

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, FEBRUARY 11, 2014

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, February 11, 2014 at 6:00 p.m. at Town Hall in the Mayflower Room.

Present: Mathew J. Muratore, Chairman
Belinda A. Brewster, Vice Chairman
John T. Mahoney, Jr.
Kenneth A. Tavares
Anthony F. Provenzano

Melissa Arrighi, Town Manager
Michael Galla, Assistant Town Manager

CALL TO ORDER

Chairman Muratore called the meeting to order at 6:05 p.m.

EXECUTIVE SESSION

The Selectmen entered an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to collective bargaining, as an open meeting on this matter may have a detrimental effect on the negotiating position of the body. By roll call: Tavares – yes, Mahoney – yes, Brewster – yes, Provenzano – yes, and Muratore – yes.

Chairman Muratore indicated that, following executive session, the Board would reconvene in open session.

RETURN TO OPEN SESSION

Chairman Muratore reconvened the meeting in open session at 7:18 p.m. and led the Pledge of Allegiance.

LICENSES

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LICENSES IN CONJUNCTION WITH A PUBLIC HEARING

On a motion by Selectman Tavares, seconded by Vice Chairman Brewster, the Board voted to grant the following licenses to the applicant listed, below. Voted 5-0-0, approved.

❖ **Speedwell Restaurant Company LLC d/b/a Speedwell Tavern**, 47 Main Street, John T. Mello, Manager (in conjunction with the request for a Transfer of Annual All Alcohol Restaurant Liquor License):

- Comprehensive Entertainment – Radio, TV, live entertainment
- Common Victualler
- Extension of Hours – 1:00 a.m.
- Early Sunday Sales – 10:00 a.m.
- Sunday Entertainment – Live entertainment

JUNK DEALER (NEW)

On a motion by Vice Chairman Brewster, seconded by Selectman Provenzano, the Board voted to grant a Junk Dealer License to the following applicant. Voted 5-0-0, approved.

❖ **Pawn Your Collectibles LLC** – 46 Tower Road, Michael G. Lange, Owner

PAWNBROKER (NEW)

On a motion by Selectman Tavares, seconded by Vice Chairman Brewster, the Board voted to grant a Pawnbroker License to the following applicant. Voted 5-0-0, approved.

❖ **Pawn Your Collectibles LLC** – 46 Tower Road, Michael G. Lange, Owner

Issuance of the above license is subject to the CORI background check and the submission of a bond.

COMMON VICTUALLER (AMENDMENT)

On a motion by Selectman Tavares, seconded by Vice Chairman Brewster, the Board voted to grant a Common Victualler License to the following applicant. Voted 5-0-0, approved.

❖ **Beth Israel Deaconess Hospital Plymouth Inc.** – 275 Sandwich Street, Peter Holden, President (formerly Jordan Hospital)

ONE DAY ALL ALCOHOL LIQUOR LICENSE*

On a motion by Selectman Mahoney, seconded by Selectman Provenzano, the Board voted to grant a One Day All Alcohol Liquor License to the following applicant, for the event detailed, below. Voted 5-0-0, approved.

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- ❖ **Richard Mulcahy / Plymouth Guild, Inc.** (11 North Street) requested a One Day All Alcohol Liquor License for an art show at 11 North Street to be held from 2:00 p.m. to 6:00 p.m. on March 30, 2014. Liquor liability will be in place before the license is released.

*One day liquor licenses shall automatically cover the day before and the day after the event for the purpose of proper delivery, storage and disposal of alcoholic beverages purchased.

ONE DAY WINE & MALT LIQUOR LICENSE*

On a motion by Vice Chairman Brewster, seconded by Selectman Tavares, 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.

- ❖ **Ken Pittman** (39 Ruby Court, Dartmouth) requested a One Day Wine & Malt Liquor License for a Valentine's Day concert to be held from 7:00 p.m. to 11:30 p.m. at Memorial Hall on February 14, 2014. Liquor liability will be in place before the license is released.

*One day liquor licenses shall automatically cover the day before and the day after the event for the purpose of proper delivery, storage and disposal of alcoholic beverages purchased.

ADMINISTRATIVE NOTES

Meeting Minutes – The Board approved the minutes of the January 7, 2014 Selectmen's meeting. [*Note: Selectman Tavares abstained from this vote, as he was unable to attend the January 7th meeting.*]

MSBA Statement of Interest for Federal Furnace Elementary HVAC Project – The Board voted that, having convened in an open meeting on February 11, 2014, prior to the closing date, the Board of Selectmen of the Town of Plymouth, in accordance with its charter, by-laws, and ordinances, authorizes the Superintendent of Schools to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 14, 2014, for the Federal Furnace Elementary School, located at 860 Federal Furnace Road, Plymouth, Massachusetts, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy-related costs in a school facility; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Plymouth School District to filing an application for funding with the Massachusetts School Building Authority.

Letter for Support for Seaport Advisory Council Grant – The Board voted to issue a letter of support for the Town’s application for a grant from the Seaport Advisory Council for the repair of Town Wharf (also known as the “T-Wharf Project”).

Gift & Donation Account for Agricultural Committee – The Board voted to (a) establish a gift & donation account for the Agricultural Committee for activities and expenses related to the mission and work of the committee, and (b) authorize the Town Manager to expend funds from this account.

PUBLIC COMMENT

Robert Alford commended Vice Chairman Brewster for her comments and stance on Article 10, pertaining to the 1820 Courthouse / Government Center project. Mr. Alford expressed his opinion that a majority of the Board should have voted with Vice Chairman Brewster in opposition to the article.

PUBLIC HEARING: ALL ALCOHOL RESTAURANT LIQUOR LICENSE

FLYNN’S CEDARVILLE RESTAURANT GROUP D/B/A FLYNN’S IRISH PUB, 2240 STATE RD.
(CONTINUED FROM FEBRUARY 4, 2014)

Chairman Muratore re-opened a public hearing, continued from February 4, 2014, to consider the application for a new Annual All Alcohol Restaurant Liquor License from Flynn’s Cedarville Restaurant Group d/b/a Flynn’s Irish Pub, 2240 State Road, Katherine Kerr as Manager. Prior to re-opening the hearing, Chairman Muratore 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.

Chairman Muratore explained that the Board voted during the February 4, 2014 meeting to table its decision on the license application for one week, to allow time to gather accurate information from all of the parties involved with the development and permitting of the project at 2240 State Road.

Assistant Town Manager Michael Galla recounted information provided by Paul McAuliffe, Director of Inspectional Services, regarding the concerns that were raised about the development project at 2240 State Road during public comment within the February 4th hearing. According to Mr. McAuliffe, Mr. Galla said, the majority of the required vegetative buffer remains intact at the site, though some of the underbrush within the buffer was disturbed during grading activities. The buffer may appear to be inadequate at this particular time, he noted, because the trees and shrubs are naturally defoliated during the winter season. It should be noted, Mr. Galla added, that the improvement of stormwater drainage on Old County Road will require the removal of additional trees along the buffer. Lastly, Mr. Galla reported that, though the developer is adding more parking spaces than the minimum number required at the site, the developer is not adding more than what was submitted in the original plan.

Chairman Muratore opened the hearing to public comment.

Steve Lydon, Town Meeting Representative from Precinct 12, stated his belief that Cedarville needs another restaurant establishment. Though there does appear to be some issues with the developer, Mr. Lydon stated, the Director of Inspectional Services can sort out any zoning discrepancies. In the meantime, he said, the Town should allow the tenant (Flynn's Irish Pub) to proceed with his license application.

Jack Girard from Janet Street thanked the Selectmen for asking staff to follow up on the concerns that he and his neighbors raised during he February 4, 2014 hearing. He wished the owners of Flynn's Pub success with the new restaurant venture.

Seeing no further comment from the public, Chairman Muratore closed the hearing and brought the matter back to the Board for discussion and/or action.

On a motion by Selectman Tavares, seconded by Vice Chairman Brewster, the Board voted to grant an Annual All Alcohol Restaurant Liquor License to Flynn's Cedarville Restaurant Group d/b/a Flynn's Irish Pub, 2240 State Road, as requested in the license application. Voted 5-0-0, approved.

PUBLIC HEARING: ROADWAY LAYOUT ALTERATION

SAMOSSET STREET, SOUTH PARK AVENUE, NORTH PARK AVENUE, AND ASSOCIATED INTERSECTIONS AT STANDISH, OAK, CHESTNUT, ALLERTON, COURT, AND WATER STREETS (ARTICLE 22 OF THE 2014 SPRING ANNUAL TOWN MEETING)

ARTICLE 22

To see if the Town will vote to accept and allow the alteration of the layout of the Town ways Samoset Street (Westerly Road to Court Street), South Park Avenue and North Park Avenue, as laid out by the Board of Selectmen and reported to the Town; and further to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain, or otherwise, and upon such terms and conditions as it deems appropriate, such interests in land within said altered layout sufficient to use said ways for all purposes for which public ways are used in the Town of Plymouth, or take any other action relative thereto.

DEPARTMENT OF PUBLIC WORKS

Chairman Muratore opened a public hearing to consider the roadway layout alteration of Samoset Street, South Park Avenue, and North Park Avenue, as well as the associated intersections of these three ways at Standish, Oak, Chestnut, Allerton, Court, and Water streets. The aforementioned roadway layout alterations will be presented to the 2014 Spring Annual Town Meeting as Article 22.

Sid Kashi, Town Engineer, explained that the Town must alter the layout of Samoset Street, South Park Avenue, and North Park Avenue as part of the reconstruction of the Samoset Street corridor, from Royal Street to Water Street. This project, he said, will be

funded by the Massachusetts Department of Transportation. Mr. Kashi noted that the Board has already heard the proposed layout alterations associated with these streets, but the law requires that such alterations meet final approval at Town Meeting (via Article 22).

Seeing no questions from the Board, Chairman Muratore opened the discussion on the roadway layout alterations / Article 22 to public comment.

Paul Hathaway of Samoset Street sought to clarify the measurements that the Town would utilize when executing the final roadway layout of Samoset Street. The state's plans specify a 41-foot width, he said, but the Town Engineer has indicated that the roadway will be widened to 42 feet. Mr. Hathaway stated that, while one linear foot might not seem significant, the difference is important to those whose land will be taken as part of the roadway alteration.

Mr. Kashi stated that the Town's layout plan of record specifies a 42-foot final width. Though the state's initial design-phase plan specified a 41' width, he acknowledged, the width was altered to 42' in subsequent design phases. Mr. Kashi indicated that the 42' width has remained unchanged within the Town's plans and has been presented to permitting agencies and the public at all associated hearings on the matter.

Mr. Hathaway indicated that, as long as the Town is proceeding forth in accordance with the plans that have been presented to the public for the past two to three years, he has no further contentions.

Seeing no further comment, Chairman Muratore closed public comment and awaited a motion of the Board. On a motion by Selectman Provenzano, seconded by Selectman Mahoney, the Board voted to recommend Article 22 to the 2014 Spring Annual Town Meeting. Voted 5-0-0, approved.

Selectman Provenzano made a motion to approve the proposed layout alteration of Samoset Street (a portion thereof), North Park Avenue, and South Park Avenue, and the intersections associated with these streets, as described in the official hearing notice. Vice Chairman Brewster seconded the motion, and the Board voted 5-0-0 in favor.

PUBLIC HEARING: ROADWAY LAYOUT & ACCEPTANCE OF EASEMENTS

ROXY CAHOON ROAD AND VALLEY ROAD

ARTICLE 24

To see if the Town will vote to accept and allow as public ways certain portions of those existing ways known as Valley Road and Roxy Cahoon Road, as have been laid out by the Board of Selectmen and reported to the Town as shown on plans on file with the Town Clerk; and further to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain, or otherwise, and upon such terms and conditions as it deems appropriate, such interests in land within said layout sufficient to use said ways for all purposes for which public ways are used in the Town of Plymouth, and within the lands abutting those ways sufficient to make improvements to said ways in accordance with said plans, and

to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisition(s); or take any other action relative thereto

DEPARTMENT OF PUBLIC WORKS

Chairman Muratore opened a public hearing to consider the roadway layout for, and acceptance of easements along, Roxy Cahoon Road and Valley Road. The aforementioned roadway layouts and easements will be presented to the 2014 Spring Annual Town Meeting as Article 24.

Sid Kashi, Town Engineer, indicated that the Board had already heard, and authorized staff to proceed with, the eminent domain takings associated with the official layout of Roxy Cahoon and Valley Roads (during the Board's meeting of November 19, 2013). Article 24, he explained, asks Town Meeting to formally authorize and execute these roadway layouts and takings of easement.

Chairman Muratore opened the discussion to public comment.

Ruth McNaughton of 229 Valley Road stated that she remains opposed to the paving of Valley Road. Following her observation of the Town's recent marking of the roadway with flags (to denote the future layout of the roadway), Ms. McNaughton expressed further opposition to the Town's plans, noting her concern that the paving and widening of the road will encourage increased vehicular traffic and speeding. Ms. McNaughton reported that there is another neighbor who is opposed to the Town's plans for Valley Road, and she indicated that she will contest the Town's eminent domain taking of her property.

Seeing no further comment, Chairman Muratore closed public comment and awaited a motion of the Board. Selectman Provenzano made a motion to approve the proposed layout of Valley Road (a portion of) and Roxy Cahoon Road (a portion of), as described in the official hearing notice. Vice Chairman Brewster seconded the motion, and the Board voted 5-0-0 in favor.

On a motion by Selectman Provenzano, seconded by Vice Chairman Brewster, the Board voted to recommend Article 24 to the 2014 Spring Annual Town Meeting. Voted 5-0-0, approved.

2014 SPRING ANNUAL TOWN MEETING ARTICLES

ARTICLE 11

To see if the Town will vote to amend Rule 2 and Rule 4 of Chapter 59 of the Town's General Bylaws, entitled Eminent Domain Takings, to insert the underlined language as follows:

Section 59-1. Rule 2.

Whenever any article by petition, after the appointment of a committee under Rule 1, or without petition is to be presented at any Town Meeting involving eminent domain proceedings, the following are required:

- A. **Public hearings.** A public hearing shall be called by the department, board, commission, etc., of the town not requiring petition proposing a taking by eminent domain no later than three months prior to the Annual Town Meeting in any year or the date of any Special Town Meeting. In the case of a committee appointed by the Selectmen, a public hearing shall be called by such committee no later than three months prior to the Annual Town Meeting in any year or the date of any Special Town Meeting.
- B. **Notice of hearing.** Notice of such public hearing shall be given to all owners and abutters by registered or certified mail and by publication for three successive weeks in a newspaper of general circulation in the town to be selected by the department, board, committee, etc., holding such hearing.
- C. **Posting of notice.** Notice of the public hearing shall state the location, last known owner, size of the area and purpose of taking.
- D. **Use of plot plan.** If it is desired to reproduce a plot plan or map for use at any hearing or any advertisement, such plot plan or map shall show the true scale of the plot plan or map, and not a photographic reduction or enlargement of an original plot plan or map, with a distorted scale. Such plot plan or map shall be examined by the Town Engineer, in the form in which it will be presented or appear, and shall bear his or her certification that the scale is correct.
- E. **Lot identification.** Such plot or map shall show every lot in the taking area covered by such plot or map, without omissions or additions, and to that end the Assessor's Maps may be used, corrected if necessary, as a basis.

The requirements of this Rule shall not apply to eminent domain proceedings incidental to the acceptance of a way as public, where the way has been constructed.

Section 59-4. Rule 4.

Prior to any taking **not assented to in writing by the owners of property subject thereto**, an appraiser shall be retained by the town for the purpose of establishing the fair value of the property to be taken. In establishing such fair value the appraiser shall include, but not be limited hereby, the size of the parcel to be taken, the value of all structures, improvements of every description, trees, shrubs and all other plantings, utility pipes and wires and damage to the remainder of a parcel of land where only a portion is to be taken. The fair value of the taking as reported by the appraiser, together with his or her name and address, shall be included in the notice of taking required to be sent by the General Laws to the persons from whom land is to be taken. or take any other action relative thereto.

BOARD OF SELECTMEN

Assistant Town Manager Michael Galla indicated that Article 11 will amend the Town's bylaw pertaining to takings by eminent domain. The amendment, he explained, improves the language of the bylaw and makes the process of public-roadway-related land takings less cumbersome. In essence, Mr. Galla reported, the amendment allows the Town to bypass the eminent domain process, if all of the property owners are in favor of the project and are willing to authorize the taking of easements across their respective properties for the project.

Following the clarification of the warrant language associated with Article 11, Selectman Provenzano made a motion to recommend Article 11 to the 2014 Spring Annual Town Meeting. Vice Chairman Brewster seconded the motion, and the Board voted 5-0-0 in favor.

ARTICLE 23

To see if the Town will vote to authorize the Board of Selectmen to accept perpetual easements for public way purposes over the properties located on Carver Road, Plymouth, MA and shown as Plymouth Assessor's Parcels No. 105-000-001-031, 105-000-001-033, 105-000-001-034, 105-000-002A-000, 105-000-002D-000, 105-000-002E-000, 106-000-001-022, 106-000-001-023, 106-000-001-024; and further to accept and allow as a public way the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition: Carver Road, A Portion Thereof; or take any other action relative thereto

DEPARTMENT OF PUBLIC WORKS

Sid Kashi, Town Engineer, explained that Article 23 seeks authorization from Town Meeting to accept permanent highway easements and establish an official roadway layout along a portion of Carver Road that borders the forthcoming Cranberry Crescent commercial development. Because there is no written record of layout for this "used and maintained" section of Carver Road, he indicated, the Engineering Department recommends the establishment of an official layout plan. Mr. Kashi reported that, as part of the development project, the owner of Cranberry Crescent is willing to grant permanent highway easements along the sections of his property that border Carver Road. In conjunction with the developer's offer to grant easements to the Town, he noted, the Engineering Department is seeking easements from other property owners along this section of Carver Road.

In response to a question from Selectman Tavares, Mr. Kashi explained that the Town cannot make alterations to a roadway that is classified as "used and maintained." The establishment of an official layout—along with the acquisition of accompanying easements—for this section of Carver Road, he said, will allow the Town the legal ability to make adequate improvements to the roadway.

Chairman Muratore opened the discussion on Article 23 to public comment.

Janet Young of Carver Road, who serves as a Town Meeting Representative for Precinct 11, asked Mr. Kashi to explain why the Engineering Department seeks easements from the properties along the side of Carver Road that is opposite the proposed Cranberry Crescent development.

Mr. Kashi responded that the Department of Public Works intends to make significant improvements to this particular section of Carver Road—including signalization, sidewalks, and traffic signage—in conjunction with the establishment of the Cranberry Crescent development.

Seeing no further comment from the public, Selectman Mahoney made a motion to recommend Article 23 to the 2014 Spring Annual Town Meeting. Selectman Provenzano seconded the motion, and the Board voted 5-0-0 in favor.

ARTICLE 26

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, and upon such terms and conditions as it deems appropriate, such permanent easements for highway and utility purposes in lands along Nelson Street as are necessary to carry out the proposed construction/improvement of Nelson Street in accordance with the Proposed Highway Easement plan prepared for such project, which plan has been placed on file with the Town Clerk, and further to raise and appropriate, transfer, or borrow a sum of money as may be required for the acquisition of the aforesaid interests in land, as shown on the Proposed Highway Easement plan, or take any other action relative thereto.

DEPARTMENT OF PUBLIC WORKS

Sid Kashi, Town Engineer, informed the Board that Article 26 is the next legal step associated with the establishment of a public sidewalk over a portion of property at 32 Nelson Street. Mr. Kashi noted the public hearings held on November 19, 2013 and December 3, 2013, at which the Board authorized staff to pursue the taking, by eminent domain, of an easement over a portion of 32 Nelson Street, in order to construct the sidewalk.

Selectman Mahoney asked the Town Manager to indicate whether there had been any resolution to the difference of opinion between the Town and the owner of 32 Nelson Street regarding vehicular access from the rear portion of 32 Nelson Street into Nelson Memorial Park. Town Manager Melissa Arrighi answered that any resolution to this difference of opinion will likely come through the civil court process, as the Town believes it has a strong position on the matter.

Chairman Muratore opened the discussion on Article 26 to public comment. No citizens came forth.

On a motion by Vice Chairman Brewster, seconded by Selectman Provenzano, the Board voted to recommend Article 26 to the 2014 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 27

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise fund \$500,000 in improvements to Private Roads including all costs necessary and related thereto, consistent with the provisions of Chapter 112 of the Acts of 2012 as signed by the Governor on June 13, 2012, or take any other action relative thereto.

ROADS ADVISORY COMMITTEE

Ms. Arrighi informed the Board that Article 27 represents another request from the Roads Advisory Committee for funds to make improvements to private roads. There is currently a balance of \$300,000 in the Private Roads account from the previous Town Meeting, she said, but this money is earmarked for projects that will begin in the spring of 2014. Ms. Arrighi noted that the Capital Improvements Committee did not rank Article 27 as a high priority when reviewing the capital outlay expenditure requests for the 2014 Spring Annual Town Meeting.

In response to questions from Selectman Mahoney, Ms. Arrighi recounted that, in 2012, the Town obtained special legislation to spend public dollars on private roads. Following the establishment of this legislation, Ms. Arrighi reported, the Engineering Department keeps a small line item of approximately \$30,000 for emergency repairs to private roads, but the Roads Advisory Committee has asked for additional funding through Town Meeting for more significant repairs.

Sid Kashi, Town Engineer, indicated that the funding requested via Article 27—if approved by Town Meeting—will be allocated for private road projects by the Department of Public Works (“DPW”) in a manner that is consistent with the department’s Pavement Management Plan. In response to an inquiry from Selectman Provenzano, Mr. Kashi noted that the DPW utilizes the assistance of a professional consulting firm to evaluate and prioritize the Town’s various roadway needs—currently assessed at \$50 million for public roadway repairs and \$30 million for private road repairs.

Vice Chairman Brewster inquired why the \$500,000 requested via Article 27 is simply not included as an annual line item in the DPW’s budget. Ms. Arrighi offered her understanding that the Board indicated its preference to consider the request as a separate article each year, when the Roads Advisory Committee first submitted this article for funding to repair private roads. Selectman Provenzano noted that, if the \$500,000 was included in the DPW’s budget as an annual line item, any unused funding would be designated as free cash at the end of the fiscal year. Vice Chairman Brewster stated her belief that the revenue generated by the Motor Vehicle Excise Tax should be exclusively dedicated to the repair of public and private roads.

Chairman Muratore opened the discussion on Article 27 to public comment.

Steve Lydon, Town Meeting Representative for Precinct 12, expressed his support for the passage of Article 27. If the Town spends these funds to undertake a significant repair on a particular private road, however, the Town should take the extra step to legally accept the road as a public way, he said.

Robert Alford stated his support for the approval of Article 27, noting his hope that Town Meeting will allocate these funds for repairs to private roads each year.

On a motion by Vice Chairman Brewster, seconded by Selectman Tavares, the Board voted to recommend Article 27 to the 2014 Spring Annual Town Meeting. Voted 5-0-0, approved.

PUBLIC HEARING: TRANSFER OF RESTAURANT LIQUOR LICENSE

FROM: THE MATTAPOISETT RESTAURANT GROUP LLC D/B/A THE SPEEDWELL TAP & TABLE, 47 MAIN ST.

TO: SPEEDWELL RESTAURANT COMPANY LLC D/B/A SPEEDWELL TAVERN, 47 MAIN STREET

Chairman Muratore opened a public hearing to consider an application for the Transfer of an Annual All Alcohol Restaurant Liquor License from The Mattapoisett Restaurant Group LLC d/b/a The Speedwell Tap & Table, 47 Main St., John T. Mello as Manager to

Speedwell Restaurant Company LLC d/b/a Speedwell Tavern, 47 Main Street, John T. Mello as Manager. Prior to commencing the hearing, Chairman Muratore 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.

John T. Mello appeared on behalf of Speedwell Restaurant Company, LLC. Mr. Mello explained that the request for a transfer of license is related to a change in ownership, as one of the original business owners has chosen to dissociate from The Mattapoisett Restaurant Group, LLC. The establishment of Speedwell Restaurant Company, LLC represents the addition of a new investor, he said, noting that two-thirds of the original owners invested in the restaurant remain part of this new company. Mr. Mello stated that, despite the minor change in ownership, the management and operations of the Speedwell Tavern will remain the same.

Chairman Muratore opened the hearing to public comment. No citizens came forth, and, thus, Chairman Muratore closed the hearing to await a motion of the Board.

On a motion by Selectman Tavares, seconded by Vice Chairman Brewster, the Board voted to approve the Transfer of an Annual All Alcohol Restaurant Liquor License from The Mattapoisett Restaurant Group LLC d/b/a The Speedwell Tap & Table, 47 Main St., John T. Mello as Manager to Speedwell Restaurant Company LLC d/b/a Speedwell Tavern, 47 Main Street, John T. Mello as Manager. Voted 5-0-0, approved.

2014 SPRING ANNUAL TOWN MEETING ARTICLES

ARTICLE 35

To see if the Town will vote to enact a bylaw, similar to the Ordinance in Section 6-702 of the Town of Weymouth, that would prohibit the displaying of non-domesticated animals for public entertainment or amusement in circuses, carnivals or other similar entities on property owned by the Town of Plymouth, on Town-owned property under lease, or on private property. As used in this paragraph, “displayed” shall include, but is not limited to, animal acts or performances, animal rides and competitive animal races. A copy of the Weymouth ordinance is attached, or to take any other action relative thereto.

BY PETITION: Kati Carloni, et al

Prior to the commencement of the presentation on Article 35, Chairman Muratore inquired if Town Counsel had reviewed the language of the petitioned article. Ms. Arrighi reported that Town Counsel has advised the petitioner of Article 35 to work with the Town Clerk on a way by which the Town’s current bylaws could be amended to achieve the intent of the petitioned article.

Kati Carloni, petitioner of Article 35, explained that the article seeks to prohibit the display of non-domesticated animals for public entertainment or amusement. Ms. Karloni indicated that she submitted the petition out of concern for both public health and the safety of non-domesticated animals used for entertainment purposes (i.e. circuses,

carnivals, races, etc.). The animals involved in circuses and traveling displays are not always cared for properly, she reported, including those that are utilized in traveling circuses that visit Plymouth each year. Ms. Karloni discussed a number of studies and reports which document cases of abuse, neglect, attacks upon humans, and the spread of disease involving such circuses, carnivals, and displays.

Ms. Karloni presented the Board with handouts detailing a proposal to amend Article 35 during Town Meeting, so that it will be legally binding (as the article, in its original petitioned form, is not worded in a manner that is legally binding).

Chairman Muratore asked Ms. Karloni if her petitioned article would prevent such activities as pony rides for children. Ms. Karloni explained that ponies are domesticated animals; the article, she reiterated, prohibits the display of non-domesticated animals for public entertainment or amusement.

Selectman Mahoney made a motion to recommend Article 35 to the 2014 Spring Annual Town Meeting. Chairman Muratore seconded the motion for discussion.

In response to an inquiry from Chairman Muratore, Ms. Karloni indicated that the cities of Weymouth, Somerville, and Revere are some of the communities in Massachusetts that have adopted similar bans on the display of non-domesticated animals.

Seeing no further discussion, Chairman Muratore called for a vote on Selectman Mahoney's motion to recommend Article 35 to the 2014 Spring Annual Town Meeting. The Board voted 2-3, with Vice Chairman Brewster, Selectman Tavares, and Selectman Provenzano voting in opposition. The motion did not carry.

ARTICLE 36

A petition to the Board of Selectmen of Plymouth, Massachusetts

Whereas Morton Park is a Town treasure that must be preserved and properly cared for, and we as friends of Morton Park consider ourselves to be the voluntary "stewards" of the park, and

Whereas great strides have been taken by the Town in recent years to effect preservation and protection of the park, including implementation of orderly rules governing entry on July 4th and other days of heavy usage, and, more recently, installation of gates preventing vehicular entry into the back areas of the park along the shore of Billington Sea, thereby greatly reducing vandalism and the dumping of trash in that area, and

Whereas certain serious problems remain to be corrected in the activities of persons who utilize the park, including excessive trash in and around park trails and beach areas (including human excrement), loud music, use of alcohol, cooking on open fires and careless dumping of hot coals, which conditions prevail particularly between Memorial Day and Labor Day weekends, and

Whereas the solution to these problems will require revisions in town bylaws and an increased enforcement presence, we

Therefore propose that for a two year trial period, the Selectmen implement the following steps at Morton Park, to be effective between Memorial Day and Labor Day Weekends:

1. Allocate \$15,000 per season for two weekend police officers and one park ranger (with enforcement powers) to enforce closing hour, bans on alcohol, fires, and other existing park rules;

2. Publicize new restrictions widely, to Plymouth residents and out-of-town guests well before next season starts, using social media and newspapers;

3. At the end of the town year trial period, reassess the impact of these changes and continue them permanently if they have been effective.

We, the undersigned residents of Plymouth, respectfully request that the Board of Selectmen sponsor an article at the next Town Meeting for funding to support the initiatives listed above. Funding requested should include appropriate staffing levels and signage.

BY PETITION: Gilbert H. Freeman, et al

Ms. Arrighi informed the Board that she has met with the Friends of Morton Park to work upon the ways by which the Town could improve upon the staffing, management, and enforcement of bylaws related to Morton Park. The petition that was eventually submitted as Article 36 of the 2014 Spring Annual Town Meeting, she reported, was initially supposed to be directed to the Board of Selectmen, as a request for more funding in the budget for Morton Park. Ms. Arrighi indicated that, though the language of Article 36 cannot be legally acted-upon by Town Meeting, she can work with the petitioners to address their requests and concerns.

Gilbert Freeman, a resident of Precinct 2, introduced himself to the Board as one of the petitioners of Article 36.

The Board discussed the merits of the petition, despite its lack of legal validity. Selectman Tavares stated his interest in restoring \$15,000 in the FY2015 budget to address the issues related to overcrowding, public safety, and unwanted guests at Morton Park. Vice Chairman Brewster inquired whether the Board's previous decision to increase the day parking fee at Morton Park had generated any effect upon the actual number of day-parking passes sold.

Ms. Arrighi advised the Board on ways by which funds from the FY2014 (current) budget could be requested through the Advisory & Finance Committee or the Fall Town Meeting for enhanced enforcement and improvements at Morton Park. Because Morton Park was granted to the Town with specific requirements, she explained, the Town cannot restrict the use of the recreation area to Plymouth residents, only.

Mr. Freeman noted that the fees collected at Morton Park are not earmarked exclusively for the recreation area. The Board could consider raising the day-parking fees at Morton Park, he said, but the issue goes beyond those times when attendants are present at the park to collect the parking fees. Mr. Freeman offered his belief that the most effective means of dealing with the issues plaguing Morton Park is the strict enforcement of the rules governing the use of the recreation area.

Chairman Muratore opened the discussion on Article 36 to public comment.

Janet Young, a member of the Friends of Morton Park, expressed serious concerns about the threat to public safety that overcrowding and after-hours access at the park is known to cause on summer weekends. Ms. Young expressed support for Selectman Tavares'

recommendation to reinstate \$15,000 into FY2015 budget for enhanced staffing and improvements at Morton Park, noting that the Advisory & Finance Committee voted to support the \$15,000 allocation. There are a number of ways that non-residents are seeking access to the park, she said, including vehicular access after the Town's attendants have left at the end of their shifts.

Everett Malaguti III, Town Meeting Representative from Precinct 1 and member of the Natural Resources & Coastal Beaches Committee ("NRCBC"), invited the Friends of Morton Park to attend one of the NRCBC's meetings to determine if both groups can work collaboratively on the matter.

Jim Dykeman, an owner of property on Little Pond Road, informed the Board that misuse of the recreation area happens all week long, not only on weekends and not only by out-of-town residents. There are a number of residents, for example, who park their vehicles and drink alcohol in the Red Springs area between the hours 3:00 and 6:00 p.m., Monday through Friday, he said.

Steve Lydon expressed his belief that the concerns raised about Morton Park relate directly to the enforcement of the Town's bylaws pertaining to the recreation area. The Town, he said, has special police units that can access the remote areas of the park on horseback, bicycles, and motorcycles. Mr. Lydon noted that the Police Department is often commended for keeping the peace during the July 3rd and July 4th festivities in Manomet and downtown Plymouth, and, thus, he questioned why the police have not been as successful at Morton Park.

At the close of public comment, Selectman Mahoney offered his observation that a police presence is necessary to address the issues afflicting Morton Park. Any increase to the day-parking fee, he said, should be used to directly offset the cost of increasing police presence at the park.

Ms. Arrighi stated that she would work with Mr. Freeman and the Friends of Morton Park to address their concerns about the management and preservation of the recreation area.

TOWN MANAGER'S REPORT

Solid Waste – Ms. Arrighi provided the Board with an update on the Town's solid waste services. To date, she said, there are 4,814 households permitted to use the Manomet Transfer Station, including those households who opted for "the works (i.e. curbside and transfer station services)." There are 5,193 households utilizing the Town's curbside services, she said, and the Solid Waste Coordinator is working closely with ABC Disposal to address any unforeseen issues with the program.

Water Street Project – Ms. Arrighi reported that the Town is working with the owner of property at 158 Water Street (the location formerly known as the 1620 Restaurant) to establish a temporary staging area for the equipment that will be utilized for a number of

major public works projects on the waterfront during 2014. In return for the owner's cooperation, she indicated, the Town will provide a water-system tie-in for the lot at which the equipment will be stored. Ms. Arrighi noted that she hopes to have a temporary license agreement for the staging arrangement in place within the next few weeks.

Employee Self Service Program – Ms. Arrighi was pleased to announce that the Finance Department has launched an online self-service program through which employees can access safely-stored, personal information such as paycheck data, W-2 filing status, and earned-time/vacation accrual.

Employee Facts – In response to a request from the Advisory & Finance Committee, Ms. Arrighi provided the Board with data related to the number of employee and retiree subscribers on the Town's health insurance program (2,832). With the inclusion of the number of dependents enrolled through the Town's employee/retiree subscribers, Ms. Arrighi reported, there are 5,554 total participants in the Town's health insurance program.

COMMITTEE LIAISON / DESIGNEE UPDATES

Education Foundation Gala – Several members of the Board noted that they attended the Plymouth Education Foundation Gala, which was held on Saturday, February 8, 2014.

OLD BUSINESS / LETTERS / NEW BUSINESS

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

ADJOURNMENT OF MEETING

On a motion by Selectman Provenzano, seconded by Vice Chairman Brewster, the Board voted to adjourn its meeting at approximately 8:55 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the February 11, 2014 meeting packet is on file and available for public review in the Board of Selectmen's Office.