

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MARCH 29, 2011

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, March 29, 2011 at 7:00 p.m. at Town Hall in the Mayflower Room.

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

Mark Stankiewicz, Town Manager
Melissa Arrighi, Assistant Town Manager

CALL TO ORDER

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

Chairman Hallisey then took a moment to commend and thank all those who participated in the telethon held to raise funds for Plymouth's sister city, Shichigahama, Japan on the evening of March 22, 2011. Selectman Muratore reported on the funds raised, to date, and the donations still coming in that have not yet been tabulated.

TOWN MANAGER'S REPORT

New Director of Public Works – Town Manager Mark Stankiewicz introduced Jonathan Beder, Plymouth's new Director of Public Works, and spoke about Mr. Beder's experience and qualifications.

Mr. Beder addressed the Selectmen and stated his enthusiasm in joining Plymouth's administration team.

Earthquake / Tsunami Threat – Vice Chairman Mahoney asked Mr. Stankiewicz to discuss the segment of his Town Manager's Report where he reported on the impacts of earthquakes in Plymouth. Mr. Stankiewicz assured the Board that the geography of this area does not lend itself to massive earthquakes and tsunamis.

LICENSES

ONE DAY WINE & MALT LIQUOR LICENSE

On a motion by Selectman Quintal, seconded by Selectman Muratore, the Board voted to approve the following One Day Wine & Malt licenses for Our House Services / Linda Ducrot, as detailed. Voted 5-0-0, approved.

- ❖ **Our House Services**, (Linda Ducrot, 40 Russell Street) requested five (5) One Day Wine and Malt licenses for wine pairing dinners to be held from 6:00 p.m. to 11:00 p.m. on April 2, 9, 16, 23, and 30, 2011. Liquor liability insurance will be in place before the licenses are released.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to approve the following One Day Wine & Malt License for Café Olio / Richard Conti, as detailed. Voted 5-0-0, approved.

- ❖ **Café Olio** (Richard Conti, 3 Village Green North) requested a One Day Wine and Malt license for dinner service to be held from 5:30 p.m. to 8:30 p.m. on April 1, 2011. Liquor liability insurance will be in place before the license is released.

COMMON VICTUALLER (NEW)

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following Common Victualler License, as detailed. Voted 5-0-0, approved.

- ❖ **Plymouth Pancakes Inc. d/b/a IHOP #3348**, 10 Shops at 5 Way, Hugo Buenaventura, Manager.

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

On a motion by Selectman Muratore, seconded by Selectman Quintal, the Board voted to approve the following Common Victualler License, as detailed. Voted 5-0-0, approved.

- ❖ **Plimoth Bay Café, Inc. d/b/a Plimoth Bay Café**, 16B Town Wharf, Steven Iovanna, Manager.

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

COMPREHENSIVE ENTERTAINMENT (NEW)

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to approve the following Comprehensive Entertainment License, as detailed. Voted 5-0-0, approved.

- ❖ **Plymouth Pancakes Inc. d/b/a IHOP #2248**, 10 Shops at 5 Way, Hugo Buenaventura, Manager. Applying for Radio.

NEW OFFICERS/DIRECTORS (LIQUOR)

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following Change of Officers / Directors on a liquor license, as detailed. Voted 5-0-0, approved.

- ❖ **Bertucci's Restaurant Corp.** d/b/a Bertucci's Italian Restaurant (6 Plaza Way) requested a Change of Officer/Directors, as stated in the application document.

VEHICLE FOR HIRE BUSINESS ADDRESS CHANGE

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following Vehicle for Hire Business Address Change, as detailed. Voted 5-0-0, approved.

- ❖ **Plimoth Transportation Inc. d/b/a Mayflower Transportation** requested to change its business address from 166 Gunners Exchange Road to 130 Camelot Drive, #19, Scott Vecchi, owner. Inspectional Services has approved zoning for the new address.

VEHICLE FOR HIRE (NEW)

On a motion by Selectman Quintal, seconded by Selectman Muratore, the Board voted to approve the following Vehicle for Hire (Vehicle) License for the vehicle listed, below. Voted 5-0-0, approved.

- ❖ For **Mayflower Transportation** (166 Gunners Exchange Rd, Scott Vecchi)

- 1991 Chrysler Voyager Minivan - Livery

This vehicle replaces another vehicle that is no longer in the fleet. Inspectional Services has inspected the vehicle.

AUTOMATIC AMUSEMENT

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following Automatic Amusement License, as detailed. Voted 5-0-0, approved.

- ❖ **Chili's Grill and Bar** (2 Plaza Way, Mike Feltch) – 4 automatic amusement machines

Inspectional Services has determined that there is enough square footage to accommodate four machines.

CLASS II AUTO DEALER (NEW)

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following Class II Auto Dealer License, as detailed. Voted 5-0-0, approved.

- ❖ **RKS Auto Sales** (2306 State Road, Richard McCarthy) – Class II Auto Dealer License

Inspectional Services has approved the zoning for a two vehicle limit.

OUTDOOR AMPLIFIED MUSIC

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following Outdoor Amplified Music Permit, as detailed. Voted 4-0-1, approved, with an abstention from Selectman Quintal.

- ❖ **Pilgrim Bay Corp. d/b/a Pilgrim Sands Motel** (150 Warren Ave, David Harrington) requested an outdoor amplified music permit. Music will be played outdoors between 6:30 to 9:30 p.m.

SEASONAL LIQUOR LICENSE RENEWALS

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to approve the renewal of the following licenses for Pinewood Lodge, Inc. d/b/a Pinewood Lodge. Voted 5-0-0, approved.

- ❖ **Pinewood Lodge, Inc. d/b/a Pinewood Lodge** – 190 Pinewood Road, Albert Saunders, Manager:
 - Annual Seasonal Liquor License
 - Common Victualler License
 - Comprehensive Entertainment Licenses, Groups I, II, III, IV

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the renewal of the following licenses for Sandy Pond Golf, Inc. d/b/a Atlantic Country Club. Voted 5-0-0, approved.

- ❖ **Sandy Pond Golf, Inc. d/b/a Atlantic Country Club** – 450 Little Sandy Pond Road, Paul Whiting, Manager:
 - Annual Seasonal Liquor License
 - Common Victualler License
 - Comprehensive Entertainment, Group I
 - Early Sunday Opening

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the renewal of the following licenses for Double C, Inc., d/b/a Campy's. Voted 5-0-0, approved.

- ❖ **Double C, Inc., d/b/a Campy's** – 531 Federal Furnace Road, Craig Carreau, Manager:
 - Annual Seasonal Liquor License
 - Comprehensive Entertainment, Groups I, II, III
 - Sunday Entertainment (TV, dancing, live entertainment)
 - Early Sunday Opening

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to approve the renewal of the following licenses for Camp Bournedale, Inc. Voted 4-0-1, approved, with an abstention from Selectman Quintal.

❖ **Camp Bournedale, Inc.** – 110 Valley Road, Darrin Fabrizio, Manager:

- Annual Seasonal Liquor License
- Common Victualler License
- Comprehensive Entertainment, Groups II and III

NOTE: Issuance of all of the above seasonal license renewals is subject to the submission of all required paperwork.

2011 SEASONAL RENEWAL CERTIFICATION FOR ABCC

Each year, the ABCC requests a list of liquor licenses disapproved or not submitted for 2011 seasonal renewal. There are no licenses that fall under this category, as all seasonal licensees have chosen to renew for 2011.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to acknowledge that there were no liquor licenses disapproved or not submitted for 2011 seasonal renewal. Voted 5-0-0, approved.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Selectman Muratore, seconded by Selectman Quintal, the Board approved the minutes of the February 15, 2011 Selectmen’s meeting. Voted 4-0-1, approved, with an abstention from Chairman Hallisey, as he did not attend the February 15th meeting.

Installation of “Curve Ahead” Sign – The Board approved the installation of a speed limit sign and a “Curve Ahead” sign in the area of #30 Nicks Rock Road, as recommended by the Parking & Traffic Task Force.

Exclusive Vending Rights – The Board granted exclusive vending rights to Project Arts of Plymouth, Inc. for events to be held on/at the following days, times, and locations:

- Project Arts of Plymouth Free Concert Series
Pilgrim Memorial State Park
6:30 p.m. – 9:30 p.m.
June 29, July 6, 13, 20, 27 and August 3, 10, 17, 24, and 31, 2011
- Plymouth Harbor Folk Festival
Pilgrim Memorial State Park
10:00 a.m. – 7:00 p.m.
July 9, 2011

- HarborFest to Benefit MDA
Pilgrim Memorial State Park
10:00 a.m. – 6:00 p.m.
August 13, 2011

PGDC Donation to Shichigahama Relief Efforts – The Board endorsed the Plymouth Growth & Development Corporation’s decision to provide a one-time donation in the amount of \$5,000 towards the Sister City / Shichigahama relief efforts.

Removal of Committee Member – The Board removed Kenneth Heckman from the No Place for Hate Committee, due to extended, unexplained absence. *[Note: NPFH voted to request that the Selectmen remove Mr. Heckman, because he has not attended a meeting of the committee in over a year. Return mail receipts and property records indicate that Mr. Heckman has since moved out of town.]*

PUBLIC COMMENT

Ric Cone, Precinct 3 Town Meeting Member, requested clarification on exclusive vending rights for waterfront projects and expressed concern about the safety of the nuclear power plant.

Assistant Town Manager Melissa Arrighi confirmed that the Board may grant vending rights for events that have been vetted through the Special Event process. Exclusive vending rights, she explained, allow event promoters to maintain planning and control of the event.

Chairman Hallisey and Selectman Muratore requested that a public presentation from Entergy regarding the safety of nuclear power plants be scheduled at a larger-capacity venue in the coming weeks. It was decided that it would be most prudent to schedule the presentation on April 19th, when the Town’s attorney, Sheila Slocum Hollis, will be available.

Kevin Doyle of Precinct 6 sought clarification on the proposed location of a \$4,000 “White Horse Beach” line item listed in the Town Meeting Warrant. Mr. Doyle also requested that the Selectmen remove and replace a dilapidated chain link fence at White Horse Beach as quickly as possible.

Mr. Stankiewicz explained that there is a section of White Horse Beach for trash barrels that, if approved by Town Meeting, is in the budget. Mr. Stankiewicz then took a brief opportunity to update the public that the Department of Public Works will be cleaning the beach of sewer disks that have washed ashore from a sewer treatment plant in New Hampshire.

PUBLIC HEARING: PEDI-CAB LICENSING & REGULATIONS

Michael Tubin, owner of Plymouth Pedi-Cab, thanked the Town for drafting comprehensive and encompassing regulations for this type of business to exist in Plymouth. Mr. Tubin

offered comments on the regulations and discussed some changes he would like the Selectmen to consider.

Lisa Johnson, Administrative Assistant to the Town Manager, explained the reasoning behind the fee schedule outlined in the regulations and recommended that the fees not be reduced, as the fees were set according to the accompanying workload. Ms. Johnson also reminded the Board that they had previously put limitations on tobacco and alcohol advertisements for taxi and livery vehicles.

Selectman Muratore inquired about the rates being charged to the customer and the necessity of a driver's license. He also asked about pedi-cab service during special events.

Chairman Hallisey opened the discussion to public comment.

Paul Curtis of Sandwich Street stated that he is excited about this development and believes that pedi-cab transportation is a great environmentally-friendly opportunity for the Town.

The Board held a brief, general discussion on whether or not to allow alcohol and tobacco advertisements on pedi-cabs.

Selectman Muratore made a motion to amend the renewal fee from \$50 to \$25. Vice Chairman Mahoney seconded the motion, and the Board voted 5-0-0 in favor.

On a motion by Selectman Quintal, seconded by Selectman Muratore, the Board voted to approve the pedi-cab licensing and regulations with a reduction to \$25 for renewals, a change in wording on 'signage' of company to include 'lettering', and the removal of the listed font being changed to 'legible font'. 5/0

COMMITTEE INTERVIEWS & APPOINTMENTS

On a motion by Selectman Quintal, seconded by Vice Chairman Mahoney, the Board voted to appoint the following citizens to Town committees, as detailed. Voted 5-0-0, approved.

CULTURAL COUNCIL: 1 SEAT AVAILABLE, 1 APPLICANT

Marie Pelletier	232 Main Street, Kingston	New applicant	Term exp. 4/1/2014
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DESIGN REVIEW BOARD: 1 SEAT AVAILABLE, 1 APPLICANT

Ron Reilly	242 Plympton Road	Incumbent Contractor seat	Term exp. 6/30/2013
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NO PLACE FOR HATE COMMITTEE: 2 SEATS AVAILABLE, 2 APPLICANTS

Joseph Horn	3 Guild Road	New applicant	No term expiration
David Killory	3 Ellisville Drive	New applicant	No term expiration

SOLID WASTE ADVISORY COMMITTEE: 2 SEATS AVAILABLE, 1 APPLICANT

Anthony Keegan 5½ Highland Place New applicant Term exp.12/31/2011

TIDAL BEACHES ADVISORY COMM.: 1 SEAT AVAILABLE, 1 APPLICANT**

Elise DeCola 18 Harborlight Drive New applicant Term exp. 6/30/2013
Naturalist seat

ENERGY COMMITTEE

Chairman Hallisey noted that the Board would appoint one (1) citizen to the Energy Committee, for a term effective March 30, 2011 through June 30, 2011. There were three (3) applicants:

- A. Lee Burns 110 Treetop Way New applicant
- Greg Krantz 17 Lincoln Street New applicant
- Alan Lyons 27 Hawks Perch New applicant

Chairman Hallisey invited each applicant to appear before the Board, one-by-one, for a brief interview. Each candidate was given the opportunity to introduce himself and to answer questions posed by the Board. Dr. Lee Burns gave a brief summary of his background in zoology and science. Candidate Greg Krantz spoke about his background in residential energy efficiency and his contacts with companies such as NSTAR. Alan Lyons discussed his strong belief that the country needs to be more educated on energy matters.

Selectman Quintal made a motion to increase the Energy Committee’s membership from 9 to 11 members, and Selectman Muratore seconded the motion. Upon discussion, Selectman Harnais expressed some reservations about increasing the number of members prior to speaking to the chairman of the Energy Committee. Selectman Muratore commented that the Energy Committee may be merged with another committee, based on the recommendations of the Consolidation Committee.

Selectman Quintal withdrew his motion, and Selectman Muratore withdrew his second.

Chairman Hallisey called for a vote to select a candidate for the committee. Greg Krantz received three votes, cast by Chairman Hallisey, Selectman Harnais, and Selectman Muratore. Alan Lyons received two votes from Vice Chairman Mahoney and Selectman Quintal. By majority vote, Greg Krantz was appointed to the Energy Committee for a term effective March 30, 2011 through June 30, 2011.

UPDATE ON THE 1820 COURTHOUSE

Dean Rizzo, Secretary of the Plymouth Redevelopment Authority (“PRA”) and chairman of the 1820 Courthouse Consortium, provided the Selectmen with an update on the 1820

Courthouse project. Mr. Rizzo briefly introduced the members of the Consortium and discussed the different roles of the individuals that are part of this effort. With regard to the project, itself, Mr. Rizzo provided the following information:

The roof work at the courthouse is underway and approximately 85% complete. Both of the front porticos on the courthouse need attention, and one is currently being worked upon. The PRA has spent about half of the funds available after the purchase of the building, leaving a balance of approximately \$200,000 with only \$80,000 not earmarked. After much debate over which firm to use for the development of a Historic Structure Report, CBT was chosen.

Charles Tseckares, one of CBT's principal architects, informed the Board on the architectural and design firm's credentials and their plans for survey work at the courthouse. CBT, Mr. Tseckares noted, will also look at community outreach work.

Mr. Rizzo expressed his position that a vision for the entire courthouse corridor is necessary. The Historic Structure Report, he indicated, will be available on August 15, 2011 and will include short and long term uses, conceptual drawings, cost estimates, analyses of the mechanicals, and a phased approach for the project.

Mr. Stankiewicz confirmed that he had signed the \$75,000 contract with CBT and that the Historic Structure Report would include the 1820 Courthouse and the Commissioner's building.

Selectman Quintal questioned why the administrative costs for the 1820 Courthouse were still being submitted to the Community Preservation Committee when they are not allowable costs under the Community Preservation Act. Mr. Rizzo said that he needs annual funds for project management. The PRA's Director, Laura Schaefer, gets paid from the Town budget and from grants, Mr. Rizzo explained.

Mr. Stankiewicz made note that he did not fund the property liability insurance on the courthouse for the next fiscal year, as of July 1, 2011. Mr. Rizzo informed the Board that all the buildings are insured until October 2011.

Mr. Rizzo explained that it is difficult to obtain grants for planning work. There are, however, programs available to help with funding once the Historic Structure Report is complete, he noted. MassDevelopment has committed a \$50,000 loan to the project, he reported, but the PRA needs assistance with the expense of the administrative work necessary to facilitate the project.

Selectman Quintal inquired about an invoice submitted for Laura Schaefer's services, A.V. Battista's services as a Construction Consultant, and Administrator Patricia Heylin's services for a total of \$21,893. Chairman Hallisey asked about getting tenants into the building. Mr. Rizzo stated that the PRA has not done that yet, as they are not sure what space they have. Currently, Mr. Rizzo said, the County occupies all 10,000 square feet of the Commissioners' building and they do not pay anything except the upkeep and the utilities.

Selectman Quintal requested some type of financial breakdown from the PRA for the next presentation on the courthouse, including short-term leasing and a method to pay the insurance and project administration costs. Selectman Harnais expressed his disappointment over the “snail’s pace” of progress on the project, and he recommended that the PRA and 1820 Courthouse Consortium provide regular updates to the Board.

BOARD LIAISON / DESIGNEE UPDATES

Tidal Beaches Advisory Committee – Selectman Muratore reported that the Tidal Beaches Advisory Committee has requested that the Town consider keeping Long Beach open after Labor Day.

Council on Aging – Selectman Muratore noted that he recently took part in the Council on Aging’s Meals on Wheels program for the day to bring attention to the need for drivers.

OLD BUSINESS / LETTERS / NEW BUSINESS

Hedges Pond Recreation Area – Vice Chairman Mahoney requested an update on the status of the Hedges Pond Recreation Area.

400th Anniversary Celebration Committees – Selectman Quintal asked Ken Tavares of the Town’s 400th Anniversary Celebration Committee to speak about the process for appointing a new chairman of the Governor’s 400th Anniversary State Commission.

Mr. Tavares stated there are two groups leading the plans for 2020, the Town’s 400th Anniversary Committee and an ancillary non-profit for which the late Reverend Peter J. Gomes served as an Honorary Chair. The Town’s 400th Committee is working with the Governor’s Office and Plymouth’s legislative delegation to have appointments made to the State Commission, as Reverend Gomes had been charged with doing that work.

Mr. Tavares stated that he is also starting to fundraise for the 4th of July parade and fireworks celebrations. Solicitations will begin soon, he said, and the committee intends to fund the parade first, and the fireworks, second. Mr. Tavares noted that the theme of this year’s parade is “It’s a Small World.”

Pilgrim Memorial State Park / DCR – Selectman Quintal remarked that the Department of Conservation and Recreation (“DCR”) is not cooperating with parking enforcement in the half-circles off Water Street, nor are they being helpful with the fees. There have been some suggestions made, he said, to move the ShowMobile stage from Pilgrim Memorial State Park (state-owned) to Nelson Park (Town-owned). Selectman Quintal reported that he will be discussing this matter with Senate President Therese Murray and representatives from DCR on Friday, April 1, 2011, and, thus, he recommended that this issue be scheduled as an agenda item for an upcoming Selectmen’s meeting.

Chairman Hallisey suggested that the Town Manager look into the feasibility of leasing the land from the state for \$1, so that the Town can control that section of Pilgrim Memorial State Park.

Alcohol Consumption during Special Events on Town Property – Chairman Hallisey noted that Town Counsel has provided a legal opinion on the consumption of alcohol on public property during special events. Counsel has recommended against allowing alcohol consumption on town property, he said, but the Board should consider discussing the matter.

EXECUTIVE SESSION / ADJOURNMENT OF MEETING

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted at approximately 10:00 p.m. to enter executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraphs 3 and 6, to discuss strategy with respect to collective bargaining and to consider the purchase, lease, or value of real property, as an open meeting on these matters may have a detrimental effect on the Town's negotiating position. By roll call: Harnais – yes, Quintal – yes, Mahoney – yes, Muratore – yes, and Hallisey – yes.

Chairman Hallisey noted that the Board would not reconvene in open session following the conclusion of executive session.

Recorded by Melissa Arrighi, Assistant Town Manager

Formatted by Tiffany Park, Clerk to the Board of Selectmen

A copy of the March 29, 2011 meeting packet is on file and available for public review in the Board of Selectmen's office.