

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, OCTOBER 8, 2013

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, October 8, 2013 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: Mathew J. Muratore, Chairman
Belinda A. Brewster, Vice Chairman
John T. Mahoney, Jr.
Kenneth A. Tavares
Anthony F. Provenzano

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.

TOWN MANAGER'S REPORT

Removal of Buffer along High Rock Cranberry Crescent Development – Town Manager Melissa Arrighi indicated that she provided the Board with a plan as to how the developer of High Rock Cranberry Crescent will mitigate the over-clearing of the vegetative buffer around the development site at Route 80 and Commerce Way. The attorney for the developer, she reported, will file a supplemental greenscape / landscaping plan (prepared by TEC, Inc.) with the Zoning Board of Appeals on Thursday, October 10, 2013, along with a copy for the Selectmen.

Public Wells – Ms. Arrighi informed the Board that a presentation on the Town's municipal wells will be scheduled for an upcoming Selectmen's meeting during the month of October. The Town, she explained, has 11 active well supplies, 10 tanks, 4 booster pump stations, 6 pressure zones, two inactive emergency surface water sources (Great South Pond and Little South Pond), and 14,000 service connections, all serving an estimated population of 38,580 people. Ms. Arrighi noted that she will invite the Zoning Board of Appeals to attend the upcoming presentation.

White Horse Beach Parking – Ms. Arrighi stated that she has put together a strategy for moving forward with the White Horse Beach Parking initiative that the White Horse Beach Parking Committee brought forth in their final report and recommendations, as follows:

- Amend Traffic Rules and Orders to allow parking on Taylor Avenue between Short and Hilltop, and any other location in that area where people are parking already
- Assign the Parking Signage Project to a staff member, have them pick locations, design signs, with the goal of presenting this plan/design to the public and Selectmen and the WHB Parking Committee members
- Once that plan has been endorsed, sponsor an article for spring town meeting to fund the project.
- The Assistant Town Manager will meet with the PGDC to explore the concept of their Corporation assuming the responsibility for seasonal enforcement
- The Special Assistant to the Town Manager will research the law that provides for the \$15 parking fine and determine how that can be raised to \$50
- The Assistant Town Manager will reach out to the Superintendent of Schools to discuss the possibility of renting parking spaces at Manomet Elementary School during the summer.
- Once the project is complete, provide a map of all public parking areas on the website.
- If this is funded at Town Meeting, and the PGDC does not assume the enforcement, submit a budget request for a line item in one of the Department budgets for seasonal parking enforcement.
- Talk to the Manomet Village Steering Committee about a petitioned article to allow a zoning change for privately owned parking lots at WHB to charge people to park. This would essentially allow a business in a residential area by changing the zoning. However, currently home occupation is the only business allowed in this residential zone, and a parking business is not included in that occupation. Thus, there would need to be a zoning change at Town Meeting, which may have unintended consequences of allowing for other businesses there.

1820 Courthouse – Ms. Arrighi provided the Board with an update on the next steps associated with the 1820 Courthouse Feasibility Study, as follows:

- Invitations for the 1820 presentation are being officially printed at the Sheriff's Department and will be provided to all Town Meeting members. Flyers are being printed that include all the information on the November 13, 2013 public presentation of the feasibility study results. The information will be released to the press, posted on FaceBook and Twitter, posted on the website, and mailed by the Town Clerk to all appointed officials.
- Donna Curtin of the 1820 Courthouse Advisory Committee is drafting a letter about the project that speaks to the presentation and project facts. It is important for the public to understand that this is not a fait accompli; rather, we are reviewing the financials and considering all options. Most importantly, the Advisory Committee is encouraging

everyone interested in the Town's governance, the vitality of the downtown, the project in general, and the future of that site, to come and hear the presentation at Plymouth South High School on November 13th.

- Bill Keohan of the 1820 Courthouse Advisory Committee has offered to lead the charge on the "Rapid Response Group," which will be an independent entity made up of residents who have been part of the 1820 Courthouse re-use process from the start of this feasibility stage. The group will work exclusively on press outreach and responses to letters/speak-outs/shows that reference this project.

Town Properties for Lease and Sale via Public Bid – Ms. Arrighi concluded her report with the announcement that the bid to lease the building located at 204 Long Pond Road (formerly leased by the Nature Conservancy) and the bid to purchase 91 Long Pond Road (the Town's former Water Department facility) were both submitted to Procurement for advertisement to the public.

COMMITTEE LIAISON / DESIGNEE UPDATES

Roads Advisory Committee – Selectman Provenzano indicated that he attended the October meeting of the Roads Advisory Committee, at which the group discussed the history of eminent domain takings in the Town of Plymouth. He asked the Town Manager to look into whether there is an existing bylaw adopted by Town Meeting that renders the process unnecessary.

Planning Board / Zoning Bylaws – Chairman Muratore reported that he attended the Planning Board's "zoning bylaw workshop" on October 7, 2013, at which ideas were discussed on the revision of the Town's zoning bylaws. The meeting was productive, he said, and the revision process should take approximately one year.

PUBLIC COMMENT

Randy Parker announced that a new tree for the Manomet Commons at the Simes House has been donated by Brenda Bartlett in memory of her husband. The tree, he explained, is a white fir to be known as "Bart." Mr. Parker reported that the dedication will be held on Friday, November 29, 2013 at dusk and will be done in conjunction with the Knights of Columbus.

LICENSES

There were no license applications submitted for the Board's consideration this week.

ADMINISTRATIVE NOTES

Purchase & Sale Agreement for 991 Old Sandwich Road – The Board approved and executed a *Purchase & Sale Agreement* for 20 acres (+/-) of property located at 991 Old Sandwich Road, identified as Lot 9 on Assessor’s Map 65, as authorized by Article 16C of the 2011 Fall Annual Town Meeting.

Purchase & Sale Agreement for Property Off Long Pond Road – The Board approved and executed a *Purchase & Sale Agreement* for 15 acres (+/-) of property located off Long Pond Road, identified as Lot 15 on Map 60 as authorized by Article 16C of the 2011 Fall Annual Town Meeting.

Fee for Special Farmer-Brewery Liquor License – The Board will set the fee for an annual Farmer-Brewery Pouring Permit at \$250.00.

PRESENTATION FROM ENTERGY ON DRY-CASK STORAGE

Chairman Muratore announced that the evening’s presentation from Entergy would be the first in a series of presentations that would seek to enhance communication between Entergy and the Town and provide information on Entergy’s activities/processes.

The Board was joined in joint session by the Nuclear Matters Committee (“NMC”). NMC Chairman Robert Morgan affirmed that the committee had already called its meeting to order.

Plymouth’s Police Chief and Fire Chief, Michael Botieri and G. Edward Bradley, respectively, joined the Town Manager at the head meeting table to be readily available for any questions.

David Noyes, Regulatory and Performance Affairs Director for Entergy, introduced Entergy’s presentation with an introduction of the representatives accompanying him: David Burke, Station Security Manager; Charlie Minot, Senior Project Manager for the dry-cask storage initiative; and communications and community outreach representatives Jim Sinclair, Joyce McMahon, and Meghan Leahy.

The presentation provided by Entergy representatives encompassed a brief history of Pilgrim Nuclear Power Station (“PNPS”); information on the facility; an account of the legislation associated with the storage of spent nuclear fuel; the status of spent fuel at Pilgrim and general information about storage at facilities across the nation; and Entergy’s planned program for storage of spent fuel at its Pilgrim facility.

Mr. Noyes began with a brief history of PNPS, noting that the station began commercial operation in 1972 under the operation of Boston Edison. In 1999, Boston Edison sold PNPS to Entergy, who renewed the facility’s license with the federal government in 2012

for another 20 years (until 2032). The facility employs 650 individuals, pays the Town of Plymouth approximately \$10 million annually through a Payment-In-Lieu-Of-Tax (“PILOT”) agreement, and generates enough carbon-free electricity to power approximately 680,000 homes.

Mr. Noyes displayed a timeline depicting a compressed history of federal legislation pertaining to the policy on the storage of spent nuclear fuel, noting that the 1998 deadline by which the Yucca Mountain repository was to be complete languished until the Obama Administration eliminated the project in 2009. In accordance with the Nuclear Waste Policy Act of 1982, nuclear reactor operators must pay 1/10 of a cent per kWh to cover the cost of a long-term storage solution for spent nuclear waste. To date, Mr. Noyes reported, Pilgrim has paid over \$150 million into the fund (since 1982), which now stands at \$26 billion. If the U.S. Department of Energy had fulfilled its obligation to accept the spent fuel, in accordance with the Nuclear Waste Policy Act of 1982, it would not be necessary for Entergy to construct an Interim Spent Fuel Storage Installation (“ISFSI”) at Pilgrim station.

Mr. Minot resumed the presentation with an overview of existing spent fuel storage facilities, noting that there are currently 69 dry-cask storage installations within the United States. Entergy is pursuing the construction of an ISFSI at PNPS, Mr. Minot explained, due to the failure of the Department of Energy to develop a national repository for spent fuel. The number of spent fuel assemblies in the storage pool at PNPS has surpassed 80% of the pool’s licensed capacity, and there must always be enough space in the pool to offload the full core of assemblies within the reactor.

Mr. Minot reviewed the details of the construction phases associated with the installation of the ISFSI at PNPS, noting that the first three casks are scheduled to be loaded by the end of 2014. Following the first transfer in 2014, he reported, Entergy plans to load three casks every two years. Mr. Minot stated that only spent fuel generated at PNPS will be stored at the site. The casks, which are licensed by the Nuclear Regulatory Commission (“NRC”), will be monitored daily and subject to continuous security surveillance.

Mr. Minot provided the board with detailed specifications on the storage installation at PNPS, pointing out that the storage pad will be 25 feet above mean sea level. The pad is not located in a flood zone, he said, and the 25-foot elevation is more than sufficient to accommodate the extreme surge storm tide level rating of 13.5 feet above mean sea level. The pad is designed to withstand seismic events and is located within a protected area of the plant, 850 feet away from the plant’s control area boundary. Mr. Minot displayed a photograph and an overview map of the site layout at PNPS, to illustrate the location of the storage pad.

Mr. Minot provided a detailed account of the design and specifications of the HI-STORM 100 storage casks that Entergy will utilize, a widely-used model that is capable of storing 68 assemblies. The canisters, he indicated, have been evaluated and classified as leak-tight under normal and hazardous conditions. Mr. Minot used additional photographs while explaining the process of transferring spent fuel assemblies into dry cask storage. In

summary, Mr. Minot said, Entergy must transfer its spent fuel to dry cask storage, in order to continue operations at the facility. The company, he said, is relying on proven technology that meets the rigorous standards set by the nuclear industry.

Following the presentation, Mr. Noyes and Mr. Minot responded to a number of questions from the Board and members of the Nuclear Matters Committee (“NMC”).

Vice Chairman Brewster posed a number of detailed questions to Mr. Noyes and Mr. Minot, ranging from Entergy’s position on the safety of dry-cask storage versus cooling pool storage; the true capacity of the cooling pool; the capacity of the ISFSI; the life-span of the casks and the long-term plan for storing all of Pilgrim’s waste; and whether Entergy will sue the federal government for the cost of constructing the ISFSI. Vice Chairman Brewster stated her belief that the Town and Entergy can find common ground on the fact that both entities are saddled with hosting the storage of spent nuclear fuel at PNPS, because the federal government has not fulfilled its promise to provide a national repository. She asked if Entergy could provide the Town with its assurance, in writing, that it will only store fuel assemblies that were utilized/generated by PNPS, as she does not trust that the NRC will uphold or maintain its current regulations that prohibit a facility from storing another nuclear facility’s fuel assemblies.

Selectman Mahoney inquired about the ability of the proposed storage pad to withstand a storm surge; how the 13.5-foot storm tide level was determined; and whether climate change was factored into the determination of the storm surge.

Rich Rothstein of the NMC inquired about the rate at which Entergy will transfer its assemblies to dry cask storage (in relation to the industry average) and the security measures incorporated into the design of the storage pad.

Rich Grassie of the NMC noted that the location of the storage pad at PNPS will place the spent fuel nearest to the perimeter of the site than any of the other fuel assemblies, and, thus, he questioned whether this would change the security regulations imposed on the facility by the NRC. Mr. Grassie stated his belief that Pilgrim’s fuel assemblies will be safer in well-tested dry casks than in the cooling pool.

Jeff Berger of the NMC asked Entergy officials to clarify some of the information they provided with regard to the casks’ ability to withstand storm surges/floods and tornado “missiles.”

Paul Smith of the NMC noted that the committee had an opportunity to hear Entergy’s presentation on the ISFSI during the committee’s August meeting. Entergy spent two and a half hours with the committee during that meeting, to answer all of the members’ questions, he noted.

Mr. Morgan, Chairman of the NMC, thanked the Board for inviting his committee to participate in such an important discussion.

Selectman Tavares asked Entergy to discuss its responsibility to the Town after 2032—or after PNPS is decommissioned—for the continued storage of spent fuel at the facility. Specifically, he asked whether Entergy would continue to provide the Town with funding for emergency planning and preparedness, i.e. training for Plymouth’s first responders. It would be unfair, Selectman Tavares said, for the Town of Plymouth to continue to be responsible for hosting high-level radioactive waste within its boundaries following the decommissioning of the plant without adequate compensation.

The representatives from Entergy were not qualified to answer Selectman Tavares’ question, and, thus, they promised to provide the Board with a follow-up response.

Selectman Provenzano inquired about the maintained enforcement of—and the Obama Administration’s position on—the Nuclear Waste Policy Act of 1982. In addition, he asked about the order in which the fuel assemblies will be transferred to dry cask storage—i.e. the oldest rods first, versus those that are most easily accessible—as well as how radioactive the assemblies are. Selectman Provenzano inquired how other countries (that produce more electricity via nuclear generation) handle their spent nuclear waste; the reprocessing of spent nuclear fuel; and whether Entergy has monitored sea levels at the facility since it opened in 1972.

Vice Chairman Brewster questioned what Entergy’s plans are for Pilgrim’s spent fuel, following the decommissioning of the facility (i.e. will the company continue to transition assemblies to dry cask storage, or will it leave the rods in the cooling pool). She reiterated her reluctance to rely on the NRC to ensure that the spent fuel will be relocated to a federal repository, and, thus, she again encouraged a partnership between Entergy and the Town to work towards securing funds from the Nuclear Waste Policy Act of 1982 for the transition of fuel assemblies from the cooling pool to dry-cask storage.

Mr. Rothstein of the NMC provided a number of additional comments on the chosen location, specifications, and future viability of the storage pad, in relation to climate change and the scientifically-documented trending of rising sea levels and coastal erosion.

Chairman Muratore asked Entergy’s representatives to speak about the monitoring and security associated with the ISFSI.

Following the question-and-answer session between the Selectmen, NMC, and Entergy officials, Chairman Muratore opened the meeting to public comment.

Kevin Doyle of Plymouth, Mary Lampert of Duxbury, Tom Churchill of Manomet, and Pine DuBois of Kingston were each given the opportunity to pose a number of questions directly to Entergy representatives regarding the plans for the dry-cask storage installation.

Following the close of public comment, Chairman Muratore expressed his appreciation to the representatives from Entergy for the presentation and their willingness to answer the community’s questions. He noted that the Board would schedule a follow-up presentation

with Entergy officials to discuss post-Fukushima changes and address any outstanding questions that could not be answered during the evening's discussion.

Mr. Noyes thanked the Board for the opportunity to participate in the meeting, and he offered to provide a tour of the ISFSI for members of the Board.

With the unanimous support of his committee, Mr. Morgan adjourned the meeting of the Nuclear Matters Committee at approximately 9:00 p.m.

Chairman Muratore commended the members of the NMC for being such a valuable resource to the Town on a very complex issue.

OLD BUSINESS / LETTERS / NEW BUSINESS

Information on Updates to Federal Floodplain Maps – Selectman Mahoney requested that the Town Manager research and report upon the changes proposed to local flood zone maps by the Federal Emergency Management Agency (“FEMA”) and Massachusetts Emergency Management Agency (“MEMA”). Specifically, he asked how such changes might affect Plymouth residents and whether such residents can pursue an appeal.

Regional Service Initiatives – Selectman Mahoney inquired when the County Commissioners would be scheduled to appear at a Selectmen's meeting. Chairman Muratore noted that staff was working on a date at which the Commissioners can provide a presentation on several regional initiatives they are pursuing that would consolidate services between participating communities within Plymouth County. Ms. Arrighi suggested that the County look into the establishment of a Regional Animal Shelter, from which she believes a number of area municipalities could benefit.

Addressing the Potential Loss of Revenue from Pilgrim Nuclear Power Station – Selectman Mahoney referenced the recent closure of a power generation facility in Somerset to illustrate his long-standing belief that the Town must begin to prepare, financially, for the decommissioning of the Pilgrim Nuclear Power Station.

Discussion on Economic Development with Kingston Officials – Chairman Muratore spoke about a meeting he attended with State Representative Tom Calter and Kingston officials about economic development along the border between the two communities, including the possibility of opening up William Gould Way between Kingston and Plymouth.

Award for Healthy Communities Initiative – Chairman Muratore noted that he and Ms. Arrighi were scheduled to appear at the State House on October 9, 2013 to receive an award from the Massachusetts Department of Public Health for the Town's participation in the Healthy Communities Initiative.

ADJOURNMENT OF MEETING

On a motion by Selectman Provenzano, seconded by Selectman Mahoney, the Board voted to adjourn its meeting at approximately 9:10 p.m. Voted 5-0-0, approved.

Recorded by Melissa Arrighi, Town Manager, and Tiffany Park, Clerk to the Board of Selectmen

A copy of the October 8, 2013 meeting packet is on file and available for public review in the Board of Selectmen's Office.