

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, APRIL 2, 2013

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, April 2, 2013 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: Mathew J. Muratore, Chairman
John T. Mahoney, Jr., Vice Chairman
Sergio O. Harnais
Belinda A. Brewster
Kenneth A. Tavares

Melissa Arrighi, Town Manager

CALL TO ORDER

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

PRESENTATION FROM U.S. NUCLEAR REGULATORY COMMISSION

Jim Clifford, Deputy Director of the Division of Reactor Safety of the United States Nuclear Regulatory Commission (“NRC”), introduced a presentation and discussion on the following topics related to the Pilgrim Nuclear Power Station (“Pilgrim Station”):

- 2012 Annual Assessment of Safety Performance
- Information on Interim Spent Fuel Storage Installations (“ISFSI’s”)

Ron Bellamy, Region One Branch Chief for the NRC, noted that it is his job to ensure that Pilgrim Station is being operated safely. Though his office is located in King of Prussia, Pennsylvania, he said, there are two local inspectors who are directly assigned to Pilgrim Station: Senior Inspector Max Schneider and Resident Inspector Brian Smith.

Mr. Clifford and Mr. Bellamy were joined by the following representatives from the NRC:

- Max Schneider, Senior NRC Inspector (Pilgrim Station)
- Brian Smith, NRC Resident Inspector (Pilgrim Station)
- Doug Tiffitt, NRC Regional State Liaison Officer
- Diane Scenci, Senior Public Affairs Officer
- Thomas Setzer, Division of Reactor Projects
- Marc Ferdas, Chief, Decommissioning Branch
- Eric Benner, Chief, Rules, Inspection, & Operations, Office of Nuclear Materials Safety & Safeguards

Mr. Bellamy provided a presentation on the NRC's 2012 Annual Assessment of Safety Performance at Pilgrim Station. The assessment, he explained, is derived from 7,400 hours of inspections and related activities conducted at the facility by local and regional inspectors. Mr. Bellamy noted that Pilgrim entered what the NRC considers its Regulatory Response Column due to a "white" violation for failure of Pilgrim personnel to implement operational control standards and procedures during a reactor startup, which contributed to reactor scram in May of 2011. Subsequent to follow-up inspections conducted in November of 2012, he continued, inspectors made a determination that the white finding could be closed, and, thus, Pilgrim transitioned back to a normal level of oversight.

Mr. Bellamy provided the Board with information on the NRC's inspection process and stated that, based on the NRC's assessment, Entergy operated Pilgrim Station safely during 2012. There were no performance indicators for the facility that were classified other than "green (i.e. low-risk)," he said, nor were there any inspection findings that were greater than green. Based on the 2012 findings, Mr. Bellamy indicated, the NRC will continue to conduct routine inspections at Pilgrim in 2013, barring any changes or unforeseen incidents.

Marc Ferdas, Chief of the NRC's Decommissioning Branch, facilitated a presentation on interim spent fuel storage installations ("ISFSI's"), which are designed to accept spent nuclear fuel that has previously been cooled in a storage pool for at least five years. Mr. Ferdas provided a description of the concrete containments and discussed the way by which these storage installations are designed and permitted. Entergy, he said, intends to construct an ISFSI at Pilgrim Station, and, in order to do so, it must follow the NRC's general licensing process for such installations and use an approved cask design. The Office of Nuclear Materials Safety & Safeguards is responsible for overseeing the licensing, certification, and inspection of ISFSI's. Mr. Ferdas noted that Pilgrim's on-site storage facility will be the 18th ISFSI in the United States.

Eric Benner, Chief, Rules, Inspection, & Operations, Office of Nuclear Materials Safety & Safeguards, spoke to the Board regarding the general licensing process for ISFSI's. Established under CFR Part 72, Section K in 1990 in response to the Nuclear Waste Policy Act of 1982, the general license for ISFSI's grants reactor owners the ability to relocate their spent fuel from cooling pools to on-site dry cask storage. Mr. Benner explained that the NRC conducts a site-specific evaluation for each cask installation, and each cask must be certified and registered. Reactor decommissioning funds cannot be used for dry cask storage, he noted.

Mr. Benner provided details on the certification process for storage casks, noting the technical considerations for which each cask must be designed—such as structural quality, thermal shielding, confinement capability, etc.—to withstand a number of environmental factors, i.e. earthquakes, floods, tornadoes, fires, drops, etc.

Mr. Ferdas resumed the presentation with information on the way by which the construction and subsequent operation of ISFSI installations are inspected and monitored. The NRC's resident inspectors will do most of the work, he said, with regional inspectors

visiting the site twice per year. Mr. Ferdas assured the Board that the NRC also conducts regular inspections of the cask vendor's operations, to ensure that the casks are being manufactured properly. All inspections, he noted, are documented in cyclic inspection reports and are made available on the NRC's webpage. In summary, Mr. Ferdas explained, Entergy plans to construct an ISFSI at Pilgrim Station under the general licensing procedure established by CFR Part 72, Section K, and the NRC will regulate and oversee the process.

At the close of the presentation, NRC representatives responded to comments and questions from the Board of Selectmen.

Selectman Tavares urged Mr. Clifford and his fellow NRC representatives to bring a message back to high-ranking NRC officials in Washington, D.C. that the community is no longer comfortable having an aging nuclear power facility in its backyard. Public opinion regarding nuclear power plants has changed dramatically since the catastrophe at Fukushima Dai-Ichi Station in Japan, he said, and few are convinced that the plan for evacuation following an event at Pilgrim is effective or even realistic. The Selectmen receive the lion's share of questions and concerns from the community but have the least control over a situation that will affect the Town of Plymouth for years to come. This, Selectman Tavares stated, is the reason why the NRC must do a better job of communicating with—and responding to—Plymouth's citizens.

Vice Chairman Mahoney stated his opinion that the NRC and Entergy owe the public the courtesy of allowing direct questions in an open forum, rather than hosting meet-and-greet forums or informational presentations where citizens must submit their questions in advance.

Selectman Brewster echoed the comments made by Selectman Tavares, noting that the citizens of nuclear reactor host communities are losing faith that the Federal government will ever follow through on its promise to provide a national repository for the nation's spent nuclear fuel. The safety of the community is of the highest importance, she said, but the government has left the Town of Plymouth to become a de facto nuclear waste dump, with no assurance that these storage casks are safe from natural and unnatural events. Selectman Brewster advised the NRC officials that Plymouth's citizens want better communication, answers to their questions, and assurances of safety.

Selectman Harnais reiterated the call for better communication and accountability from the Federal government for Plymouth and all of the communities surrounding Pilgrim Station. This was the first time in his three years as a Selectman, he noted, that the Board has ever met with the NRC's local inspectors. Considering the events at Fukushima, Selectman Harnais said, the NRC should require Entergy to be more forthcoming with, and responsive to, the questions and concerns of the citizens who live in and around Pilgrim.

Chairman Muratore asked the NRC officials to put together a forum that would bring together all of the nuclear reactor host communities across the nation to discuss their concerns with Federal legislators, up to and including the President of the United States. He asked that NRC officials respond to his request within 60 days.

Mr. Clifford acknowledged Chairman Muratore's request and affirmed that he would bring the Board's comments back to his supervisors.

Chairman Muratore opened the discussion to comment from the members of the Town's Nuclear Matters Committee ("NMC").

Jeff Berger, chairman of the NMC, introduced the members of his committee who were in attendance at the meeting: Paul Smith, Jim Simpson, Robert Morgan, and Rich Rothstein.

Rich Rothstein posed a number of technical questions to the NRC officials regarding the permitting process for the ISFSI; the potential affect of rising sea levels on the location of the storage pad; and the feasibility of the emergency evacuation plan. Mr. Benner and Mr. Clifford provided responses, both noting that the permitting process will address potential hazards and the location of the storage pad. Because of the detailed and technical nature of Mr. Rothstein's questions, Mr. Clifford asked Mr. Rothstein to submit his questions to the NRC, in writing.

Jim Simpson noted that the NMC has received many questions from citizens as to how Entergy has been allowed to bypass the local zoning and permitting processes for a project of such magnitude. Mr. Clifford responded with his understanding that the local construction permitting requirements still apply to the ISFSI.

Mr. Berger reiterated the aforementioned sentiment that the Federal government has broken its promise to provide a safe, centralized, Federally-managed repository for nuclear waste. The government's decision to forgo the construction of the Yucca Mountain facility, he said, has created nuclear waste dumps within nuclear host communities across the country. Mr. Berger asked the NRC officials if the government intends to return the billions of dollars that have been set aside for the Federal repository in the form of funding for localized dry-cask installations.

Mr. Benner responded that some of the nation's nuclear reactor licensees have successfully sued the Federal government to receive compensation for the storage of the fuel, because of the government's failure to complete the Yucca Mountain project. The NRC, he explained, has no control over or involvement in that particular issue. Mr. Benner noted that, even though the Yucca Mountain project has been withdrawn, there is still some pursuit of a solution to the nuclear waste storage issue at the Federal level.

Following some brief remaining questions, Chairman Muratore opened the hearing to public comment.

Jim Cotter of Wakefield, Massachusetts, spoke of his experience working with nuclear materials, noting that he produced an independent film about nuclear waste. Mr. Cotter indicated that there is a salt mine in New Mexico that would be ideal for housing a Federal repository, but initiatives to pursue the project have thus far been blocked by Nevada senator Harry Reid.

Ben Almeida of Manomet described what he has perceived to be a disconnect between the NRC, the public, and common sense. Mr. Almeida questioned the NRC's decision to relicense the reportedly-flawed Mark I reactor at Pilgrim Station, based on the vented design that could allow the release of radioactive materials during a malfunction.

Mr. Bellamy reported that the hardened vent within the Mark I reactor at Pilgrim can withstand up to 150 pounds of pressure before opening. The vent is included in the design, he said, to prevent damage that could be caused by a pressure surge resulting from an accident situation. Mr. Bellamy stated that the NRC is looking into the installation of filters for such vents. The relicensing process, he explained, centers on whether a facility can operate safely for another 20 years, whereas accident analyses are part of the initial licensing of the facility.

Plymouth resident Wedge Bramhall stated his belief that Pilgrim Station has one of the most dangerous spent fuel pools in the country. He asked the NRC officials to explain why they have not required Entergy to return the number of spent fuel rods in the storage pool to the containment's approved capacity, and he expressed concern about the potential for a terrorist attack on the spent fuel storage areas. Mr. Bramhall also questioned why the NRC does not require licensees to store the dry-casks underground.

Mr. Bellamy responded that Entergy is responsible for the storage of its spent fuel. The NRC, he said, is responsible for ensuring that reactor licensees are satisfying Federal regulations—whether the fuel is housed in a cooling pool or in dry-cask storage. Mr. Bellamy asserted that the NRC is just as concerned about terrorist attacks as the citizens within the community, which is why there are requirements that storage containers be made to withstand a number of accident conditions. There are many systems in place at Pilgrim Station, he noted, that are designed to prevent loss of power and overheating.

In response to an inquiry from Chairman Muratore, Mr. Ferdas reported that the transport of spent fuel from the cooling pool to dry cask storage is a labor intensive process. The movement of fuel into three casks, for example, can take approximately three weeks, he said. Mr. Ferdas informed the Board that Entergy has a plan, spanning 30 years, to transition its spent fuel from the cooling pool to dry-cask storage.

Mary Lampert of Duxbury and founder of Pilgrim Watch explained that she has been working for many years to have the NRC address the venting system on the reactor at Pilgrim Station. Though the technical staff of the NRC has recommended that the NRC require the installation of filters in vented reactors, she noted, only one member of the NRC's Commissioners—chairman Alison McFarlane—voted in favor of the recommendation. Ms. Lampert issued a number of questions to the NRC representatives regarding the way by which the casks will be housed, protected, and monitored at Pilgrim.

Though he acknowledged that he could not provide an immediate answer to all of Ms. Lampert's questions, Mr. Ferdas stated that the location, design, and monitoring of the ISFSI at Pilgrim must meet the standards set forth by the NRC and the nuclear power

industry. The regular inspection schedule for the ISFSI should address ongoing maintenance issues, he explained.

Ms. Lampert inquired about the fuel transport process and questioned whether Pilgrim will be allowed to accept spent fuel from other nuclear facilities. In response, Mr. Benner stated his understanding that Pilgrim's ISFSI may only house fuel generated at Pilgrim Station. Many reactor facilities share transport equipment, Mr. Benner indicated, but if the NRC were to require the expedited transition of fuel from pools to dry cask storage, reactor licensees may opt to invest in their own exclusive, on-site equipment.

Monica Mullin, resident of Manomet and legislative assistant to Senate President Therese Murray, questioned why the NRC did not take into account the feasibility of the emergency evacuation plan when it decided to relicense Pilgrim for another 20 years of operation. She questioned whether the transport of fuel from the pool to dry cask storage will be conducted by local employees, and she called into question Entergy's recent efforts to reduce the health benefits afforded to its employees, when the health and safety of its employees, she said, should be a major priority to both Entergy and the NRC.

Mr. Clifford responded that personnel matters and labor relations do not fall under the NRC's purview. Mr. Ferdas answered that Pilgrim's local employees will be trained to transport the fuel, with assistance from the cask vendor and specialized off-site support. The NRC, Mr. Ferdas indicated, will require Entergy to first demonstrate that its staff can manage the transport of the fuel, prior to allowing the actual process to begin.

Irene Caldwell, a resident of Plymouth, asked a number of questions about the fabrication, expense, and life-span of the casks. Mr. Ferdas reported that Entergy is responsible for the storage and maintenance of its waste. In the event that a centralized Federal location is determined, Mr. Ferdas noted, the Department of Energy will take possession of the fuel. Based on the varying sizes of the casks that can be utilized, Mr. Ferdas could not provide a specific answer on the expense of each unit.

David Agnew of Cape Cod stated his observation that the NRC does not appear to recognize the significance of the events at Fukushima when considering the relicensing of aging nuclear reactors. The Mark I reactor design has been deemed to be flawed by the Atomic Energy Commission, he said, yet the NRC chose to relicense Pilgrim's Mark I reactor. Mr. Agnew expressed concern about the possibility of a terrorist attack on Pilgrim Station and questioned how the NRC could realistically presume that the impact of a 747 airplane would have no adverse effect upon the containment of the cooling pool.

Peter Crawley stated his belief that underground repositories such as those proposed at Yucca Mountain in Nevada and the W.I.P.P. facility in Carlsbad, New Mexico are the most scientifically-sound means of storing and protecting spent nuclear fuel. Above-ground storage, he said, seems extremely temporary and fundamentally inadequate for long-term storage of nuclear waste. Mr. Crawley questioned whether the NRC has been proactive in analyzing and recommending the most effective, site-specific conditions for each unique storage location, or whether it simply uses a standard set of benchmarks on which it measures each ISFSI proposal.

Mr. Benner responded that it is the licensee's responsibility to demonstrate that the site-specific location and design they have chosen for the ISFSI will meet the conditions set forth by the NRC.

Bill Maher of Cape Cod requested information on the extent of work done by Pilgrim on the ISFSI storage pad, to date. Mr. Maher expressed disbelief that Entergy could undertake a project of such magnitude under a standard building permit. In response, Mr. Ferdas reported that, in addition to the construction of a retaining wall, Entergy has reinforced a haul path between the reactor and the location of the proposed storage pad.

Ms. Arrighi noted that she and the Town's Director of Inspectional Services have met regularly to discuss the oversight of Entergy's construction activity. Based on conversations with Town Counsel, she said, she and the Director of Inspectional Services are confident that Entergy is meeting the requirements of its building permit.

Diane Turco from Harwich, Massachusetts, questioned why the NRC chose to relicense Pilgrim, despite the pleas of Massachusetts' legislators to delay the relicensing until the lessons learned from the events at Fukushima could be implemented (via updated safety requirements). Mr. Bellamy responded that NRC officials work under a very specific set of regulations. Entergy met the regulations set forth by the NRC, and, therefore, the NRC renewed Entergy's license to operate the facility, Mr. Bellamy said.

Margaret Reissmeyer from Brewster, Massachusetts, questioned the sincerity of the NRC's interest in safety, if the agency refuses to consider the feasibility of a licensee's emergency evacuation plan.

Pine Dubois of the Jones River Watershed Association discussed her organization's efforts to ensure the health of Plymouth Harbor and its aquatic inhabitants. Studies show, she said, that fish are dying as a direct result of Pilgrim Station's operation. Ms. Dubois explained that she and her colleagues believed that an environmental impact assessment would be part of Pilgrim's relicensing process, yet the NRC renewed Pilgrim's license with no consideration of environmental factors. NASA scientists have indicated that sea levels are rising, she noted, but the NRC has chosen to allow the construction of a nuclear waste storage facility within 300 feet of the coastline. Ms. Dubois asked whether the NRC would consider retracting the permission given to Entergy to construct the ISFSI.

Mr. Clifford stated that he was not qualified to discuss whether the NRC would—or could—retract its authorization of the ISFSI.

Chairman Muratore called for any remaining comments or questions from the audience. Seeing none, he closed public comment and brought the discussion back to the Board for final remarks.

Selectman Brewster posed some remaining questions to the NRC officials regarding the authority they are given to determine the number of fuel rods and the rate at which they will be moved into dry cask storage at Pilgrim Station. There is approximately \$30 billion

set aside in the Federal Nuclear Waste Fund from consumer surcharges, she reported, for the sole purpose of funding the long-term storage of nuclear waste. Considering the number of spent rods in the cooling pool, the number of years that Pilgrim will continue to operate, and the number of citizens who live in the Emergency Planning Zone (“EPZ”) around Pilgrim, she said, the NRC should require Entergy to plan for the transition of all its spent fuel into dry cask storage by a specific date.

Mr. Benner noted that the NRC is considering what parameters it will place on the number of rods and the rate at which the rods will be moved into dry cask storage. The NRC, however, has no jurisdiction over the use of revenue collected in the Federal Nuclear Waste Fund, he said. Mr. Benner restated the NRC’s basic mission of ensuring the safe and adequate operation of nuclear reactor facilities.

Mr. Clifford reiterated that he and his NRC colleagues will welcome further questions from the Selectmen. At the close of his remarks, Mr. Clifford noted that he takes the safety of nuclear operations very seriously, as someone who lives within seven miles of a nuclear reactor in Pennsylvania.

Selectman Tavares asked the NRC delegation to communicate the sentiments and concerns expressed during the discussion back to officials in Washington. The citizens who live within the EPZ, he noted, are very knowledgeable and will demand more and more attention from the NRC. Selectman Tavares pointed out that the Blizzard of 2013 clearly demonstrated that a nuclear emergency during a severe weather event could have disastrous consequences, as residents would have no way to evacuate the area. Plymouth will question everything from now on, he said, and it will not stand by quietly anymore.

Chairman Muratore thanked the NRC representatives for participating in the discussion, and he expressed appreciation to the members of the audience for their thoughtful and respectful questions. It is his hope, he said, that the NRC will return for more conversations of this kind, in the future. Lastly, Chairman Muratore reiterated his request that the NRC assemble and host an open forum between the representatives of nuclear host communities and Federal legislators to address questions and concerns about the safety of nuclear power facilities.

Chairman Muratore called for a brief recess at approximately 9:40 p.m.

LICENSES

Chairman Muratore reconvened the meeting at 9:50 p.m.

MISCELLANEOUS ANNUAL RENEWALS

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to renew the following list of miscellaneous annual licenses and permits [*continued on Page 9*]. Voted 5-0-0, approved.

Pawn Broker

PEGGY'S PAWN SHOP (JOHN MCCARTHY) 37 COURT STREET

Junk Dealer

ANTIQUES POTPOURRI	1464 STATE ROAD
BEST BUY STORES LP, #385	228 COLONY PLACE
CHAPEL ANTIQUES	631 STATE ROAD
DILLON & COMPANY, LTD. D/B/A DILLON & COMPANY	12 NORTH STREET
GAMESTOP	54 SHOPS AT 5 WAY
GAMESTOP, INC.	165 COLONY PLACE
NASR JEWELERS, INC.	61 COMMERCE WAY
RJ STONE & ASSOCIATES INC. D/B/A MILLER'S COUNTRY STORE	114 WATER STREET
SONA GRIGORYAN D/B/A QUICK CASH	52 MAIN STREET
VILLAGE BRAIDER ANTIQUE, INC.	48 SANDWICH STREET

Junk Collector

PAUL ALMEIDA 24 HOUR TOWING, INC.	10 COLUMBUS ROAD
PEGGY'S COLLECTIBLES	37 COURT STREET
PLYMOUTH COIN AND JEWELRY	64 COURT STREET
ROBERT SILVA	27 WEST CHERRY STREET

Fortune Telling

A FAIRYTALE – THE TRUTH BE TOLD	574 STATE ROAD
ANNE FITZGERALD	8 ELLISVILLE ROAD
CELESTIAL INSIGHTS (REGINA HAMILTON)	146 COURT STREET
CRYSTAL CHAMBERS (TAMMY MILLER)	12 SAMOSET STREET
HEART OF DESTINY’S WINGS (IRENE J. MOODY)	629 STATE ROAD
HEART OF DESTINY’S WINGS (JENNIFER FULTZ-MAHON)	629 STATE ROAD
MARIANNA JOHN	11 BRINE AVENUE

Billiards

ELLIS HAVEN CAMPGROUND, 2 TABLES 531 FEDERAL FURNACE RD

*Issuance of the above licenses is subject to submittal of all necessary paperwork.

COMPREHENSIVE ENTERTAINMENT (NEW)

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to grant a Comprehensive Entertainment Permit to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Sea Dog Plymouth LLC d/b/a Nix’s** (Gregory Mitchell, 6 Town Wharf) requested a Comprehensive Entertainment Permit for Groups 1, 2, and 3 – jukebox, radio, TV, dancing, and live entertainment.

SUNDAY ENTERTAINMENT (NEW)

On a motion by Selectman Harnais, seconded by Selectman Tavares, the Board voted to grant a Sunday Entertainment Permit to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Sea Dog Plymouth LLC d/b/a Nix's** (Gregory Mitchell, 6 Town Wharf) requested a Sunday Entertainment Permit for Jukebox, radio, TV, dancing and live entertainment from 11:00 a.m. to midnight.

VEHICLE FOR HIRE OPERATOR LICENSE (NEW)

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to grant a Vehicle for Hire Operator License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **For Special Occasion Limousine Inc.** (170 Court St., Diane Dockery, Owner):
 - Terry Willoughby (41 Old Mill Road, East Sandwich)Issuance of above licenses is subject to the CORI background check.

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to grant a Vehicle for Hire Operator License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **For TLC Quality Transportation** (42 Dublin Drive, Brian Mazilli, Owner):
 - Michael Weathers (59 West Street, Carver)Issuance of above licenses is subject to the CORI background check.

ONE DAY WINE & MALT LIQUOR LICENSE*

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to grant a One Day Wine & Malt Liquor License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Improv Asylum** (216 Hanover Street, Boston) requested a One Day Wine & Malt Liquor License for a comedy show to be held from 5:30 p.m. to 1:00 a.m. at Memorial Hall on May 11, 2013. Liquor liability will be in place before the license is released.

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to grant a One Day Wine & Malt Liquor License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Pilgrim Hall Museum** (75 Court Street) requested a One Day Wine & Malt Liquor License for a major exhibit opening reception to be held from 5:00 p.m. to 8:00 p.m. at

Pilgrim Hall (75 Court Street) on April 5, 2013. Liquor liability will be in place before the license is released.

*One Day Liquor Licenses shall automatically cover the day before and the day after the event for the purpose of proper delivery, storage and disposal of alcoholic beverages purchased.

AUTO DEALER CLASS II

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to grant an Auto Dealer Class II License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Caruzn Customs**, (Craig Carreau, 77 Little Herring Pond Road) requested a Class II Auto Dealer License. No more than two vehicles will be for sale at one time.

TRANSPORT OF OVERSIZED LOAD

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board approved the following request for permission to transport an oversized load, as detailed, below. Voted 5-0-0, approved.

- ❖ **Mammoet USA N.E. Corp.** requested permission to transport a transformer from NSTAR Substation in Carver, MA. To Cordage Park. The transport arrangement consists of a 10' wide self propelled modular trailer. The unit will be 98' long and 12'4" wide and 20'7" high with a gross weight of 554,645 lbs. The move will take place on April 22, 2013 at 9:00 p.m. and should take between 8 and 9 hours. All pertinent departments have been notified and/or are working with Mammoet during the transport. Police Dept., Fire Dept., Harbor Master, Highway Dept., DPW Dept., Tree Warden, IT Dept. as well as all State Departments: Comcast, NSTAR, Verizon, State Police. A State permit has been obtained for moving over State highways. Attached is the traffic plan with the route and all details.

ADMINISTRATIVE NOTES

Meeting Minutes – The Board approved the minutes of the January 22, 2013 and January 29, 2013 Selectmen's meetings.

Design Review Board – The Board re-appointed Joseph Marshall III as the Planning Board's nominee to the Design Review Board, for a term effective through June 30, 2015.

Distinguished Visitors Committee – The Board appointed Janet Young of Precinct 11 as the Town Meeting Representative on the Distinguished Visitors Committee, for a term effective April 3, 2013 through June 30, 2015.

Long Beach Land Exchange / Tassinari – The Board approved and executed the following documents related to the land exchange on Ryder Way on Plymouth Long Beach between the Town of Plymouth and Barry C. Tassinari, Trustee of B.L.T. Realty Trust, as authorized by Article 12 of the 2011 Fall Annual Town Meeting:

- *Quitclaim Deed* from the Town of Plymouth to Barry C. Tassinari, Trustee of B.L.T. Realty Trust, for property described as new Lot 352 containing 27,500 square feet of land, more or less and shown on a plan of land entitled, “Plan of Land in Plymouth, Massachusetts Being a Division of Lots 349, 350, and 351 on Plat 37A of the Plymouth Assessors Maps,” dated February 6, 2012.
- *Acceptance of Deed* from Barry C. Tassinari, Trustee of B.L.T. Realty Trust to the Town of Plymouth
- *Settlement Statement* for Lot 1, Ryder Way, dated April 3, 2013
- *Settlement Statement* for new lot 352, Ryder Way, dated April 3, 2103

Purchase & Sale Agreement for 54 Taylor Avenue – The Board approved and executed a *Purchase & Sale Agreement* for 0.14+/- acres of property identified as Lot 7A-3 on Assessor’s Map 46, known as 54 Taylor Avenue, in preparation for Article 16C of the 2013 Spring Annual Town Meeting.

Land No Longer Needed for Cemetery Purposes / Samoset Street Reconstruction – The Board voted that a portion of Lot 49 on Assessors Map 101, which is land in the Vine Hills Cemetery along Samoset Street, is no longer needed for cemetery purposes, as related to Article 25 of the 2013 Spring Annual Town Meeting (Reconstruction/Improvements to Samoset Street).

Acceptance of Donation – The Board accepted, with gratitude, a gift of \$200.00 from Donald Wilkinson to the Department of Marine & Environmental Affairs for scallop seeding in Plymouth Bay.

Gift of Land in Conjunction with Memorandum of Understanding – The Board accepted, in consideration of \$1.00, a gift of 5+/- acres of land described as Lot 13-1 on Assessor’s Map 89 from Harald LLC, in conformance with the Memorandum of Understanding between the Town of Plymouth and Harald LLC.

Aquaculture License – The Board approved and executed an *Aquaculture License* between the Town of Plymouth (as licensor) and Cassie Gosselin of 80 Central Avenue, Saquish Beach, Plymouth, Massachusetts (as licensee) for an area situated in Plymouth Harbor described by the coordinates listed below, for a three-year term effective April 3, 2013 through April 2, 2016. The Board gave its preliminary approval for this license at its meeting of May 1, 2012.

- | | |
|--------------------------------------|--------------------------------------|
| 1. N41° 59’ 18.37”, W070° 40’ 45.67” | 3. N41° 59’ 14.28”, W070° 40’ 43.92” |
| 2. N41° 59’ 16.74”, W070° 40’ 41.46” | 4. N41° 59’ 15.22”, W070° 40’ 48.82” |

DISCUSSION ON PROPOSED BALLOT QUESTION ON SOLID WASTE

Chairman Muratore noted that the Board had a brief discussion during the March 19, 2013 meeting as to whether the issue of solid waste options could be placed on the May Town Election ballot. As such, he said, the Town Clerk was invited to discuss the process and determine what options are available.

Town Clerk Laurence Pizer referenced a memo he provided to the Board in which he noted that the deadline by which voters can submit a non-binding referendum question for the May election ballot is April 6, 2013. If the voters seek to stop an action of Town Meeting, however, a non-binding question on the May election ballot will have no legal effect.

Mr. Pizer explained the process of what might happen if a group of voters were to initiate the overturn of a vote of Town Meeting on the matter of solid waste options. Based on a number of assumptions—which Mr. Pizer outlined—the deadline for submitting the signatures of 3% of Plymouth’s registered voters (1,150) would be April 18, 2013. Mr. Pizer noted that the earliest date on which a referendum could occur to reverse a vote of Town Meeting would be June 1st.

Mr. Pizer made note, however, that a referendum to overturn a vote of Town Meeting can only nullify the action—not modify it—and, therefore, the solid waste budget would be reduced to zero. This, he said, would require the scheduling of another Town Meeting to address the budget for solid waste. Assuming that the Selectmen vote during their meeting of June 4th to call a Special Town Meeting (following the aforementioned, hypothetical June 1st submittal of a referendum petition), the earliest date on which the Special Town Meeting could take place would be June 27, 2013.

Following a June 27th Special Town Meeting, Mr. Pizer informed the Board, the solid waste budget could not be legally ratified and put into effect until July 7th. This, he said, means that there would be no money to operate the Town’s solid waste program from July 1 to July 7, 2013.

Mr. Pizer responded to questions from the Board about the reasons why a referendum vote can only nullify—not modify—a vote of Town Meeting. Town Meeting, alone, holds the responsibility of legislating the Town’s budget, he explained. The voters are given the power to nullify an action of Town Meeting, Mr. Pizer said, but they cannot assign a dollar amount to a referendum question.

Selectman Tavares noted that, during the March 19th meeting, he raised the question of allowing a non-binding referendum on solid waste options, to determining the will of the voters upon the matter.

Mr. Pizer acknowledged that the Selectmen could vote to place a non-binding question on the May Town Election ballot as late as April 6th, but the vote in May would effectively take place after the Town Meeting in April. If Town Meeting votes to approve a budget for a solid waste program that is not chosen as the preferred option within a hypothetical

non-binding referendum, voters would then have to follow the aforementioned process of overturning Town Meeting's vote, which would, in turn, trigger the need for a Special Town Meeting.

Selectman Tavares stated his belief that it may be good to get feedback from the voters on the options brought forth for the future of the Town's solid waste program. As such, he made a motion that the Board vote to sponsor a non-binding question for the May Town Election ballot on the solid waste options, with the appropriate wording drafted by Town Counsel. Vice Chairman Mahoney seconded the motion.

Vice Chairman Mahoney cited the uncertain future of the South Street Transfer Station as the pivotal factor in the future of the Town's solid waste options. The County (owner of the transfer station location), he said, appears to be unwilling to cooperate with the Town on the environmental remediation and capping of the former landfill site. If the majority of Plymouth residents wish to maintain transfer station services, Vice Chairman Mahoney explained, the Town cannot guarantee that the South Street station—the most frequently used station of the Town's three facilities—will be available after the lease with the County expires in January of 2015.

Chairman Muratore noted that he and the Town Manager have made some progress with the County in the course of recent meetings with County officials. The County has made it clear, however, that they will begin charging the Town for use of the South Street site, should the Town wish to maintain the transfer station after the current lease expires, he noted.

With regard to the discussion on the potential for a referendum vote on solid waste options, Chairman Muratore stated his hope that the Board would stand behind its decision to pursue a compromise solution to the future of Plymouth's solid waste program, rather than yield to an '11th hour' attempt to circumvent the resolution. The Selectmen and the representatives of Town Meeting, he said, are elected to lead and make decisions based on research and the expertise of professional staff.

Following some brief final comments, the Board voted on Selectman Tavares's motion to sponsor a non-binding question for the May Town Election ballot on the proposed solid waste options. The Board voted 1-4-0, with Selectman Tavares casting the lone vote in favor. The motion did not carry.

PUBLIC COMMENT

Kevin Doyle stated his belief that it is time to bring the Town's federal legislators to Plymouth to discuss the issues pertaining to the Pilgrim Nuclear Power Station, rather than trying to get the message to them in Washington.

Robert Alford of Precinct 7 stated that, though he does not necessarily believe in governing by referendum, the matter of solid waste options is very important to residents. Town Meeting will decide upon the solid waste budget, he said, but the final decision is heavily

reliant on the future of South Street. Mr. Alford expressed his belief that it might be time for Plymouth's state legislators to prevail upon the County to do what is fair with regard to the capping of the South Street landfill, because Plymouth is too geographically large to only have one transfer station.

TOWN MEETING ARTICLE 11 (IMPROVEMENTS TO PRIVATE ROADS)

Chairman Muratore noted that the Advisory & Finance Committee voted against recommending Article 11 to the 2013 Spring Annual Town Meeting. As such, he said, the Advisory & Finance Committee will not move the article on Town Meeting floor.

Ms. Arrighi reported that Steve Lydon of Precinct 12 has indicated that he will move Article 11, and, therefore, the Board does not need to make a decision as to whether it will move the article. The Town Moderator will be notified of Mr. Lydon's intentions, she affirmed.

COMMITTEE LIAISON / DESIGNEE UPDATES

Plymouth County Advisory Board – Vice Chairman Mahoney informed the Board that he attended the March 28, 2013 meeting of the Plymouth County Advisory Board. One item of note that was discussed during the meeting, he said, was that the County's annual audits going back to 2007 were still in draft form. Vice Chairman Mahoney noted that County officials intend to correct this issue and complete the audits on an annual basis.

Distinguished Visitors Committee – Selectman Harnais reported on the Distinguished Visitors Committee's progress upon selecting a student delegation to travel to Shichigahama during the summer of 2013. Out of fourteen applicants, he said, eight students were selected to travel with two chaperones from the Plymouth Public School System. Selectman Harnais noted that the committee would also like to send four Town officials with the delegation: the Chairman of the Board of Selectmen (or his/her designee), the Chairman of the 400th Anniversary Committee (or his/her designee), and two members of the School Committee (or their designees). The committee voted to have the delegation depart for Shichigahama on August 1st, he explained, but recent news was received that Shichigahama officials may have a conflict with that particular date.

South Shore Community Action Council – Chairman Muratore was pleased to announce that the South Shore Community Action Council honored Dinah O'Brien and the staff of the Plymouth Public Library at its March 27th Local Heroes Award Night event.

Building Committee – Chairman Muratore noted that the Building Committee chose a contractor to conduct the feasibility study on Plymouth South High School during its March 21, 2013 meeting.

National Meals on Wheels Day – Chairman Muratore informed the Board that he participated in the Town’s recent event to honor National Meals on Wheels Day (March 20, 2013). The event, which was hosted by the Plymouth Council on Aging, was held to raise awareness about the importance of delivering meals to seniors. Chairman Muratore encouraged those who may be interested in volunteering for Plymouth’s Meals on Wheels program to contact Conni DiLego at the Council on Aging.

APPROVE & ESTABLISH GUIDING PRINCIPLES

Chairman Muratore introduced a discussion on the establishment of a set of guiding principles for Plymouth’s staff and elected/appointed officials. The idea for the principles, he said, was conceived during a leadership retreat that the Board hosted in June of 2012.

Chairman Muratore read through the list of nine guiding principles:

1. *Be patient, kind and tolerant.*

It sounds simple, but it is important to understand that other people’s contributions or comments have merit, even if you do not agree with them. Keep in mind that human affairs are complicated, and they cannot always be addressed with mathematical precision. A minor inconsistency does not in and of itself invalidate someone’s argument. While no one expects everyone to agree, try to always keep your comments kind and polite in words and tone, as you would want others to be kind and polite to you.

2. *Show respect in attitude, tone, and approach.*

We must all embrace differences and treat each other with dignity. Remaining respectful of each other includes being on time and prepared for the meeting, even if that means doing outreach ahead of the meeting to understand the issue at hand; serve as a role model in your actions and speech to others, remembering that others will watch, observe, or read about the interaction; and set an example of the proper way to treat each other. Honor other people and their opinions, especially in the midst of a disagreement. The other person is just that, a person, and you are similar no matter how much you may differ in your views. Treat others with respect while expecting the same for yourself. When others appear to behave badly, you do not have license to do the same. Show respect for differing opinions. These opinions mean as much to them as yours do to you. You do not have to agree with these opinions to show the simple courtesy of respecting his or her right to have them. In doing so, you treat people with differing views the way you wish to be treated. There is no place in civil discourse for disparaging talk.

3. *Be inclusive, collaborate, and promote diversity.*

Plymouth embraces diversity and encourages full community participation in the decision making process. By focusing on Plymouth’s long term well-being, controversy will be resolved through civil debate and compromise. When you commit to the collaborative process and encouraging everyone’s opinion, the outcome will have more acceptance and buy-in. Be cooperative with others, and recognize and appreciate the contributions of all; appreciate that the individual wants to contribute to the issue; recognize that we are different and that is

healthy and productive. Make sure that you welcome all groups of people to work for the greater good of our community.

4. *Show in your actions, attitude, and tone that excellent customer service is important to you.*

Achieve a high level of service to the citizens and your customers by being nice, courteous, polite, and approachable. Act in a friendly, helpful, and interested manner. The people you are working with, or waiting on, or that are appearing before you, all need something or want to get across a message. Help them do that effectively and appreciate the time they took to provide that information or make that request. Even if something cannot be approved or accommodated, you can say no or not do something in a manner that is above reproach. In doing so, you will be a role model for other town officials.

5. *Retain the highest levels of integrity in your performance, actions, and decisions.*

Always remember that first and foremost, we are honest in our actions and words; we encourage being held accountable; and we honor our commitments. Each one of us is in our role with Town Governance for a reason and we must be honorable and make every comment and decision based on a high level of truthfulness and reliability.

6. *Strive to have a positive attitude about the governance of the Town.*

We are fortunate to be involved in a wonderful community where many of the people that we interact with want the best for the Town. All of our involvement with the community's decisions or daily activities should be done in a manner that is positive. Negativity has no place in our governance. We want to always remember that we are part of the solution, not part of the problem. We are members of one team. Remaining positive is a key component to that success.

7. *Listen.*

Focus on others in order to better understand their point of view. Pay attention to what is being said and do not simply give "ear time" to another person. Try to understand their point of view, even if you do not agree with it. Listening well is the fair and courteous thing to do. Listen to what is being said, rather than just wait for the opportunity to speak.

8. *Take Responsibility.*

Don't shift responsibility and blame onto others and when you are wrong; offer a sincere apology. Repairing damaged relationships is an important responsibility and one that we should all take to heart. If you have hurt someone through your actions or your words, recognize it and talk to the person about it.

9. *Be part of a great team.*

If you are kind, patient, tolerant, respectful, inclusive and positive, you will truly be a member of the team that is needed to keep this Town wonderful. Make your daily goal to be a member of the Team and look for opportunities to agree. Support the final decision even if you did not agree with it or vote for it. Remember, you are a member of a group and should promote unity once a decision has been made.

Ms. Arrighi affirmed that she would train staff on the guiding principles, and the Selectmen's Assistant, Tiffany Park, will distribute the principles to the Town's boards and committees.

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to approve and institute the *Guiding Principles for the Town of Plymouth*. Voted 5-0-0, approved.

OLD BUSINESS / LETTERS / NEW BUSINESS

Feasibility of Nuclear Emergency Evacuation Plan – Selectman Brewster asked if the Board could meet with Plymouth's state legislative delegation to discuss the feasibility of the Pilgrim Nuclear Power Station's emergency evacuation plan.

MEMA-Sponsored Plume Test – Selectman Brewster referenced a recent article in the Old Colony Memorial regarding the results of a Massachusetts Emergency Management Agency-sponsored plume test for the Pilgrim Nuclear Power Station. She requested that the Town Manager invite Emergency Management Director Aaron Wallace to discuss the results of the test with the Board.

Ms. Arrighi noted that she would coordinate the scheduling of the discussion with state legislators and Mr. Wallace on the same evening, as both matters are related to the Pilgrim Nuclear Power Station.

New England Collegiate Baseball League – Selectman Brewster noted that she attended a recent event sponsored by the New England Collegiate Baseball League to recruit host families for the members of the Plymouth Pilgrims baseball team. Those who volunteer to serve as hosts, she said, will be provided with season tickets. Selectman Brewster indicated that she has volunteered to serve as a host, and she advised other residents who wish to volunteer to contact Nicole Manfredi at Nicole@pilgrimsbaseball.com or via (781) 831-0731.

Chapter 61 Land / Herring Pond Road – Vice Chairman Mahoney expressed disappointment that the Town had not pursued the purchase of a 5-acre, Chapter 61-designated parcel of property in South Plymouth, off Herring Pond Road. The Director of Marine & Environmental Affairs expressed interest in the property, he said, but the department was not given enough notice by the facilitating Town department to act upon the opportunity. Vice Chairman Mahoney indicated that the Community Preservation Committee had shown interest in the property, but it could not pursue the matter further without more information. He noted his concern about the breakdown in communication between staff on this potentially important parcel and stated his belief that the Town cannot miss such opportunities in the future.

Brewster Ambulance – Selectman Brewster noted that, on Sunday, March 31, 2013, the Town switched its ambulance provider from American Medical Response (“AMR”) to

Brewster Ambulance. To dispel any speculation, Selectman Brewster asserted that she and her family have no relation or connection to the owners of Brewster Ambulance, and she affirmed that she had no involvement in the process of selecting the ambulance service provider.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to adjourn its meeting at approximately 10:45 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the April 2, 2013 meeting packet is on file and available for public review in the Board of Selectmen's office.