

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MAY 17, 2011

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, May 17, 2011 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: William P. Hallisey, Jr., Chairman
John T. Mahoney, Jr., Vice Chairman
Sergio O. Harnais
Mathew J. Muratore
Belinda A. Brewster

Mark Stankiewicz, Town Manager
Melissa Arrighi, Assistant Town Manager

CALL TO ORDER

Chairman Hallisey called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. The Plymouth Police Honor Guard attended the meeting to officially escort and display the national flag.

SWEARING-IN CEREMONY: BOARD OF SELECTMEN

Town Clerk Laurence Pizer led Mr. Mahoney and Ms. Brewster through the oath of service as Plymouth's newly elected Selectmen.

At the close of the swearing-in ceremony and prior to the re-organization of the Board, Selectman Mahoney and Selectman Brewster each took an opportunity to thank the voters of Plymouth and the supporters who worked on their respective campaigns.

Selectman Hallisey thanked former Selectman Dick Quintal for his 10 years of service on the Board. The love that Mr. Quintal has for the Town of Plymouth, Selectman Hallisey said, was evident in the dedication that Mr. Quintal devoted to each town project and committee upon which he worked.

POST-ELECTION REORGANIZATION OF THE BOARD

Selectman Mahoney nominated Selectman Hallisey to serve as chairman. Selectman Muratore seconded the motion, and the Board voted unanimously in favor.

Selectman Harnais nominated Selectman Mahoney to serve as vice chairman. Chairman Hallisey seconded the motion, and the Board voted unanimously in favor.

SWEARING-IN CEREMONY: POLICE DEPARTMENT

Police Chief Michael Botieri introduced the swearing-in ceremony to recognize five newly-hired recruits and two recently-promoted officers for the Plymouth Police Department.

Officer Theodore Whitney
Officer Melissa A. Elliot
Officer Patrick M. McNamara
Officer Jonathan F. Yule
Officer Thomas M. Kelley
Lt. Steven C. Tavekelian (promoted)
Sgt. Michael A Ferazzi (promoted)

Chief Botieri provided information on the educational background and training of each individual, and Town Clerk Laurence Pizer led the officers through the oath of service. Chief Botieri facilitated the formal pinning ceremony, and the Board of Selectmen offered its congratulations to the newly-hired and promoted officers.

Chief Botieri then informed the Board that the Police Department has been offered a donation of a purebred German Shepherd named Kaiser for its K-9 unit. The 6-month-old dog was donated by Connie Stoev of Duxbury, he said, and formal training will begin in September.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the donation of a purebred German Shepherd for the Plymouth Police Department's K-9 unit. Voted 5-0-0, approved.

TOWN MANAGER'S REPORT

Forum on Nuclear Power – Town Manager Mark Stankiewicz provided a brief recap of the Forum on Nuclear Power that the Selectmen hosted at Plymouth North High School on May 10, 2011, at which representatives from Entergy (owners of Pilgrim Nuclear Power Station) responded to questions that were submitted by the public in advance of the meeting. Various media outlets covered the meeting, which was attended by approximately 125 citizens, he said.

Municipal Solid Waste – Mr. Stankiewicz noted a recent meeting he held with the Director of Public Works, representatives from Weston & Sampson (consultants), and other town officials to discuss the Town's future plans for municipal solid waste ("MSW") and the South Street Transfer Station. Discussion, he said, included the long-term disposal of MSW, Pay-As-You-Throw programs, curbside pickup, viable waste disposal sites, and associated costs for facilitation, transportation, and disposal of the Town's MSW. Mr. Stankiewicz reported that DPW Director Jonathan Beder has recommended the enlistment of consultants Weston & Sampson to finalize an informational matrix of various disposal alternatives, for presentation to the Selectmen in the month of June.

Council on Aging Accreditation – Mr. Stankiewicz was pleased to report that the Council on Aging (“COA”) held a kick-off celebration on May 11, 2011 to launch its National Accreditation Self-Assessment program. The accreditation process, he explained, will involve nine committees to review the operational standards, programs, and processes by which Plymouth’s seniors will be served through the COA. Mr. Stankiewicz noted that national accreditation status will also give the COA better access to programmatic grants. Those interested in participating in the COA’s accreditation process, he said, may contact COA Director Conni DiLego at (508) 830-4230.

Trash Forum Sponsored by League of Women Voters – Mr. Stankiewicz announced that the Plymouth Area League of Women Voters will hold a forum on municipal solid waste entitled “Talking Trash: The Burning Issue” at Plymouth Community Intermediate School on May 25, 2011.

Temporary Shutdown at Pilgrim Station – In response to an inquiry from Selectman Muratore, Mr. Stankiewicz provided some brief information on the temporary, unplanned shutdown of Pilgrim Nuclear Power Station (“Pilgrim”) that occurred on May 10, 2011. Mr. Stankiewicz stated that Entergy will typically contact the Town’s Fire Chief or Director of Emergency Management with any pertinent information on the power station. In the case of the recent shutdown, Mr. Stankiewicz noted, Entergy did not inform the Town until a day-and-a-half after the event.

Selectman Muratore expressed concern that communication between Entergy and the Town on such matters has faltered since the recent retirement of David Tarantino, Pilgrim’s former public relations liaison to the Town. The recent events at the Fukushima Nuclear Power Plant in Japan have recaptured the public’s attention to the safety of nuclear power, he noted, thus opening an opportunity for the Selectmen, Town officials, and the Town’s Nuclear Matters Committee to work with State and Federal leaders on various issues related to Pilgrim.

Mr. Stankiewicz informed the Board that he would arrange a meeting between the Selectmen and the Town’s legal counsel for Pilgrim-related matters, Sheila Hollis, to discuss these ideas further.

Vice Chairman Mahoney briefly turned the conversation to the Town Manager’s previous report on future plans for the Town’s MSW program and the South Street Transfer Station. Mr. Stankiewicz explained that the DPW has a good deal of figures and information on solid waste options that simply need to be updated, extrapolated, and compiled. With regard to South Street, Mr. Stankiewicz said, the Town continues to meet with the County to determine each party’s responsibility in the capping of the transfer station.

Selectman Brewster inquired if Entergy representatives will be willing to participate in another forum at which citizens will be able to pose questions directly to them (as opposed to the previous forum, where citizens’ questions were compiled in advance). Mr. Stankiewicz noted his understanding that Entergy officials are willing to participate in another public forum, but he explained that the Selectmen have an inherent obligation to maintain decorum and discourage repetitious comments and questions at such meetings.

Following some brief final discussion amongst the Selectmen, it was decided that Mr. Stankiewicz would make contact with Entergy officials and Massachusetts' federal legislative delegation to determine if they would be able to participate in a future public forum.

LICENSES

ONE DAY WINE AND MALT LIQUOR LICENSE

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

- ❖ **Pilgrim Hall Museum / Pilgrim Society** (Ann Berry, 75 Court Street) requested a One Day Wine & Malt License for an exhibit opening and cocktail reception to be held at the museum from 5:00 p.m. to 7:00 p.m. on May 28, 2011. Liquor liability will be in place before the licenses are released.

PEDI-CAB OPERATOR LICENSE (NEW)

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board approved the following Pedi-Cab Operator Licenses, as detailed. Voted 5-0-0, approved.

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

- Joseph Curley (67 Sandy Beach Road, Plymouth)
- Jill Daly Katz (23 Amos Hill Lane, Plymouth)

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

VEHICLE FOR HIRE OPERATOR (NEW)

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board approved the following Vehicle for Hire Operator License, as detailed. Voted 5-0-0, approved.

- ❖ For **Morris and Son's Coach and Cab** (193 Fairview Lane, Steven Morris, owner)

- Erika Rizza (1474 Ocean Street, Marshfield)

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

COMMON VICTUALLER (NEW)

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board approved the following Common Victualler License, as detailed. Voted 5-0-0, approved.

- ❖ **3112 Donut Trust, Inc. d/b/a Honey Dew of Plymouth**, 15 Main Street Extension, Marie D'Italia, owner

ADMINISTRATIVE NOTES

Foreclosure on 51 Florida Avenue Vacated – The Board vacated the foreclosure of property shown as Lot 54-349 on Assessors Map 48, also known as 51 Florida Avenue, upon payment made by the mortgage holder within 30 days of the Board’s decision of \$2,673.50 in tax losses, interest, and fees.

Acceptance of Donation – The Board accepted, with gratitude, the donation of a kit of SurgiVet Recovery Oxygen Masks, specifically designed for use on animals, to the Plymouth Fire Department. The donation was made by Plymouth resident Michelle Arnold.

License Agreement for Erosion Control at 20 Nameloc Road – The Board approved and executed a *License Agreement* between the Town of Plymouth and J. Kevin Donovan of 479 State Road, Westport, Massachusetts (owner of 20 Nameloc Road) pertaining to the construction of erosion control measures that will span onto Town-owned property known as Lot 5-6A-1 on Assessors Map 54. *[Note: the Conservation Commission has approved and issued a Notice of Conditions for this project.]*

Lease Agreement for Woods Seafood Location on Town Wharf – The Board approved and executed an *Amended Notice of Lease* and *Third Lease Amendment* between the Town of Plymouth and James D. Kimball as Trustee of Kimball Family Trust for use of space on Town Wharf shown as Lots 7 and 7A on a “Plan of Land at Town Wharf, Plymouth, MA” dated May 21, 1981. *[Note: the Board approved an extended lease agreement for Woods Seafood during the May 3, 2011 meeting. These are the finalized documents pertaining to that agreement.]*

PUBLIC COMMENT

Helen Hapgood provided details regarding the Plymouth Area League of Women Voters’ upcoming forum on municipal solid waste entitled “Talking Trash: The Burning Issue,” to be held at Plymouth Community Intermediate School on May 25, 2011. Ms. Hapgood encouraged the Selectmen and the citizens of Plymouth to attend the forum.

Ken Tavares advised the Selectmen to stay-the-course in holding the federal government accountable for determining the storage of the nation’s spent nuclear waste. Mr. Tavares noted that, when he served on the Board of Selectmen years ago, he visited the Yucca Mountain site in Nevada, where a federally-managed nuclear waste storage facility was to be constructed. With plans for the Yucca Mountain facility apparently off-the-table, Mr. Tavares said, the Town must join forces with other nuclear facility host communities to relentlessly insist that the U.S. government and Nuclear Regulatory Commission find a solution to the safe and proper storage of nuclear waste.

Kevin Doyle asked that the Selectmen allow questions to be posed from the audience during any subsequent nuclear forums with Entergy.

Selectman Muratore reiterated earlier comments made by Mr. Stankiewicz that Entergy representatives may not always be capable of providing comprehensive, detailed answers to off-the-cuff, technical questions from the audience or forum panel—hence the reason why the Selectmen asked the public to submit questions in advance of the meeting. Chairman Hallisey concurred, noting that the provision of questions to Entergy in advance of the meeting resulted in thorough, informational responses. Vice Chairman Mahoney offered his opinion that Entergy must not be expected to take the brunt of questions from the public, when the federal government has much to answer with regard to nuclear regulations and the storage of spent nuclear waste.

Robert Alford of Precinct 7 reiterated his long-standing belief that the Town is not receiving its fair share of funds from Entergy as a host community to a nuclear facility.

Kim McDonough of Joyfly Buzz Marketing and Explore Historic Plymouth encouraged the public to attend the comedy event she has organized to raise funds for the July 4th parade and firework celebrations. The fundraiser, she said, will be held at Memorial Hall on Friday, May 20, 2011 and will feature Boston comedian Lenny Clarke, among others. Ms. McDonough noted that tickets are still available and may be purchased at the door before the show begins at 8:00 p.m.

JULY 4TH PARADE & FIREWORKS EVENT / JULY 4 PLYMOUTH, INC.

On behalf of July 4 Plymouth, Inc., Ken Tavares provided the Selectmen with an update on efforts to raise funds for the July 4th parade and fireworks celebrations.

Mr. Tavares explained that he and his fellow colleagues from July 4 Plymouth, Inc. plan to raise \$100,000 to cover the various expenses associated with the parade (\$25,000), fireworks display (\$32,000), and the Town services required to hold such an event (\$43,000). Along with the comedy event organized by Ms. McDonough, he reported, the Plymouth Lodge of Masons will hold a dinner buffet event to raise funds for the July 4th events. Mr. Tavares went on to explain that the theme of this year's parade event will be "It's A Small World," in recognition of Plymouth's connection with its sister city Shichigahama, Japan.

Doug O' Roak of the Plymouth Lodge of Masons invited the Selectmen and the public to attend an Italian-style buffet dinner hosted by the Lodge on May 28, 2011 at 116 South Meadow Road. Tickets are \$35, he said, and proceeds will be donated to July 4 Plymouth, Inc. for the parade and fireworks events. Mr. O'Roak noted that eight area restaurants have generously agreed to donate food for the event, which will be complimented by entertainment and a silent auction.

Mr. Tavares fielded some brief questions from the Selectmen regarding the fundraising that must be done to ensure that the events can be held. At the request of the Selectmen, Mr. Tavares acknowledged that he would return before the Board with another update on his committee's progress with fundraising.

PEDI-CAB LICENSING GUIDELINES

Michael Tubin, owner of Plymouth Pedicab, appeared before the Selectmen to clarify some remaining details following the Selectmen's March 29, 2011 vote to approve pedi-cab regulations for the Town of Plymouth. Specifically, Mr. Tubin sought to determine the Board's position regarding on-vehicle advertising and the renewal fees associated with licensing.

Mr. Tubin distributed a collection of various photographic examples of on-vehicle advertising for pedi-cab vehicles. Alcohol distributors, he said, are one of the biggest sources of advertising revenue for pedi-cab businesses, and Plymouth's bars, restaurants, and liquor stores are visited often by delivery trucks emblazoned with product identification and advertisements. Mr. Tubin noted that he could find no other city or town that prohibited alcohol and tobacco advertisements on pedi-cab vehicles.

Mr. Tubin responded to questions from the Selectmen regarding his request, noting that local alcoholic beverage distributor, L. Knife & Son, has approached him to advertise on one of his vehicles.

Assistant Town Manager Melissa Arrighi pointed out that, when the Selectmen voted to allow local businesses that sold alcohol or tobacco to advertise their establishments on taxis, the intent was to focus the advertisement on the business, not the product. Though L. Knife & Son is a local distributor, she said, it would seek to advertise its product(s), not its business.

Mr. Tubin then asked the Board to consider reducing the fees associated with the annual renewal of pedi-cab licenses (for the business, for operators, and/or for the vehicles).

Ms. Arrighi explained that the paperwork and time involved with the renewal of each license is the same as when the license is initially filed—hence the reason why staff recommended the same fee for renewals as for the initial license applications.

Mr. Tubin then requested permission to install electric-assist equipment to two pedi-cab vehicles that he intends to purchase in the near future.

Ms. Arrighi recommended that staff consult with the Police Chief and the Director of Inspectional Services prior to issuing licenses for vehicles with the electric assist equipment. The Board could choose, however to approve the electric-assist equipment, pending approval from the Police Department and Department of Inspectional Services.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the installation of electric-assist equipment on pedi-cab vehicles, pending approval from the Police Department and Inspectional Services. Voted 5-0-0, approved.

Chairman Hallisey opened the discussion to public comment.

Kevin Doyle recommended against the advertisement of alcoholic beverages on pedi-cab vehicles.

Selectman Harnais and Selectman Brewster both noted their recommendation against the advertisement of alcoholic beverages on pedi-cab vehicles, for the sake of maintaining a family-friendly environment for residents and tourists. Mr. Tubin then asked if the Selectmen would consider limiting such advertisements to only one vehicle in his fleet.

Selectman Muratore made a motion to end debate and move the question. Selectman Harnais seconded the motion. Vice Chairman Mahoney pointed out that the pedi-cab regulations are consistent with the Town's taxi regulations (with regard to on-vehicle advertisements); if the Board changes the regulations for pedi-cabs, he said, it will likely have to consider doing the same for taxis.

The Board voted 5-0-0 to end debate.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to deny Mr. Tubin's request to allow on-vehicle advertising of alcohol and tobacco-related products. Voted 5-0-0, approved.

The Board took no action on Mr. Tubin's request to lower the license renewal fees.

BOARD LIAISON / DESIGNEE UPDATES

Consolidation Committee – Selectman Harnais noted that the Consolidation Committee intends to come before the Selectmen in June with its recommendations—one of which, he said, will be to extend the committee for another year with a new roster of members.

Roads Advisory Committee – Selectman Harnais stated that the Roads Advisory Committee believes that residents will be impressed with the DPW's aggressive plans for roadway repair and reconstruction this coming season.

Shichigahama Telethon – Selectman Muratore reported that the amount of funds raised for Shichigahama disaster relief has reached \$94,000, thanks to the generosity of donors and local businesses like Sushi Joy, which recently raised over \$3,000 for the cause. The proceeds, Selectman Muratore explained, will be transferred to Shichigahama when they are capable of receiving the funds.

Selectman Harnais noted that he recently communicated with a contact in Shichigahama, who indicated that the city hopes to have temporary housing (for residents displaced by the earthquake and tsunami) completed by mid-summer.

EXECUTIVE SESSION

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to adjourn the open portion of its meeting at approximately 9:00 p.m. to enter executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 6, to consider

the purchase, exchange, lease, or value of real property, as an open meeting on this matter may have a detrimental effect on the Town's negotiating position. Chairman Hallisey noted that the Board did not plan to reconvene the meeting in open session, following executive session. By roll call: Harnais – yes, Muratore – yes, Mahoney – yes, Brewster – yes, and Hallisey – yes.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the May 17, 2011 meeting packet is on file and available for public review in the Board of Selectmen's office.