

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MAY 3, 2011

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, May 3, 2011 at 6:00 p.m. at Town Hall in the Mayflower Room.

Present: William P. Hallisey, Jr., Chairman
John T. Mahoney, Jr., Vice Chairman
Richard J. Quintal, Jr. [Arrived 6:20 p.m.]
Sergio O. Harnais
Mathew J. Muratore

Melissa Arrighi, Assistant Town Manager

CALL TO ORDER

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

EXECUTIVE SESSION

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Selectmen voted to hold an 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 the matter may have a detrimental effect on the Town's negotiating position. By roll call: Harnais – yes, Muratore – yes, Mahoney – yes, and Hallisey – yes.

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

RETURN TO OPEN SESSION

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

TOWN MANAGER'S REPORT

Library Director Elected to Massachusetts Library Association – Assistant Town Manager Melissa Arrighi was pleased to report that Dinah O'Brien, Plymouth's Director of Community Resources, was recently elected as vice president of the Massachusetts Library Association.

Annual Transfer Station Passes and Beach Parking Stickers – Ms. Arrighi announced that the Town’s FY2012 transfer station passes and beach parking stickers will be available for purchase beginning Monday, May 16, 2011.

Friends of Stephens Field – Ms. Arrighi informed the Board that the Friends of Stephens Field group has applied for a grant to help initiate and support the 21E environmental study required prior to future annexation of the former DPW properties adjacent to the park.

LICENSES

ONE DAY WINE & MALT LIQUOR LICENSE

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to grant the following One Day Wine & Malt licenses, as detailed. Voted 5-0-0, approved.

- ❖ **Our House Services / Linda Ducrot** (40 Russell Street) requested five (5) One Day Wine and Malt licenses for dining to be held at 40 Russell Street from 6:00 p.m. to 11:00 p.m. on the following dates: May 6, 7, 14, 21, and 28, 2011. Liquor liability is in place.

CHANGE OF MANAGER (LIQUOR)

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to grant the following Change of Manager (liquor license), as detailed. Voted 5-0-0, approved.

- ❖ **Giuseppe Garibaldi Club, Inc.** (36 Castle Street) is requesting a Change of Manager from Kevin Stas to Michael Hogan. Background check shows no basis for denial.

COMMON VICTUALLER (NEW)

On a motion by Selectman Muratore, seconded by Selectman Quintal, the Board voted to grant the following Common Victualler licenses, as detailed. Voted 4-0-1, approved, with an abstention from Chairman Hallisey.

- ❖ **Bill’s Pizza and More** (202 South Meadow Rd, Bill Trachanas)
Formerly Two Brothers Pizza
- ❖ **Zesto’s Deli and Pizzeria** (59 Industrial Park Rd, Leonardo Passos)
Formerly Greenhouse Café

Issuance of the above license is subject to approval from the Building/Zoning Department.

JUNK DEALER (NEW OWNER)

(continued on next page)

JUNK DEALER (NEW OWNER)

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to grant the following Junk Dealer License (New Owner), as detailed. Voted 5-0-0, approved.

- ❖ **John McCarthy d/b/a Peggy's Pawn Shop** (37 Court Street, John McCarthy)

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to grant the following Junk Dealer License (New Owner), as detailed. Voted 5-0-0, approved.

- ❖ **Sona Grigoryan d/b/a Quick Cash** (52 Main Street, Sona Grigoryan)

Issuance of the above license is subject to approval from the Building/Zoning Department.

PAWNBROKER (NEW OWNER)

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to grant the following Pawnbroker License, as detailed. Voted 5-0-0, approved.

- ❖ **John McCarthy d/b/a Peggy's Pawn Shop** (37 Court Street, John McCarthy)

Issuance of the above license is subject to approval from the Building/Zoning Department.

VEHICLE FOR HIRE (RENEWALS)

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to grant renewal of the following Vehicle for Hire licenses, as detailed. Voted 5-0-0, approved.

- ❖ For **Habilitation Assistance** (434 Court Street)

- 2005 GMC Yukon – Livery
- 2009 Ford Club Van – Livery
- 2005 Ford Crown Victoria - Taxi

All three vehicles have been inspected by Inspectional Services.

VEHICLE FOR HIRE OPERATOR (NEW)

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to grant the following Vehicle for Hire Operator License, as detailed. Voted 5-0-0, approved.

- ❖ For **Habilitation Assistance** (434 Court Street)

- Stephen McLaughlin (221 Oak Street, Plymouth)

Issuance of the above license is subject to review of the requisite CORI background check.

FORTUNE TELLING (NEW)

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to grant the following Fortune Telling licenses (new), as detailed. Voted 5-0-0, approved.

❖ **Heart of Destiny's Wings** (629 State Road)

- Irene J. Moody (47 Donna Drive, Plymouth)
- Jennifer Fultz-Mahan (1240 State Road, Plymouth)

❖ **Ace of Cups** (60 Kings Pond Plain Road)

- Diane Kumor (60 Kings Pond Plain Road, Plymouth)

Issuance of the above licenses is subject to review of the requisite CORI background check.

FORTUNE TELLING (RENEWAL AND NEW ADDRESS)

On a motion by Selectman Harnais, seconded by Selectman Quintal, the Board voted to grant renewal of the following Fortune Telling License (with change of business address), as detailed. Voted 5-0-0, approved.

❖ **Crystal Chambers**, Tammy Miller, owner

New address is 12 Samoset Street (former address: 120 Water Street)

PEDI-CAB OPERATOR (NEW)

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to grant the following Pedi-Cab Operator licenses, as detailed. Voted 5-0-0, approved.

❖ For **Plymouth Pedicab** (4 Freedom Street, Michael Tubin)

- Michael Tubin (4 Freedom Street, Plymouth)
- David Gilbert (21 Forest Avenue, Plymouth)

Issuance of the above licenses is subject to review of the requisite CORI background check.

ADMINISTRATIVE NOTES

Wood's Fish Market Lease Extension – On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to grant a 10-year lease extension to Wood's Fish Market, Inc. for use of space on Town Wharf, thereby extending the lease term from the current date of June 30, 2021 to an extended date of June 30, 2031. Voted 4-0-1, approved, with an abstention from Selectman Quintal.

Town of Plymouth Nepotism Policy – On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to approve the revised Town of Plymouth Nepotism Policy, with the addition of “Section 3.1,” exempting seasonal hires from the policy. Voted 5-0-0, approved.

Appointment to Community Preservation Committee – On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to appoint Christine Pratt of 242 Court Street to the Community Preservation Committee for a term effective May 4, 2011 through June 30, 2013 (remainder of vacant term). Voted 4-0-1, approved, with an abstention from Vice Chairman Mahoney. Note: Ms. Pratt was the only respondent to the advertised vacancy on the Community Preservation Committee.

Approval of Permanent Bond and Temporary Loan – On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board unanimously voted that the sale of the \$41,595,000 General Obligation Municipal Purpose Loan of 2011 Bonds of the Town dated May 11, 2011 (the “Bonds”), to TD Securities (USA) LLC at the price of \$45,223,901.68 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on May 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2012	\$1,750,000	2.00%	2025	\$1,660,000	5.00%
2013	1,750,000	3.00	2026	1,660,000	5.00
2014	1,750,000	4.00	2027	1,660,000	5.00
2015	1,750,000	5.00	2028	1,660,000	5.00
2016	1,750,000	5.00	2029	1,660,000	5.00
2017	1,750,000	5.00	2030	1,660,000	5.00
2018	1,745,000	5.00	2031	1,660,000	5.00
2019	1,745,000	5.00	2032	1,520,000	5.00
2020	1,745,000	5.00	2033	1,520,000	4.625
2021	1,660,000	5.00	2034	1,520,000	4.75
2022	1,660,000	5.00	2035	1,520,000	4.75
2023	1,660,000	5.00	2036	1,520,000	4.875
2024	1,660,000	5.00			

And Further Voted: to approve the sale of a \$4,280,000 1.50 percent General Obligation Bond Anticipation Note of the Town dated May 12, 2011, and payable May 11, 2012 (the “Note”), to TD Securities (USA) LLC at par and accrued interest, if any, plus a premium of \$40,831.20.

And Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated April 19, 2011, and a final Official Statement dated April 28, 2011 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

And Further Voted: that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated April 19, 2011, and a final Official Statement dated April 28, 2011, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

And Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

And Further Voted: that the consent to the financial advisor bidding for the Bonds and Note, as executed prior to the bidding for the Bonds and Note, is hereby confirmed.

And Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Note, as applicable, for the benefit of the holders of the Bonds and Note from time to time.

And Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

PUBLIC COMMENT

Nancy Carroll of Alvin Road introduced herself (in jest) as “The Litter Lady” and spoke to the Selectmen about efforts to remove and prevent litter in Plymouth. Ms. Carroll reported that, during the previous week, nearly 100 volunteers worked collaboratively with the DPW to collect and dispose of approximately 100 bags of litter from ten different sites in Plymouth. Volunteers found a range of items during the cleanup, she noted, from a pile of house shingles in Morton Park to furniture and appliances in one of the Town’s wooded conservation parcels. Ms. Carroll urged the Selectmen to publicize and enforce the Town’s litter bylaws.

Jay Ferguson of Old Beach Road in Manomet questioned why Entergy (Pilgrim Nuclear Power Station) will not test its emergency warning sirens on a more predictable schedule, i.e. the first day of each month. When the sirens sound at varying and unpredictable times, Mr. Ferguson said, many residents are unaware as to whether the signal is an actual warning or if it is simply a test, resulting in confusion.

Kevin Doyle of Precinct 6 noted that there is a good amount of litter strewn upon the property surrounding Pilgrim Nuclear Power Station. Because volunteer groups cannot trespass upon Entergy’s property to collect the litter, Mr. Doyle asked if the Town could advise Entergy to remove the unsightly debris.

Dean Rizzo of the Plymouth Redevelopment Authority (“PRA”) appeared before the Board on behalf of the 1820 Courthouse Consortium with a brief update on progress at the 1820 Courthouse. Mr. Rizzo reported that the County Commissioners (who remain as tenants on a portion of the 1820 Courthouse property) have agreed to (a) satisfy their outstanding insurance payments for the building and (b) pay their forthcoming insurance fees one year in advance.

The Consortium, Mr. Rizzo said, recently hosted a public forum at which citizens could exchange ideas with representatives from CBT, the architectural firm chosen to conduct a

study on the courthouse. Mr. Rizzo reported on the progress that CBT has made on the Historic Structures Report and talked about the volunteer work being done to clean up the grounds around the courthouse. The Consortium, he said, is currently establishing—and seeking federal non-profit status for—a “Friends of the 1820 Courthouse” group to help raise funds for the project.

Mr. Rizzo concluded his update with a request that the Selectmen refrain from pursuing the sale of the old police station (25 South Russell Street) until the Consortium can determine the future of the Courthouse Corridor. Both the Consortium and the Plymouth Growth & Development Corporation have expressed interest in the property as it relates to the corridor and the Town’s future parking needs, he said, and, thus, it would be premature to dispose of the property until its value within the corridor can be determined.

Craig Brenner announced that the second annual Old Sandwich Road Race (“OSRR”) will be held on the weekend of Saturday, June 4 and Sunday, June 5, 2011. Mr. Brenner spoke about the benefits that races like the OSRR bring to the community, noting that event participants spend money at Plymouth’s local hotels, restaurants, and shops. The OSRR, he said, has doubled its number of participants from last year to this year, due to the quality of the event and the unique character of the course. Mr. Brenner provided further details on the various courses offered within the event, and he encouraged citizens and local business to consider participation.

UPDATE ON THE HEDGES POND RECREATION AREA

Barry DeBlasio, Recreation Director, provided the Board with a report on the progress the Town has made to develop the recently-acquired Hedges Pond Recreation Area as a public park and day camp.

Mr. DeBlasio reviewed a timeline for the various phases of the project, noting that the DPW intends to have the first phase of the park open by June 30, 2011, with lifeguards available shortly thereafter in July. The first phase of construction includes a parking area, playground, defined pathways and walking trails, underground utilities, restored beach area, and renovated bath house.

The second phase of construction, Mr. DeBlasio explained, will begin in October 2011 and include the construction of tennis courts, basketball courts, a multi-purpose sports field, an additional playground area, and renovations of the camp office. Site preparation and design will be done in-house but construction will be contracted out, he said, with the intent to have everything complete by the summer of 2012.

Mr. DeBlasio discussed a number of issues that the Town must resolve relative to the Hedges Pond Recreation Area, including the future use of the 6,000 square-foot recreation building on the site, which is impressive but needs a good amount of restoration and repair. In addition, he said, the second phase of construction must be done by May, in order for the Town to file for—and be granted—the necessary permits to open by summer 2012.

Mr. DeBlasio closed his presentation with the display of conceptual maps and renderings of the DPW's plans for the Hedges Pond Recreation Area and Day Camp Center.

Mr. DeBlasio fielded a handful of questions from the Selectmen about the first and second phases of the project. With regard to the first phase, Mr. DeBlasio noted that he cannot officially open the pond area for swimming until the seasonal lifeguard staff is available in July. As for the second-phase camp feature, Mr. DeBlasio reported, there is such a high demand for day-camps and full-day daycare services that the Town has already received requests to register for the program at Hedges Pond—more than a full year before the camp is scheduled to open.

Seeing no further questions from the Selectmen, Chairman Hallisey opened the discussion to public comment.

Steve Lydon of Precinct 12 expressed concern that the use of Town employees to perform work on the Hedges Pond project will affect the DPW's ability to keep up with day-to-day functions.

Selectman Quintal echoed the concerns voiced by Mr. Lydon and noted that he recently received photographs of broken headstones and overgrown shrubs in the Town's cemeteries, which, he said, appear to be the result of the DPW's over-stretched and over-assigned workforce.

DPW Director Jonathan Beder stated his belief that, with the addition of DPW staff in July 2011, the DPW will have the ability to provide support to the Hedges Pond project—at a great cost savings to the taxpayers—while keeping-up with everyday responsibilities.

Discussion lingered briefly on the matter of staffing within the DPW. At the close of the conversation, Mr. DeBlasio assured the Board that he would announce the date of the formal opening of the recreation area within the coming months.

SOUTHEAST HEALTHCARE INITIATIVE

Selectman Muratore introduced a brief discussion on the Southeast Healthcare Initiative, which he described as a locally-driven, collaborative effort to foster and strengthen the health of the community. Jordan Hospital has spearheaded this initiative, he said, to address anticipated changes in the way that healthcare will be structured in the coming future. For example, Selectman Muratore reported, healthcare providers may soon be rewarded for having healthier clients. To that end, Jordan Hospital seeks to engage the help of the Town to work towards planning initiatives and projects that encourage and support physical activity—i.e. the addition of sidewalks to roadways, installation of public bicycle racks, and the creation/extension/connection of walking trails, etc.

DPW Director Jonathan Beder stated that the DPW stands ready to participate in the Southeast Healthcare Initiative, from the incorporation of pathways/sidewalks in the design of major roadway projects to the everyday maintenance of the town's existing pedestrian areas.

BOARD LIAISON / DESIGNEE UPDATES

Nuclear Matters Committee – Selectman Muratore reported that several members of the Nuclear Matters Committee will participate in the Board’s May 10, 2011 forum on nuclear power.

Council on Aging – Selectman Muratore announced that the Council on Aging will hold a kick-off event on May 11, 2011 at Alden Park (in Colony Place) to formally initiate the accreditation process for the senior center.

OLD BUSINESS / LETTERS / NEW BUSINESS

Meeting with US Senator Scott Brown – Selectman Muratore noted that he and Town Manager Mark Stankiewicz held a meeting with United States Senator Scott Brown to discuss issues related to the Pilgrim Nuclear Power Station, as well as funding for the repair of the seawall at Plymouth Beach.

Donation to Shichigahama Relief Fund – Selectman Muratore was pleased to announce that the Cheshire County YMCA of Keene, New Hampshire raised and donated \$1,000 to the Shichigahama Relief Fund—bringing the total amount raised to over \$90,000.

New Voting Precincts Required by the 2010 Federal Census – Chairman Hallisey asked Town Clerk Laurence Pizer to report on his recommendations relative to the new voting precinct maps that will be required as a result of the 2010 Federal Census.

Mr. Pizer informed the Board that he held a public forum—in addition to meeting with several citizens, one-on-one—to address questions and concerns regarding the proposed precinct changes. Mr. Pizer also noted that he spent several hours trying to configure and reconfigure the precincts in a way that would be both logical and convenient for voters and compatible with the rigid parameters set forth by federal census guidelines. Mr. Pizer presented the Board with what he considered to be the best, final proposal for “re-precincting,” including the addition of one voting precinct (bringing the total to 15) to address the increase in Plymouth’s population.

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to approve new precinct maps for the Town of Plymouth, as presented by the Town Clerk. Voted 5-0-0, approved.

Clarification on Pedi-Cab Regulations – Vice Chairman Mahoney noted a request from Plymouth PediCab owner Michael Tubin for clarification of the pedi-cab regulations recently approved by the Selectmen. Ms. Arrighi noted that staff would schedule Mr. Tubin’s request for the next Selectmen’s meeting.

ADJOURNMENT OF MEETING

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to adjourn its meeting at approximately 8:15 p.m. Voted 5-0-0, approved.

Chairman Hallisey reminded the public that the Board will host a forum on nuclear power at 7:00 p.m. on May 10, 2011 in the auditorium of Plymouth North High School.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the May 3, 2011 meeting packet is on file and available for public review in the Board of Selectmen's office.