

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, MARCH 25, 2014

TOWN HALL, BREWSTER GARDENS ROOM (EXECUTIVE SESSION) AND MAYFLOWER ROOM (OPEN SESSION)

The Selectmen held a meeting on Tuesday, March 25, 2014 at 6:00 p.m. at Town Hall in the Brewster Gardens Room (Executive Session) and the Mayflower Room (Open Session).

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

Melissa Arrighi, Town Manager
Michael Galla, Assistant Town Manager

CALL TO ORDER

Chairman Muratore called the meeting to order at 6:00 p.m. in the Brewster Gardens Room, on the third floor of Town Hall.

EXECUTIVE SESSION

The Selectmen entered Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 2, to conduct contract negotiations with non-union personnel, and Paragraph 3, to discuss strategy with respect to litigation, as an open meeting on these matters may have a detrimental effect on the negotiating position of the body. By roll call: Tavares – yes, Mahoney – yes, Brewster – yes, Provenzano – yes, and Muratore – yes.

Chairman Muratore noted that, following executive session, the Board would reconvene in open session.

RETURN TO OPEN SESSION

Chairman Muratore reconvened the meeting in open session at 7:00 p.m. and led the Pledge of Allegiance.

Prior to the commencement of the Board's scheduled business, Selectman Provenzano called for a moment of silence in honor and memory of the Honorable Judge Dennis J.

Collari, a native of Plymouth and former Plymouth Selectman who retired in 1992 as the First Justice of Plymouth District Court, following 20 years of service on the bench.

SWEARING-IN CEREMONY: NEW AND PROMOTED OFFICERS

Police Chief Michael Botieri facilitated the swearing-in ceremony, providing biographical information on each of the eight (8) new officers and two (2) promoted officers.

New Officers

Officer Charles DeLaura
Officer Jason Flynn
Officer Aaron Volkringer
Officer Joshua Souza
Officer Matthew Sechoka
Officer Sean Ketterer
Officer Travis Eliason
Officer Shawn Ireland

Promoted Officers

Sergeant Ray Reid
Sergeant Dennis Reimer

The Town's Clerk Laurence Pizer led the new officers through the oath of service, which was followed by a formal pinning ceremony. Following the swearing-in ceremony, Chairman Muratore called for a brief recess.

TOWN MANAGER'S REPORT

Chairman Muratore reconvened the meeting at 7:20 p.m.

Grand Opening of Greater Plymouth Performing Arts Center / "Spire Center" – Town Manager Melissa Arrighi announced that the Greater Plymouth Performing Arts Center ("GPPAC") will hold the grand opening of The Spire Center for Performing Arts on April 11, 2014. The Spire Center's location at 25½ Court Street, she indicated, was purchased by Town Meeting with Community Preservation Funds, for the purpose of transforming the property into a community-based center for the performing arts (under the stewardship of GPPAC). Projects like the Spire Center, Ms. Arrighi explained, are examples of the success of the Community Preservation Act.

Selectman Mahoney noted that there will be an open house for the public to tour the Spire Center on Saturday, April 5, 2014, from 11:00 a.m. to 2:00 p.m.

Plymouth North High School Production of *The Wiz* – Ms. Arrighi informed the Board that she attended a recent student production of the musical *The Wiz* at Plymouth North High School. She congratulated and commended the students and school faculty for their talented work in producing a successful and enjoyable performance.

Special Commission on Substance Abuse and Treatment – Ms. Arrighi reported that she, Chairman Muratore, and Vice Chairman Brewster attended a public hearing of the Special Commission on Substance Abuse and Treatment, which was held from 10:00 a.m. to 1:00 p.m. at the Plymouth Public Library on March 25, 2014. The hearing, at which legislators, town officials, law enforcement leaders, emergency response providers, and substance abuse professionals were gathered, was held to discuss the substance abuse epidemic on the South Shore. Ms. Arrighi stated that she was encouraged by the team that has been assembled to work towards ending substance abuse and improving treatment options at the local and regional level.

Household Hazardous Waste Collection Day – Ms. Arrighi announced that the Town’s 2014 Spring Annual Household Hazardous Waste Collection will be held from 9:00 a.m. to 1:00 p.m. on Saturday, April 12, 2014 at the DPW facility at 169 Camelot Drive. Information on the event, she said, will be posted on the Town’s website and disseminated through the Town’s Facebook and Twitter accounts.

Regulations Pertaining to E-Cigarettes – At the request of Chairman Muratore, Ms. Arrighi reported that the Town’s Board of Health is working on a revision of Plymouth’s regulations pertaining to tobacco, to address the health risks of E-Cigarettes. The Board of Health, she indicated, has scheduled a tentative meeting during the month of April to discuss the proposed updates to the regulations.

Dedication of Off-Billington Street Dam Removal Project / Herring Festival – Ms. Arrighi announced that the dedication of the Off-Billington Street Dam Removal Project will be held on Friday, April 25, 2014, to celebrate the work that the Town has done to restore the passage of herring along Town Brook.

LICENSES

ONE DAY WINE AND MALT LIQUOR LICENSE*

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

- ❖ **Michelle Riley / MAR Promotions** (117 Tall Oaks Drive, Weymouth) requested a One Day Wine & Malt Liquor License for a mixed martial arts event to be held from 6:00 p.m. to 12:00 a.m. on April 5, 2014 at Memorial Hall. Liquor liability will be in place before the license is released.

ONE DAY ALL ALCOHOL LIQUOR LICENSE*

On a motion by Selectman Mahoney, seconded by Vice Chairman Brewster, the Board voted to grant a One Day All Alcohol Liquor License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **NSTAR Petition 1988118** – One petition covering the installation of one new stub pole on W Long Pond road in Plymouth. This stub pole installation is necessary to stabilize an existing pole 642/23.
- ❖ **NSTAR Petition 1989726** – One petition covering the installation of two manholes and underground cable and conduit locations on Summer Street in Plymouth. This construction is necessary to upgrade the existing system to enhance reliability.

Approval with the conditions set forth by the Engineering Department and the Town Manager.

ADMINISTRATIVE NOTES

Meeting Minutes – The Board approved the minutes of the February 11, 2014 Selectmen’s meeting.

Joint Venture Agreement for Leased Property at 16 Town Wharf – The Board consented to a Joint Venture Agreement between Reliable Fish Company and DEB-MAB, Inc., pertaining to the operation of a restaurant business at the Town-owned leased premises at 16 Town Wharf.

License Agreement for Footbridge over Eel River – The Board approved and executed a *License Agreement* between the Town of Plymouth (the licensor) and Edward G. Roche (the licensee), the owner of property at 120 Warren Avenue, for the construction of a private footbridge across the Eel River connecting the licensee’s property at 120 Warren Avenue to Plymouth Long Beach.

[Note: The Conservation Commission has approved and issued a permit (“WPA Form 5 – Order of Conditions”) for this project.]

Sworn Weighers – The Board appointed the following employees of the T.L. Edwards, Inc. Plymouth facility as sworn weighers for 2014:

- Angus R. Beaton 428 Winter Street, Hanson, MA 02341
- Christopher L. Edwards 173 East Spring Street, Avon, MA 02332
- Stephen L. Edwards 173 East Spring Street, Avon, MA 02332
- Katherine M. Januse 71 Southworth Street, Lakeville, MA 02347
- David M. Mascio 231 Long Pond Road, Plymouth, MA 02360

PUBLIC HEARING: LAYOUT OF CARVER ROAD AS PUBLIC WAY

Chairman Muratore opened a public hearing to consider the official layout of a portion of Carver Road as a Public Way.

Sid Kashi, Town Engineer, explained that the Department of Public Works seeks authorization to establish an official roadway layout along a portion of Carver Road that

borders the forthcoming Cranberry Crescent commercial development. Because there is no written record of layout for this “used and maintained” section of Carver Road, he indicated, the Engineering Department recommends the establishment of an official layout plan. Mr. Kashi reported that, as part of the development project, the owner of Cranberry Crescent is willing to grant permanent highway easements along the sections of his property that border Carver Road (Article 23 of the 2014 Spring Annual Town Meeting). In conjunction with the developer’s offer to grant easements to the Town, he noted, the Engineering Department is seeking easements from other property owners along this section of Carver Road.

Mr. Kashi explained that the Town cannot make alterations to a roadway that is classified as “used and maintained.” The establishment of an official layout for this section of Carver Road, he said, will allow the Town the legal ability to make adequate improvements to the roadway. Mr. Kashi noted that the Planning Board approved the proposed layout for Carver Road (a portion thereof) during its meeting of March 17, 2014.

Chairman Muratore opened the hearing to public comment. No citizens came forth, and, thus, Chairman Muratore closed the hearing to await a motion of the Board.

Selectman Provenzano made a motion to approve the proposed layout for Carver Road (a portion thereof), as presented by the Town Engineer and as described in the official hearing notice. Vice Chairman Brewster seconded the motion, and the Board voted 5-0-0 in favor.

PUBLIC COMMENT

Chairman Muratore opened the meeting to public comment. No citizens came forth.

UPDATE ON WATER STREET BRIDGE REPLACEMENT PROJECT

David Gould, Director of Marine & Environmental Affairs, provided the Board with an update on the Water Street Bridge Replacement Project.

Mr. Gould displayed photos of the existing bridge over Town Brook on Water Street to illustrate the need for the bridge’s replacement. Following a 2010 inspection, he reported, it was concluded that the bridge was in poor condition and replacement was warranted. In 2011, Town Meeting allocated \$250,000 towards the engineering and permitting of the project, and, in 2012, Town Meeting approved \$2,500,000 for the bridge reconstruction.

Mr. Gould indicated that the most significant aspect of the project is the inherent restrictions placed upon in-water work that can be done on a waterway that serves as passage for anadromous fish. Considering the numerous factors that will prevent the Town from conducting work upon the bridge—fish passage (March 1st through June 15th), Plymouth’s tourist season (Memorial Day through Labor Day), the Thanksgiving Parade

(November 23, 2014) and general winter conditions (tides and nor'easters)—the small window of opportunity in which the Town can replace the bridge will fall between September 2, 2014 and November 22, 2014.

During the construction phase, Mr. Gould reported, Water Street will be closed between Union Street and Leyden Street. Pedestrian access will be preserved through Brewster Gardens, he said, but there is no other choice for vehicular access. Mr. Gould noted that the major event that could be affected by the Water Street Bridge Replacement Project is the Thanksgiving Parade. If the project is delayed, he acknowledged, the parade route may need to be altered. The goal of the Department of Marine & Environmental Affairs, he said, is to complete the project within schedule and cause as little inconvenience as is feasibly possible. Mr. Gould assured the Board that he would provide regular updates on the project.

Mr. Gould responded to questions and comments from the Board regarding the bridge reconstruction timetable and whether the organizers of the Thanksgiving Parade had been notified of the project. Mr. Gould indicated that the full extent of the project will require 4-5 months of work, but the portion of the project that requires the roadway closure will be focused within the September 2 – November 22 time frame. With regard to the activities that may be affected by the project, Mr. Gould informed the Board that he has left a message for the Thanksgiving Parade director, and he noted that he will be reaching out to business owners, tour bus groups, and event organizers.

Selectman Mahoney talked about the benefits of providing contractors with full autonomy over the construction schedule, to ensure that the work is completed within schedule. Mr. Gould noted that he has provided contractors with expanded control over construction times on certain projects, such as the Off-Billington Street Dam Removal Project, to ensure timely completion. In the case of the Water Street Bridge, Mr. Gould explained, the project could be delayed by weather and tide factors that are simply beyond the contractor's control.

In response to an inquiry from Selectman Provenzano, Mr. Gould reported that there are portions of the current structure on Water Street that date back to the 1800's. The new bridge will look very similar to the existing bridge, he said, but all of the components, specifications, and utilities associated with the bridge will meet current standards. Mr. Gould noted that he has been working with the Historic District Commission to maintain as much of the bridge's historic character as possible.

UPDATE ON SOUTH STREET LANDFILL MITIGATION PROJECT

Chairman Muratore noted that he and Mr. Gould would be meeting with Plymouth County Commissioner Greg Hanley on March 28, 2014 to discuss the issues associated with the South Street Landfill. It has been made clear to the County, he said, that the Town will move forward with its plans to conduct the work necessary to mitigate the migration of solid waste from the landfill onto the Town's property.

REQUEST TO INCLUDE BALLOT QUESTION ON TOWN ELECTION

Heather Lightner of Concerned Neighbors of Pilgrim (“CNP”) issued a request to the Board for the placement of the following question on the Town’s Annual Election Ballot:

“Should the people of Plymouth direct Town officials to ensure that spent nuclear fuel at the Pilgrim Nuclear Power Station is moved to dry cask storage as soon as possible and in accordance with the highest standards for the protection of the health, safety, welfare, and the economic interest of the Town and its residents?”

Ms. Lightner explained that, because the two articles that she and her fellow petitioners submitted for the 2014 Spring Annual Town Meeting were recently deemed out of order by both Town Counsel and the Town’s Moderator, it is the hope of CNP that the Board would allow one question (combining the intent of the two original petitioned articles) on the Annual Town Election Ballot. Based on the deadlines necessary to submit questions for the Annual Election, Ms. Lightner explained, only the Board has the ability at this particular date to add something to the election ballot.

Selectman Tavares questioned why CNP feels it necessary to submit the question to the voters, when the Board has already demonstrated clear support of the ideals outlined within the question. As an example, Selectman Tavares referenced legislation that Massachusetts Senator Ed Markey will submit to Congress regarding the transition of spent fuel from storage pools to dry cask storage—an initiative, he said, for which the Selectmen have vigorously advocated with its legislative delegation, for some time.

Ms. Lightner stated that she and CNP would like to give the community the opportunity to have its voice be heard on the issue. Should the question be approved by the voters, she explained, the vote can serve as a platform on which to build support for further legislation.

The Board discussed Ms. Lightner’s request.

Selectman Provenzano offered no contention with the ballot question, but, rather, he noted his frustration that the U.S. Government has not removed the spent nuclear fuel from Plymouth, altogether, as initially promised.

Chairman Muratore agreed with Selectmen Provenzano, but, barring the ability to force the federal government to uphold its promise, he said, the request to require proper storage of spent nuclear fuel brings the Board closer to its goal. He stated his concern, however, that the question posed by Ms. Lightner and the members of CNP might confuse voters into thinking that the Selectmen—or the Town, itself, for that matter—actually have the ability to control such matters.

Selectman Tavares, while offering no objection to the proposed ballot question, repeated his observation that the question simply reiterates a position that the Selectmen have held, all along.

Vice Chairman Brewster agreed with Selectmen Tavares, noting that the Board has worked diligently to communicate the community's concerns about the storage of spent nuclear fuel at Pilgrim Nuclear Power Station ("PNPS"). She speculated whether the ballot question could be worded in a way that reflects the Board's efforts to advocate for the safe storage of spent nuclear fuel.

Ms. Lightner stated her belief that many of Plymouth's residents feel powerless with regard to the safety and oversight of PNPS. The ballot question, she said, will raise public awareness and affirm the work that has been done by the Board.

Ms. Arrighi noted that all ballot questions submitted to the voters of Plymouth must be accompanied by a ballot summary, typically drafted by Town Counsel.

Chairman Muratore stated that he would be willing to allow the question put forth by Ms. Lightner and the members of CNP, because of the unanticipated ruling that was handed down on the articles that she submitted for Town Meeting. He recommended that the Board consider delaying its decision on the matter, however, to provide the Board with time to improve upon the wording of the question.

Selectman Tavares agreed, noting that, if the Board is sponsoring the addition of the question to the election ballot, it maintains the right to ensure that the question is worded correctly. Following some brief remaining discussion, it was decided that Selectman Provenzano would work with Ms. Lightner on the modification of the question.

On a motion by Selectman Tavares, seconded by Vice Chairman Brewster, the Board voted to table its decision on the request issued by Heather Lightner (o/b/o Concerned Neighbors of Pilgrim) to its meeting of April 1, 2014. Voted 5-0-0, approved (tabled to April 1, 2014).

COMMITTEE LIAISON / DESIGNEE UPDATES

400th Anniversary Celebration / Plymouth 400, Inc. – Vice Chairman Brewster reported that, on Saturday, March 15, 2014, Plymouth 400, Inc. held a meeting with its chosen consulting firm, Prosidy, to make final decisions on the official events that will be associated with the 400th Anniversary Celebration. Vice Chairman Brewster indicated that Brian McGuire and Michelle Pecoraro, Plymouth 400, Inc's board president and new director, respectively, will appear before the Board on April 29, 2014 to provide a comprehensive update on the organization's activities and accomplishments.

Special Commission on Substance Abuse and Treatment – Vice Chairman Brewster shared her thoughts upon the public hearing of the Special Commission on Substance Abuse and Treatment, held earlier during the day at the Plymouth Public Library. The informative hearing, she said, provided an opportunity for law enforcement providers and substance abuse professionals to discuss treatment and rehabilitation initiatives. Vice Chairman Brewster expressed her hope that Plymouth will take a proactive role in eradicating this problem from the community.

Chairman Muratore noted that the Board will be meeting with the Police Chief to discuss ideas on addressing the issue of substance abuse within Plymouth. The Selectmen's meeting of April 1, 2014 will be held early (6:00 p.m.), he stated, so that the Board and the public can have the opportunity to attend the forum on substance abuse that State Representative Tom Calter will host at Plymouth North High School at 7:00 p.m.

Friends of the Council on Aging – Chairman Muratore highlighted the volunteer work undertaken by the Friends of the Council on Aging to raise funds for the programs provided at Plymouth's senior center. The gift shop that the Friends group helps to operate at the senior center, for example, raised \$4,500 in one year, he said. In addition, Chairman Muratore reported, the Friends of the COA will host a "Psychic Fair" fundraiser at the senior center from 10:00 a.m. to 3:00 p.m. on April 5, 2014.

Meals on Wheels Program – Chairman Muratore noted that he participated in a nationwide event to recognize the Meals on Wheels program for seniors on March 18, 2014. In Plymouth, he indicated, 120 seniors receive Meals on Wheels through the Town's Council on Aging. The importance of the program, he said, goes beyond the delivery of meals to provide regular check-in visits with seniors who are home-bound.

Intergenerational Luncheon – Chairman Muratore reported that he and Selectman Tavares attended an intergenerational luncheon that the students of Plymouth North High School held at the Plymouth Council on Aging ("COA") on March 19th. The high school, he said, will be providing the meals for the COA's Meals on Wheels program, demonstrating a useful partnership between the high school and the senior center.

OLD BUSINESS / LETTERS / NEW BUSINESS

Parking Fund Fee – Selectman Tavares asked if the Board could revisit the Town's Parking Fund Fee Policy. Ms. Arrighi indicated that she would contact the Town's Planning Director, Lee Hartmann, to schedule him to speak to the Board about the policy.

Storm Preparations – In response to an inquiry from Selectman Mahoney, Ms. Arrighi indicated that she will maintain communications with the Town's Fire Chief, Police Chief, DPW Director, and Emergency Management Director to keep track of the storm predicted for Wednesday, March 26, 2014. Based on the current forecast, Ms. Arrighi said, there are no plans to close Town Hall or the public schools.

ADJOURNMENT OF MEETING

On a motion by Selectman Mahoney, seconded by Vice Chairman Brewster, the Board voted to adjourn its meeting at approximately 8:40 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the March 25, 2014 meeting packet is on file and available for public review in the Board of Selectmen's Office.