

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, AUGUST 2, 2011

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, August 2, 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
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 7:00 p.m. After reciting the Pledge of Allegiance, he conducted a moment of silence for the late Adele Manfredi, a Plymouth citizen who was very active in civic affairs in the Town.

TOWN MANAGER'S REPORT

Management / Supervisory Training – Town Manager Mark Stankiewicz noted that the Human Resources Department held a mandatory Management Training for Department and Division Heads that was attended by approximately 30 employees. Attorney Jack Dolan from Kopelman & Paige conducted the seminar (free of charge to the Town) and provided an overview of the employment laws that affect managers. The topics included discrimination in the workplace, compensation, hiring practices, and employee benefits. Some specific laws covered were the Family Medical Leave Act, Fair Labor Standards Act, Anti Discrimination, Sexual Harassment, and Consolidated Omnibus Budget Reconciliation Act (COBRA).

Flagpole at Manomet Branch Library – Mr. Stankiewicz spoke about the Town's approval of a request from the Library Board of Trustees that will provide for the installation of permanent lighting for the flag pole at the Manomet Branch Library. This will allow for proper flag etiquette which states that a flag may be left flying between sundown and sunup if it is illuminated. The lighting will be installed so that it does not interfere with private residences in the area. Once the installation is complete, a flag will be raised on the pole.

Miscellaneous Informational Items – Mr. Stankiewicz reported that the Junk Dealer Bylaw approved during the 2011 Spring Annual Town Meeting was approved by the State's Attorney General. In addition, the Local Election Districts Review Commission approved the Town's plan for dividing the Town of Plymouth into new voting precincts.

Atlantic Street – Mr. Stankiewicz notified the public that construction on Atlantic Street would begin very soon and that a certain amount of traffic disruption should be expected.

LICENSES

VEHICLE FOR HIRE – VEHICLE (RENEWAL)

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to renew the following Vehicle for Hire (Vehicle) License, as detailed. Voted 5-0-0, approved.

❖ **Habilitation Assistance, Inc.** (424 Court Street)

Applying for renewal of one vehicle (Livery); vehicle has been inspected.

VEHICLE FOR HIRE – VEHICLE (NEW)

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

❖ **Habilitation Assistance, Inc.** (424 Court Street)

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

- 2011 Chevy Impala – LV90436
- 2011 Chevy Impala – LV55486
- 2010 Chevy Impala – LV59876

VEHICLE FOR HIRE – OPERATOR (NEW)

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following Vehicle for Hire (Operator) License, as detailed. Voted 5-0-0, approved.

❖ For **Special Occasion Limousine** (2289 State Road, Plymouth)

- William Shaw (1722 State Road, Plymouth, MA)

Issuance of this license is subject to provision of all necessary paperwork and review of the requisite CORI background check and driving record.

PEDI-CAB VEHICLE LICENSE (NEW)

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

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

Applying for one Pedicab vehicle – Serial Number BE 018; vehicle has been inspected.

PEDI-CAB OPERATOR LICENSE (NEW)

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

❖ For **Plymouth Pedicab** (4 Freedom Street):

- Jordan DePina (140 Court Street, Plymouth, MA)
- Tyler Creeden (2 Claire Terrace, Middleboro, MA)

Issuance of these licenses is subject to review of the requisite CORI background check.

POLE PETITION

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

- ❖ **NSTAR Petition 1833551** – One petition covering the installation of one (1) new pole on Boot Pond Road. This relocation is necessary to secure the existing pole line on Boot Pond Road.

CLASS I AUTO DEALER'S LICENSE

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following Class 1 Auto Dealer's license, as detailed. Voted 5-0-0, approved.

- ❖ **Plymouth Automotive LLC d/b/a AutoFair Honda of Plymouth** (9 Long Pond Road, Harry Andrew Crews, President)

Issuance of License is subject to satisfaction of all necessary documentation and approval / recommendations from the Inspectional Services / Building Department.

ONE DAY WINE AND MALT LIQUOR LICENSE**

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following One Day Wine & Malt licenses, as detailed. Voted 5-0-0, approved.

- ❖ **Our House Services / Philippe Ducrot** requested four (4) One Day Wine & Malt licenses for dinners to be held from 6:00 p.m. to 11:00 p.m. at 40 Russell Street on the following dates: August 6, 13, 20, and 27, 2011. Liquor liability insurance is in place.

**One Day Liquor licenses shall automatically cover the day before and the day after the event for the purpose of proper delivery, storage, and disposal of alcoholic beverages purchased.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board approved the minutes of the April 19, 2011 Selectmen's meeting. Voted 3-0-2, approved, with abstentions from Chairman Hallisey and Selectman Brewster.

Wild Animal Permit – The Board granted a Wild Animal Permit pursuant to Chapter 23, Article IV of the Town of Plymouth Bylaws to Eugene Bohan of 119 Andrews Way for his American Staffordshire Terrier (male, 4 years old).

Plymouth Taskforce for the Homeless / Local Action Units – The Board authorized the chairman to endorse the *Local Initiative Program Application for Local Action Units* pertaining to the Plymouth Taskforce for the Homeless project at 368/370 Court Street (Article 13 of the 2010 Fall Town Meeting – Community Preservation funding), as recommended by the Office of Community Development.

PUBLIC COMMENT

Chairman Hallisey opened the meeting to public comment. No citizens came forth.

PUBLIC HEARING: TRANSFER OF ALL ALCOHOL LIQUOR LICENSE FROM DEARBAMS, INC. D/B/A GURU INDIAN GRILLE, MUSIC, & BAR, 56 MAIN ST. TO THE NEW WORLD TAVERN, INC., 56 MAIN STREET

Chairman Hallisey opened a public hearing to consider an application for the Transfer of an Annual All Alcohol Restaurant Liquor License from Dearbams, Inc. d/b/a Guru Indian Grille, Music, & Bar, 56 Main Street, Alishba Panjwani as Manager to The New World Tavern, Inc., 56 Main Street, Karl Heine as Manager. Chairman Hallisey read the description of the premises, affirmed that notice of the hearing was given in accordance with Chapter 138 of the Massachusetts General Laws, and noted that those wishing to be heard on the matter were encouraged to attend the hearing.

Karl Heine of The New World Tavern, Inc. addressed the Board to discuss his plans to transform the Indian restaurant at 56 Main Street (Guru Indian Grille, Music, & Bar) into an upscale pub/tavern that offers beers from around the world. Mr. Heine answered questions from the Board regarding his experience in the restaurant industry, and he assured the Board that his staff would be TIP certified. He expressed his belief that there is a market for this type of venue and that he would be opening around October 1, 2011.

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 All Alcohol Restaurant Liquor License from Dearbams, Inc. d/b/a Guru Indian Grille, Music, & Bar, 56 Main Street to The New World Tavern, Inc., 56 Main Street. Voted 5-0-0, approved.

LICENSES REQUESTED IN CONJUNCTION WITH A PUBLIC HEARING

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to approve the following licenses for New World Tavern, Inc. in conjunction with the request for the Transfer of an Annual All Alcohol Restaurant Liquor License, as detailed. Voted 5-0-0, approved.

- Common Victualler
- Comprehensive Entertainment – Radio, TV, live entertainment, dancing, moving pictures, plays; floor, light or theatre shows.
- Sunday Entertainment – Live entertainment, dancing
- Extension of Hours – 1:00 a.m.
- Early Sunday Sales – 10:00 a.m.
- PLEDGE OF LICENSE – to Dearbams, Inc.

Issuance of these licenses is subject to approval from the Health and Building Departments.

BOARD LIAISON / DESIGNEE UPDATES

Consolidation Committee – Selectman Harnais spoke about the meeting that he and Selectman Muratore attended with the School Committee to discuss the proposed consolidation of the Town and School Information Technology departments (as recommended by the Consolidation Committee). Although the School Committee needed more data before their final vote, he indicated, they appeared to be receptive to the idea. Selectman Harnais noted that the School Committee was still debating whether the Manager for the consolidated IT Department should fall under the School or Town. Lastly, Selectman Harnais requested that an article be held for the Fall Town Meeting that would allow for this type of town/school consolidation.

Solid Waste Advisory Committee – Vice Chairman Mahoney spoke of the recent Solid Waste Advisory Committee meeting, which was attended by DPW Director Jonathan Beder. Vice Chairman Mahoney indicated that SWAC will meet again, just prior to Mr. Beder's Solid Waste presentation for the Selectmen, to finalize and issue a recommendation on solid waste options for the Town.

OLD BUSINESS / LETTERS / NEW BUSINESS

Blue Ribbon Commission on America's Nuclear Future – Selectman Brewster spoke about the draft report issued by President Obama's Blue Ribbon Commission on America's Nuclear Future, noting the Commission's discussion of the need for a new site for storage of future nuclear waste, the need for a new organization dedicated to implementing a waste management program (including interim sites), and the potential use of the Federal nuclear waste fund. She touched upon the Commission's opinion that spent fuel rods will likely remain on their current sites (even at decommissioned plants) for decades, and she indicated

that the Commission found no higher level of safety risk between dry and wet storage of the rods. Selectman Brewster stated that Plymouth should consider assembling a coalition of communities to acquire a portion of the revenue that is held in the nuclear waste fund to ensure that spent fuel is safely stored at Pilgrim Nuclear Power Station.

Selectmen Mahoney expressed some skepticism regarding the probability of finding a host location for spent fuel rods, especially when the citizens of Nevada refused to host the nation's nuclear waste at Yucca Mountain—a remote site situated 100 miles from any nearby residence.

Consolidation Committee – Selectman Harnais inquired about the process of identifying Town Meeting Members to serve as designees on committees. Committee of Precinct Chairs (“COPC”) Chairman Ken Buechs, who was in the audience at the meeting, responded and explained that the process is for the COPC to solicit interest from their respective Town Meeting Members. The COPC, Mr. Buechs said, votes to nominate an individual to serve as the designee, and the name is then submitted to the Selectmen for consideration.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to amend the structure of the Consolidation Committee by replacing the two seats reserved for members of the Committee of Precinct Chairs with seats for two elected Town Meeting Members. Voted 5-0-0, approved.

Selectmen's Goals – Selectman Muratore inquired about the status of the goal-setting process. Mr. Stankiewicz indicated that Assistant Town Manager Melissa Arrighi was putting together a synopsis of the last goal setting meeting.

Meeting in Cedarville at EOC – Selectman Muratore requested that the Selectmen hold its meeting scheduled for the week following Labor Day at the new Emergency Operations Center (“EOC”) in Cedarville.

Legislation on Health Insurance for Elected Officials – Selectman Muratore asked about the July 19th letter from Senate President Therese Murray requesting any amendments to the Special Legislation on Health Insurance for elected officials. After some discussion, the Board members all agreed that the intent and effect of the home rule petition would be that current elected officials would be able to continue to participate in the health insurance plan at a 20% employee contribution rate. That benefit would carry until their current term expired. At that point, any successor term for the current elected officials would provide for a health insurance benefit, but with a 100% employee contribution rate.

On a motion by Selectman Muratore, seconded by Selectman Brewster, the Board voted to notify Senate President Murray's office that no amendments to the legislation are being considered, as the Selectmen understand that S.1346 properly reflects the intent and action of the Town Meeting article that precipitated this Special Legislation. Specifically, S.1346 provides that the employee 20% contribution rate would continue until the current elected official's terms expire, and then successor terms for those elected officials would provide for continued coverage at a 100% employee contribution rate. Voted 5-0-0, approved.

ADJOURNMENT OF OPEN SESSION / EXECUTIVE SESSION

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted at 8:05 p.m. to adjourn the open session portion of the meeting and 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, exchange, lease, or value of real property, as an open meeting on these matters may have a detrimental effect on the Town's negotiating position. Chairman Hallisey noted that, following executive session, the Board would not reconvene in open session. By roll call: Harnais – yes, Muratore – yes, Mahoney – yes, Brewster – yes, and Hallisey – yes.

Recorded by Melissa Arrighi, Assistant Town Manager

Formatted by Tiffany Park, Clerk to the Board of Selectmen

A copy of the August 2, 2011 meeting packet is on file and available for public review in the Board of Selectmen's office.