

**BOARD OF SELECTMEN
PLYMOUTH, MASSACHUSETTS**

February 17, 2004

The Selectmen held their weekly meeting on Tuesday, February 17, 2004, 7:00 p.m. at Town Hall, 11 Lincoln Street.

Present: Kenneth A. Tavares, Chairman
 David F. Malaguti, Vice Chairman
 Christopher R. Lombard
 David J. Rushforth, M.D.

Pamela T. Nolan, Town Manager (arrived late)
Mark D. Sylvia, Assistant Town Manager

LICENSES

Vice Chairman Malaguti moved to approve the following New Hire Business Permits. Selectman Rushforth seconded the motion. Voted 4-0.

Vehicles For Hire Business Permits (New):

Habilitation Assistance Corp.
434 Court Street
Allen Eddy, President

Applying for eleven (11) Vehicle for Hire Permits (3 Taxi/8 Livery)

All vehicles have been inspected by our Inspectional Services Department.

Vice Chairman Malaguti moved to approve the following licenses and the pledge of license and stock for British Beer Company LLC in conjunction with their request for the transfer of an all alcohol restaurant license from Geoffrey's Family Restaurant at 2294 State Road. Selectman Rushforth seconded the motion. Voted 4-0 approved.

- Common Victualler
- Comprehensive Entertainment – Gr. I, II, III, IV
 - Applying for Jukebox, radio, tv, dancing, live entertainment, moving pictures, theatre shows

LICENSES (continued)

- Sunday Entertainment – Applying for Jukebox, radio, tv, dancing, live entertainment
- Early Sunday Opening – 11:00 a.m.
- Extension of Hours – 1:00 p.m.

Liquor Liability is in place and the manager will be server trained.

Issuance of the above licenses is subject to approval from the Building and Health Departments.

Pledge of License and Stock

British Beer Company, 2294 State Road is requesting to pledge their Liquor License and Stock to Compass Bank for Savings.

Vice Chairman Malaguti moved to approve the Sunday Package store opening for Catorima Inc. d/b/a Pilgrim Wine and Spirits. Selectman Rushforth seconded the motion. Voted 4-0.

Sunday Package Store Openings

Catorima Inc. d/b/a Pilgrim Wine and Sprits, 35 Home Depot Drive has submitted a permit application to sell alcohol on Sundays.

Vice Chairman Malaguti moved to approve the following One-Day All Alcohol Liquor Licenses for Plimoth Plantation. Mark Sylvia, Assistant Town Manager, advised that these one day licenses were necessary as each area was considered a separate premise and therefore required a separate license. Selectman Rushforth seconded the motion. Voted 4-0.

One Day All Alcohol Liquor License

Keith Walo from Plimoth Plantation, 137 Warren Avenue is requesting one day all alcohol liquor licenses for the Peabody Pavilion for the following dates:

Barbecue/Corporate Outings Etc.

6/4/04	7/16/04
6/5/04	7/17/04
6/11/04	7/30/04
6/12/04	
6/18/04	7/31/04
6/19/04	8/6/04

LICENSES (continued)

Barbecue/Corporate Outings Etc. (continued)

7/2/04 8/7/04
7/3/04 8/27/04
8/28/04 10/2/04

Liquor Liability is in place and bartenders have been professionally trained.

Kathleen Arkell from Plimoth Plantation, 137 Warren Avenue is requesting one day all alcohol liquor licenses for the Accomack Room for the following dates:

Showers/Weddings/Reunions/Etc.

4/3/04 7/16/04
4/24/04 8/7/04
5/15/0 8/21/04
5/22/04 8/28/04
6/5/04 9/4/04
6/6/04 9/11/04
6/12/04 9/12/04
6/19/04 9/18/04
6/26/04 9/25/04
6/27/04 10/2/04
7/3/04 10/9/04
7/10/04

Liquor Liability is in place and bartenders have been professionally trained.

Vice Chairman Malaguti moved to approve the following Common Victualler renewal license. Selectman Rushforth seconded the motion. Voted 4-0.

Common Victualler (Renewal)

Stevie’s Pizza
46 Main Street
Gessuy Freitas

ADMINISTRATIVE NOTES

New Committee - The Board voted that the composition and charge of the Ad Hoc Committee on electric power would be as follows:

ADMINISTRATIVE NOTES (continued)

- Membership:** Six residents, at large appointed by the Board of Selectmen and Dr. Rushforth as the Selectmen's designee
- Duration:** Six months (extensions may be granted by the Board of Selectman)
- Purpose:** The purpose of the Ad Hoc Committee is to consider whether or not a "municipal electric light plant" or a municipal aggregation group should be formed to provide electric power for Plymouth
- Charge:** To evaluate both options and report back to the Board of Selectmen with a recommendation. The Ad Hoc Committee is encouraged to solicit public testimony from residents, governmental entities, the private sector and representatives from the power industry

Gift – The Board accepted a check for \$1,000.00 and a check for \$500.00 as gifts for the Safety Officer's Account. The checks are from the Walmart Foundation and Verc Enterprises, Inc. respectively.

Gift – The Board accepted a check for \$754.00 will be accepted from Mark Investments, Inc. as a gift. The money will be used to cover legal expenses rendered by Kopelman & Paige in reference to the Walgreen's Site 101.

Appointment – The Board appointed Marsha Hanby to the Plymouth Cultural Council. Ms. Hanby has 13 years prior service on the Council.

Minutes - Vice Chairman Malaguti moved to approve the minutes of February 10, 2004. Selectman Rushforth seconded. Voted 4-0 approved.

COMMITTEE APPOINTMENT

The Board interviewed a candidate, Mr. Rick Sorenson, interested in serving on the Plymouth Development Corporation. Mr. Sorenson was recommended by the Plymouth Regional Economic Development Foundation. Mr. Sorenson is a managing partner of Sam Diego's Restaurant and feels he could bring valuable business experience to the Corporation.

Vice Chairman Malaguti moved to appoint Mr. Sorenson to the Plymouth Development Corporation. Selectman Rushforth seconded. Voted 4-0 approved.

TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW

ARTICLE 3: To see what action the Town will take under the provisions of G.L. c.44, §53E 1/2 regarding the establishment, annual re-authorization or renewal as the case may be of revolving funds.

Mark Sylvia, Assistant Town Manager, presented this article to the Board and explained that the information contained in their packets was compiled by the respective department heads requesting these revolving funds. Additionally, Mr. Sylvia added that the Council on Aging is also requesting the establishment of a new revolving fund.

Selectman Lombard responded that he had an issue with this a new revolving fund account because he was concerned that some of the costs of activities would be passed on to seniors. Ms. Kristin Andrews, Director of the Council on Aging, explained that the individuals who provide the seniors with activities need to start paying "nominal rent" to the Council. Ms. Andrews explained that the town should not be offering town property rent free for someone to operate their private business. Additionally, when these seniors pay their fees the money needs to be deposited into a Revolving Account so she can replenish supplies for this activity. Vice Chairman Malaguti applauded the energy and the effort of Ms. Andrews but wanted to make sure that the fees are monitored and that they do not become too pricey for the Seniors.

Selectman Rushforth asked Pamela Nolan, Town Manager, why Mr. Bubbins is requesting an increase for the FY05 Revolving Beach Account to be increased to \$125,000.00 Ms. Nolan responded that she would ask Mr. Bubbins and get back to the Board next week. Selectman Lombard also requested an explanation of the Parking Revolving Funds and the use for the monies contained therein.

Chairman Tavares explained that Mr. Dello Russo needed to be present to answer these questions, so he explained that he would like to bring back this article for next week.

PUBLIC HEARING

The Board held a public hearing to consider the application for a transfer of an all alcohol restaurant license from Geoffrey's Family Restaurant, Inc. to British Beer Company LLC, 2294 State Road.

Gary Simon, Proprietor of British Beer Company, explained to the Board that this request is still for a full service restaurant and that a few changes will be made including but not limited to cosmetic alterations. Mr. Simon handed out the new

PUBLIC HEARING (continued)

menu and he explained that he is anticipating an opening in approximately 3 weeks.

Chairman Tavares asked if we ever received a closing request for Geoffrey's as he does not remember one coming before the Board. Staff responded that they would check on that.

Vice Chairman Malaguti moved to transfer the license from Geoffrey's to British Beer Company. Selectman Rushforth seconded the motion. Voted 4-0 approved.

TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the repair and/or purchase and/or lease and/or replacement of departmental equipment for the various departments substantially as follows or take any other action relative thereto.

Chairman Tavares read through all of the Town Manager's recommendations for Article 8. There were requests from the following Departments:

Department	Description	Cost
DPW	Scag Mower	\$ 4,500.00
DPW	2,000 lb Lift	\$ 6,500.00
DPW	Rescue Boards	\$ 2,400.00
DPW	Rescue Kayak	\$ 625.00
DPW	Backboard	\$ 500.00
DPW	40" Plan Scanner	\$ 14,000.00
DPW	Solid Waste Containers	\$ 12,000.00
DPW	Solid Waste Compactor	\$ 12,000.00
DPW	Sander	\$ 4,500.00
Harbor Master	250 HP Motor	\$ 6,500.00
Library	Microfilm Reader	\$ 11,200.00
Police	Police Cruisers	\$ 228,906.00
Procurement/COA	Copier	\$ 9,400.00
Procurement/Various	Work Stations & Comp.	\$ 3,950.00

Selectman Lombard explained that he was troubled with the request for a Scag Mower from the Superintendent of Parks & Forestry. Mr Lombard was concerned

TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)

with the transfer of monies from ATM 2001 and ATM 2002 to the FY05 requests. Chairman Tavares mirrored the Selectman's concern and asked to bring back this article next week after the Town Manager has settled in from her trip.

ARTICLE 34: To see if the Town will vote to amend its Zoning Bylaw Section 302 – Conservation of Open Space Quality (Section 205-19 of the reformatted Zoning Bylaw), as it relates to sign regulations, as well as associated definitions, procedures, and schedules, or take any other action relative thereto.

Attorney Ed Angley explained to the Board that the current zoning bylaw regarding signage was created in 1972 and it needs to be updated to reflect present day zoning and construction plans. Buildings and parcel areas are much larger and should subsequently have corresponding signage. Mr. Angley explained that this signage is only for commercial and light industrial areas and would not be allowed in the village centers.

Lee Hartmann, Director of Planning and Development, explained that the signage proposed has to be size and area appropriate. Mr. Hartmann also explained that this signage amendment only applies to buildings with an area of greater than 150,000 square feet. Selectman Lombard questioned whether the Historic District would be affected by this. Mr. Hartmann responded in the negative and explained that it only applies to Highway Commercial, Mixed Commerce, Arterial Commercial and Planned Commercial Developments.

Vice Chairman Malaguti moved to recommend Article 34. Selectman Rushforth seconded. Voted 4-0 approved.

ARTICLE 50: Permanent Easement – Lantern Lane

ARTICLE 51: Permanent Easement – Manomet Recreation Area

ARTICLE 52: Permanent Easement – South High School

Mark Sylvia, Assistant Town Manager, explained that he would like to present all three articles, as Verizon is the petitioner for all three easements. This article would authorize the Selectmen to grant a fifteen foot easements to Verizon on Lantern Lane, Manomet Recreation Area and Plymouth South High School for the purpose of extending telephone service to Sprint's and T-Mobile's telecommunications equipment. Mr. Sylvia explained that over the terms of the leases Verizon would pay \$1,989,500.84 to the Town of Plymouth. Selectman Lombard asked Mr. Sylvia if the School Department was made aware of the easement there. Mr. Sylvia responded that the School Department is aware.

TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)

Vice Chairman Malaguti moved to recommend Articles 50, 51, 52. Selectman Rushforth seconded. Voted 4-0 approved.

ARTICLE 43: To see if the Town will vote to amend the Development Plan previously approved and adopted by the Town Meeting on June 7, 2000 and as previously amended by Special Permit dated May 8, 2001 and by Special Permit dated June 19, 2001 for The Pinehills Community located on and off of Old Sandwich Road, Beaver Dam Road, Clark Road and Long Pond Road in Plymouth, Plymouth County, Massachusetts, as more particularly described in said Development Plan (the "Pinehills Community"), by incorporating additional land into the Pinehills Community under and subject to provisions of the Development Plan, or take any other action relative thereto.

Attorney Bob Betters passed out an addendum to the Selectmen and explained that this amendment does two things: it incorporates 42 acres of additional land to the nature preserve area in the Pinehills and it develops established criteria for subsequent development of the land in the Pinehills. Mr. Betters also mentioned that it received a unanimous endorsement from the Planning Board. Selectman Lombard questioned whether there was a solid definition of a "bodies of water" as written in the amendment. Lee Hartmann, Director of Planning and Development, explained that on page 2 of the Amendment there is a clear definition of "bodies of water". Mr. Lombard also asked if this resolves the present litigation on the 42-acre parcel. Mr. Hartmann explained that it did.

Selectman Rushforth responded that he would most likely support this article but he would like time to review the 18-page addendum just handed out. Chairman Tavares stated that we would bring back this article next week.

OLD BUSINESS/LETTERS/NEW BUSINESS

Memorial Hall – Selectman Lombard requested a memo from Dick Manfredi regarding the status of the punchlist at Memorial Hall.

Pumping Wells – Selectman Lombard asked the Town Manager if we were in compliance with the pumping wells. Ms. Nolan responded that she would get an update and report next week.

US Filter – Selectman Rushforth explained that he saw an article in the paper about US Filter employees taking money for special favors. Dr. Rushforth wanted to make sure that our no one from our plant was involved.

OLD BUSINESS/LETTERS/NEW BUSINESS (continued)

Council on Aging – Selectman Lombard wanted to respond to a letter regarding the parking issue at the Council on Aging.

Sandy's Restaurant – Selectman Lombard requested docket time regarding the issue of the expansion at Sandy's Restaurant. Mr. Lombard also suggested a joint meeting with the Plymouth Beach Advisory Committee and the Selectmen.

Vice Chairman Malaguti moved to adjourn the meeting. Selectman Rushforth seconded. Voted 4-0 to adjourn.

Lisa Conroy, Clerk