

**BOARD OF SELECTMEN
PLYMOUTH, MASSACHUSETTS**

March 9, 2004

The Selectmen held their weekly meeting on Tuesday, March 9, 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.
 Richard J. Quintal, Jr.

Pamela T. Nolan, Town Manager

Chairman Tavares announced that Mark Sylvania, Assistant Town Manager, would not be present this evening as his wife is labor at this time and the two of them are at the hospital awaiting the birth of their son.

TOWN MANAGER'S REPORT

Ms. Pamela Nolan, Town Manager, advised the Board that March 23, 2004 would be the last day of employment for Finance Director, Patrick Dello Russo. Ms. Nolan stated that Mr. Dello Russo had been an excellent Finance Director and will be missed.

Ms. Nolan explained that she has begun the process of replacement and has contacted our auditors to assist in this process.

Chairman Tavares wished Mr. Dello Russo well and asked if he will be able to assist in the transition for Town Meeting. Ms. Nolan responded that unfortunately because of family obligations, Mr. Dello Russo would be out of state at that time. Chairman Tavares would like an update regarding the replacement process next week.

LICENSES

Vice Chairman Malaguti moved to approve the following new Vehicle for Hire Permit. Selectman Rushforth seconded the motion. Voted 5-0.

LICENSES (continued)

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 Dept.

Vice Chairman Malaguti moved to approve the following new Vehicle for Hire Operator's Licenses. Selectman Rushforth seconded the motion. Voted 5-0.

Vehicle for Hire Operator's Licenses

Jeffrey Burbridge
87 Newfield Street
Mayflower Cab

Matthew Wirt
6 Lombard Street
Sea Breeze Transportation

Scott Coleman
36 Plumfield Lane
Duxbury
Patriot Transportation

Sarah Calderon
9 Ocean View Ave
Patriot Transportation

John Ocallaghan
13 G Street
So. Boston,
AA Supreme

Background checks and driving records show no basis for denial.

LICENSES (continued)

Vice Chairman Malaguti moved to approve the following new Sunday Entertainment License. Selectman Rushforth seconded the motion. Voted 5-0.

Sunday Entertainment (New)

Friends of the Plymouth Pound, Inc. is requesting a Sunday Entertainment License for Sunday, May 30, 2004 from 1:00 p.m. to 5:00 p.m. for a fundraising carnival to be held at Armstrong Skating Arena parking area. There will be rides and games.

Vice Chairman Malaguti moved to approve the following Sunday Package Store Opening Permit and Pledge of License in conjunction with their request for an annual all alcohol package store license. Selectman Rushforth seconded the motion. Voted 5-0.

STS Ventures Corp. d/b/a Long Ridge Wine and Spirits, 111 Village Green North is requesting the following items in conjunction with their request for an annual all alcohol package store license.

- Sunday Package Store Opening
- Pledge of License and Stock to The Community Bank

Vice Chairman Malaguti moved to approve the following licenses in conjunction with their request for an annual all alcohol restaurant license. Selectman Rushforth seconded the motion. Voted 5-0.

Bugaboo Creek Holdings, Inc. d/b/a Bugaboo Creek Steak House, Off Long Pond Road is requesting the following licenses in conjunction with their request for an annual all alcohol restaurant license.

- Common Victualler
- Comprehensive Entertainment – Applying for radio, tv
- Sunday Entertainment – Applying for radio, tv
- Early Sunday Opening – 11:00 a.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.

LICENSES (continued)

Vice Chairman Malaguti moved to approve the following new Common Victualler's license. Selectman Rushforth seconded the motion. Voted 5-0.

Common Victualler (New)

Valentines Donuts
321 Court Street
Debbie Acorn, Mgr.
(Formerly Honey Dew Donuts)

Issuance of the above licenses is subject to approval from the Bldg. and Health Depts.

Vice Chairman Malaguti moved to approve the following Vehicle for Hire Business Permits. Selectman Rushforth seconded the motion. Voted 5-0.

Vehicle for Hire Business Permit

Central Transportation
18 Alvin Road
Bradley and Karen Gappa

Applying for seven (7) Vehicle for Hire Permits (Livery)

All vehicles have been inspected by our Inspectional Services Department.

ADMINISTRATIVE NOTES

2002 Final Report – The Board approved the updates to the 2002 final report and proposed Charter of the Plymouth Charter Commission. Chairman Tavares commented that the Plymouth Charter document would be mailed out to town citizens this year as it had been two years ago. Selectman Lombard mentioned if the minority report would be included. Chairman Tavares affirmed this.

Minutes – Selectman Rushforth moved to approve the minutes of March 2, 2004. Selectman Lombard seconded. Voted 4-0-1 approved. Vice Chairman Malaguti abstained, as he did not read the minutes.

PUBLIC COMMENT

Marilyn Velano, an advocate for elderly services, commented that the new Senior Center is an inappropriate location due to traffic, accessibility and parking issues.

PUBLIC HEARING – BUGABOO CREEK STEAK HOUSE

A public hearing was held to consider the application for a new annual all alcohol restaurant license for Bugaboo Creek Holdings d/b/a Bugaboo Creek Steak House.

Attorney Barry Gerstein, representing Bugaboo Creek and Andrew Sklar, Regional Manager, explained that Bugaboo is a family oriented restaurant. Mr. Gerstein explained that they will be hiring approximately 125 people and that payroll will be about \$800,000 per year. He explained that the restaurant seats 240 people. Bugaboo is owned by the parent corporation Rare Hospitality International who also owns Long Horn Steakhouse and Capital Grille.

Chairman Tavares asked how Bugaboo would become part of the community. Mr. Sklar explained that the managers are encouraged to participate in little leagues and charity organizations etc. Mr. Sklar responded that Bugaboo recognizes the importance of the community they serve. Selectman Quintal asked what prompted them to choose Plymouth. Mr. Gerstein replied that they considered it a nice community and they liked the demographics. He said he felt the community would be a good fit.

Vice Chairman Malaguti moved to grant the license. Selectman Rushforth seconded. Voted 5-0 approved.

PUBLIC HEARING – LONG RIDGE WINE AND SPIRITS

A public hearing was held to consider the application for a new annual all alcohol license for STS Ventures Corp. d/b/a Long Ridge Wine and Spirits.

Alan Costa, representing Long Ridge Wine and Spirits, explained to the Board that this request is for an all alcohol license in the Pinehills. Mr. Costa also requested to have a Sunday Opening License as well. He explained that there would be 3 owners, Brian Sullivan, Christopher Smith and Joseph Trottier.

Chairman Tavares asked how many licenses were left after this one. Ms. Nolan explained that there would be 2 remaining after this. Mr. Tavares also requested

PUBLIC HEARING (continued)

an update of the Federal Census Figures. Vice Chairman Malaguti responded that he would support this request because this liquor establishment is "by itself" in a community. Mr. Malaguti made a motion to approve this license. Selectman Quintal seconded. Voted 5-0 approved.

Selectman Lombard mentioned that he didn't see a lot of parking for this establishment. Mike Babini, Director of Commercial Development for the Pinehills explained that the site has 64 spaces available for customers.

PUBLIC HEARING – BALDER LLC

A continued public hearing was held to consider the application of Balder LLC at 7 Home Depot drive for a license to increase their underground diesel fuel storage from 32,000 gallons to 42,000 gallons.

At last week's hearing Attorney Philip Barthel and Engineer Alan Micale, representing Balder LLC, spoke on behalf of their client. Mr. Barthel explained that the client is seeking additional underground storage for their diesel fuel. Selectman Rushforth was concerned with another tank's proximity to the town well. Mr. Micale responded that these tanks are state of the art and double walled for safety. Mr. Micale also asked if the Board could expedite this request. Mr. Lombard was concerned for the fueling of buses and trucks who want to utilize the diesel fuel and who may have a difficult time maneuvering around the patrons in their cars and the exit areas as well. Mr. Lombard also asked why all this is being requested in the 11th hour and was not done in the original plan. Chairman Tavares also asked Mr. Micale why they waited until the last minute. Mr. Micale responded that it was Motiva's plan to add diesel for the various traffic in home depot plaza. Mr. Micale also mentioned that he told the Board as soon as received the request from Motiva. Selectman Lombard moved to continue this hearing until March 9, 2004.

This week Attorney Ed Angley, explained that this additional fuel tank would not change the operation in any way. He explained that diesel fuel is far less flammable than gasoline and does not contain MBTEs. Mr. Tom Healey, an engineer for Motiva, explained that they did not ask for this before simply because it was overlooked. Vice Chairman Malaguti expressed his concern regarding the well site. He was concerned specifically with surface run off. Mr. Malaguti asked if the slope could be decreased from 2% to 1% per his original request with Amery Engineering. Mr. Angley did not recall Mr. Malaguti's request but Mr. Healey said that he would check on that. Selectman Lombard requested the Director of Planning and Development do a GPS overlay with the ground well

PUBLIC HEARING – BALDER LLC (continued)

areas. Mr. Lombard also asked if the flow was southeast away from the well head. Mr. Malaguti responded that he thought they flow was toward the ocean and not the well head. Selectman Rushforth responded that he would vote against this because the 10,000 gallon tank is on the boundary of the Bradford well. Selectman Quintal responded that there is a need for diesel in the area and he feels the safety precautions are in place.

Mr. Angley asked if their engineers did a line by line response regarding Amery's requirements, would the Board consider this. He asked if the vote could be contingent on that provision. Malaguti moved to approve the 10,000 additional gallons with the contingency. Selectman Quintal seconded. Voted 4-1 approved. Selectman Rushforth voted in opposition.

PUBLIC HEARING – RUN OF THE MILL

A continued public hearing was held to consider the application of Run of the Mill Restaurant at 6 Spring Lane for an alter of premise. The applicant seeks to add: a room of approximately 324 SF accessible through an existing doorway on the west side of the building. A second room of approximately 180 SF abutting the aforementioned room. A fenced and gated deck of approximately 130 SF on Spring Lane accessible through an existing doorway serving as access/egress to the above rooms.

Last week, Mr. Thomas Howarth, Owner, explained to the Board that there would be no new signage, no new construction and no changes to the exterior of the building. Mr. Howarth explained that he would like to expand to accommodate the heavy traffic on Friday and Saturday evenings. He explained that this space is for dining only and not for another bar area or entertainment area. He also explained that this area would include the deck area already present there. Selectman Rushforth asked what would happen to the grindstone there. Mr. Howarth explained that he had no intention on dismantling the grindstone or the wheel.

Mr. and Mrs. Colburn, abutters to the property, spoke with opposition. They explained that there have been many complaints, many made by them about the loud music and disorderly conduct of some patrons leaving the establishment.

Mr. Clarence Krueger, abutter to the property, spoke in favor of the expansion. He explained that Mr. Howarth's stewardship has been of the highest caliber and he has every confidence that this alteration will continue in the same manner.

PUBLIC HEARING – RUN OF THE MILL (continued)

Selectman Quintal explained that he would like to be able to look at the proposed alterations before making a decision. Chairman Tavares, Selectman Lombard and Selectman Rushforth concurred with Selectman Quintal. Selectman Quintal moved to continue this hearing to March 9, 2004.

This week, Mr. Howarth explained that he is only requesting the 324 SF area of space and not the other two areas originally requested. Selectman Lombard questioned the allowance of amplification at this establishment. He noted that according to Lisa Johnson's memo, amplification is not allowed. However, he noted that the police report mentions the officer having seen amplifiers on premise. Chairman Tavares explained to Mr. Howarth that he should not be allowing performers to use amplifiers.

Mr. Clarence Krueger, an abutter, spoke in favor of the addition. Mr. Colburn, another abutter, spoke in opposition.

Vice Chairman Malaguti moved to approve this alter of premise. Selectman Lombard seconded the motion. Voted 5-0 approved.

CONSTABLE INTERVIEWS

Last week, the Board interviewed Kevin Sturtevant and William Kallenberg in consideration for two constable appointments. Although both men submitted applications which were recommended by the Police Department, Chairman Tavares asked that this item be placed on next week's docket as the Board had several questions in regards to the number of constables necessary and whether or not the current constables were performing the functions for the appointment. This item will be placed on the docket for March 9, 2004.

This week, Chairman Tavares stated that he did not see a need for additional constable appointment through the Selectmen's office. He felt between the sheriff's depart and the Board of Selectmen, we have an ample fulfillment at this time. Mr. Tavares asked if either of the interviewees wished to speak. Mr. Kallenberg said that he has been a constable in different towns for over 8 years and now he is a resident of Plymouth and wishes to be a part of the community. Mr. Sturtevant asked if these interviews could be done before the actual application process so that they could eliminate all the paperwork. Mr. Tavares explained that the decision is that of the Selectmen and the application must come first for approval from the Police Department.

CONSTABLE INTERVIEWS (continued)

Selectman Lombard made a motion to appoint Mr. Kallenberg and Mr. Sturtevant as constables. Selectman Rushforth seconded. Voted 3-2 opposed. Selectmen Lombard and Rushforth voted in favor.

EAST BAY GRILLE

Lee Hartmann, Director of Planning and Development, explained to the Board that the Town is moving forward with the PDC parking solution for Plymouth Center. Mr. Hartmann explained that the parking spaces located in the Town Wharf would play an important role in that solution but three issues need to be resolved. First, the lease area for the East Bay Grill does not match ground conditions (i.e. the lease lines split several parking spaces). Secondly, the "in common" areas in Lots 17A and 10 (consisting of approx. 70 parking spaces) need to be removed from the lease to allow for metering. Thirdly, the lot needs to be reconfigured to maximize the number of spaces available for passenger vehicles. This area used to accommodate buses, however buses no longer use these spaces. East Bay Grill as agreed to pay to have the DPW's engineering consultant redesign the parking area to maximize the number of passenger vehicle spaces. Mr. Hartmann also noted that they are willing to remove lots 17A and 10 from their lease provided an additional 20+/- spaces are added to their permanent lease area.

Mr. Hartmann explained that resolving these three issues would address both the Town's and the local businessmen's concerns.

Selectman Quintal asked if patrons could be towed if they parked in a space marked only for another restaurant. Mr. Hartmann responded that the owner's of the second restaurant could legitimately have them towed because those spaces are in their lease and they pay for them. Selectman Lombard commented that the area needs to be master planned because boats with trailers are parking in the areas marked for buses. Mr. Lombard also stated that the work should be done in house. Mr. Hartmann deferred that to the DPW Director. Mr. Hartmann is not looking for a vote, he just wanted to inform the Selectmen and get their guidance.

SOLID WASTE FEES

George Crombie, DPW Director, submitted an analysis of the Solid Waste Fee Structure. Mr. Crombie explained that the Town had a goal to raise the solid waste fees over a number of years to make the Solid Waste Department a self-sustaining enterprise system. Presently the Town subsidizes the Solid Waste Department by \$463,759 on an annual basis. Mr. Crombie explained that an

SOLID WASTE FEES (continued)

increase would reduce the subsidy to \$200,759 providing the same number of permits were issued. He also explained that in order to make the fund self-sufficient entirely, the rates would eventually have to be increased even further. However, for now he's advising we bring the increase the fees to \$100 per year and \$60 per year for seniors.

Selectman Quintal explained that that the Town of Kingston's rates were very similar. Selectman Lombard responded that he would not support this as he felt that we need to get a better grip on our revolving accounts. Chairman Tavares asked Mr. Dello Russo, Finance Director, to readdress the issue of the enterprise accounts. Mr. Dello Russo explained that these enterprise funds are created for the service related costs associated with usage of these respective accounts. He explained that these funds evolved out of a desire from the taxpayer. He explained that only the users pay for the service. Vice Chairman Malaguti asked Mr. Dello Russo what the process if you have a request from these funds. Mr. Dello Russo explained that it must go through approval from the Department Head, the Finance Director and then the Town Manager. Mr. Malaguti explained that if we didn't have these enterprise funds paid for by the users, then the tax rate would increase for all. Mr. Lombard asked Mr. Dello Russo why, if we increase the fees on these accounts, do the rates not decrease. Mr. Dello Russo explained that it does have an impact on taxes, as a portion of these fees are tax subsidized. Mr. Malaguti explained that many of the increases are due to the decreases in State Aid, and this affects the tax levy. Mr. Quintal agreed with the idea of enterprise accounts because you only pay for the services you use not the ones you do not.

Vice Chairman Malaguti moved to approved the proposed solid waste fee structure. Voted 4-1. Selectman Lombard voted in opposition.

TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease and/or replacement of departmental buildings and/or equipment and/or capital facilities for various departments of the Town and/or for feasibility and other types of studies as follows:

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

Project Number	Department or Sponsor	Project Description
A-1	Police Department	Replace Computers and Modems in Patrol Cars
A-2	School Department	School Building Repair Program
A-3	School Department	School Vehicle & Replacement Equipment Program
A-4	Planning & Development	Geographical Information System (GIS) – Phase 2
A-5	Fire Department	Replace Brush Breaker Pumps
A-6	DPW – Administration	Town Vehicle & Equipment Replacement Program
A-7	Procurement	Replace Telephone System in Town Office Building
B-1	DPW – Administration	Infrastructure Management Plan – Phase IV
B-2	School Department	Replace Roof – PSHS
B-3	School Department	HVAC Replacement at Various Schools – Phase 1
B-4	Building Committee	Renovation of 89 Court Street – Phase 2
C-1	Airport	Snow Removal Equipment
C-2	Airport	Design and Construct Airport Safety Areas
C-3	DPW – Solid Waste	Replace 1988 Chevrolet 3500 Truck
C-4	DPW – Sewer	Replace 1988 3600 Gallon Pumper
C-5	DPW – Water	Water Main Replacement – Standish Avenue Phase 2
C-6	DPW – Water	Rehabilitate Bradford Well
C-7	DPW – Water	Replace 1997 Chevy 3500 Utility Truck
C-8	DPW – Water	Replace 1996 Chevy S10 Utility Truck

or take any other action relative thereto.

Pamela Nolan, Town Manager, explained that there was only a little over a million dollars in free cash this year so they decided to split it between the schools and the Town.

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

The following amounts represent the Town Manager's recommendations:

General Funding Projects:

1. Replace modems and computers in patrol cars - \$175,000.00
2. School repairs - \$325,000.00
3. School vehicle replacement and repair - \$154,749.00
4. GIS-Phase two - \$175,000.00
5. Replace brush breaker pumps - \$25,000.00
6. Replace telephone system in Town Hall - \$35,000.00
7. Replace Plows and Blades on 11 Trucks - \$101,500.00

Debt Funding Projects:

1. The infrastructure Management Plan Phase IV has proven to be an excellent vehicle for maintaining the town's roads, sidewalks, bridges etc. 2,000,000.00 recommended.
2. The roof at Plymouth South High School will be replaced. \$1,600,000.00 is recommended.
3. HVAC replacement at various schools phase I. \$3,000,000.00 is recommended.
4. Renovation at 89 Court Street. \$1,000,000.00 is recommended.

Chairman Tavares asked if the \$325,000.00 was only for Hedge School. Ms. Nolan responded in the affirmative. Mr. Tavares also asked about the phone system and why it needed to be replaced. Ms. Nolan responded that because it is antiquated, we are unable to obtain additional parts necessary for repair.

Vice Chairman Malaguti wanted to know if we could purchase only 2 to try out initially and if they work then purchase the remaining 9. George Crombie, DPW Director, responded that they could do that. Selectman Lombard asked what will happen to the old modems for the police cars. Charles Chandler, Police Captain, responded that they would be going to procurement and then most likely auctioned off or sold at the legal limit.

Chairman Tavares asked for additional information regarding Item #4 from the Debt Funding Projects. Mr. Tavares asked the Town Manager and Clerk to get a market value on the building at 89 Court Street upon completion, a value as is and what we might be able to get for it if we were to sell it. He also asked for any tapes regarding the parking situation at this building that was discussed at previous town meetings.

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

Vice Chairman Malaguti moved to recommend Article 9 excluding Item #4 of the Debt Funding Projects. Selectman Rushforth seconded the motion. Voted 5-0 approved.

Executive Session – Vice Chairman Malaguti moved to go into executive session pursuant to Massachusetts General Laws, Chapter 39, Section 23B, paragraphs 3 & 6 to consider collective bargaining and real estate. Selectman Rushforth seconded the motion. Voted 5 - 0 by roll call - Selectmen Quintal, Lombard, Malaguti, Rushforth, and Tavares.

The Selectmen did not return to public session.

Lisa Conroy, Clerk