

# ~ PLYMOUTH BOARD OF SELECTMEN ~

**TUESDAY, AUGUST 5, 2014**

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, August 5, 2014 at 6:00 p.m. at Town Hall in the Mayflower Room.

Present: Kenneth A. Tavares, Chairman  
Anthony F. Provenzano Jr., Vice Chairman  
John T. Mahoney, Jr.  
Mathew J. Muratore  
Sean P. Page

Melissa Arrighi, Town Manager  
Michael Galla, Assistant Town Manager

## **CALL TO ORDER**

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

## **EXECUTIVE SESSION**

On a motion by Vice Chairman Provenzano, seconded by Selectman Muratore, the Board voted unanimously to enter an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to litigation, as an open meeting on the matter may have had a detrimental effect on the negotiating position of the body. By roll call: Muratore – yes, Mahoney – yes, Provenzano – yes, Page – yes, and Tavares – yes.

Chairman Tavares noted that, following executive session, the Board would reconvene in open session.

## **RETURN TO OPEN SESSION**

Chairman Tavares reconvened the meeting in open session at 7:05 p.m. and led the Pledge of Allegiance.

## **TOWN MANAGER'S REPORT**

**White Horse Beach Sand Fence** – Town Manager Melissa Arrighi noted that the Town recently repaired the sand fence along the dunes at White Horse Beach. Shortly after the

repair was completed, however, the fence was vandalized. Ms. Arrighi reported that the fence has been repaired, again, and it is still standing. She thanked those members of the White Horse Beach community who have been helpful in providing feedback (on ways to improve the beach) for their willingness to keep an eye on the fence for the Town.

**Water Street Bridge Replacement Project** – Ms. Arrighi provided the Board and the public with an update on the Water Street Bridge Replacement Project, which is scheduled to will begin in the fall. In order for the Town to complete the project, she explained, it must have access to a portion of Pilgrim Memorial State Park. Ms. Arrighi affirmed that the Town has reached an agreement with the Massachusetts Department of Conservation & Recreation to obtain the necessary easement to conduct the work.

**Employee Health Insurance Audit** – Ms. Arrighi reminded the Board of an audit that the Town recently conducted on its employee health insurance enrollment. The Town is required to conduct the audit—which ensures that each individual on the Town’s plan is eligible for membership—every two years. Ms. Arrighi noted that, as a result of the audit, staff has identified—and, subsequently, unenrolled—a handful of dependents who no longer qualify for coverage under the Town’s health insurance plan.

**1820 Courthouse / Municipal Center Project** – Ms. Arrighi provided the Board with an update on the plans to relocate Town Hall to the 1820 Courthouse site. The County Commissioners, she said, are scheduled to vacate the Commissioners’ Building by the end of the week, while a team led by Dinah O’Brien (Director of Community Resources) will identify and document any historic features in the rear section of the 1820 Courthouse that should be preserved, prior to demolition. Ms. Arrighi reported that the Building Committee is currently reviewing plans for the removal of any hazardous materials at the site, while the architects from Durkee, Brown, Viveiros, & Werenfels have begun meeting with the Town to discuss their role in the final design plans for the new Town Hall. Ms. Arrighi noted that the Town is aiming to begin some demolition work at the site in the fall.

**UMASS Proposal on Nuclear Plant Decommissioning** – Ms. Arrighi informed the Board that Town staff met with a team from UMASS Boston to discuss the university’s offer to develop a guidebook for communities that serve as hosts to nuclear facilities that are in the process of decommissioning. There is a cost associated with this project, she noted, but it is important for the Town to consider the significant socio-economic impact of the eventual closure of Pilgrim Nuclear Power Station.

## **LICENSES**

### **ONE DAY ALL ALCOHOL LIQUOR LICENSE**

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, 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.

*[Continued on Page 3]*

- ❖ **Peter Coffman / Reach, Inc.** (20 Middle Street) requested a One Day All Alcohol Liquor License for a fundraiser event to be held from 6:00 p.m. to 12:00 a.m. at Memorial Hall on September 20, 2014. Liquor liability insurance will be in place before the license is released.

On a motion by Selectman Muratore, seconded by Selectman Mahoney, 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.

- ❖ **Pamela Meyer / Jordan Hospital Club** requested a One Day All Alcohol Liquor License for a fundraiser event to be held from 7:00 p.m. to 10:00 p.m. at Memorial Hall on September 27, 2014. Liquor liability insurance will be in place before the license is released.

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted to grant three (3) One Day All Alcohol Liquor Licenses to the following applicant, for the events detailed, below. Voted 5-0-0, approved.

- ❖ **Richard Mulcahy / Plymouth Guild for the Arts, Inc.** requested three (3) One Day All Alcohol Liquor Licenses for the following events, each to be held at the Plymouth Center for the Arts, 11 North Street. Liquor liability insurance will be in place before the licenses are released.
  - September 12, 2014, from 6:00 p.m. to 10:30 p.m., for an art reception
  - September 27, 2014, from 6:00 p.m. to 10:30 p.m., for a jazz concert
  - September 28, 2014, from 1:30 p.m. to 4:30 p.m., for a dedication ceremony

### **ONE DAY WINE & MALT LIQUOR LICENSE**

On a motion by Selectman Muratore, seconded by Vice Chairman Provenzano, the Board voted to grant two (2) One Day Wine & Malt Liquor Licenses to the following applicant, for the events detailed, below. Voted 5-0-0, approved.

- ❖ **Mark Lootz / Plymouth Lions Club** requested two (2) One Day Wine & Malt Liquor Licenses for a weekend-long Oktoberfest fundraiser event, to be held between the hours of 1:00 p.m. to 7:00 p.m. on the Hedge House lawn (126 Water Street) on September 6, and September 7, 2014. Liquor liability insurance will be in place before the licenses are released.

On a motion by Selectman Page, seconded by Vice Chairman Provenzano, the Board voted to grant two (2) One Day Wine & Malt Liquor Licenses to the following applicant, for the events detailed, below. Voted 5-0-0, approved.

- ❖ **Robin Nutter / Pilgrim Hall Museum** requested two (2) One Day Wine & Malt Liquor Licenses for the following events, each to be held at Pilgrim Hall Museum, 75 Court Street. Liquor liability insurance will be in place before the licenses are released.

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- August 20, 2014, from 6:00 p.m. to 8:00 p.m., for a reception
- August 26, 2014, from 5:00 p.m. to 7:00 p.m., for a jazz concert

### **COMMON VICTUALLER LICENSE**

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

- ❖ **Hua Hing, Inc. d/b/a New China Restaurant**, 317 Court Street, Jingyi Xie, Owner

Issuance of license is subject to approval from the Inspectional Services & Health Departments

### **OUTDOOR AMPLIFIED MUSIC PERMIT (ONE-TIME EXTENSION)**

On a motion by Vice Chairman Provenzano, seconded by Selectman Muratore, the Board voted to grant a one-time extension to the hours assigned on the Outdoor Amplified Music Permit issued to the following establishment, for the event detailed, below. Voted 5-0-0, approved.

- ❖ Rye Tavern Corporation (517 Old Sandwich Road) requested a one-time extension to its existing Outdoor Amplified Music Permit for a wedding event on September 6, 2014. Applicant seeks permission to have music until 11:00 p.m., as the current permit issued to the establishment allows outdoor amplification only until 9:00 p.m.

### **VEHICLE FOR HIRE (NEW VEHICLE)**

On a motion by Selectman Page, seconded by Vice Chairman Provenzano, the Board voted to grant a Vehicle for Hire (New Vehicle) Permit to the following applicant. Voted 5-0-0, approved.

- ❖ South Shore Taxi (85 Sandwich Street) – Applying for one new Vehicle: Taxi  
2002 Chrysler Town & Country – Replaces an Existing Licensed Vehicle

### **ADMINISTRATIVE NOTES**

**MassWorks Infrastructure Grant Application** – The Board voted to support the Town of Plymouth’s MassWorks Infrastructure Grant application.

**Declination of Right of First Refusal** – On a motion by Vice Chairman Provenzano, seconded by Selectman Muratore, the Board voted to decline its Right of First Refusal on a parcel of Chapter 61-classified land identified as Lot 4-20 on Assessor’s Map 117 that is associated with the proposed Traditional Rural Village Development known as Redbrook, as described in Planning Board File No. B542 MP. Voted 4-1-0, approved, with Selectman Mahoney voting in opposition.

Selectman Mahoney explained that he could not vote to decline the Board's right of refusal on a parcel that was not vetted through the Town's Chapter 61 Review Process. Michael Galla, Assistant Town Manager, explained that this parcel was part of a grouping of parcels on which the Board had already declined its right of first refusal. This particular parcel, Mr. Galla explained, was inadvertently omitted from the list that was originally presented to the Board.

## **PUBLIC COMMENT**

Linda Benezra expressed her opposition to a request (scheduled on the Board's agenda) that seeks the allowance of the service of alcoholic beverages at public parks. Chairman Tavares advised Ms. Benezra that he would entertain public comment on this particular matter during the scheduled agenda item.

Ms. Benezra then noted that the South Shore Recycling Cooperative's recent electronics recycling event in Plymouth was very successful. Ms. Benezra offered her recommendation that the Town work with SSRC to become a regular host community for these events.

Robert Spencer of Precinct 1 advised the Town to repave a section of Cherry Street, where pothole patches continue to become repeatedly dislodged. In addition, he said, there are hedges at the corner of Cordage Terrace and Standish Avenue which are so overgrown that pedestrians are nearly forced to step into the street, in order to pass along the sidewalk. Mr. Spencer also offered his opinion that the new rotary on Water Street is causing significant traffic back-ups.

Everett Malaguti III, Town Meeting Representative from Precinct 1, inquired about the Standish Avenue Reconstruction Project. The project remains incomplete along a large section of Standish Avenue, he explained, where the promise of full repaving and new sidewalks continues to be unfulfilled.

## **REQUEST TO MODIFY BYLAW ON ALCOHOLIC BEVERAGES IN PARKS**

Chairman Tavares indicated that he was notified, informally, that the Plymouth Pilgrims Baseball Club would not be attending the meeting to discuss its request for a change to the Town's bylaws on the allowance of alcoholic beverages in public parks. The Selectmen scheduled the request on its agenda as a courtesy to the baseball club, he explained. Since the Club no longer wishes to pursue the request, further, Chairman Tavares said, the Board will remove the item from its agenda.

## **PUBLIC HEARING: TERMINATE LEASE AT 16 TOWN WHARF**

**RELIABLE FISH COMPANY, INC., 16 TOWN WHARF**

Ms. Arrighi informed the Board that it would consider the termination of the lease that is

currently issued for the use of Town property at 16 Town Wharf. The lease, she indicated, is currently issued to Reliable Fish Company, Inc., which has fallen behind in its lease payments owed to the Town.

Ms. Arrighi informed the Board that the Town notified Reliable Fish Co., Inc. and the businesses with which Reliable holds joint venture agreements (Shanty Rose and Plimoth Bay Café) of its intent to terminate the lease. Since this notification, she said, a lender has contacted the Town with a commitment to assist Reliable Fish Co., Inc. with satisfying its debt to the Town. As such, Ms. Arrighi explained, the lender and the lessee have requested a postponement of the hearing, to offer a formal proposal that meets the Town's approval.

Ms. Arrighi responded to questions from Selectman Mahoney and Selectman Muratore regarding the proposed agreement. The lender, she indicated, proposes to loan the full amount owed to the Town by Reliable Fish Co., Inc., with the lease agreement held as collateral. This particular lender, she noted, has assisted other businesses situated on Town Wharf, in the past. Should the Board allow the continuance of the hearing, Ms. Arrighi stated, the Board could reserve its right to continue with termination proceedings, if the lessee does not produce the necessary documentation or satisfy payment.

On a motion by Selectman Muratore, seconded by Vice Chairman Provenzano, the Board voted to continue the hearing to terminate the lease agreement that is currently issued to Reliable Fish Co., Inc. for the use of Town property at 16 Town Wharf until the Selectmen's meeting of August 12, 2014. Voted 5-0-0, approved.

## **REQUEST FOR LETTER OF SUPPORT: MEDICAL MARIJUANA**

### **GARDEN REMEDIES, INC.**

Dr. Karen Munkacy addressed the Board on behalf of Garden Remedies, Inc., an organization that received approval from the Massachusetts Department of Public Health ("DPH") to continue forth in the application process for a license to operate a registered marijuana dispensary ("RMD"). Dr. Munkacy, who serves as the organization's chief executive, explained the reasons why, as a cancer survivor, she seeks to make medical marijuana available to patients who can benefit from a natural, organic pain reliever. Garden Remedies, she indicated, seeks to add a cultivation facility at 9 Collins Avenue in Plymouth, to supplement the organization's planned dispensary in Newton. Dr. Munkacy noted that she and her family have invested a great deal of funds into the business, and, therefore, she is personally invested in ensuring that her facility meets the highest standards. Garden Remedies, she added, is also willing to discuss a host agreement with the Town of Plymouth.

Dr. Munkacy responded to some brief questions from Selectman Mahoney regarding her motivation behind pursuing the cultivation and sale of medical marijuana. Selectman Mahoney stated that he wanted more information on the organizational and financial operations of the groups that are interested in establishing medical marijuana facilities in

Plymouth. Dr. Munkacy indicated that she would be willing to provide more information at a forthcoming meeting, as this first presentation was simply intended to be an opportunity to introduce herself and her organization to the Board.

## **REQUEST FOR LETTER OF SUPPORT: MEDICAL MARIJUANA**

### **WILLIAM NOYES WEBSTER FOUNDATION, INC.**

Attorney Valerio Romano, Jane Heatley, Paul Covell, and Richard Nagle appeared before the Board on behalf of the William Noyes Webster Foundation (“WNWF”), an organization which seeks to situate a medical marijuana cultivation facility at 30 Industrial Park Road in Plymouth.

Attorney Romano referenced the presentation that he provided to the Board on July 15, 2014, during which he provided information on WNWF and its intention to situate a cultivation facility in Plymouth, to support the dispensary operation that the organization has planned for Dennis. WNWF has already submitted information to the Town on its planned security operations, he indicated, as well as a draft proposal for a host agreement with the Town of Plymouth.

Attorney Romano noted that, in accordance with Department of Public Health (“DPH”) regulations, there can be more than one cultivation facility within each community (whereas there cannot be more than one dispensary in each community). With two distinct organizations seeking to establish facilities at separate locations in Plymouth, he said, the Town could be in a position to capitalize on the benefits of multiple cultivation operations in the community. Attorney Romano asked the Board to consider WNWF’s request for a letter of support or non-opposition to the organization’s application to establish a cultivation facility at 30 Industrial Park Road.

The Board posed questions to Attorney Romano and discussed the request from WNWF. Both Chairman Tavares and Selectman Muratore noted their understanding that WNWF—and any other organization that seeks to situate a facility in Plymouth—would first discuss the details of a host agreement with the Town Manager, prior to the Board considering a letter of support or non-opposition.

## **REQUEST FOR LETTER OF SUPPORT: MEDICAL MARIJUANA**

### **MEDICAL MARIJUANA OF MASSACHUSETTS**

Chairman Tavares allowed another group (which was not originally scheduled) to address the Board regarding its application to situate a medical marijuana facility in Plymouth.

Kevin O’Reilly of Medical Marijuana of Massachusetts (“MMM”) provided a brief presentation to the Board regarding his organization’s application to obtain a dispensary and cultivation license from the Massachusetts Department of Public Health (“DPH”).

Mr. O'Reilly noted MMM's previous appearances before the Board and the commitment he believes his organization has demonstrated to the Town to operate a safe, secure, and high-quality facility on Collins Avenue in the Plymouth Industrial Park. MMM was in the process of negotiating a host agreement with the Town of Plymouth, he said, but DPH's decision to withdraw the provisional license that it initially issued to MMM has created an intrinsic setback in the process. Mr. O'Reilly indicated that MMM is currently appealing DPH's decision.

Mr. O'Reilly displayed photographs and schematic renderings of the facility that MMM proposes to establish at the former Pixley-Richards building on Collins Avenue. MMM's security team, he said, has worked with Plymouth's police and fire chiefs to develop a comprehensive security plan. In addition, Mr. O'Reilly noted, MMM is willing to set up a locally-focused charitable foundation, along with a host agreement with the Town. Lastly, he stated that MMM is currently in discussions with two organizations that are interested in subleasing the Collins Avenue facility for a grow facility, whereby MMM would remain as overseers of the property.

Chairman Tavares opened the discussion to public comment on the presentations regarding medical marijuana facilities.

Everett Malaguti III, Town Meeting Member for Precinct 1, offered his strong recommendation that any group seeking to situate a medical marijuana facility in the Industrial Park should first meet with the North Plymouth Steering Committee, to provide information on the proposal and solicit feedback from the residents who live most closely to that area.

Robert Spencer of North Plymouth questioned the difference between medical and recreational marijuana. Chairman Tavares advised Mr. Spencer to direct this type of question to DPH.

Seeing no further public comment, Chairman Tavares brought the discussion back to the Selectmen.

Ms. Arrighi indicated that she and the Town's Finance Director would be willing to work further with those groups that have appeared before the Board to discuss host agreements.

Chairman Tavares advised the three groups that staff would need more information and more time to review their proposals, to ensure that the Town's interests are protected. The legalization of medical marijuana, he said, represents "uncharted waters" for the Town. Though the state will make the ultimate decision on licensing such ventures, Chairman Tavares explained, Plymouth has the responsibility to analyze and understand the proposals, as the host community.

Following some brief remaining discussion, Chairman Tavares stated that the Town Manager would assemble a team to review the host agreement proposals put forth by Garden Remedies, William Noyes Webster Foundation, and Medical Marijuana of Massachusetts.



## **COMMITTEE LIAISON / DESIGNEE UPDATES**

**Distinguished Visitors Committee / Visit from Shichigahama, Japan** – Vice Chairman Provenzano provided a recap of the recent visit of officials from Plymouth’s sister city, Shichigahama, Japan. He thanked the Selectmen, the members of the Distinguished Visitors Committee, and those residents who served as host families for the visiting students for their efforts to create an enjoyable itinerary and provide a warm welcome for the visiting delegation.

Chairman Tavares specifically thanked Vice Chairman Provenzano for his leadership in ensuring that the Town’s guests from Shichigahama were properly welcomed.

**Reading Event at Plymouth Public Library** – Vice Chairman Provenzano noted that he participated in the Plymouth Public Library’s August 2, 2014 community reading of *Moby Dick*, for which he read the first chapter, “Call Me Ishmael.” He congratulated the Library for organizing this successful and enjoyable event.

**400<sup>th</sup> Anniversary / Plymouth 400, Inc.** – Vice Chairman Provenzano informed the Board that Plymouth 400, Inc. held its annual meeting on July 28, 2014, at which the organization’s executive director laid out forthcoming plans for the 400<sup>th</sup> Anniversary Celebration. Plymouth 400, Inc., he explained, is reaching a pivotal stage at which it is time to transition from theoretical planning to actual execution.

**Family Fun Day Event at Forefathers Monument** – Vice Chairman Provenzano reported that he had the opportunity to attend the Family Fun Day event at the National Monument to the Forefathers on August 2, 2014, which was hosted by Plymouth 400, Inc. The annual Plymouth 400, Inc.-sponsored event, he explained, coincided with the 125<sup>th</sup> anniversary of the dedication of the monument.

## **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 Muratore, seconded by Selectman Mahoney, the Board voted to adjourn its meeting at approximately 8:30 p.m. Voted 5-0-0, approved.

*Recorded by Tiffany Park, Clerk to the Board of Selectmen*

*A copy of the August 5, 2014 meeting packet is on file and available for public review in the Board of Selectmen’s Office.*