

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, OCTOBER 26, 2010

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, October 26, 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

Mark Stankiewicz, Town Manager
Melissa Arrighi, Assistant Town Manager

Absent: Selectman Richard J. Quintal, Jr.
Selectman Mathew J. Muratore

CALL TO ORDER

Chairman Hallisey called the meeting to order at 6:08 p.m. and led the Pledge of Allegiance.

PUBLIC HEARING: ANNUAL ALL ALCOHOL RESTAURANT LICENSE **BKMRN, INC. D/B/A LEON'S PLACE, 47 COURT STREET**

Chairman Hallisey opened a public hearing to consider the application for a new Annual All Alcohol Restaurant Liquor License from BKMRN, Inc. d/b/a Leon's Place, 47 Court Street, Carrie DeMeule 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 speak on the matter were encouraged to attend.

Leon Marinos and Brenda Marinos of BKMRN, Inc. appeared before the Board on behalf of the license application.

The Board posed no questions regarding the license. Chairman Hallisey opened the hearing to public comment. No citizens came forth. Chairman Hallisey then closed the hearing and awaited a motion of the Board.

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to approve a new Annual All Alcohol Restaurant Liquor License (as presented in the license application) for BKMRN, Inc. d/b/a Leon's Place, 47 Court Street. Voted 3-0-0, approved.

PUBLIC HEARING: ANNUAL WINE & MALT WITH LIQUEURS & CORDIALS GENERAL ON-PREMISE LICENSE

L & L WINE CELLAR, INC. D/B/A THE WINE CELLAR, 690 STATE ROAD

Chairman Hallisey opened a public hearing to consider the application for a new Annual Wine & Malt with Liqueurs & Cordials General On-Premise License from L & L Wine Cellar, Inc. d/b/a The Wine Cellar, 690 State Road, Loring Tripp III 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 speak on the matter were encouraged to attend.

Loring Tripp III of L & L Wine Cellar, Inc. explained his intention to convert the lower level of 690 State Road—the same building that houses Foppiano’s Restaurant—into a wine bar. Mr. Tripp talked about plans to host educational workshops at the bar where patrons can learn about wine and cuisine from trained chefs and sommeliers.

Vice Chairman Mahoney noted that Mr. Tripp’s home address was listed in the notice for the license hearing. Mr. Tripp clarified that his home address is that of the corporation (L & L Wine Cellar, Inc.); the actual wine bar establishment will be located at 690 State Road.

Seeing no further questions from the Board, Chairman Hallisey opened the hearing to public comment.

Sam Chapin asked the Board to confirm that no sale of alcohol will take place from the residential address that was listed in the hearing notice (West Long Pond Road). Chairman Hallisey explained that the Board read the business address (690 State Road) into the record for the license application. No license-related activity will take place at the corporation’s residential address, Chairman Hallisey said.

There was no further comment from the public, and, thus, Chairman Hallisey closed the hearing to await a motion of the Board.

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to approve a new Annual Wine & Malt with Liqueurs & Cordials General On-Premise License (as presented in the license application) for L & L Wine Cellar, Inc. d/b/a The Wine Cellar, 690 State Road. Voted 3-0-0, approved.

PUBLIC HEARING: TRANSFER OF ANNUAL WINE & MALT RESTAURANT LICENSE

FROM MOOSE POND, INC. D/B/A UPPER CRUST PIZZERIA, 15 COURT STREET TO ABCC, INC. D/B/A THE UPPER CRUST PIZZERIA PLYMOUTH, 15 COURT ST.

Chairman Hallisey opened a public hearing to consider the application for a Transfer of an Annual Wine & Malt Restaurant Liquor License from Moose Pond, Inc. d/b/a Upper Crust

Pizzeria, 15 Court Street to ABCC, Inc. d/b/a The Upper Crust Pizzeria Plymouth, 15 Court Street. Chairman Hallisey affirmed that notice of the hearing was given in accordance with Chapter 138 of the Massachusetts General Laws and those wishing to speak on the matter were encouraged to attend.

Albert Carvelli of ABCC, Inc. addressed the Board on behalf of the transfer application and informed the Board that he purchased The Upper Crust Pizzeria from Moose Pond, Inc. in October. Mr. Carvelli stated that he has maintained operations at the restaurant since the purchase, but without the service of alcohol (while waiting for the transfer of the license). The business will remain the same as it was under the previous owners—open seven days per week with the service of beer and wine, only—but with more direct supervision under his ownership.

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

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to approve the Transfer of an Annual Wine & Malt Restaurant Liquor License from Moose Pond, Inc. d/b/a Upper Crust Pizzeria, 15 Court Street to ABCC, Inc. d/b/a The Upper Crust Pizzeria Plymouth, 15 Court Street. Voted 3-0-0, approved.

LICENSES

ONE DAY WINE & MALT LIQUOR LICENSE

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to approve the following list of One Day Wine & Malt Liquor licenses, as detailed below. Voted 3-0-0, approved.

- ❖ **Our House Services** (Linda Ducrot, 40 Russell Street) requested four (4) One Day Wine & Malt licenses for evenings of French dining and wine to be held from 6:00 p.m. to 11:00 p.m. on the following dates: October 30, and November 6, 13, and 20, 2010. Liquor liability is in place.

- ❖ **Café Olio** (Stephen Conti, 3 Village Green North) requested fifteen (15) One Day Wine & Malt licenses for dinners to be held from 12:00 p.m. to 6:00 p.m. on the dates listed below. Liquor liability is in place.

November 4, 5, 11, 12, 18, and 19, 2010
December 2, 3, 9, 10, 16, 17, 23, 30, and 31, 2010

- ❖ **Habitat for Humanity of Greater Plymouth** (Krista Vicich, 72 N. Main Street), requested a One Day Wine & Malt License for a volunteer appreciation event to be held at Pilgrim Hall Museum (75 Court Street) from 5:30 p.m. to 7:30 p.m. on November 9, 2010. Liquor liability is in place.

- ❖ **Bartending Service of New England** (William Fuller, Middleboro, Mass.) is requesting a One Day Wine & Malt License for a networking event to be held at Pilgrim Hall from 5:30 p.m. to 7:30 p.m. on November 3, 2010. Liquor liability Insurance is in place and trained staff will serve the alcohol.

LICENSES IN CONJUNCTION WITH A PUBLIC HEARING

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to approve the following licenses that were requested in conjunction with the previous public hearings, as detailed below. Voted 3-0-0, approved.

- ❖ **BKMRN Inc. d/b/a Leon's Place** (47 Court Street, Carrie DeMeule, Manager) requested the following licenses in conjunction with the request for a new Annual All Alcohol Restaurant Liquor License:
 - Common Victualler
 - Comprehensive Entertainment – Radio, TV, live entertainment
 - Extension of Hours – 1:00 a.m.
 - Early Sunday Opening – 10:00 a.m.
 - Sunday Entertainment – Live entertainment

- ❖ **L & L Wine Cellar Inc. d/b/a The Wine Cellar** (690 State Road, Loring Tripp II, Manager) requested the following licenses in conjunction with the request for a new Annual Wine & Malt with Liqueurs & Cordials General On Premise Liquor License:
 - Common Victualler
 - Comprehensive Entertainment – Radio, TV, live entertainment
 - Extension of Hours – 1:00 a.m.

- ❖ **ABCC Inc d/b/a The Upper Crust Pizzeria Plymouth, 15 Court Street**, Albert B. Carvelli, Jr., Manager requested the following licenses in conjunction with the request for Transfer of an Annual Wine & Malt Restaurant license:
 - Common Victualler
 - Comprehensive Entertainment – Radio, TV
 - Extension of Hours – 1:00 a.m.
 - Early Sunday Sales – 10:00 a.m.

VEHICLE FOR HIRE OPERATOR (NEW)

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to approve the following Vehicle for Hire licenses, as detailed below. Voted 3-0-0, approved.

- ❖ For **TLC Transportation** (42 Dublin Drive)
 - Catherine Jones, 49 Braley Lane, Plymouth, MA

Issuance of the above license is subject to the CORI background check and driving record review.

❖ For **Habilitation Assistance Inc.** (434 Court Street)

- David Campbell, 52 Liberty Street, E-1, Plymouth, MA

Issuance of the above license is subject to the CORI background check and driving record review.

❖ **Morris & Sons Coach and Cab**, 193 Fairview Lane, Steven Morris, Owner requested the a Vehicle for Hire (Vehicle) License for the following automobile:

- 1998 Lincoln Town Car - Taxi

COMMON VICTUALLER (TRANSFER)

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to approve the following Transfer of a Common Victualler License, as detailed below. Voted 3-0-0, approved.

❖ **Infinity Mutual Investments of North America d/b/a Cold Stone Creamery**, 158 Colony Place, John Gait, Owner. Transferred from Kahala Holdings LLC, Michael Coogan.

Issuance of the above license is subject to approval from the Building and Health Departments.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to approve the minutes of the October 5, 2010 Selectmen’s meeting. Voted 3-0-0, approved.

Drainage Easement / Sansome Street – The Board accepted a *Deed of Easement* from Robert R. Frizzell and Paula Frizzell of 19 Sansome Street for the purposes of drainage at property identified as Lot 2-364 on Assessor’ 106 (19 Sansome Street).

2011 Spring Town Meeting Warrant – The Board voted to open the April 2, 2011 Spring Annual Town Meeting warrant on Tuesday, October 26, 2010 and close the warrant on Wednesday, December 15, 2010 at 4:00 p.m.

Liquor License Fee – The Board set the fee for an Annual Wine & Malt with Cordials & Liqueurs General On-Premise Liquor License at \$1,375.00.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to adjourn its meeting at approximately 6:30 p.m. Voted 3-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen