

# ~ PLYMOUTH BOARD OF SELECTMEN ~

**TUESDAY, AUGUST 12, 2014**

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, August 12, 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 6:15 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 Selectman Muratore, seconded by Vice Chairman Provenzano, the Board voted to enter an executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to litigation, and to discuss strategy with respect to collective bargaining, as an open meeting on these matters 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.

Chairman of the County Commissioners, Daniel Pallotta, called a meeting of the Commissioners to order at 6:00 p.m.

Present for the County: Daniel Pallotta, Chairman, County Commissioners  
Greg Hanley, County Commissioner  
Sandra Wright, County Commissioner  
Brian McDonald, County Administrator  
Thomas O'Brien, County Treasurer  
Nancy O'Rourke, Assistant to the County Commissioners

On a motion by Commissioner Wright, seconded by Commissioner Hanley, the County Commissioners voted to enter 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 this matter may have a detrimental effect on the negotiating position of the body. By roll call: Hanley – yes, Wright – yes, and Pallotta – yes.

## **RETURN TO OPEN SESSION**

Chairman Tavares reconvened the meeting in open session at 7:15 p.m. and led the Pledge of Allegiance.

Chairman Tavares was pleased to report that, during the Board’s executive session with the County Commissioners, the Commissioners handed over the keys to the County Commissioners Building, along with a set of original building plans. The Commissioners, he noted, will vacate the Commissioners Building at the end of the week.

## **TOWN MANAGER’S REPORT**

**Solar Photovoltaic Energy Program** – Town Manager Melissa Arrighi reported that the Massachusetts Department of Transportation (“MassDOT”) has informed the Town of its plans to install energy-saving solar photovoltaic arrays at multiple MassDOT properties throughout the Commonwealth. MassDOT, she explained, has identified a site in Plymouth for one of the proposed solar arrays, and, thus, Town staff will meet with MassDOT representatives to informally discuss the project and provide some initial observations on whether the project will meet zoning and environmental regulations.

**Water Street Bridge Replacement Project** – Ms. Arrighi provided a brief update on the Water Street Bridge Replacement Project, noting that work is scheduled to begin on September 2, 2014.

**Massachusetts Environmental Trust Grant** – Ms. Arrighi was pleased to announce that the Department of Marine and Environmental Affairs received \$38,854 in grant funding from the Massachusetts Environmental Trust. This grant, she explained, enables the Town to commence the Plymouth Ponds and Lakes Stewardship Program and Pond Atlas (PALS) for water quality analysis and reporting in 35 ponds throughout Plymouth. Ms. Arrighi thanked the Town’s Environmental Technician, Kim Tower, for initiating—and securing funding for—this program.

**United Way Volunteer Project** – Ms. Arrighi reported that United Way of Greater Plymouth County (“UWGPC”) would like to hold its annual fundraising campaign kickoff in Plymouth. The kickoff event, she explained, will bring a gathering of 150 United Way volunteers who will undertake a number of community projects throughout the town. Ms. Arrighi noted that Chairman Tavares and Assistant Town Manager Michael Galla have met with UWGPC’s executive director, Dennis Carmen, to discuss potential volunteer projects for the September 12<sup>th</sup> event.

## **LICENSES**

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

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

- ❖ **Michelle Riley / MAR Promotions** (117 Tall Oaks Drive, Weymouth) is requesting 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 August 23, 2014 at Memorial Hall. Liquor liability insurance will be in place before the license is released.

### **CHANGE OF MANAGER (LIQUOR)**

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

- ❖ **White Cliffs Community Association Inc.** (1 East Cliff Drive) requested a Change of Manager from Joseph Piperato to Thomas McEnany. Background check shows no basis for denial.

### **OUTDOOR AMPLIFIED MUSIC PERMIT (NEW)**

On a motion by Selectman Muratore, seconded by Selectman Page, the Board voted to grant an Outdoor Amplified Music Permit to the following applicant, for the events detailed, below. Voted 5-0-0, approved.

- ❖ **Downtown 1<sup>st</sup> / Jodie Prifti and Gary Wass** requested an Outdoor Amplified Music Permit for the Downtown 1<sup>st</sup> outdoor events to be held from 12:00 p.m. to 6:00 p.m. on/at the following dates and locations: September 5<sup>th</sup>, October 4<sup>th</sup>, and November 1<sup>st</sup>, 2014; at Post Office Square, Shirley Square, and 1820 Courthouse Green.

## **ADMINISTRATIVE NOTES**

**Meeting Minutes** – On a motion by Vice Chairman Provenzano, seconded by Selectman Mahoney, the Board voted to approve the minutes from the June 10, 2014 Selectmen’s meeting. Voted 4-0-1, approved, with an abstention from Selectman Muratore, who was unable to attend the June 10, 2014 meeting.

**Aquaculture License** – The Board approved and executed an *Aquaculture License* between the Town of Plymouth (as licensor) and William Bennett of 11 White Street, Duxbury, Massachusetts (as licensee) for an area situated in Plymouth Harbor described by

the coordinates listed below, for a three-year term effective August 12, 2014 through August 11, 2017. The Board gave its preliminary approval for this license at its meeting of June 11, 2013.

N42° 00.126, W070° 37.844  
N42° 00.164, W070° 37.935  
N42° 00.213, W070° 37.923  
N42° 00.261, W070° 37.902  
N42° 00.288, W070° 37.875  
N42° 00.233, W070° 37.767

**Construction / Access Permit Agreement for Water Street Bridge Replacement** – The Board approved, and authorized the Town Manager to execute, a Construction / Access Permit Agreement with the Massachusetts Department of Conservation & Recreation for activities associated with the reconstruction of the Water Street Bridge / Culvert.

## **PUBLIC COMMENT**

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

## **PUBLIC HEARING: TERMINATE LEASE AT 16 TOWN WHARF**

**RELIABLE FISH COMPANY, INC., 16 TOWN WHARF**

Chairman Tavares reconvened a hearing that was continued from the Selectmen's meeting of August 5, 2014. The Selectmen held the hearing to consider the termination of the lease that is currently issued for the use of Town property at 16 Town Wharf. The lease is currently issued to Reliable Fish Company, Inc., which has fallen behind in its lease payments owed to the Town.

Ms. Arrighi informed the Board that Reliable Fish Company, Inc. (the lessee) has requested another continuance, to finalize funding from a private source that will bring the lease payments current. The lessee has provided documentation detailing the loan agreement, she said, but staff needs an opportunity to review and verify the information.

On a motion by Vice Chairman Provenzano, seconded by Selectman Muratore, the Board voted to continue the hearing to terminate the lease agreement that is currently issued to Reliable Fish Co., Inc. for the use of Town property at 16 Town Wharf until the Selectmen's meeting of September 9, 2014, or the meeting scheduled nearest to that date. Voted 5-0-0, approved.

## **WATER STREET BRIDGE REPLACEMENT PROJECT**

Jonathan Beder, Director of Public Works, provided the Board with a presentation on the Water Street Bridge Replacement Project. This project, he indicated, will be undertaken

collaboratively between the Town's Department of Public Works ("DPW") and the Department of Marine & Environmental Affairs ("DMEA").

Mr. Beder explained the reasons why the replacement of the bridge was necessary, noting that the condition of the culvert was deemed "poor," following an official inspection in 2010. A weight limit has been established, he said, due to the deteriorated condition of the bridge. In addition, Mr. Beder explained, the repair of the bridge will also allow the town to make some much needed improvements to stormwater systems and fish passage through the culvert.

Mr. Beder displayed photographs to illustrate the current condition of the bridge. Following the results of the 2010 inspection, he stated, Town Meeting subsequently allocated \$250,000 for the design of the new bridge and \$2,500,000 for its construction. In order to begin the project, however, the Town must negotiate several factors that restrict the time of year during which such an endeavor can be undertaken, Mr. Beder said. Weather, fish passage, tourism traffic, and major community events, he explained, restrict the time during which the Town can complete this project to the weeks between September 2 and November 22.

Mr. Beder informed the public that, during construction, Water Street will be closed to vehicular traffic between Leyden and Union Streets. Work will begin on September 2, 2014, he said, with plans to have the major components of the project installed by November 10<sup>th</sup>. The Town will make every effort, Mr. Beder stated, to ensure that the project is complete by November 22, 2014, when the Thanksgiving Parade is scheduled to take place. The contractor assigned to the project is willing to work longer days and Saturdays to keep the project on schedule, he noted.

Following the conclusion of the presentation, Mr. Beder responded to some questions from the Selectmen pertaining to the logistics of the project. At the close of discussion, Chairman Tavares thanked Mr. Beder for the update on this important project.

## **PRESENTATION ON BURIAL HILL PROJECTS**

Cheryle Caputo, president of Friends of Burial Hill, Inc. ("FOBH"), introduced a presentation on radar survey work that has been undertaken on Burial Hill to further investigate the possible items or structures that may exist beneath the ground at the historic site. FOBH, she noted, seeks additional funding to continue this ground-penetrating radar ("GPR") survey work at Burial Hill.

Ms. Caputo introduced Craig Chartier, the director of Plymouth Archaeological Rediscovery Project ("PARP"). Mr. Chartier explained that he has been working with FOBH to survey structures and objects beneath the surface of the burial ground and determine whether remnants of the original meeting house and/or palisade wall exist—and, if so, where such remnants are situated. Mr. Chartier noted that he has conducted further

GPR surveys to follow-up on underground anomalies that were detected during a 2013 GPR study conducted by New England Geophysical.

Mr. Chartier briefly described the way by which the GPR equipment functions, and he displayed images to illustrate the areas on the hill that have been surveyed. There were four main areas on which the survey focused, he explained: the northern apex of the hill, the southern apex of the hill, a depression situated on the southwest side of the hill, and the location known to be the site of the colonists' fort and watch house. Mr. Chartier indicated that he and the members of FOBH are trying to find evidence of—and, thus, verify the exact location of—the fort and surrounding palisade of the original settlement. Following the initial survey results, he reported, the next step would be to conduct three-dimensional GPR surveys of those areas where anomalies were detected.

Mr. Chartier spoke in detail about the historical information that exists on the historically recognized but technically unsubstantiated locations of the fort, watch house, and palisade. A square-shaped anomaly was detected in the area of the Warren family plot, which may point to the existence of the fort, he noted. Mr. Chartier also remarked that his survey made a brief study of the area where the crew of the General Arnold was buried, but this was at the end of his contract with FOBH, and, thus, more study is needed.

Mr. Chartier discussed the conclusions that could be drawn from his survey of the site, and he outlined his recommendations for further study. He reiterated his advice that a three-dimensional GPR survey be conducted on the southern apex of Burial Hill and the area of the Warren family plot, to help to provide stronger support for the existence and actual location of the fort and palisade.

Chairman Tavares noted that he was unaware that FOBH was requesting funding from the Town for further GPR research on Burial Hill. Ms. Arrighi advised the Board that she could work with Ms. Caputo and FOBH to assist with identifying other (i.e. non-Town-budget related) funding sources for the project.

Selectman Muratore made a motion to support the request from Friends of Burial Hill, Inc. for \$3,000 in funding for further ground-penetrating radar survey of Burial Hill. Vice Chairman Provenzano seconded the motion and the Board entered discussion on the request. It should be noted that, following discussion, the Board ultimately did not take a vote on this motion.

Ms. Caputo informed the Board that FOBH is a federally recognized non-profit corporation. The organization, she said, facilitates educational programs to promote awareness about the hill and the citizens who are interred at the site. Ms. Caputo indicated that she and FOBH Vice President June Gillette are fully qualified to perform gravestone cleaning and conservation.

Vice Chairman Provenzano questioned whether FOBH had sought collaborations with academic institutions that would be willing to undertake the recommended GPR survey, at no cost to the Town or to FOBH. Ms. Caputo indicated that the University of

Massachusetts has conducted some work on Burial Hill, but they were seeking the former remnants of residential house foundations along School Street. There could be opportunities for partnerships with educational institutions, Ms. Caputo acknowledged.

Chairman Tavares invited Jonathan Beder, Director of Public Works, and Ted Bubbins, Superintendent for Parks & Cemeteries, to discuss the Town's plans for the restoration of Burial Hill.

Mr. Beder informed the Board that the Department of Public Works ("DPW") is currently working with Halvorson Design on the restoration plans for Burial Hill, with the goal of creating a conceptual plan that can be brought to Town Meeting, for funding. The restoration of Burial Hill, he explained, is part of the Town's overall plans to prepare for Plymouth's 400<sup>th</sup> Anniversary in the year 2020. Mr. Beder noted that he hopes to have more details to present to the Selectmen in the coming month.

Mr. Bubbins indicated that the Parks & Cemeteries Division is working specifically on the gravestone restoration project for Burial Hill. An assessment has been conducted on the stones, he reported, and the Town will be working with a specialized conservator who can restore and preserve the 1,000+ stones in the graveyard. It is his hope, he stated, to have a contract for this work in place within approximately five to six weeks. Mr. Bubbins noted that, within the Halvorson Design plan referenced by Mr. Beder, there are approximately 24 trees in the graveyard that must be removed. There will be a public process for the removal of the trees, he said, on which the Selectmen will render a final decision.

Chairman Tavares questioned whether the piling of branches he has observed around the base of many of the trees within Burial Hill is the result of pruning efforts by the Parks & Cemeteries Division. Mr. Bubbins explained that the piles of branches are likely the work of volunteers who seek to help neaten the graveyard.

In response to an inquiry from Chairman Tavares, Mr. Bubbins explained that the Parks & Cemeteries Division of the Department of Public Works is responsible for the care and oversight of Burial Hill. This is a historical burial ground, Mr. Bubbins said, and therefore the Town must ensure that any activity within Burial Hill is either conducted or sanctioned by the Town. The Friends of Burial Hill have been very helpful, he noted, but Town staff and/or Town-procured contractors must be the only people responsible for conducting all physical work at the graveyard. Mr. Bubbins acknowledged that the Town did allow the FOBH to conduct some cleaning of the gravestones, but, at this time, he said, no further work should take place at Burial Hill unless it is specifically conducted and/or authorized by the Town.

Ms. Arrighi highlighted the importance of establishing formal agreements between the Town and community volunteer groups. Such relationships are critical to a number of community projects, she noted, and, thus, the formalization of processes and the roles of each party are vital to ensuring the best and most productive partnerships.

In response to an inquiry from Chairman Tavares, Mr. Bubbins indicated that his department intends to install improved lighting at Burial Hill, but the lighting, he said,

must be situated in a way that it will not attract vandalism or be easily damaged. Selectman Mahoney asked Mr. Bubbins to speak about his department's plans to remove some of the trees on Burial Hill. Mr. Bubbins explained that some of the beech trees on the hill—while beautiful—are causing damage to the historic stones and gravesites.

At the close of discussion, Chairman Tavares thanked Ms. Caputo, Mr. Chartier, Mr. Beder, and Mr. Bubbins for providing the Board with important information on the preservation of Burial Hill.

## **COMMITTEE LIAISON / DESIGNEE UPDATES**

**Building / Extended Building Committee** – Selectman Muratore noted that he attended the August 7, 2014 meeting of the Building Committee and Extended Building Committee, at which the groups jointly discussed the Plymouth South High School and 1820 Courthouse/ Municipal Center projects.

**Nuclear Matters Committee** – Selectman Mahoney indicated that Selectman Muratore would attend the August 18, 2014 meeting of the Nuclear Matters Committee, as Selectman Mahoney would be unable to represent the Board on that date.

**Plymouth 400, Inc. / 400<sup>th</sup> Anniversary** – Chairman Tavares reported that he attended the recent meeting of Plymouth 400, Inc., at which he was very encouraged by the accomplishments that have been made, to date. The corporation, he said, is well organized and staffed with professionals who appear to be doing a very good job of facilitating plans for the 400<sup>th</sup> Anniversary Celebration.

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

There were no items raised for discussion under Old Business / Letters / New Business.

## **RETURN TO EXECUTIVE SESSION / CONCLUSION OF OPEN SESSION**

Chairman Tavares closed the open portion of the meeting and reconvened the Board's executive session (from the outset of the meeting) at approximately 8:20 p.m. Chairman Tavares indicated that the Board would not return to open session, following the conclusion of executive session.

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

*A copy of the August 12, 2014 meeting packet is on file and available for public review in the Board of Selectmen's Office.*