

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, JULY 12, 2011

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, July 12, 2011 at 6:30 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
Belinda A. Brewster

Mark Stankiewicz, Town Manager
Melissa Arrighi, Assistant Town Manager

CALL TO ORDER

Chairman Hallisey called the meeting to order at 6:30 p.m.

EXECUTIVE SESSION

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Selectman voted to enter Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 6, to consider the purchase, exchange, lease, or value of real property, as an open meeting on this matter may have a detrimental effect on the Town's negotiating position. By roll call: Harnais – yes, Muratore – yes, Mahoney – yes, Brewster – yes, and Hallisey – yes.

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

RETURN TO OPEN SESSION

Chairman Hallisey reconvened the meeting at 7:05 p.m. and led the Pledge of Allegiance.

TOWN MANAGER'S REPORT

Municipal Health Care Reform – Town Manager Mark Stankiewicz updated the Board on the latest revisions to the State's proposed Municipal Health Care Reform legislation. The legislation, he said, provides a local option that allows cities and towns to make changes to their health care plans or transfer into the State's Group Insurance Commission ("GIC").

Grand Opening Events for Emergency Operations Center and Hedges Pond – Mr. Stankiewicz invited the public to attend the grand opening ceremonies for the Emergency Operations Center (“EOC”) and the Hedges Pond Recreation Area, both scheduled for Saturday, July 16, 2011. The open house for the EOC, he noted, will take place from 10:00 a.m. to 2:00 p.m., while a grand opening ceremony for the Hedges Pond Recreation Area will begin at 12:00 noon.

July 3rd Festivities / White Horse Beach – Mr. Stankiewicz reported that he accompanied Plymouth’s Public Safety officials during the July 3rd festivities at White Horse Beach. Taylor Avenue was closed to vehicular traffic at 6:00 p.m., he said, but the large crowd that attended the event had, for the most part, dispersed by 11:00 p.m. Mr. Stankiewicz indicated that the Police Department reported 50 arrests during the event but no major incidents.

July 4th Parade and Fireworks – Mr. Stankiewicz noted that he attended the July 4th parade event, and he thanked Ken Tavares and the members of July 4 Plymouth, Inc. for producing yet another successful Independence Day celebration.

People to People / Litter Clean-Up in Morton Park – Mr. Stankiewicz informed the Board that the “People to People” volunteer program conducted a litter clean-up at Morton Park following the July 4th holiday. People to People, he explained, is a program for high school-aged youth (representing countries around the world) that focuses on education and volunteerism. Mr. Stankiewicz noted that he presented certificates of appreciation to the volunteers during an event the Plimoth Plantation hosted to honor the People to People program.

Maritime Day – Mr. Stankiewicz was pleased to note that he and Selectman Brewster served as judges for the Saturday Night Boat Parade, which was one of the events included as part of Plymouth’s Maritime Day celebration held on July 9, 2011. He thanked Denis Hanks and the Plymouth Area Chamber of Commerce for organizing the successful waterfront event.

Lt. Governor Murray to Speak at Library – Mr. Stankiewicz announced that Lt. Governor Tim Murray will host a town hall-style meeting at the Plymouth Public Library at 6:00 p.m. on July 13, 2011.

LICENSES

OUTDOOR AMPLIFIED MUSIC

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to approve the following Outdoor Amplified Music Permit, as detailed. Voted 4-1-0, approved. Selectman Brewster cast the opposing vote.

- ❖ **Merchants Association of Plymouth** (Dana Malcolm, 62 Court Street) requested an Outdoor Amplified Music Permit for acoustic musicians to play in front of participating stores downtown between the hours of 9:30 a.m. to 7:00 p.m. on Saturdays, July 9, 2011 through September 3, 2011.

PEDI-CAB OPERATOR LICENSE (NEW)

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to approve the following Pedi-Cab Operator licenses, as detailed. Voted 5-0-0, approved.

❖ For **Plymouth Pedicab** (4 Freedom Street, Michael Tubin, Owner):

- Emily Tiedemann (10 Cole Street, Kingston)
- Daniel Zopatti (15 Strawberry Hill Rd, Plymouth)

Issuance of the above license is subject to review of the requisite CORI background check.

JUNK DEALER (NEW)

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

❖ **Gamestop, Inc.** (116 Colony Place, Kerry Desousa, Manager)

Issuance of the above license is subject to approval from Inspectional Services.

COMPREHENSIVE ENTERTAINMENT (NEW)

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

❖ **China Gourmet Inc.** (30 Manomet Point Rd, Wan Ken Zhao)

- Applying for Group III – live entertainment (Karaoke)

VEHICLE FOR HIRE (RENEWAL)

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to approve the following Vehicle for Hire (Vehicle) licenses, as detailed. Voted 5-0-0, approved.

❖ **Habilitation Assistance** (424 Court St)

- Applying for three vehicles (Livery); vehicles have been inspected.

KENO

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board acknowledged notice from The Massachusetts State Lottery Commission that the commission will approve a Keno License for the following establishment. Voted 5-0-0, approved.

❖ **Martini's Bar and Grill** (50 Court Street)

ADMINISTRATIVE NOTES

Exception to Noise Bylaw – The Board granted an exception to the Town’s Noise Bylaw (§ 120-3 Commercial Construction, etc.) to Gibson Roofs, Inc. to perform roof repair work at Plymouth Community Intermediate School, provided that (a) absolutely no work is performed before 3:00 a.m., (b) absolutely no deliveries of materials or dumpsters will occur before 7:00 a.m., and (c) the first 2-3 hours of work will be done manually. Note: Should the work cause disturbance to nearby neighbors or if the aforementioned terms are not met, the Board reserves the right to revoke its permission.

Mandatory Outdoor Watering Restriction – The Board authorized an immediate Mandatory Outdoor Watering Restriction, as recommended by the Department of Public Works, thereby limiting outdoor watering to no more than 60 minutes per day. Under said restriction, odd numbered homes shall be permitted to use outdoor water for 60 minutes on odd days, and even numbered homes shall be permitted to use 60 minutes of water on even days. Watering will be permitted between the hours of 5:00 a.m. to 7:00 a.m. AND 5:00 p.m. to 7:00 p.m.

Disclosure of Financial Interest – The Board acknowledged the *Disclosure of Financial Interest by Municipal Employee* submitted by John Risso, member of the Agricultural Committee, and determined that the interest is not so substantial as to be deemed likely to affect the integrity of services which the Town may expect from the employee/appointed official. It shall be noted that Mr. Risso must continue to be responsible for consulting with the State Ethics Commission on any further matters that may constitute a conflict of interest.

Disclosure of Financial Interest – The Board acknowledged the *Disclosure of Financial Interest by Municipal Employee* submitted by Heidi Cooley, member of the Agricultural Committee, and determined that the interest is not so substantial as to be deemed likely to affect the integrity of services which the Town may expect from the employee/appointed official. It shall be noted that Ms. Cooley must continue to be responsible for consulting with the State Ethics Commission on any further matters that may constitute a conflict of interest.

Land Exchange on Plymouth Long Beach – The Board finalized the land exchange on Ryder Way / Plymouth Long Beach between the Town of Plymouth and Judith Graham, as authorized by Article 36 of the 2010 Fall Town Meeting.

Consolidation Committee – On a nomination by Vice Chairman Mahoney, seconded by Selectman Brewster, the Board voted to appoint Selectman Harnais and Selectman Muratore as its designees on the Consolidation Committee. Voted 5-0-0, approved.

PUBLIC COMMENT

Kevin Doyle of Precinct 6 thanked the Police Department, Fire Department, and other Town departments involved in helping to keep the July 3rd celebration on White Horse Beach safer and more family-oriented.

PUBLIC HEARING: ANNUAL ALL ALCOHOL RESTAURANT LICENSE
SHANTY ROSE, INC. D/B/A SHANTY ROSE, 16 TOWN WHARF

Chairman Hallisey opened a public hearing to consider the application for an Annual All Alcohol Restaurant Liquor License from Shanty Rose, Inc. d/b/a Shanty Rose, 16 Town Wharf, Richard Millmore as Manager. Chairman Hallisey read the description of the premises at 16 Town Wharf and affirmed that notice of the hearing was given in accordance with Chapter 138 of the Massachusetts General Laws.

Attorney Edward Conroy addressed the Board on behalf of the license application from Shanty Rose, Inc. Attorney Conroy noted that his clients appeared before the Selectmen some months prior to seek approval of a liquor license, but the Alcoholic Beverage Control Commission (“ABCC”) rejected the application on a technicality related to the business venture shared between Shanty Rose and Reliable Fish Co., Inc. (the holder of the leased premises at 16 Town Wharf). Other than the modifications to the license application that were required by the ABCC, he said, the information on the establishment and its operations that was provided to the Board during the previous hearing remains the same.

Attorney Conroy responded to some basic questions from the Selectmen with regard to the premises and the reasons why the license was initially rejected by the ABCC. Attorney Conroy explained that, because of the joint venture agreement, the first liquor license application was submitted in the name of Reliable Fish Co., Inc., but as the Shanty Rose would be the entity receiving the profits, the ABCC was not comfortable with the assignment of the license to Reliable Fish. As such, he said, the joint venture agreement has since been amended to reflect the modifications needed for the liquor license. Attorney Conroy noted that Richard Millmore will be TIPS certified, as the sole bartender at the establishment. Lastly, Attorney Conroy indicated that the outdoor patio area will be located at the rear of the establishment, out of view from the roadway.

Chairman Hallisey opened the hearing to public comment. Seeing none, 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 a new Annual All Alcohol Restaurant Liquor License for Shanty Rose, Inc. d/b/a Shanty Rose, 16 Town Wharf, as detailed in the license application. Voted 5-0-0, approved.

LICENSES IN CONJUNCTION WITH A PUBLIC HEARING

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to approve the following licenses for Shanty Rose, Inc. d/b/a Shanty Rose (16 Town Wharf) in conjunction with the applicant’s request for a new Annual All Alcohol Restaurant Liquor License. Voted 5-0-0, approved.

- Common Victualler
- Comprehensive Entertainment – Radio, TV only

COMMITTEE INTERVIEWS & APPOINTMENTS

Chairman Hallisey read aloud the list of names of those who applied for Town committees, boards, and commissions, and he offered an opportunity for each applicant to speak to the Board, should he/she wish to do so. No applicants came forth.

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to appoint the following citizens to Town committees, boards, and commissions, as detailed. Voted 5-0-0, approved.

BOARD OF HEALTH: 1 SEAT AVAILABLE, 1 APPLICANT

| | | | |
|------------------|-----------------|-----------|---------------------|
| Richard Manfredi | 9 Knapp Terrace | Incumbent | Term exp. 6/30/2014 |
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CULTURAL COUNCIL: 5 SEATS AVAILABLE, 1 APPLICANT

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| Harry Mentas | 36 Sachem Road | New Applicant | Term exp. 6/30/2014 |
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DESIGN REVIEW BOARD: 1 SEAT AVAILABLE, 1 APPLICANT

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|--------------|--------------------|-----------------------------|---------------------|
| Jason Herzog | 22 Standish Avenue | Incumbent Architect seat | Term exp. 6/30/2014 |
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DISTINGUISHED VISITORS COMMITTEE: 1 SEAT AVAILABLE, 1 APPLICANT

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| Margie Burgess | 16 Boutemain Avenue | Incumbent Citizen-At-Large | Term exp. 6/30/2012 |
|----------------|---------------------|-------------------------------|---------------------|

HARBOR COMMITTEE: 1 SEAT AVAILABLE, 1 APPLICANT

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|--------------|-------------------|--|---------------------|
| Paul Quintal | 42 West Pond Road | Incumbent Party Boat representative | Term exp. 6/30/2014 |
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NUCLEAR MATTERS COMMITTEE: 1 SEAT AVAILABLE, 1 APPLICANT

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|-------------|---------------|-----------|---------------------|
| Jeff Berger | 13 Knoll Road | Incumbent | Term exp. 6/30/2014 |
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OPEN SPACE COMMITTEE: 1 SEAT AVAILABLE, 1 APPLICANT

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|------------|--------------|-----------|---------------------|
| Anne Lynch | 6 Grey Shale | Incumbent | Term exp. 6/30/2014 |
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PLYMOUTH GROWTH & DEVELOPMENT: 1 SEAT AVAILABLE, 1 APPLICANT

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| William Driscoll | 25 Sheridan Drive | New Applicant | Term exp. 6/30/2012 |
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RECYCLING COMMITTEE: 2 SEATS AVAILABLE, 1 APPLICANT

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| Kim Arthurs | 23 Hopkins Road | Incumbent | Term exp. 6/30/2014 |
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RETIREMENT BOARD: 1 SEAT AVAILABLE, 1 APPLICANT

Gerald Coughlin 10 Flint Locke Drive New Applicant Term exp. 6/30/2014

TIDAL BEACHES COMMITTEE: 1 SEAT AVAILABLE, 1 APPLICANT

Sandra Cotti 12 Veronica Road Incumbent Term exp. 6/30/2014

COUNCIL ON AGING

Chairman Hallisey noted that the Board would appoint one (1) citizen to the Council on Aging, for a term effective July 13, 2011 through June 30, 2014. There were two (2) applicants:

- Brian Dunn 32 Winding Way New Applicant
- Bonita Saltzman 99 Snowgoose Lane New Applicant

Chairman Hallisey invited the applicants to appear before the Board, one-by-one, for a brief interview. Mr. Dunn did not appear for the interview. Ms. Saltzman was given the opportunity to introduce herself and to answer some brief questions posed by the Board.

Following the interview, the Selectmen voted 5-0-0 to appoint Bonita Saltzman to the Council on Aging, for a term effective July 13, 2011 through June 30, 2014.

2011 DPW ROAD PROGRAM / PAVEMENT MANAGEMENT SYSTEM

Jonathan Beder, Director of Public Works, provided a presentation on the Department of Public Works’ (“DPW”) 2011 Road Program / Pavement Management System. Mr. Beder explained that he and Assistant DPW Director Dennis Westgate have worked with the Town’s Engineering and Highway divisions to create a proactive system and plan for repairing and maintaining the Town’s roads. Mr. Beder provided the DPW’s plans for the following roads:

- Standish Avenue – Mill & Overlay from Alden Street to Cherry Street
(Note: The Water Department has finished the necessary water main work, but there are remaining sewer issues that must be resolved before the final paving can be done.)
- Old Sandwich Road – Full Depth Reconstruction, Drainage & Paving from Jordan Road to Cathedral Road
- Portion of Summer Street and Billington Street – Mill & Overlay, Trench Paving
- Portion of Atlantic Street and Atlantic Avenue– Full Depth Reconstruction, Paving & Sidewalk
- East Russell Mills Road – Paving & Drainage
- Plymouth Street – Full Depth Reconstruction, Drainage & Paving

- John Alden Road – Mill & Overlay, Drainage and Paving of Drainage Trench, Water Services from Charlemont Road to Priscilla Beach Road
- Water Street – Mill & Overlay from South Park Avenue to Nelson Street
- Carver Road – Full Depth Reconstruction, Drainage & Paving from Esta Road to Pinewood Road
- Portion of Newfield Street – Adjustment to Castings and New Topcoat.
- Cherry Street – Mill & Overlay from Court Street to Standish Avenue.
- Davis Street – New Water Lines, Mill & Overlay
- Memorial Drive – Full Depth Reconstruction & Paving
- Strand Avenue – New Water Lines, Overlay

Mr. Beder responded to a number of questions from the Board regarding the roadway and pavement management plan. The DPW, he said, is working to better coordinate road work with utility work, to ensure that all utilities are upgraded as necessary before the Town begins paving. Mr. Beder affirmed that he is developing a new Street Opening Permit that will reduce the disruption and damage caused when utility companies must dig up the streets and sidewalks to perform repair work.

Mr. Beder discussed the differences in cost and lifespan between mill & overlay and full depth reconstruction of a roadway. Mill & overlay, he explained, is a relatively superficial repair, as compared to full depth reconstruction, where the roadway is completely excavated, stabilized, fitted with utilities, and then paved. Mr. Beder indicated that he hopes to have the projects he outlined in his report completed by the end of November 2011.

Seeing no further questions from the Selectmen, Chairman Hallisey opened the discussion to public comment.

Keven Joyce, Town Meeting Member for Precinct 5, thanked Mr. Beder and Mr. Westgate for their efforts to tackle the enormous challenge of maintaining Plymouth's 200 miles of roadway. Mr. Joyce expressed concern about the condition of Old Sandwich Road, considering the increase in traffic related to nearby development in recent years. He questioned why the Town would pave nearby East Russell Mills Road—a dead-end road serving a limited number of residential homes—without first repairing the patch-ridden section of Old Sandwich Road to which East Russell Mills Road connects.

Margie Burgess noted that, as a frequent traveler of Newfield Street, she is concerned about the long-standing issue of old trees that encroach into the roadway. Ms. Burges stated that, though she is sensitive to the reasons why residents of Newfield Street wish to preserve such historic trees, the trees are creating a safety issue as they grow further into the street.

Kevin Doyle of Precinct 6 reported that he often gets questions from residents of his precinct as to when Taylor Avenue will be reconstructed and whether the State will install a traffic light at the intersection of Manomet Point Road and Route 3A.

Robert Alford said that he was encouraged by Mr. Beder's plans to improve Plymouth's roadways but questioned how the Town intends to pay for all the proposed work.

Mr. Beder explained that, aside from other issues, East Russell Mills Road was the only roadway in that section of Town that required grading. The DPW, he said, determined that it was inefficient to repeatedly send the grader to that area for only one road. Mr. Beder noted that plans to reconstruct Taylor Avenue are 75% complete (pre-construction phase), and the project, he said, is on the State's list for Transportation Improvement Program ("TIP") funding. With regard to funding the list of roadway projects, Mr. Beder explained that the DPW will do its best to utilize Chapter 90 funds, money budgeted for the Infrastructure Management Plan, and surplus funds left over from old projects.

Ginny Davis of Precinct 4 explained what she believes to be philosophical issues related to the paving of Old Sandwich Road. Old Sandwich Road traverses through a rural area of Town where many farms and horse stables are situated, she said, and the road is not intended to be used as a major egress from The Pinehills. Ms. Davis speculated that speeding vehicles—not potholes—pose the most danger and nuisance to other motorists and pedestrians who travel the road.

At the close of public comment and discussion, Chairman Hallisey thanked Mr. Beder and his staff for their work on the 2011 Road Program / Pavement Management Plan.

BOARD LIAISON UPDATES & OLD BUSINESS / LETTERS / NEW BUSINESS

Chairman Hallisey asked his colleagues if they had any liaison updates, old business, letters, and/or new business to discuss. The Selectmen offered no further comments or updates.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to adjourn its meeting at approximately 8:15 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the July 12, 2011 meeting packet is on file and available for public review in the Board of Selectmen's office.