

**BOARD OF SELECTMEN  
PLYMOUTH, MASSACHUSETTS**

**March 23, 2004**

The Selectmen held their weekly meeting on Tuesday, March 23, 2004, 7:00 p.m. at Town Hall, 11 Lincoln Street.

Present:       Kenneth A. Tavares, Chairman  
                  David F. Malaguti, Vice Chairman  
                  Richard J. Quintal, Jr.

Pamela T. Nolan, Town Manager  
Mark D. Sylvia, Assistant Town Manager

Chairman Tavares bid farewell to Patrick Dello Russo. The Board wished him well in his new position and they appreciated his kind words at his farewell reception.

Chairman Tavares also welcomed back new dad Mark Sylvia, Assistant Town Manager, from Paternity leave. Mr. Sylvia thanked the Board and informed them that Mother and Son are doing well.

**TOWN MANAGER'S REPORT**

**Work Exchange**

Ms. Pamela Nolan, Town Manager, advised the Board the George Crombie, DPW Director, was going to be travelling to the Czech Republic during Town Meeting. Mr. Crombie's trip was arranged before his date of hire with the Town.

Mr. Crombie explained that the trip is sponsored by the Jenny Randolph Fellowship and the American Public Works Association. It is a work exchange Program with Slovakia and the Czech Republic.

**Lead Education**

George Crombie, DPW Director, advised the Board that Lead Education Inserts would be included in every water bill sent out this year. The insert states that some homes in our community may have elevated lead levels in their drinking water. Mr. Crombie explained that they have also prepared a document for our critical users to be hand delivered this week as well as advertising in three local newspapers, five local radio stations and the local public access television station on cable.

## **TOWN MANAGER'S REPORT (continued)**

Susan Merrifield, Health Director, spoke in support of the corrective actions taken by the Water Department.

Selectman Quintal asked if this had ever happened before and when had we become aware of it. Vice Chairman Malaguti responded that it had happened before in the past. Mr. Crombie responded that Mr. Wohler realized the issue as soon as he took his position with the Town.

## **LICENSES**

Vice Chairman Malaguti moved to approve the following new Vehicle for Hire Permit. Selectman Quintal seconded the motion. Voted 3-0.

### **Vehicle for Hire Permit**

Mayflower Citiservices, Inc.  
260 Ship Pond Road  
Susan Adams

Applying for one (1) Vehicle for Hire Permit (Taxi)

Vehicle has been inspected by our Inspectional Services Department.

Vice Chairman Malaguti moved to approve the following Seasonal Liquor Renewals. Selectman Quintal seconded the motion. Voted 3-0.

### **Seasonal Liquor Renewals**

Sandy Pond Golf, Inc. d/b/a Atlantic Country Club  
450 Little Sandy Pond Road, Paul Whiting (Manager)

Common Victualler License  
Comprehensive Entertainment, Group 1 (radio, tv only)  
Early Sunday Opening  
Sunday Entertainment – Radio, tv only

Pinewood Lodge, Inc. d/b/a Pinewood Lodge  
190 Pinewood Road, Albert E. Saunders (Manager)

## LICENSES (continued)

Common Victualler License

Comprehensive Entertainment, Group I, I, II and IV (Radio, tv, dancing, live entertainment, moving pictures, plays, floor, light or theatre shows.

### 2004 Report to the ABCC

Requests the Board's signatures on the ABCC list of seasonal licenses disapproved or not submitted for 2004 renewal.

Vice Chairman Malaguti moved to approve the following request for closing extension only until April 1<sup>st</sup>. If any additional time is requested then the owners will have to appear before the Board. Selectman Quintal seconded the motion. Voted 3-0.

**Mojar, LLC d/b/a Central Café** 17 Savery's Lane is requesting permission to extend their closing for another three and a half weeks. Their original request was for six weeks for clean up. Their target date to open is April 1<sup>st</sup>.

Vice Chairman Malaguti moved to approve the following licenses in conjunction with their request for an annual all alcohol restaurant license. Selectman Quintal seconded the motion. Voted 3-0.

**99 Restaurants of Boston LLC d/b/a 99 Restaurant & Pub**, 21 Home Depot Drive is requesting the following licenses in conjunction with their request for an annual all alcohol restaurant license.

- Common Victualler
- Comprehensive Entertainment – Group I  
Applying for tv only
- Sunday Entertainment – Tv only
- Early Sunday Opening – 11:00 a.m.
- Extension of Hours – 1:00 a.m.

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

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

Vice Chairman Malaguti moved to approve the following licenses in conjunction with their request for an annual all alcohol restaurant license. Selectman Quintal seconded the motion. Voted 3-0.

## **LICENSES (continued)**

**The Black Raspberry Pub LLC d/b/a Black Raspberry Pub**, 36 Cordage Park Circle is requesting the following licenses in conjunction with their request for an annual all alcohol restaurant license.

- Common Victualler
- Comprehensive Entertainment – Group I and III  
Applying for Jukebox, radio, tv, live entertainment
- Sunday Entertainment – Jukebox, radio, tv, live entertainment
- Automatic Amusement – 4 machines
- 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 the approval from our Building and Health Departments.

Vice Chairman Malaguti moved to approve the following one-day liquor license. Selectman Quintal seconded the motion. Voted 3-0.

### **One Day Liquor License (All Alcohol)**

Plimoth Plantation, Mary Maggio is applying for a one day all alcohol liquor license for 4/17/04 from 4:00 p.m. to 10:00 p.m. for a Barbecue to be held in the Accomack Room.

Liquor Liability is in place and professional bartenders will be serving the alcohol.

Vice Chairman Malaguti moved to approve the following new common victualler license. Selectman Quintal seconded the motion. Voted 3-0.

### **Common Victualler (New)**

Bella Piazza Café and Pizzeria  
15 Main Street  
Teresa and Brian Mullin

Issuance of the above license is subject to the approval of the Building and Health Depts.

## **LICENSES (continued)**

Vice Chairman Malaguti moved to approve the following new automatic amusement license. Selectman Quintal seconded the motion. Voted 3-0.

### **Automatic Amusement (New)**

Rose and Vicki's  
747 State Road

Applying for 2 Machines

Building Department has determined that there is enough square footage.

Vice Chairman Malaguti moved to approve the following common victualler license. Selectman Quintal seconded the motion. Voted 3-0.

### **Common Victualler**

Gunther Tooties  
186 Water Street  
James March (New Owner)

Issuance of the above license is subject to approval from the building and health depts.

Vice Chairman Malaguti moved to approve the following one-day wine and malt license. Selectman Quintal seconded the motion. Voted 3-0.

### **One Day Wine and Malt License**

Atlantic Country Club, 450 Little Sandy Pond is requesting two one day licenses for March 24<sup>th</sup> and March 25<sup>th</sup>, 2004 for golf course operations. They were unable to open on March 17<sup>th</sup>, March 20<sup>th</sup> and March 21<sup>st</sup> due to the weather.

Liquor Liability is in place and professional bartenders will be serving the alcohol.

## **ADMINISTRATIVE NOTES**

**Right of Refusal** - The Board waived the 120 day timeline and not exercise its right to purchase the property identified as property of A.D. Makepeace Company, Plat 111, Lot 1C-11 (shown on ANR Plan 4025) on Wareham Road under the provisions of M.G.L Chapter 61, Section 8.

## **ADMINISTRATIVE NOTES (continued)**

**Right of Refusal** - The Board waived the 120 day timeline and not exercise its right to purchase the property identified as property of A.D. Makepeace Company, Plat 111, Lots 1C-7 and 1C-8 (shown on ANR Plan 4025) on Wareham road under the provisions of M.G.L Chapter 61, Section 8.

**Right of Refusal** - The Board waived the 120 day timeline and not exercise its right to purchase the property identified as property of William C. McCarthy, Plat 60, Lot 6 Mountain Hill Road under the provisions of M.G.L Chapter 61, Section 8.

**Appointment** - The Board appointed Marguerite Saunders to the Plymouth Cultural Council. Ms. Saunders is active in our libraries, the Plymouth philharmonic and in Plymouth's schools extra curricular music and sports programs.

**Minutes** – Vice Chairman Malaguti moved to approve the minutes of March 9, 2004. Selectman Quintal seconded. Voted 3-0 approved.

## **PUBLIC COMMENT**

Dale Webber, President of AFSCME Local 2824, wanted to make the Board aware of his concern regarding Town Meeting Articles 20, 21, and 22 which deal with the PDC Parking Proposal. Mr. Webber was concerned with the privatization of meter personnel. Mr. Webber explained that House Bill 4197 establishing the PDC states that "in no case shall members of any municipal bargaining unit be laid off, or their regular compensation or other contractual benefits be otherwise adversely affected; and no action shall be in conflict with any existing or future municipal collective bargaining agreement". Mr. Webber stated that the union would not back down on this issue. Mr. Webber wanted to assure the Board that any future Home Rule Petition in conflict with the old, will be fought with debate and/or litigation.

Chairman Tavares informed Mr. Webber that the Board is well aware of all dialogue regarding this issue. Mr. Tavares also reminded Mr. Webber that it was this Board who held firm on keeping the crossing guard positions during Budget cuts.

## **PUBLIC HEARING – Black Raspberry Pub**

A public hearing was held to consider the application for a new annual all alcohol restaurant license for The Black Raspberry Pub, LLC, d/b/a The Black Raspberry Pub, 36 Cordage Park Circle.

Robert Flanagan, Owner, petitioned the Board for this license. He stated that their mission statement was to prepare fresh daily high quality Pub style food and beverages in a relaxed Pub atmosphere. Mr. Flanagan stated that the pub would be a no band zone. Mr. Flanagan mentioned that all four owners have several years experience in this business.

Mr. Barcellos spoke with favor of the license. He explained that he has had conversations with Mr. Flanagan and has been a friend of Mr. Garofalo for quite a while.

Vice Chairman Malaguti moved to grant the license. Selectman Quintal seconded. Voted 3-0 approved.

## **PUBLIC HEARING – 99 Restaurant**

A public hearing was held to consider the application for a new annual all alcohol license for 99 Restaurants of Boston LLC d/b/a 99 Restaurant & Pub, 21 Home Depot Drive.

Joseph Tarby, Attorney for 99 Restaurants, explained that the applicant is seeking a transfer of license from Dillinger's to the 99. Mr. Tarby explained that they would employ approximately 80 full time and part time employees. They will be open 7 days a week starting April 19<sup>th</sup>.

Vice Chairman Malaguti moved to approve the new annual all alcohol restaurant license transfer. Selectman Quintal seconded. Voted 3-0 approved.

Mr. Quintal wanted everyone to know that Mr. Heinz, the owner of Dillinger's, considered it a pleasure to work with the Town.

## **AD HOC COMMITTEE ON ELECTRIC POWER**

Chairman Tavares spoke with Dr. Rushforth and informed him of the 9 very qualified candidates interested in being appointed to the committee. Dr. Rushforth, who will be the Board's representative for this committee, wanted all of the individuals appointed. Selectman Quintal moved to appoint all nine

## **AD HOC COMMITTEE ON ELECTRIC POWER (continued)**

candidates. Linda McAlduff, Paul Sullivan, John Corcoran, Jr., Gerald Sirrico, Ralph Oehme, William Stone, Robert Talbot, J. Thomas Markley and James Sweeney will be appointed to the committee. Vice Chairman Malaguti seconded. Voted 3-0 approved.

## **HISTORIC DISTRICT COMMISSION**

The Board interviewed candidates interested in serving on the Historic District Commission.

Carol Bruce explained that she has worked in Plymouth for many years and feels her background qualifies her for a position. James Roth explained that he is a student of history and a working professional dedicated to preserving our nation's heritage and records. Chairman Tavares asked both candidates questions about the challenges of balancing historic significance and present day progress. Chairman Tavares asked staff for a more detailed breakdown of the Commission's structure. After reviewing the structure of the Commission, Vice Chairman Malaguti mentioned that both candidates were extremely qualified and Chairman Tavares agreed. James Roth received 2 votes from Mr. Tavares and Mr. Quintal. Ms. Bruce received one vote from Mr. Malaguti. Mr. Roth was appointed.

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW**

ARTICLE 45: To see if the Town will vote to amend the Town Bylaw, Chapter 23, §23-11B, as it relates to kennel license fees and Chapter 23, §23-13, as it relates to kennel license regulations, and to amend Chapter 1, §1-4, Fine Schedule, or take any other action relative thereto.

Mary Ellen Burns, Chairman of the Bylaw Review Committee, presented the revisions to Article 45 to the Board. She explained that since they met with the Board on February 24, 2004 some changes had occurred to the Kennel Bylaw. Ms. Burns explained that kennel owners and the bylaw committee met to discuss this Article. She explained that they modified the kennel definition section, added a grandfathering clause, and eliminated the square footage language as well. Ms. Burns explained that the Bylaw Review Committee stands by these revisions and feels these changes are reasonable. Mark Garrett, Kennel Owner, extended his appreciation to the Bylaw Review Committee for their cooperation and assistance. He asked the Board for their approval of this article.



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

Vice Chairman Malaguti moved to approve the new language and recommend this article. Selectman Quintal seconded. Voted 3-0 approved.

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

**89 Court Street** – Chairman Tavares asked that we place 89 Court Street on the Docket for next week.

**Remaining Articles** – Chairman Tavares asked Staff to put together a list of articles remaining for the Town Meeting.

**Beer Carts on Golf Courses** – Chairman Tavares asked Lisa Johnson to send out a letter reminding the golf courses that selling beer on carts on golf courses is illegal.

**Town Manager's Evaluation** – Selectman Quintal reminded the Board that we needed to complete an evaluation on the Town Manager. Mr. Quintal also felt it was a good idea to do this as soon as possible to give Dr. Rushforth a chance to evaluate as well given the fact that his term will be ending soon.

**Board of Commissioners of Trust Funds** – Vice Chairman Malaguti wanted to know if we had chosen to elect or appoint a Board of Commissioners of Trust Funds. Mr. Sylvia explained that we had chosen to appoint a Board therefore we will need a special act for this to be accomplished.

**Report on Wareham Road** – Chairman Tavares asked the DPW Director if he could have a report on the condition of Wareham Road by next week.

**Town Manager's Report** – Selectman Quintal asked the Town Manager if she could provide a report each week at the Board's meeting.

**DEP Letter** – Vice Chairman Malaguti wanted to know why we sent another letter to the Attorney General asking them for another 150,000 gallons. Mr. Crombie explained that we already have a waiting list of 25,000 gallons and we want predictability in the process of planning for the future for economic development.

**Executive Session** – Vice Chairman Malaguti moved to go into executive session pursuant to Massachusetts General Laws, Chapter 39, Section 23B, paragraphs 3 to consider collective bargaining. Selectman Quintal seconded the motion. Voted 3 - 0 by roll call - Selectmen Malaguti, Quintal and Tavares.

The Selectmen did not return to public session.

Lisa Conroy, Clerk