

# **PLYMOUTH BOARD OF SELECTMEN**

**TUESDAY, MAY 25, 2010**

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, May 25, 2010 at 6:00 p.m. at Town Hall in the Mayflower Room.

Present: William P. Hallisey, Jr., Chairman  
John T. Mahoney, Jr., Vice Chairman  
Sergio O. Harnais  
Mathew J. Muratore

Mark Stankiewicz, Town Manager  
Melissa Arrighi, Assistant Town Manager

Absent: Richard J. Quintal, Jr.

## **CALL TO ORDER**

Chairman Hallisey called the meeting to order at 6:00 p.m.

## **EXECUTIVE SESSION**

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to enter into Executive Session pursuant to Massachusetts General Laws, Chapter 39, Section 23B, Paragraph 3 (Collective Bargaining and Litigation). By roll call: Mahoney – yes, Harnais – yes, Muratore – yes, and Hallisey – yes.

## **RETURN TO OPEN SESSION**

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

## **TOWN MANAGER'S REPORT**

**Police Promotion Interviews** – Mr. Stankiewicz reported that interviews for Sergeants and Lieutenants in the Police Department were recently completed through the civil service exam and assessment center process. On the basis of the civil service exam, assessment center evaluation and final interview, he said, Laura Lincoln will be offered a promotion to Sergeant and Paul Higgins will be offered a promotion to Lieutenant.

**Entergy Training Agreement** – Mr. Stankiewicz announced that he had met with Fire Chief Ed Bradley and Emergency Management Director Aaron Wallace regarding the

Entergy training agreement. In general, he explained, Entergy is seeking to pay a single sum to Plymouth for the operation of the Emergency Operations Center (EOC) and training expenses. Chief Bradley and Mr. Wallace have recommended and are preparing a counter-proposal to Entergy whereby the personnel and operating costs for the EOC would be paid in a lump sum while the training costs would be paid directly by Entergy.

**Responsible Contractor By-Law** – Mr. Stankiewicz reported that he recently met with representatives of the Massachusetts Chapter of Associated Builders and Contractors, Inc. (“ABC”) to hear the ABC’s ideas for modifying the Town’s Responsible Contractor Bylaw to encourage more local businesses to bid on Town projects. The ABC representatives made several suggestions, he said, which included:

- Clarify the definition of the required health insurance for companies
- Add that a 401K plan qualifies as a ‘bona fide’ pension
- Increase the threshold for projects to at least \$1.5 to \$2 million
- Expand waiver provisions from just Plymouth businesses to all businesses in Plymouth County

**Falmouth Wind Turbine** – Mr. Stankiewicz described his recent trip to Falmouth to view the municipal wind turbine located at the Falmouth Waste Water Treatment Facility. The meeting, he said, was scheduled by the Planning Board in anticipation of its upcoming public hearing on a proposal to site five wind turbines in South Plymouth. Mr. Stankiewicz noted that arrangements could be made for the Selectmen to visit and view the turbine.

**PACTV** – Mr. Stankiewicz informed the Board that he met with Plymouth Area Community Access Television (“PACTV”) Director Nancy Richard, who provided him with an overview of PACTV’s services, including the Government Access Channel. During the meeting, he said, Ms. Richard discussed PACTV’s interest in making local programming available ‘on demand’ and with closed captioning, if financially feasible.

**Transfer Station Hours** – Mr. Stankiewicz spoke about a recent meeting with the labor union to bargain the impact of changes (precipitated by budget constraints) to the hours at the Town’s transfer stations. Based on suggestions made by the union, he explained, he has determined that it would not be in the public’s interest to close the transfer stations on all legal holidays. Currently, Mr. Stankiewicz said, the stations are closed on New Years Day, Thanksgiving and Christmas, but, beginning this fall, the stations will also be closed on Columbus Day, Martin Luther King Jr. Day, Presidents Day, and July 4<sup>th</sup> (beginning 2011).

## **ADMINISTRATIVE NOTES**

**Meeting Minutes** – On a motion by Vice Chairman Mahoney, seconded by Chairman Hallisey, the Board approved the minutes of the April 27, 2010 Selectmen’s meeting. Voted 2-0-2, approved, with an abstention from Selectmen Muratore and Harnais, who were not members of the Board at the time of this meeting.

**End of Year Transfers** – The Board approved the following End of Year Appropriation Transfers, as presented by the Finance Director:

- Harbormaster - \$1,500 (from Salaries/Wages Permanent to Supplies & Materials)
- Harbormaster - \$2,000 (from Salaries/Wages Permanent to Uniform Supplies)
- Town Manager - \$15,000 (from Salaries & Wages to Legal Services)

**Amended Vote for Plymouth North High School** – The Board voted that the vote of the Board adopted on October 20, 2009 is hereby amended in its entirety to read as follows:

*That it is hereby determined that the cost of the Plymouth North High School project (including the expenses of designing and constructing a new high school at the Plymouth North High School site and/or the remodeling of existing school buildings at such site including demolition, additions, alterations, renovation, equipment and furnishings for said school and the construction and/or renovation of athletic fields at such site) to be financed with a portion of the proceeds of the \$199,000,000 borrowing authorized by the votes of the Town passed June 26, 2006 (Article 1) and September 19, 2006 is \$88,249,040.*

*Further Voted: that it is hereby determined that, based on correspondence and other communications with representatives from the Massachusetts School Building Authority (“MSBA”), that the Board expects that the Plymouth North High School project will receive approval by the MSBA for a school facilities grant relating to the eligible costs of the Plymouth North High School project.*

**Amended vote for the Senior Center** – The Board voted that the vote of the Board adopted on December 29, 2009 is hereby amended in its entirety to read as follows:

*That it is hereby determined that the amount of bonds that is necessary to finance the senior center project to be financed with a portion of the proceeds of the \$199,000,000 borrowing authorized by the votes of the Town passed June 26, 2006 (Article 1) and September 19, 2006 is \$10,000,000.*

**Library Technology Coordinator Gift Account** – The Board accepted, with gratitude, a gift of money from the Plymouth Public Library Corporation, at an amount determined by the Corporation, which is to be placed in a separate, restricted fund and used only for the purpose of partially funding the salary of the Technology Coordinator working on a part time basis in the Literacy department of the Plymouth Public Library. Such funds are to be expended through the municipal payroll process upon authorization by the Director of Community Resources or her/his authorized designee solely for the purposes of this gift.

**Vending Rights for July 4<sup>th</sup>** – The Board granted exclusive vending rights to July 4 Plymouth, Inc. for the July 4<sup>th</sup>, 2010 parade and fireworks events.

**Wild Animal Permit** – The Board granted a Wild Animal Permit pursuant to Chapter 23, Article IV of the Town of Plymouth Bylaws to Sally Lane of 26 Kate’s Glen for her Pit Bull Terrier (female, 4 years old).

**Constable Re-Appointment** – The Board re-appointed Joseph F. Anusewicz of 84 Bartlett Road as Constable for the Town of Plymouth for a term effective through February 13, 2010.

**Long Beach Research/Activity Permit** – The Board granted a Plymouth Long Beach Research/Activity Permit to Equilibrio Films, LLC, with the understanding that all conditions and instructions outlined by the Environmental Management Division are followed.

**Acceptance of Deed** – The Board approved and executed an *Acceptance of Deed* for two parcels of land off Long Pond Road (otherwise known as the Juzukonis property) identified as Lots 39, 40, 41 and 42 on Assessors Map 112A and Lot 8-33 and 8-34 on Assessors Map 59A, as authorized by Article 16 of the 2009 Fall Annual Town Meeting.

**Gift of Dock Space** – The Board accepted a temporary gift from Brewer’s Marine for dock space through April 2011 to be used by the Town of Plymouth Fire Department for firefighting response and dive operations in the harbor and/or for assisting the Harbor Master when requested. In addition, the dock space may be used by the Harbor Master when needed.

## **PUBLIC COMMENT**

Downtown resident and business owner Ric Cone expressed concern regarding illicit activities in the downtown area (e.g. break-ins and liquor establishments with loud night activities), which, he said, are not consistent with a family-friendly environment.

Gerry Sirrico, resident and Town Meeting Member for Precinct 3, expressed similar concerns regarding the downtown, and he requested that the Board look into three issues: (1) assurance that the gate at Stephen’s Field is closed except during school transportation times, (2) repair and replacement of the earth around the training green monument, and (3) review of the safety concerns on Newfield Street caused by the overgrown trees. Mr. Sirrico then complimented the actions taken by DPW Director Hector Castro in regards to the Wood Street water garden.

Vice Chairman Mahoney suggested that the DPW Director view Newfield Street and several massive oak trees that appear to have compromised the road.

Resident Steve Lydon also expressed concern about the loitering that takes place outside of the surrounding bars in the downtown area.

Resident Kevin Doyle of Precinct 6 requested that trash barrels be placed on White Horse Beach to prevent the proliferation of litter.

Selectman Muratore and Selectman Harnais both agreed that businesses must be held accountable to function respectfully in the downtown area.

**PUBLIC HEARING: ANNUAL ALL ALCOHOL RESTAURANT LICENSE  
PARK RESTAURANT MANAGEMENT GROUP D/B/A ALDEN PARK**

Chairman Hallisey opened a public hearing to consider the application for a new Annual All Alcohol Restaurant Liquor License from Park Restaurant Management Group, LLC d/b/a/ Alden Park, 160 Colony Place, Walter Wunder as Manager. Chairman Hallisey affirmed that notice of the hearing was given in accordance with Chapter 138 of the Massachusetts General Laws and those wishing to be heard on the matter were encouraged to attend.

A representative of Park Restaurant Management Group, LLC provided a brief presentation to the Board on the plans to open Alden Park in the location formerly occupied by Croma at Colony Place.

Chairman Hallisey opened the hearing to public comment in favor of or in opposition to the license application. No citizens came forth to address the Board, and, thus, Chairman Hallisey closed the hearing and awaited a motion of the Board.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to approve a new Annual All Alcohol Restaurant Liquor License for Park Restaurant Management Group, LLC d/b/a/ Alden Park. Voted 4-0-0, approved.

**PUBLIC HEARING: ANNUAL ALL ALCOHOL RESTAURANT LICENSE  
LJP CORPORATION D/B/A MARTINI'S BAR & GRILL**

Chairman Hallisey opened a public hearing to consider the application for a new Annual All Alcohol Restaurant Liquor License from LJP Corporation d/b/a Martini's Bar and Grill, 50 Court Street, Joseph Perette as Manager. Chairman Hallisey affirmed that notice of the hearing was given in accordance with Chapter 138 of the Massachusetts General Laws and those wishing to be heard on the matter were encouraged to attend.

A representative of LJP Corporation provided a brief presentation to the Board on plans for the new restaurant establishment proposed for Court Street in downtown Plymouth.

Chairman Hallisey opened the hearing to public comment in favor of or in opposition to the license application. No citizens came forth to address the Board, and, thus, Chairman Hallisey closed the hearing and awaited a motion of the Board.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to approve a new Annual All Alcohol Restaurant Liquor License for LJP Corporation d/b/a Martini's Bar and Grill. Voted 4-0-0, approved.

Based on comments made during Public Comment regarding noise and disorderly conduct in the downtown, the Board collectively cautioned the management of Martini's Bar & Grill to be respectful of the neighborhood.

**PUBLIC HEARING: ANNUAL ALL ALCOHOL RESTAURANT LICENSE**  
**DINATALE SEAFOOD CO. II, INC. D/B/A DINATALE SEAFOOD**

Chairman Hallisey opened a public hearing to consider the application for a new Annual Wine & Malt Restaurant Liquor License from Dinatale Seafood Co. II, Inc. d/b/a Dinatale Seafood, 315 Court Street, Christopher Dinatale as Manager. Chairman Hallisey affirmed that notice of the hearing was given in accordance with Chapter 138 of the Massachusetts General Laws and those wishing to be heard on the matter were encouraged to attend.

Christopher Dinatale addressed the Board to provide a brief presentation on his plans to open a new seafood restaurant in the location formerly occupied by Wayne's Seafood.

Chairman Hallisey opened the hearing to public comment in favor of or in opposition to the license application. No citizens came forth to address the Board, and, thus, Chairman Hallisey closed the hearing and awaited a motion of the Board.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve a new Annual Wine & Malt Liquor License for Dinatale Seafood Co. II, Inc. d/b/a Dinatale Seafood. Voted 4-0-0, approved.

**LICENSES**

**LICENSES IN CONJUNCTION WITH A PUBLIC HEARING**

❖ **Park Restaurant Management Group, LLC d/b/a Alden Park** (160 Colony Place, Walter Wunder, Manager) requested the following licenses in conjunction with its request for a new Annual All Alcohol Restaurant Liquor License:

- Common Victualler
- Comprehensive Entertainment – for Jukebox, Radio, TV, and Live Entertainment
- Sunday Entertainment – for Jukebox, Radio, TV, and Live Entertainment
- Extension of Hours – 1:00 a.m.
- Early Sunday Opening – 11:00 a.m.

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to approve the five (5) licenses listed above for Park Restaurant Management Group, LLC d/b/a Alden Park. Voted 4-0-0, approved.

❖ **LJP Corporation d/b/a Martini's Bar & Grill** (50 Court Street, Joseph Perette, Manager) requested the following licenses in conjunction with its request for a new Annual All Alcohol Restaurant Liquor License:

- Common Victualler
- Comprehensive Entertainment – for Radio, TV, Dancing and Live Entertainment
- Sunday Entertainment – for Radio, TV, Dancing and Live Entertainment

- Extension of Hours – 1:00 a.m.
- Early Sunday Opening – 11:00 a.m.

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to approve the five (5) licenses listed above for LJP Corporation d/b/a Martini's Bar & Grill. Voted 4-0-0, approved.

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

❖ **Pilgrim Hall Museum** (Ann Young, 175 Court Street) requested a One Day All Alcohol License (amended / in place of its previously-approved One Day Wine & Malt) for an exhibit opening to be held from 5:00 p.m. to 7:00 p.m. on May 29, 2010. Liquor Liability Insurance is in place and trained staff will serve the alcohol. Pilgrim Hall Museum is a non-profit organization.

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to approve a One Day All Alcohol Liquor License (as outlined above) for Pilgrim Hall Museum / Ann Young. Voted 4-0-0, approved.

## **AUDIT COMMITTEE**

Finance Director Lynne Barrett introduced Kevin Feeney, Chairman of the Audit Committee. Mr. Feeney spoke about the audit-related Management Letter for the year ending June 30, 2009 and reported that there had been many resolutions and improvements in the Town's statement. He then introduced Jim Powers and Craig Peacock, the Town's auditors from Powers & Sullivan.

Mr. Powers provided an overview of Plymouth's financial condition and stated that the Town was in solid financial condition. He noted the balance of \$5 million in the Health Insurance Trust fund, above and beyond the 'incurred by not reported ("IBNR")' funds that are set aside. Mr. Powers mentioned, however, that there is a drain on future resources due to the significant loss suffered in the Town's pension funds and unfunded pensions (\$225 million in unfunded liability for retirees and future retirees).

At the close of the presentation, Chairman Hallisey opened the presentation for comment from the Selectmen. Selectman Muratore commented that the Town could benefit from filling an Internal Auditor position.

Mr. Feeney concluded the discussion by noting that the Audit Committee voted to engage Powers & Sullivan for auditing services for the fiscal year ending June 30, 2010.

## **UPDATE ON 29 MANOMET POINT ROAD**

Manomet residents and Manomet Village Steering Committee members Barry Wood and Randy Parker addressed the Board to provide an update on the Captain Simes House at 29

Manomet Point Road. Mr. Wood spoke about the interest and enthusiasm generated by word of the possible restoration of the deteriorating structure, noting that public hearings recently held on the matter were well attended.

Mr. Parker offered a presentation on the history of the building, built in 1847, and he spoke of the possible use of Community Preservation Act (“CPA”) funds to help restore it. He estimated that \$900,000 in CPA funds will be needed for use in a combination of open space, affordable housing, and historic preservation purposes.

Upon their request, Mr. Wood and Mr. Parker were given permission by Mr. Stankiewicz to access the property (land only) with volunteers to clean up the yard area.

Chairman Hallisey commended Mr. Parker for considering a rental unit within plans for the building as a means to provide future revenue for maintenance.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to support the proposed concept for the Captain Simes House at 29 Manomet Point Road, as presented by Mr. Wood and Mr. Parker, including the creation of a not-for-profit organization to manage the site and the use of Community Preservation funds to assist in the endeavor. Voted 4-0-0, approved.

## **PROPOSAL TO MODIFY TOWN WHARF LEASE – RELIABLE FISH**

Attorney Ed Angley addressed the Board on behalf of Reliable Fish Company and its owner, Michael Secundo, who submitted a request at the May 18, 2010 Selectmen’s meeting to sublet one of his leases on Town Wharf. Attorney Angley noted that his client has decided to withdraw the previous request to sublet his leased parcel.

Attorney Angley then introduced Attorney Ed Conroy, who appeared on behalf of The Shanty Rose and Plimoth Bay Café, the businesses who want to operate establishments at Mr. Secundo’s leased site. Attorney Conroy offered a proposal that he believed would be a viable alternative to the previously-proposed subleasing arrangement. The proposal, Attorney Conroy explained, would involve a Joint Venture Agreement between Plimoth Bay Café (the Iovanna brothers), The Shanty Rose (Richard Milmore), and Reliable Fish Company, Inc. (Michael Secundo). Attorney Conroy stated that the Agreement would be a form of partnership which sets forth the following:

1. Reliable Fish is the general partner;
2. Reliable Fish continues to be the tenant with the Landlord being the Town (“the Lease”);
3. Plimoth Bay and Shanty Rose are not sub-tenants to the Lease and have NO legal or equitable interest in the building or the underlying land;
4. Reliable Fish applies for all town permits;
5. Reliable Fish is the sole applicant for the Zoning Application and all other town applications or license requests, including liquor licenses;

6. From the Town's perspective, Plimoth Bay and Shanty Rose do not exist;
7. Plimoth Bay Café will be the name of the sandwich shop and The Shanty Rose will be the name of the restaurant.

At the conclusion of the proposal, the Board opened the discussion to public comment.

Ric Cone suggested that the proposal be sent to Town Counsel for review. Mr. Stankiewicz responded with an explanation that Counsel can review the lease with the Town, but it cannot review an agreement between private parties.

Cabby Brini, owner of the Cabbyshack Restaurant on Town Wharf, offered his support for the business change proposed by Mr. Secundo and noted that he was pleased with the improvements made to Mr. Secundo's building.

Seeing no further comment, Chairman Hallisey brought the matter back to the Board for discussion. In response to a question from Selectman Muratore, Mr. Stankiewicz confirmed that the 8% land tax formula in the current town lease with Mr. Secundo could be renegotiated when Mr. Secundo requests a lease extension (his lease is due to expire in 2011). Chairman Hallisey and Selectmen Harnais expressed concern with the proposal and wanted to ensure that current lease was not being compromised in this unusual situation and request.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the proposal for a Joint Venture Agreement between Plimoth Bay Café, The Shanty Rose, and Reliable Fish Company, Inc. relative to the lease held by Reliable Fish Company, pending review of the proposal by the Town Manager, and, at the Town Manager's discretion, by Town Counsel. Voted 4-0-0, approved.

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

**Consolidation Committee** – Selectman Muratore noted his observation of the need for a Consolidation Committee to review the services provided by the Town and Schools and identify if any of those operations overlap, are duplicative, and could benefit from consolidation. He referenced the draft outline of the proposed structure of the Consolidation Committee, which would include two members of the Board of Selectmen, two members of the Advisory & Finance Committee, two members of the School Committee, one member at large, and two staff liaisons. Selectman Muratore added his recommendation that two members of the Precinct Chairs be added to the proposed membership.

By consensus, the Board appeared willing to schedule consideration of the creation of a Consolidation Committee during its next meeting.

**1,000 Acres Title Clearing** – Selectman Harnais suggested funding a new proposal to bring in industrial development by clearing the titles on the "1,000 Acres" property in South Plymouth.

Selectman Hallisey suggested that the Town continue to build a strong working relationship with the Planning Board and possibly create another committee to look at undeveloped areas. Mr. Stankiewicz suggested that the Board may want to discuss its priorities so that staff would know the top projects on which to work.

**Oliver Neck Road Access Issues** – Selectman Muratore commented on a recent meeting he and Selectman Harnais attended with about 30 residents from Oliver Neck Road regarding emergency response access and times. He indicated that a follow up meeting would be held on July 19, 2010.

**Tall Pines Flooding Issues** – Chairman Hallisey asked the Town Manager to update the Board on the flooding situation in the Tall Pines neighborhood. Both Town Manager Stankiewicz and Assistant Town Manager Arrighi explained that there was no short term solution to this issue, and any long term resolution would be very costly and require Town Meeting action.

## **ADJOURNMENT OF MEETING**

On a motion by Vice Chairman Mahoney, seconded by Selectman Muratore, the Board voted to adjourn its meeting at approximately 10:00 p.m. Voted 4-0-0, approved.

*Recorded by Melissa Arrighi, Assistant Town Manager  
Formatted by Tiffany Park, Clerk to the Board of Selectmen*