

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, MARCH 6, 2012

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, March 6, 2012 at 6:30 p.m. at the Stonebridge Club in The Pinehills, 55 Stonebridge Road.

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 6:30 p.m.

EXECUTIVE SESSION

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted 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. By roll call: Harnais – yes, Muratore – yes, Mahoney – yes, Brewster – yes, and Hallisey – yes.

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

RETURN TO OPEN SESSION

Chairman Hallisey reconvened the meeting in open session at 7:15 p.m. and led the Pledge of Allegiance. Following the Pledge, Chairman Hallisey thanked Tony Green and John Judge of The Pinehills for graciously allowing the Town use of the Stonebridge Club for the meeting. Selectman Muratore thanked Mr. Green and Mr. Judge for allowing the Town the use of the Stonebridge Club as the polling location for the newly-established Precinct 15.

Tony Green thanked the Board for choosing to hold one of its meetings at The Pinehills. The Pinehills, which celebrated its tenth year anniversary in 2011, is home to 1,600 families and represents \$800 million worth of taxable value, Mr. Green noted. In addition, he said, the Pinehills' Village Green hosts businesses and services—markets, shops, restaurants, and a soon-to-be-completed gas station—that are heavily-patronized by non-Pinehills residents.

TOWN MANAGER'S REPORT

NSTAR / Double Poles – Town Manager Mark Stankiewicz reported on the issue of double/coupled telephone poles that was recently raised by the Selectmen, noting that he contacted NSTAR to inquire about the delay of several pole repairs throughout town. NSTAR, he said, indicated that there are 43 old poles from which the Town must transfer its fire box and/or fiber optic communication lines before NSTAR staff can fully complete the pole repairs. Mr. Stankiewicz reported that, since his conversation with NSTAR officials, the Town has reduced the aforementioned number of poles awaiting transfer of its communication lines from 43 to 11, thereby clearing the way for NSTAR to proceed with its work.

Newfield Street – Mr. Stankiewicz was pleased to announce that the Department of Public Works is scheduled to realign and repave Newfield Street. Following the removal of some oak trees and the granting of an easement from a property owner, he said, the DPW will widen, realign, repave, and line the street with granite curbing and new sidewalks. Mr. Stankiewicz noted that residents should expect street closures on Newfield Street during the four weeks that the DPW anticipates it will need to complete the job.

Energy Savings on Municipal Street Lights – Mr. Stankiewicz informed the Board that the DPW will be integrating the use of LED (“Light-Emitting Diode”) lights within its street lamps, to reduce energy costs. The DPW, he said, will first ensure that the lights work correctly, provide enough illumination, and fit with the aesthetic character of the town before altering all of its municipal street lamps.

LICENSES

CHANGE OF MANAGER (LIQUOR LICENSE)

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve a Change of Manager (Liquor License) for the following license holder, as detailed below. Voted 5-0-0, approved.

- ❖ **Plymouth Hotel Investment, LLC d/b/a Hilton Garden Inn** (4 Home Depot Drive) requested a Change of Manager from Brian Anderson to Kelly Lajoie. Background check showed no basis for denial.

ONE DAY WINE & MALT LIQUOR LICENSE*

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

- ❖ **Boston's of Plymouth** (Gene Foley, 5 South Park Ave) requested a One Day Wine & Malt Liquor license for a St. Patrick's Day weekend event, to be held from 12:00 p.m. to 12:30 a.m. in an enclosed tent located in the parking lot next to the building on the following dates: March 16 and 17, 2012. Note: Liquor liability insurance will be in place before the license is released.

*One day liquor licenses shall automatically cover the day before and the day after the event for the purpose of proper delivery, storage, and disposal of alcoholic beverages purchased.

ONE DAY ALL ALCOHOL LIQUOR LICENSE*

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

- ❖ **Plymouth Guild, Inc. / Richard Mulcahy** requested a One Day All Alcohol Liquor License for a photography exhibit reception to be held from 1:30 p.m. to 5:30 p.m. on April 1st, 2012 at the Plymouth Center of the Arts, 11 North Street. Liquor liability insurance will be in place before the license is released.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to grant a One Day Wine all Alcohol Liquor License to the following applicant, as detailed below. Voted 5-0-0, approved.

- ❖ **Plymouth Philharmonic Orchestra / Debra Cox** requested a One Day All Alcohol Liquor License for a classical concert soiree to be held from 6:00 p.m. to 7:00 p.m. on March 31st, 2012 at the Mayflower Society House, 4 Winslow Street. Liquor liability insurance will be in place before the license is released.

*One day liquor licenses shall automatically cover the day before and the day after the event for the purpose of proper delivery, storage, and disposal of alcoholic beverages purchased.

ADMINISTRATIVE NOTES

Meeting Minutes of November 8, 2011 – On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to approve the minutes of the November 8, 2011 Selectmen's meeting. Voted 5-0-0, approved.

Meeting Minutes of November 15, 2011 – On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to approve the minutes of the November 15, 2011 Selectmen's meeting. Voted 3-0-2, approved, with abstentions from

Selectman Harnais and Selectman Brewster, who were unable to attend the November 15th meeting.

Meeting Minutes of November 28, 2011 – On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to approve the minutes of the November 28, 2011 budget workshop. Voted 4-0-1, approved, with an abstention from Vice Chairman Mahoney, who was unable to attend the November 28th meeting.

Spring Annual and Special Town Meeting Warrants – On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to approve and execute the Warrants for the 2012 Spring Annual and Special Town Meetings. Voted 5-0-0, approved.

Ratification of Patrolman's Union Contract – On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to ratify the contract for the Patrolman's Union. Voted 5-0-0, approved.

PUBLIC COMMENT

Paul Hapgood inquired about the status and verbiage of legislation passed by Town Meeting that would allow the Town to implement an improvement program for private roads. Mr. Hapgood expressed concern that the original wording of the article (as approved by Town Meeting) had been altered during the course of its passage through the State legislative process.

Selectman Harnais indicated that Article 9 of the 2010 Special Town Meeting requested special legislation from the State that would allow the Town to expend funds on unaccepted roads. At some point between Town Meetings' approval of Special Article 9 and the bill that was submitted to the legislature (S1049), he explained, language had been added that would require the measure to be brought before the voters of Plymouth for final ratification. Selectman Harnais speculated that Counsel for the Senate may have added the language to reflect the standard legal procedure for public expenditures on private lands. Unfortunately, he noted, the change has caused a delay, as the Town must decide whether it wishes to approve or remove the section requiring voter ratification. Selectman Harnais indicated that, in speaking with the Chairman of the Roads Advisory Committee (Tim Grandy), it was never the intent of the committee (when submitting the article) to require that the legislation return before the voters for final approval.

Following some brief remaining dialogue between Mr. Hapgood and Selectman Harnais, the Board decided to schedule a discussion on the matter for its March 13, 2012 meeting.

Irwin Mersky expressed concern about the safety of Beaver Dam Road, due to increasing traffic from Pinehills residents and truck delivery routes. Mr. Mersky stated his belief that traffic is moving much more quickly than it should along Beaver Dam Road, as evidenced, he said, by a fatal collision that occurred at the entrance to The Pinehills. The road, he indicated, is in dire need of restriping from The Pinehills to the entrance of the Great Island community.

Mr. Stankiewicz stated that he would bring Mr. Mersky's request to the DPW Director.

Richard Quintal, Jr. of Precinct 1 expressed surprise that the Board did not hold more of a discussion on the FY2013 budget (during its meeting of February 28, 2012). Mr. Quintal asked the Board to provide Town Meeting members with a more comprehensive indication of what it favored—and did not favor—about the budget, and he questioned why the budget would include expenses for new items when there are staff layoffs proposed.

Selectman Muratore responded that, though there may not have been much discussion on the budget during the February 28th meeting, the Board held a number of previous discussions on the budget, dating back several months. It is clear, he said, that a majority of the Board does not agree with the budget presented by the Town Manager, but citizens should know that the Board came to this decision following thorough review and discussion.

Linda Benezra agreed with Mr. Mersky that the Town should review and reconsider the 45mph speed limit posted on Beaver Dam Road. Ms. Benezra also echoed Mr. Hapgood's concerns regarding what she described as "substantive" additions made to the roads legislation during the Senate review process. The Town, she said, should seek written advice as to how such issues can be avoided in the future.

Keven Joyce, Precinct 5 Town Meeting Member and Pinehills resident, spoke to the Board regarding a number of his concerns and ideas. Mr. Joyce commended Selectmen Brewster, Muratore, and Harnais for their approach to the budget, specifically noting Selectman Brewster's comments that "Free Cash is not free." Residents of The Pinehills pay a great deal of taxes but do not utilize much in services (i.e. not adding children into the school system), he said, leaving many to question where their taxes are being applied. Mr. Joyce cited a number of major issues facing the Town—such as negotiations with Entergy (Pilgrim Nuclear Power Station), health insurance costs, wind turbine projects, and the maintenance of private roads—and speculated as to how the Town will manage such challenges without driving the tax rate into the \$15-17 dollar range within the next few years. At the close of his comments, Mr. Joyce reported that the Town's DPW Director will be initiating a traffic count study for Beaver Dam Road, in addition to the recent improvements the DPW made to Old Sandwich Road.

Both Vice Chairman Mahoney and Selectman Muratore responded to Mr. Joyce's comments regarding negotiations with Entergy on its Payment in Lieu of Taxes ("PILOT") agreement with the Town. The deregulation of nuclear power at the Federal level, Vice Chairman Mahoney said, has greatly weakened the Town's ability to receive proper compensation as a nuclear host community. Selectman Muratore explained that the state of the economy has a significant effect on negotiations between the Town and Entergy on the PILOT agreement. The Board, Selectman Muratore said, has taken an active role in tackling several of the challenges cited by Mr. Joyce, such as the future of the Town's solid waste program and the legalities of maintaining private roads with public funds.

UPDATE ON STEPHENS FIELD

David Gould, Plymouth's Environmental Manager, provided the Board with an update on the results of an environmental site investigation at Stephens Field. Stephens Field, Mr. Gould explained, was once a coastal estuary that was filled (many years ago) with ash and construction debris. In addition, he said, the former DPW property that was recently transferred and annexed to Stephens Field by Town Meeting was once used as the A.K. Phinney garage. Considering the history of the parcels, Mr. Gould noted, the Town procured a professional M.G.L. Chapter 21E study of the soil at the site.

Mr. Gould reported that approximately 33 soil borings (including 4-5 in and around the playground area) indicated less-than-background levels of toxic materials at the site, which means that the Town will not be required to close the park. While there is evidence of minimal "risk" from a layer of coal ash, he indicated, its presence does not reach the level at which the Town would be required to remove the soil. Mr. Gould noted, however, that there is contamination from a fuel storage tank housed at the former Phinney garage that must be properly extracted and remediated within the coming months.

Assistant Town Manager Melissa Arrighi explained that she is relieved by the results of the study, considering staff's initial concerns about the soil. In the event that the results may have indicated otherwise, she explained, the Town preemptively decided to move its youth recreation programs to alternate locations during the 2012 season. Ms. Arrighi assured the Board that the public can continue to enjoy all of the other typical activities at Stephens Field: the concession stand, farmers market, kayak launching, etc.

Discussion turned briefly towards the Town's plans to redesign and rehabilitate Stephens Field. Mr. Gould explained that he is seeking a PARC Grant (Parkland Acquisitions and Renovations for Communities) for the reconstruction of Stephens Field, just as he did with Nelson Memorial Park.

Mr. Gould responded to a handful of questions and comments from the audience. Once fully complete, he said, the environmental report for Stephens Field will be made available to the public. Even though the Town is not required to remediate the site, Mr. Gould explained, the DPW would still like to make any improvements that it can to remediate the park. Based on the low levels of toxic materials found during the study, he indicated, the site does not qualify for funding from the Federal Brownfields Act.

CHAMBER OF COMMERCE BUSINESS TRIP TO PLYMOUTH & LONDON, U.K.

Selectman Harnais informed the Board that the Plymouth Area Chamber of Commerce is sponsoring an official trip to London and Plymouth, England to promote business and tourism with Great Britain. The Board, he said, should strongly consider sending at least one representative on the trip, to send a signal that the Town is sincere about strengthening its international business relationships. Selectman Harnais indicated that the Distinguished

Visitors Committee will discuss whether it can sponsor the cost of sending an official delegate.

BOARD LIAISON / DESIGNEE UPDATES

Economic Development Survey for Village Centers – Selectman Muratore reported that the Plymouth Area Chamber of Commerce, in conjunction with the Plymouth Regional Economic Development Foundation, has issued a survey to 100 local businesses in Plymouth’s village centers on the subject of cooperative marketing partnerships and development assistance. Selectman Brewster added that Chamber of Commerce Director Denis Hanks will provide the Board with a presentation on this initiative during an upcoming meeting.

Forum on Ballot Question Pertaining to Pilgrim Station – Selectman Muratore informed the Board that the Town Manager’s Office has invited the United States Nuclear Regulatory Forum (“NRC”) to participate in an educational forum on the Pilgrim Nuclear Power Station. The forum, he said, will be broadcast live on PACTV from Town Hall on March 29, 2012.

Assistant Town Manager Melissa Arrighi reported that the March 29th forum will focus on the ballot question (proposed by Plymouth citizen Theodore Bosen) regarding the relicensing of Pilgrim Station and the lessons learned from the Fukushima Dai-Ichi disaster. The intent, she explained, is to hold a moderated forum, with participation from individuals who represent both perspectives on the issue. Entergy has declined the Town’s invitation to participate, she noted, but NRC representatives have agreed to hold an informational open house from 5:00 to 7:00 p.m. on March 29th, prior to the start of the forum. Ms. Arrighi indicated that NRC representatives also intend to return before the Board in late summer with an informational presentation.

Plymouth 400, Inc. – Selectman Brewster reported that, during the March 5, 2012 meeting of Plymouth 400, Inc., members Jim Baker, Peg Baker, and Ken Tavares resigned from service on the non-profit corporation’s board of directors. These resignations are a great loss to the corporation, she said, as Mr. Tavares and the Bakers have been integral members from the organization’s inception. Selectman Brewster noted that Plymouth 400, Inc. vice president Ed Santos assumed the helm of the meeting, presiding over a number of discussions and initiatives, including the decision to proceed forth with a complimentary, two-committee approach to the 400th anniversary celebration (the non-profit Plymouth 400, Inc. and the Town’s 400th Anniversary Committee). Plymouth 400, Inc., she explained, will pursue grant funding from the Massachusetts Office of Travel & Tourism for the development of a new website, and the Visitor Services Board has allocated \$40,000 in funds for the celebration. Selectman Brewster offered her observation that 2012 will be a major turning point in the planning of the 400th celebration. It will be imperative, she said, to demonstrate the importance of the anniversary to the Town, its residents, and its businesses.

OLD BUSINESS / LETTERS / NEW BUSINESS

444 Long Pond Road / Chapter 61B Property – Vice Chairman Mahoney referenced a letter of notification from Mark Ridder / Long Pond Golf Corporation regarding plans to remove property at 444 Long Pond Road (Waverly Oaks Golf Course) from Chapter 61B tax status. When properties are removed from Chapter 61 for sale to a prospective buyer, the Town is given a right of first refusal on the property. The price of the property is based on what the seller could receive from a private buyer (i.e. the offer made on the property), so long as the buyer's offer is considered "bona fide." Vice Chairman Mahoney questioned whether the private offer of \$6 million for the property was truly bona fide, but noted that, despite the strategic proximity of 444 Long Pond Road to adjoining Town-owned properties, the Town could not afford to purchase the property at such a cost.

Boston.com's List of Best Places to Live – Selectman Brewster was pleased to note that Boston.com ranked Plymouth at #14 (out of 341 communities) on its list of the "Best Places to Live in Massachusetts."

Manomet Village Steering Committee – Selectman Muratore inquired about recent correspondence that the Board received pertaining to the Manomet Village Steering Committee ("MVSC"). Ms. Arrighi explained that the MVSC initiated a discussion on the location of private and public property boundaries on White Horse Beach, which has caused some concern amongst property owners. Mr. Stankiewicz added that the MVSC is looking to define property rights in the context of addressing parking conflicts between private residents and public beachgoers.

Precinct Caucus Schedule – Selectman Muratore asked if a schedule of Town Meeting precinct caucuses was available. Ken Buechs of the Committee of Precinct Chairs answered (from the audience) that the earliest precinct caucuses were scheduled for March 22, 26, 27, and 28, 2012. Mr. Buechs noted that there will be four "super caucuses" involving multiple precincts.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to adjourn its meeting at approximately 8:50 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the March 6, 2012 meeting packet is on file and available for public review in the Board of Selectmen's office.