

# ~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, NOVEMBER 18, 2014

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, November 18, 2014 at 6:00 p.m. at Town Hall in the Mayflower Room.

Present: Kenneth A. Tavares, Chairman  
Anthony F. Provenzano Jr., Vice Chairman  
John T. Mahoney, Jr. *[arrived at 6:05 p.m.]*  
Mathew J. Muratore  
Sean P. Page

Melissa Arrighi, Town Manager  
Michael Galla, Assistant Town Manager

## **CALL TO ORDER**

Chairman Tavares called the meeting to order at 6:00 p.m.

## **EXECUTIVE SESSION**

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted to enter executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to litigation, as an open meeting on this matter may have a detrimental effect on the negotiating position of the body. By roll call: Muratore – yes, Provenzano – yes, Page – yes, and Tavares – yes.

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

## **RETURN TO OPEN SESSION**

Chairman Tavares reconvened the meeting in open session at 7:05 p.m. and led the Pledge of Allegiance.

## **ACKNOWLEDGMENT OF WAMPANOAG FISHING & HUNTING RIGHTS**

Chairman Tavares informed the Board that, following a recent meeting with a member of the Mashpee Wampanoag Tribe and the Town's Director of Marine and Environmental

Resources, a letter has been drafted regarding Plymouth's recognition of the indigenous rights of the Wampanoag people to hunt and fish. The Mashpee Wampanoags, he said, have asked that the Town of Plymouth formally acknowledge these rights, similar to what has been done by the Town of Mashpee. Chairman Tavares offered his belief that such recognition will open a valuable dialogue between both groups.

Chairman Tavares referenced a copy of the draft letter that was included in the Selectmen's meeting packet, for the Board's review. Vice Chairman Provenzano noted his understanding that the recognition outlined in the letter refers to the exemption of tribal members from licensing fees, not the exemption of tribal members from fishing and hunting regulations. Chairman Tavares acknowledged that Vice Chairman Provenzano's understanding was correct.

Vice Chairman Provenzano made a motion to accept the draft letter, as presented. Selectman Muratore seconded the motion, and the Board voted 5-0-0 in favor.

## **LICENSES**

### **ONE DAY WINE & MALT LIQUOR LICENSE**

On a motion by Selectman Muratore, seconded by Selectman Page, the Board voted to grant two (2) One Day Wine & Malt Liquor Licenses to the following applicant, for the events detailed, below. Voted 5-0-0, approved.

- ❖ **Catherine Baird / Fred Astaire Dance Studio** (9 Aldrin Road) requested a One Day Wine & Malt Liquor License for a Studio Student Showcase to be held from 5:30 p.m. to 9:30 p.m. at Memorial Hall on December 7, 2014, and for a Holiday Open House to be held at the Fred Astaire Dance Studio (9 Aldrin Road) from 6:00 p.m. to 10:00 p.m. on December 19, 2014. Liquor liability insurance will be in place before the licenses are released.

### **ONE DAY ALL ALCOHOL LIQUOR LICENSE**

On a motion by Vice Chairman Provenzano, seconded by Selectman Muratore, the Board voted to grant two (2) One Day All Alcohol Liquor Licenses to the following applicant, for the events detailed, below. Voted 5-0-0, approved.

- ❖ **Plimoth Plantation**, 137 Warren Ave, Kathleen Fitzgerald requested two (2) One Day All Alcohol Liquor Licenses for a weekend-long Thanksgiving Celebration to be held at the Craft Center at Plimoth Plantation from 9:00 a.m. to 6:00 p.m. on November 27 and 28, 2014. Liquor liability insurance will be in place before the licenses are released.

## **COMMON VICTUALLER (NEW)**

On a motion by Selectman Muratore, seconded by Selectman Mahoney, the Board voted to grant a Common Victualler License to the following applicant. Voted 5-0-0, approved.

- ❖ **Paradisus Subs Inc.**, 300 Colony Place (Formerly Subway in Walmart)  
Chris Rose and Jennifer Labrie, Owners

Issuance of this License is subject to approval from the Building Department.

## **TEMPORARY CLOSING**

On a motion by Selectman Page, seconded by Vice Chairman Provenzano, the Board voted to approve a temporary closing for the following establishment. Voted 5-0-0, approved.

- ❖ **Gellars Snack Bar Inc.** (506 State Road) requested permission to close from November 16, 2014 through the end of March 2015, for renovations.

## **ADMINISTRATIVE NOTES**

**Meeting Minutes** – On a motion by Selectman Muratore, seconded by Vice Chairman Provenzano, the Board voted to approve the minutes of the August 26, 2014 Selectmen’s meeting. Voted 5-0-0, approved.

**Bond for Community Septic Management Loan Program** – The Board voted that the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$300,000 (the “Bonds”) pursuant to Chapters 29C and 111 of the General Laws and a vote of the Town passed April 5, 2014 (Article 18), which authorized a total borrowing of \$300,000, for a community septic management loan program (the “Project”);

And further vote that: In anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the “Notes”) from time to time in an aggregate principal amount not to exceed \$300,000;

And further vote that: Each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the “Trust”) at a price determined pursuant to the Financing Agreement;

And further vote that: The Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Financing Agreement or Agreements with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;

And further vote that: All action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan agreement by the Treasurer, are hereby ratified, approved and confirmed; and

And further vote that: The Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Financing Agreement or Agreements and the Project Approval Certificate and Regulatory Agreement or Agreements relating to the Project.

## **QUARTERLY UPDATE FROM ENERGY ON SITE PROJECTS**

David Noyes of Entergy Nuclear Operations provided the Board with an update on the company's efforts to implement the "FLEX Strategy" at Pilgrim Nuclear Power Station ("PNPS"). The FLEX Strategy, he explained, is an industry-wide but plant-specific process through which a facility may enhance its capability to address extreme natural events (as defined by the U.S. Nuclear Regulatory Commission). Mr. Noyes noted that the strategy addresses the key lessons that were learned from the Fukushima Dai-Ichi incident regarding the importance of redundant back-up systems that will safeguard power supply to the core cooling system.

One of the facets of the FLEX Strategy, Mr. Noyes indicated, involves the installation of a supply well that may serve as a backup to the on-site storage tanks. Mr. Noyes displayed a diagram of the well and a map of the well location.

Kenneth Dow from ERM, the company responsible for the engineering and design of the well, discussed the specifics related to the well and the area where it will be situated on the grounds of PNPS. The testing of the completed well, he explained, requires the withdrawal of water over the course of a few weeks. The water is sampled for radionuclides and tritium and is then shipped by truck to an appropriate site for disposal. Mr. Dow indicated that the Massachusetts Department of Health will supervise the sampling and testing of the water in the well.

Chairman Tavares opened the presentation to public comment.

Attorney Meg Sheehan of EcoLaw, Bill Maher of Falmouth, and Mary Lampert of Duxbury posed several technical questions regarding the purpose, operation, and testing of the well; the testing and disposal of water collected through the well; and the venting of pressure within the facility's reactor. Chip Perkins, an employee at PNPS, spoke of the efforts of Entergy's employees to ensure that the facility is operated safely.

Mr. Noyes and Mr. Dow took turns answering the questions posed during public comment.

At the close of public comment, the Board posed further questions to Mr. Noyes and Mr. Dow regarding the way by which the well will be tested and what procedures will be followed, if tests indicate the presence of tritium and radionuclides. Mr. Noyes explained

that the test results are reported directly to the Department of Public Health, which then provides the information directly to the Town.

Chairman Tavares asked Mr. Noyes to discuss the U.S. Nuclear Regulatory Commission's ("NRC") requirements pertaining to the FLEX Strategy. Mr. Noyes informed the Board that the NRC requires recurring reports, every six months, on Entergy's compliance with the FLEX Strategy. Entergy, Mr. Noyes indicated, must be fully compliant with the FLEX Strategy by the spring of 2018.

In response to an inquiry from Selectman Page, Mr. Noyes indicated that any individual or group can contact Entergy's community relations representatives to discuss questions or concerns. In addition, Mr. Noyes noted, Entergy's community relations representatives attend the monthly meetings of the Town's Nuclear Matters Committee, which are open to the public.

## **PUBLIC COMMENT**

George McKay informed the Board that Plymouth 400, Inc. will staff a booth at the upcoming Thanksgiving Parade, at which citizens can learn about the Town's plans for the 400<sup>th</sup> Anniversary Celebration and view an original program from the Town's 300<sup>th</sup> Anniversary Celebration. The program, he noted, contains the names of the 1,235 participants in the 300<sup>th</sup> Anniversary Pageant, many of whom are very likely the ancestors of current Plymouth residents.

Mary Lampert of Duxbury expressed concern that Entergy intends to continue operations at Pilgrim Nuclear Power Station during its trial period of moving spent fuel assemblies from the cooling pool to dry cask storage. Ms. Lampert questioned whether Entergy would be able to simultaneously handle both the operation of the reactor and the transition of fuel, in the event of an unforeseen accident during the movement of the 40-ton assemblies. In the interest of safety, she said, the U.S. Nuclear Regulatory Commission should require that Entergy cease operations at PNPS during the transition of assemblies from the cooling pool to dry cask storage.

Everett Malaguti III, Town Meeting Member from Precinct 1, informed the Board that the directional pavement markings at the intersection of Court and Samoset streets are faded to the point where they are no longer visible. He asked that the Board determine when the markings can be repainted.

Attorney Meg Sheehan of EcoLaw stated that the U.S. Nuclear Regulatory Commission requires Entergy to provide the Selectmen with five days notice, prior to the transition of any fuel assemblies from the storage pool to dry casks. Attorney Sheehan questioned how the Selectmen planned to share such an announcement with the public, once received.

Chairman Tavares indicated that the Board and the Town Manager will work with Entergy's representatives to ensure that any announcements related to the movement of spent fuel to dry cask storage are handled, appropriately.

## **UPDATE FROM THE OLD COLONY YMCA**

Vincent Marturano, president of Old Colony YMCA, provided the Board with a presentation on the organization's plans to construct a brand-new facility in Plymouth.

Headquartered in Plymouth since 1979, he said, Old Colony YMCA represents a group of YMCA's that serve communities throughout Southeastern Massachusetts. Mr. Marturano talked about the services that Old Colony YMCA provides in Plymouth, including the operation of Camp Clark on Hedges Pond Road and the provision of before- and after-school programs in Plymouth's schools.

Mr. Marturano provided the Board with details and design plans on the facility planned for A.D. Makepeace's Redbrook Development. The project, he said, has been broken into two phases, to allow Old Colony YMCA the opportunity to fundraise for each phase, separately. The organization has funds in place to begin the first phase of the project—a fitness and wellness center, an early education and childcare center, and space for youth and family programs—which is slated to be complete by the summer of 2015. The second phase, Mr. Marturano indicated, will include two pools, a gymnasium, and a running track. Completion of the second phase, he noted, will be dependent on the organization's ability to secure funding.

In response to an inquiry from Selectman page, Mr. Marturano reported that the first phase of the project will cost \$5 million. The second phase, he said, will cost approximately \$4 million. Mr. Marturano listed a number of organizations who have made major donations to the project, including A.D. Makepeace and Rockland Trust.

At the close of the presentation, Chairman Tavares thanked Mr. Marturano for the services that he and his staff provide to the Plymouth community.

## **ANNOUNCEMENT REGARDING VETERANS HOUSING PROJECT**

Michael "Buster" Main announced that a local group of citizens has partnered with Habitat for Humanity of Greater Plymouth, Inc. ("HHGP") on an affordable housing project specifically geared towards local veterans and their families. Mr. Main was joined by Steve Dubuque, Dennis Randall, and Carol King of HHGP.

Mr. Main spoke of the inspiration behind the project, explaining how he and local businessman Tom Wallace came to the Town with the idea of setting aside land for an affordable housing project that could be exclusively reserved for qualifying veterans. The Town and several local businesses, he said, were very helpful in working with him and Mr. Wallace to identify and set aside land for the project on Long Pond Road.

Mr. Main informed the Board that, by law, many public affordable housing programs cannot designate the housing for only one exclusive demographic. When Habitat for Humanity recently changed its rules to allow designated veterans housing projects, he said,

Plymouth's local chapter (HHGP) signed on and is now in a position to bring this local project to completion.

Steve Dubuque, Dennis Randall, and Carol King of HHGP each spoke about the project and their organization's role in helping Mr. Main and Mr. Wallace realize the goal of creating three affordable homes for veterans at the Long Pond Road site.

At the close of the presentation, Chairman Tavares and the members of the Board thanked Mr. Main and the representatives from HHGP for their efforts to assist—and honor—Plymouth's veterans.

### **SO. SHORE COMMUNITY PARTNERS IN PREVENTION HEALTH SURVEY**

Michael Jackman, District Director for Congressman William Keating's Office, informed the Board about the "How's Your Health?" survey that has been issued for Massachusetts residents. Mr. Jackman indicated that South Shore Community Partners in Prevention ("SSCPP"), of which he is a member, has identified health literacy as an important goal for the community. This confidential survey, he said, will help to assess the basic health knowledge of local citizens and identify those areas where organizations such as SSCPP can help people make better decisions about their health.

Mr. Jackman indicated that SSCPP has partnered with Beth Israel Deaconess Medical Center Plymouth and Old Colony YMCA to promote and distribute the survey on behalf of Health Care for All – Massachusetts. It is the collective goal of these organizations, he said, to help citizens become better prepared to identify and address health concerns with their medical providers. Mr. Jackman informed the public that the survey can be accessed via [www.chna23.org](http://www.chna23.org) or [www.howsyourhealth.org](http://www.howsyourhealth.org). For seniors who may not have internet access, he noted, the Council on Aging will make its computer lab available for those who would like to take the survey.

Chairman Tavares thanked Mr. Jackman and asked the Town Manager to make the survey available through the Town's website.

### **DISCUSSION ON MOVING THE DATE OF SPRING TOWN MEETING**

Chairman Tavares introduced a discussion on the idea of moving the date of the 2015 Spring Annual Town Meeting. The Board, he said, has received some requests to move the date, because the day on which Town Meeting falls, this year (April 4, 2015), is Passover, between Good Friday (April 3<sup>rd</sup>) and Easter (April 5<sup>th</sup>).

Chairman Tavares invited Rabbi Lawrence Silverman to address his request that the Board consider moving the date of Town Meeting. Rabbi Silverman acknowledged that the Town's Charter designates the first Saturday in April as the date of the Spring Annual Town Meeting. This year, however, the first Saturday in April is Passover, he noted, which is a major Jewish holiday. April 4<sup>th</sup>, he added, is also Holy Saturday for Christians, falling the day before Easter. Rabbi Silverman expressed his hope that the Town's leaders

will consider altering the Charter to allow for flexibility with the date of the Annual Town Meeting, in those years when these important spiritual holidays fall on the same date. While there are always some Town Meeting members who cannot attend a particular Town Meeting for personal reasons, he said, the coinciding of Town Meeting with these holidays may cause a conflict for a much larger number of representatives.

Town Manager Melissa Arrighi indicated that the Board of Selectmen has the authority to change the date of Town Meeting. In years past, for example, the Board has delayed the Spring Annual Town Meeting until June, she said, to await the legislature's final decision on the State Aid allocated to Plymouth.

The Board discussed the dates to which Town Meeting could be moved that would cause the least amount of disruption for all parties involved. At the close of discussion, the date of Saturday, April 11, 2014 appeared to be the most suitable. Chairman Tavares noted that the Board should consult with the Town's Moderator, the School Committee, and the Advisory & Finance Committee, prior to making a final decision on any particular date.

Selectman Muratore made a motion that the Board consider moving the date of Town Meeting to Saturday, April 11, 2015—with adjourned sessions on April 13, 14, and 15—pending discussion with the other parties involved in Town Meeting and the availability of the Performing Arts Center at Plymouth North High School. Selectman Page seconded the motion, and the Board voted 5-0-0 in favor.

## **TOWN MANAGER'S REPORT**

**Thanksgiving Parade** – Town Manager Melissa Arrighi reminded the public that the annual America's Hometown Thanksgiving Parade (and associated festivities) will take place on the weekend of November 21-23, 2014.

**Veterans Expo** – Ms. Arrighi reported that the Veterans Department held a jobs and benefits fair for veterans on November 15, 2014 at Plymouth North High School. She thanked Plymouth's Director of Veterans Services, Roxanne Whitbeck, for facilitating the very successful event.

**Capital Projects** – Ms. Arrighi indicated that she is in the process of preparing a five-year plan for capital projects, along with a report on the projects that are already underway. The report, she said, will be provided to the Board in approximately two weeks.

## **COMMITTEE LIAISON / DESIGNEE UPDATES**

**"Taste of the Town" Fundraiser for Plymouth Public Library** – Selectman Muratore was pleased to report that the Plymouth Public Library's annual "Taste of the Town" fundraiser was again a success. The Plimoth Plantation, at which the fundraiser was held on November 6<sup>th</sup>, was a much more suitable location for the culinary-themed event, he noted.



**Flag Dedication at Plymouth County Farm** – Selectman Muratore noted that he recently attended a very moving flag dedication ceremony at the Plymouth County Farm. The flag, he said, was dedicated to two local veterans, one of whom was the late Richard Botieri, father of Plymouth Police Chief Michael Botieri.

**Plymouth Youth Development Collaborative** – Selectman Muratore informed the Board that he attended a recent meeting of the Plymouth Youth Development Collaborative (“PYDC”), at which the group continued its work towards preventing teen drug and alcohol use. The PYDC, he said, is currently working on presentations and informational materials for middle school students and their parents.

**Burial Hill Tree Hearing** – Selectman Mahoney reported that he attended the November 10<sup>th</sup> hearing regarding the Department of Public Works’ plans for the removal of select trees on Burial Hill. The hearing was attended by approximately 35 citizens, who have been given a week to protest the removal of any of the trees, he said. Selectman Mahoney noted that the Board of Selectmen is charged with making a final decision on the removal of the trees, and, thus, he recommended that the Board make a visit to the site.

**Nuclear Matters Committee** – Selectman Mahoney relayed a request from the Nuclear Matters Committee (“NMC”) for a status update regarding the UMASS report on the economic impacts of decommissioned nuclear power stations. In addition, he said, it was alleged at the NMC’s November 17<sup>th</sup> meeting that the Town could not alter the committee’s mission statement, because the NMC was created by a legal settlement that dates back approximately 35 years. Selectman Mahoney asked if staff could research whether this claim was correct regarding the establishment of the committee.

**Library Exhibit** – Vice Chairman Provenzano informed the public of an exhibit that opened at the Plymouth Public Library on November 14, 2014. The exhibit, titled “Captured: 1614,” chronicles the capture of 20 Wampanoag tribe members by European explorers in 1614 and the capture’s subsequent connection with the arrival of the *Mayflower* in 1620, when one of the captives, Squanto, returned to Plymouth/Patuxet. Vice Chairman Provenzano encouraged citizens to visit the exhibit, which will remain at the library through March of 2015.

**Illuminate Event** – Vice Chairman Provenzano announced that Plymouth 400, Inc. will partner with America’s Hometown Thanksgiving Celebration on the first annual Illuminate event, to be held at Cole’s Hill on Friday, November 21, 2014 from 4:00 – 5:00 p.m. The event, he said, will involve students who are visiting from Plymouth’s sister city, Plymouth, United Kingdom.

**Roads Advisory Committee** – Vice Chairman Provenzano provided an update on the recent meeting of the Roads Advisory Committee (“RAC”), at which the group received a progress report on the paving of Roxy Cahoon and Valley Roads. The RAC, he said, has also begun discussions on the potential paving of Ship Pond Road.

**Revenue Idea Task Force** – Selectman Page indicated that the Revenue Idea Task Force (“RITF”) will meet in early December to continue developing ideas for additional revenue streams.

**Friends of Burial Hill** – Selectman Page reported that he and the Town Manager will be meeting with representatives from the Friends of Burial Hill, to work on the partnership between the Town and the volunteer-comprised non-profit.

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

**Congratulations to Selectman Muratore / Resignation Letter** – Chairman Tavares congratulated Selectman Muratore on his recent win in the election for State Representative of the First Plymouth District.

Chairman Tavares indicated that Representative-Elect Muratore has submitted a letter to the Board, resigning his seat as Selectman, effective January 6, 2015 at 11:59 p.m. The Board, he said, must consider the acceptance of the resignation.

On a motion by Vice Chairman Provenzano, seconded by Selectman Mahoney, the Board voted to accept Representative-Elect / Selectman Muratore’s letter of resignation, effective January 6, 2015 at 11:59 p.m. Voted 5-0-0, approved.

**Charter Review Committee** – Chairman Tavares reported that the Town’s Moderator has formed and appointed another Charter Review Committee (“CRC”), which recently convened its first meeting, to organize and elect officers.

**Ceremonial Thanksgiving Meeting at the 1749 Courthouse** – Chairman Tavares was pleased to announce that the Board will resume the tradition of holding its annual Ceremonial Thanksgiving Meeting at the 1749 Courthouse. The ceremonial meeting, which will take place on Monday, November 24, 2014 at 7:00 p.m., he said, will feature presentations from state and federal legislators, Plymouth students, and local historians.

## **ADJOURNMENT OF MEETING**

On a motion by Vice Chairman Provenzano, seconded by Selectman Muratore, the Board voted to adjourn its meeting at approximately 9:05 p.m. Voted 5-0-0, approved.

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

*A copy of the November 18, 2014 meeting packet is on file and available for public review in the Board of Selectmen’s Office.*