirds. In one of the articles, he noted, the Goldenrod Foundation claimed that it made an offer to the Town to pay half the cost of a study on shuttle access to the 4x4-accessible area of the beach. He requested information on Goldenrod's offer for the study and asked why the Town refused.

**Parking at Town Hall** – Selectman Muratore cited a complaint that the Board received from a citizen who was frustrated that parents of Nathaniel Elementary School students are occupying parking spaces at Town Hall while dropping off / picking up their children at the school. He asked the Town Manager how the issue would be pursued. Mr. Stankiewicz said that he would forward the complaint to the School and Police Departments.

**Speeding on Lake Drive** – Selectman Muratore noted a letter the Board received from a citizen concerned about speeding on Lake Drive. Mr. Stankiewicz stated that he will forward the letter to the Police Department.

**Damage Claim** – Chairman Hallisey asked the Town Manager about a damage claim the Board received from Janice Kelley of Towns Street. Mr. Stankiewicz reported that the letter was forwarded to the DPW and the Town's insurance carrier.

**Honda Dealership Groundbreaking** – Chairman Hallisey noted that he attended the groundbreaking ceremony for the Honda Dealership slated for Long Pond Road (near the Home Depot Plaza). The owners of the dealership hope to open in June 2011, he said.

## **ADJOURNMENT OF MEETING**

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to adjourn its meeting at approximately 9:48 p.m. Voted 4-0-0, approved.

*Recorded by Tiffany Park, Clerk to the Board of Selectmen*