

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, NOVEMBER 15, 2011

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, November 15, 2011 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: William P. Hallisey, Jr., Chairman
John T. Mahoney, Jr., Vice Chairman
Mathew J. Muratore
Mark Stankiewicz, Town Manager

Absent: Sergio O. Harnais
Belinda A. Brewster

CALL TO ORDER

Chairman Hallisey called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

TOWN MANAGER'S REPORT

Veterans Day Parade – Town Manager Mark Stankiewicz reported upon the Veterans Day Parade held on Friday, November 11, 2011. He acknowledged the Town's Veterans Agent, Roxanne Whitbeck, for her work in coordinating the annual parade, and he thanked Congressman Bill Keating for hosting a Veterans Breakfast at the Plymouth Council on Aging prior to the start of the parade.

Civil War Encampment / Training Green Event – Mr. Stankiewicz noted that, on Saturday, November 12, 2011, the 22nd Massachusetts Volunteer Infantry held a drill and encampment reenactment on the Town's historic Training Green from 10:00 a.m. to 3:30 p.m. The event, he said, commemorated the 150th Anniversary of the start of the Civil War and the 300th anniversary of the establishment of the Training Green. Mr. Stankiewicz made mention that Selectman Brewster spearheaded the event to highlight the Town's history and raise funds for much-needed repairs to the Civil War Monument (which was dedicated at the Training Green in 1869).

Thanksgiving Celebration – Mr. Stankiewicz spoke about the festivities planned for the annual Thanksgiving Parade to be held on Saturday, November 19, 2011. At 7:00 p.m. on Friday evening, November 18th, he said, the Plymouth Industrial Corporation will host a free concert at Memorial Hall with the U.S. Navy Show Band. Saturday's parade will begin at 10:30 a.m. at the corner of Court and Nelson streets and proceed through downtown and onto the waterfront, he noted. Mr. Stankiewicz thanked Ollie deMacedo and the numerous

volunteer members of America's Hometown Thanksgiving Celebration who make this event an annual success.

Destination Plymouth – Mr. Stankiewicz informed the Board that the second cable-access episode of “Destination Plymouth” will focus on the November 19th Thanksgiving Parade. The show, hosted by Destination Plymouth’s director, Paul Cripps, will air on PACTV at 9:00 a.m., 2:00 p.m., and 6:00 p.m. for the next three days, prior to the parade event.

OpenCape / CapeNet – Mr. Stankiewicz reported that the Plymouth Regional Economic Development Foundation held a meeting with representatives from CapeNet to discuss the entrance of OpenCape and CapeNet into the fiber optic communications network. OpenCape, he explained, has received a \$40 million Federal subsidy to bring fiber optic service to Cape Cod. In order to connect the data service, it will be necessary to run the fiber optic lines through portions of Plymouth, including Herring Pond Road, Long Pond Road, South Street, Market Street, Route 3A and Samoset Street. CapeNet, he noted, is offering to connect businesses or development areas at a discounted rate if owners sign up for service prior to construction, which is currently scheduled for January 2012.

Cedarville Water Tank – Mr. Stankiewicz was pleased to announce that the exterior and interior painting of the Cedarville Water Tank is on-schedule and below budget. The project, which Town Meeting approved at a cost of \$700,000, is expected to be fully complete within two weeks.

LICENSES

VEHICLE FOR HIRE OPERATOR LICENSE (NEW)

On a motion by Vice Chairman Mahoney, seconded by Selectman Muratore, the Board voted to grant a Vehicle for Hire Operator License to the following applicant, as detailed. Voted 3-0-0, approved.

❖ **For Mayflower Taxi** (130 Camelot Dr, Scott Vecchi, Owner):

- Douglas J. Banks (111 Standish Avenue, East Wareham)

Issuance of the above license is subject to review of the requisite CORI background check.

ADMINISTRATIVE NOTES

Acceptance of Deed for Long Beach Property – The Board approved and executed the *Acceptance of Deed* relative to the acquisition of property at 463 Ryder Way, otherwise known as the Laughlin property on Plymouth Long Beach, as authorized by Article 11 of the Annual Fall Town Meeting of October 24, 2011.

Conveyance of Interest / Fall Town Meeting Article 33 – The Board approved and executed the *Deed* relative to the conveyance of the Town’s right, title and interest, if any,

in all or a portion of Lot 58A on Assessors Map 56, as authorized by Article 33 of the Annual Fall Town Meeting of October 24, 2011.

Constable Re-Appointment / Barlow – The Board re-appointed Robert S. Barlow of 14 Autumn Lane, Marshfield as Constable for the Town of Plymouth for a term effective November 9, 2011 through November 8, 2014.

Constable Re-Appointment / Curtis – The Board re-appointed Paul T. Curtis of 125 Sandwich Street as Constable for the Town of Plymouth for a term effective November 9, 2011 through November 8, 2014.

Amended Town Wharf Lease for Reliable Fish Company – The Board approved and executed a *Notice of Amended Lease* for Reliable Fish Co., Inc., relative to leased property at 16 Town Wharf.

Consent and Agreement of Landlord for Golfscape Lease – After some discussion, during which members of the Board expressed a need for further information on the Town’s lease with Golfscape, Inc. for the Crosswinds Golf Course, the Board voted to table its decision on the execution of a *Consent and Agreement of Landlord* regarding a mortgage between Golfscape, Inc. and Rockland Trust Company for the building of a clubhouse at the leased premises at 424 Long Pond Road. Selectman Muratore made the motion to table the decision to November 29, 2011, and Vice Chairman Mahoney seconded the motion. Voted 3-0-0, approved.

Extension of Hours for Breakfast Service – The Board granted permission for Bert’s Landing Restaurant & Bar (140 Warren Avenue) to remain open until 3:00 a.m. on Friday and Saturday nights to offer a breakfast service, with the following conditions that:

- Liquor regulations are strictly adhered to, requiring last call at 12:30 a.m. and the removal of all alcohol by 1:00 a.m.
- The second floor lounge area will continue to close at 1:00 a.m.
- Extended breakfast hours to 3:00 a.m. will be held only in the first floor dining and lounge areas

Disclosure of Interest / Cultural Council – The Board acknowledged the *Disclosure of Financial Interest by Municipal Employee* forms submitted by the following members of the Cultural Council, and determined that the interest is not so substantial as to be deemed likely to affect the integrity of services which the Town may expect from the employee/appointed official.

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|--------------------|----------------|-----------------|
| ▪ Cathy Baranofsky | ▪ Paul Cripps | ▪ David Gilbert |
| ▪ David Bond | ▪ Jon Dorn | ▪ Denis Hanks |
| ▪ Caroline Chapin | ▪ Wynn Gerhard | ▪ Dana Malcolm |

Ballot Summary – The Selectmen approved the following fair and concise summary of the binding question to be submitted to the voters of the town on January 14, 2011, along with the

one-sentence statements describing the effect of a yes or no vote, prepared by Town Counsel as required in Chapter 5, Section 5-1-3, of the Charter.

Question 1

Shall the Town vote to approve the action of the Representative Town Meeting whereby it was voted under Article 29 of the October 24, 2011 Fall Annual Town Meeting that the Town accept the provisions of G.L. c.64L, section 2(a) authorizing the imposition of a local excise in the statutory amount of .75% on the sale of restaurant meals originating within the Town and authorize the Board of Selectmen to file special legislation providing that the additional revenue collected be placed in a fund to be used only for the Town's 400th anniversary celebration and public infrastructure improvements to the Town Square, Burial Hill, and Court Square?

Yes _____

No _____

SUMMARY

In Massachusetts, there is a statewide sales tax on meals of 6.25% of the price of the meal. A local acceptance statute, G.L. c. 64L, Section 2 (a), authorizes an increase of .75% on the sales tax on meals. Representative Town Meeting members voted under Article 29 of the October 24, 2011 Fall Annual Town Meeting to accept the statute and increase the meals tax by .75%, from 6.25% to 7%. Town Meeting voted further under said Article 29 to authorize the Board of Selectmen to petition the General Court for special legislation to require that the additional sales tax revenue collected be placed in a special account to be used only for the Town's 400th anniversary celebration and public infrastructure improvements to the Town Square, Burial Hill, and Court Square. This question asks whether voters approve the action taken by the Town Meeting.

A YES vote will approve the action of Town Meeting increasing the sales tax on meals in Town from 6.25% to 7% and authorize the filing of special legislation to limit the use of such additional revenue for the Town's 400th anniversary celebration and specified public infrastructure improvements.

A NO vote will reject the action of Town Meeting and maintain the sales tax on meals in Town at 6.25%.

PUBLIC COMMENT

Chairman Hallisey opened the meeting to public comment. No citizens came forth to address the Board.

PUBLIC HEARING: ANNUAL ALL ALCOHOL RESTAURANT LICENSE

Chairman Hallisey opened a public hearing to consider the application for a new Annual All Alcohol Restaurant Liquor License from Drift House, LLC d/b/a The Driftwood Publick

House, 39 Court Street, Rebekah Bryant as Manager. Chairman Hallisey read a description of the premises and affirmed that notice of the hearing was given to the public in accordance with Chapter 138 of the Massachusetts General Laws.

Matthew Hennessy and Rebekah Bryant appeared before the Board to provide information on their license application. Mr. Hennessy explained that he and Ms. Bryant are opening their restaurant establishment at the location that formerly housed Enoteca Di Vino. The menu at the restaurant, he explained, will focus on local and organic food, as well as craft beers, served in an upscale pub environment.

Mr. Hennessy and Ms. Bryant responded to a handful of questions from the Selectmen regarding the restaurant establishment. Ms. Bryant noted that the establishment is grandfathered-in at 50 seats. Mr. Hennessy indicated that the restaurant's experienced management team will ensure that all staff members are TIPS-certified before they begin working at the establishment.

Seeing no further questions from the Board, Chairman Hallisey opened the hearing to public comment. No citizens came forth to speak about the license application. Chairman Hallisey then closed the hearing to await a motion of the Board.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to grant an Annual All Alcohol Restaurant Liquor License to Drift House, LLC d/b/a The Driftwood Publick House, 39 Court Street. Voted 3-0-0, approved.

LICENSES IN CONJUNCTION WITH A PUBLIC HEARING

On a motion by Vice Chairman Mahoney, seconded by Selectman Muratore, the Board voted to grant the following licenses to Drift House, LLC d/b/a The Driftwood Publick House, 39 Court Street, Rebekah Bryant (Manager) in conjunction with the request for an Annual All Alcohol Restaurant Liquor License. Voted 3-0-0, approved.

- Common Victualler
- Comprehensive Entertainment – Radio, TV, dancing, live entertainment
- Sunday Entertainment – live entertainment, dancing
- Extension of Hours – 1:00 a.m.
- Early Sunday Sales

Issuance of the above licenses is subject to approval from the Health and Building Dept.'s

STUDENT PRESENTATION ON LUMINARY DISPLAY

Plymouth South High School students John Jaros and Tim Grandy provided a PowerPoint presentation on a student marketing project they have worked upon to raise funds for Jordan Hospital's Cancer Center. Mr. Jaros noted that he and Mr. Grandy worked on the project with another student, Halie Grobleski, but she was unable to attend the Selectmen's meeting.

Mr. Jaros began the presentation with a description of the project, entitled “Lights of Hope.” Hundreds of luminary candles, purchased by donors at \$5 each, will light the pathways in Brewster Gardens on the evening of Friday, December 2, 2011 (from 6:30 – 8:30 p.m.). The name of the donor will be tagged on the luminary bag and profits from the sales will be given to the Cancer Center, he noted. Mr. Jaros indicated that he and his marketing colleagues have spoken with Public Works Director Jonathan Beder to ensure that the use of the park for their project has met his approval.

Mr. Grandy discussed the fundraising aspect of the project, noting that the team’s main points of sale will be at the Schools, Jordan Hospital, and Alden Park Restaurant. The team is seeking sponsors and other locations, as well, he added.

Mr. Jaros reviewed the team’s financial plan, noting that the event is estimated to generate a profit of approximately \$2,428.

In response to questions from the Board, Mr. Grandy explained that he, Mr. Jaros, and Ms. Grobleski have undertaken this project as part of their participation in the State’s DECA (Distributive Education Clubs of America) competition. It is the team’s hope, he said, to advance through the State competition onto the Nationals.

Chairman Hallisey and Selectman Muratore each offered to sell the luminaries through their respective places of work. All three members of the Board congratulated the students and thanked them for their efforts to raise funds for Jordan’s Cancer Center.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board granted approval to Mr. Jaros, Mr. Grandy, and Ms. Grobleski to hold their fundraising event in Brewster Gardens, as presented. Voted 3-0-0, approved.

BOARD LIAISON / DESIGNEE UPDATES

Community Preservation Committee – Vice Chairman Mahoney reported that the Community Preservation Committee met on November 10, 2011 to follow up on its articles that were approved at Town Meeting.

OLD BUSINESS / LETTERS / NEW BUSINESS

OLD BUSINESS

Budget Hearings – Selectman Muratore asked the Town Manager if his upcoming budget hearings must be officially posted, in accordance with Open Meeting Law. Mr. Stankiewicz explained that he must post the hearings if three or more members of the Board plan to attend. It is important, Mr. Stankiewicz said, for the Board to have an opportunity to hear—and comprehensively discuss—detailed presentations on each departmental budget

Super Caucuses – Chairman Hallisey talked about the Board’s wish to reduce the number of meetings and presentations that Town staff and citizen petitioners must attend prior to Town Meeting. The Board, he said, has discussed the idea of promoting “super caucuses,” at which a number of Town Meeting Precincts can hear presentations on Town Meeting articles. Chairman Hallisey acknowledged that the decision to hold super caucuses is fully in the hands of the members of Town Meeting, but he expressed his hope that the membership will consider moving towards such an initiative.

Mr. Stankiewicz noted that it may be possible to set up some sort of ‘open house’ for information on Town Meeting articles, where members can attend at their convenience and visit tables/booths to gather information on the various warrant articles. This, he speculated, may be looked upon favorably by the Committee of Precinct Chairs.

Special Act Relative to Health Insurance for Elected Officials – Mr. Stankiewicz reported that Senate President Therese Murray has notified the Town that the *Special Act Relative to Health Insurance for Elected Officials* (submitted to the Legislature by Plymouth Town Meeting) is now officially Chapter 148 of the Acts of 2011.

NEW BUSINESS

Training Green Event – Vice Chairman Mahoney noted that he was pleased to see a number of Town officials and residents attend the November 12th Civil War Encampment event on the Town’s Training Green. The event, he said, was a good start to the fundraising campaign for repairing the Civil War Monument.

Charter Review Committee – Chairman Hallisey indicated that he attended a recent meeting of the Charter Review Committee, at which the committee issued a request that the Selectmen submit ideas for revisions to the Town’s Charter. As such, he asked his colleagues on the Board to submit their ideas to Paul Luszcz, the chairman of the Charter Review Committee.

ADJOURNMENT OF MEETING

At the close of the meeting, Chairman Hallisey wished the citizens of Plymouth a Happy Thanksgiving.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to adjourn its meeting at approximately 7:37 p.m. Voted 3-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the November 15, 2011 meeting packet is on file and available for public review in the Board of Selectmen’s office.