

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, OCTOBER 4, 2011

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, October 4, 2011 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
Belinda A. Brewster

Mark Stankiewicz, Town Manager

CALL TO ORDER

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

EXECUTIVE SESSION

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board 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 return to open session following executive session.

RETURN TO OPEN SESSION AND MOMENT OF SILENCE

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

Chairman Hallisey then called for a moment of silence in memory and honor of Army Specialist Steven E. Gutowski, a Plymouth native and 2005 graduate of Plymouth North High School who was killed in action while serving in Afghanistan. On behalf of the Town of Plymouth, Chairman Hallisey offered heartfelt condolences to Mr. Gutowski's family members, friends, and colleagues.

TOWN MANAGER'S REPORT

ABCC / Governor Bradford Inn – Town Manager Mark Stankiewicz reported that the State's Alcoholic Beverage Control Commission ("ABCC") has upheld the Selectmen's decision to deny an all-alcoholic liquor license to the Governor Bradford Inn on Water Street. The ABCC, he explained, based its decision (issued on September 28, 2011) on concerns expressed by the surrounding neighborhood about noise and management oversight. Mr. Stankiewicz noted that the Governor Bradford Inn has 30 days to appeal the decision.

Drug Take Back Program – Mr. Stankiewicz announced that the Plymouth Police Department and the Drug Enforcement Administration will co-sponsor a program by which the public can dispose of expired, unused, and unwanted prescription drugs. The program, he explained, helps to divert these unwanted and potentially harmful medications from entering the waste stream via the improper disposal of such items in landfills and septic systems. The "take back" event, he said, will be held from 10:00 a.m. to 2:00 p.m. at the Plymouth Police Station at 20 Long Pond Road on Saturday, October 29, 2011.

Increase to Hotel / Motel Tax – Mr. Stankiewicz informed the Board that receipts from Plymouth's Local Option Hotel/Motel tax have increased by \$98,000 over the same quarter, last year. This dramatic increase, he said, may be attributed to the work done by Destination Plymouth and the Plymouth Area Chamber of Commerce to promote local tourism.

Department of Revenue Seminar – Mr. Stankiewicz noted that he attended the Massachusetts Department of Revenue's annual seminar regarding "What's New in Municipal Law?" held on September 30, 2011. The seminar, he explained, covered recent legislation and court decisions on a number of topics, including employment benefits, municipal finance, and tax administration.

Community Transformation Grant – Mr. Stankiewicz was pleased to report that the Town, in partnership with Jordan Hospital, will receive a Community Transformation Grant for the Healthy Communities Initiative program.

LICENSES

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following list of licenses, in its entirety, as detailed. Voted 5-0-0, approved.

VEHICLE FOR HIRE OPERATOR LICENSE (NEW)

❖ For **Habilitation Assistance Corporation** (434 Court Street):

- David Grennell – 75 Roxy Cahoon Road, Plymouth
- Allen Hoyt – 208 Clark Road, Plymouth

❖ For **Sea Breeze Taxi** (18 Centennial Street, Plymouth)

- Sylena Rasak – 58 Grand View Drive, Plymouth

Issuance of the above licenses is subject to the requisite CORI background check and driving record.

ONE DAY ALL ALCOHOL LIQUOR LICENSE*

- ❖ **Plymouth Philharmonic Orchestra / Debra Cox** requested a One Day All Alcohol Liquor license for an Opening Night celebration to be held at 11 North Street from 6:00 p.m. to 8:00 p.m. on October 15, 2011. Liquor liability insurance will be in place before the licenses are released.

*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.

COMMON VICTUALLER LICENSE (NEW)

- ❖ **Rio's Steakhouse**, 318 Court Street., Michael Ryan, Owner (formerly Aquarelas Grill)

Issuance of the above license is subject to approval and recommendations from the Health Department and Inspectional Services.

COMPREHENSIVE ENTERTAINMENT (NEW)

- ❖ **Rio's Steakhouse**, 318 Court Street., Michael Ryan, Owner (formerly Aquarelas Grill)

- Applying for Group I – Jukebox, radio, TV

ADMINISTRATIVE NOTES

Armstrong Road Layout – The Board signed the layout documents for Armstrong Road (Fall Town Meeting Articles 23 and 24).

Cherry Street Layout – The Board signed the layout documents for Cherry Street (Fall Town Meeting Article 25).

Freedom of Speech Proclamation – The Board signed a proclamation in Honor of Annual National Freedom of Speech Week.

Ethics Disclosure / Tidal Beaches Advisory Committee – The Board acknowledged the *Disclosure of Financial Interest by Municipal Employee* submitted by Stephanie Fugazzi, member of the Tidal Beaches Advisory 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 was noted that Ms. Fugazzi must continue to be responsible for consulting with the State Ethics Commission on any further matters that may constitute a conflict of interest.

PUBLIC COMMENT

Everett Malaguti, Precinct 1 Town Meeting representative, noted that a number of his constituents have inquired as to why the Town would consider the purchase of property on

Plymouth Long Beach (as proposed by Article 11 of the 2011 Fall Town Meeting) when the Long Beach seawall has not yet been repaired.

Mr. Stankiewicz responded that the Department of Public Works is in the process of planning the repair of the seawall, which should commence at some point in the early Fall. Now that permitting is finalized, he said, the DPW Director intends to use a combination of Town staff and outside contractors to complete the repair.

PUBLIC HEARING: TRANSFER OF ALL ALCOHOL LICENSE

**FROM ORIENTAL RESTAURANT CORPORATION D/B/A THE MING DYNASTY
TO SUN DYNASTY CORPORATION D/B/A SUN DYNASTY CHINESE RESTAURANT**

Chairman Hallisey opened a hearing to consider the application for a transfer of an annual All Alcohol Restaurant Liquor License FROM Oriental Restaurant Corporation d/b/a The Ming Dynasty, Leonard Chin as Manager TO Sun Dynasty Corporation d/b/a Sun Dynasty Chinese Restaurant, Rickey Mei as Manager, 21 Memorial Drive. Chairman Hallisey read a description of the premises and affirmed that notice of the hearing was given to the public in accordance with Chapter 138 of the Massachusetts General Laws.

Attorney Harold Moody addressed the Board on behalf of Sun Dynasty Corporation and explained that his clients will be assuming ownership of the restaurant establishment at 21 Memorial Drive. Attorney Moody provided biographical information on the principals of the corporation and assured the Board that all of the employees at the establishment will be TIPS certified. The new owners, he said, have updated the restaurant's menu and are seeking transfer of the same miscellaneous licenses held by the previous owners.

Seeing no questions from the Board, Chairman Hallisey opened the hearing to public comment on the license application. No citizens came forth, and, thus, Chairman Hallisey closed the hearing to await a motion on the license request.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board approved the Transfer of an annual All Alcohol Restaurant Liquor License FROM Oriental Restaurant Corporation d/b/a The Ming Dynasty, Leonard Chin as Manager TO Sun Dynasty Corporation d/b/a Sun Dynasty Chinese Restaurant, Rickey Mei as Manager, 21 Memorial Drive. Voted 5-0-0, approved.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board approved the following licenses for Sun Dynasty Corporation d/b/a Sun Dynasty Chinese Restaurant (21 Memorial Drive, Rickey Mei, Manager), in conjunction with the request for transfer of an annual All Alcohol Restaurant License. Voted 5-0-0, approved.

- Common Victualler
- Comprehensive Entertainment – Jukebox, radio, TV
- Sunday Entertainment – Jukebox
- Extension of Hours – 1:00 a.m.

Issuance of the above licenses is subject to approval from the Health & Building Departments.

PUBLIC HEARING: NEW ANNUAL ALL ALCOHOL LICENSE

LUCIOSO'S PUB LLC D/B/A LUCIOSO'S PUB, 6 SPRING LANE

Chairman Hallisey opened a hearing to consider the application for a new annual All Alcohol Restaurant Liquor License from Lucioso's Pub LLC d/b/a Lucioso's Pub, 6 Spring Lane, Gabriel Daher III as Manager. Chairman Hallisey read a description of the premises and affirmed that notice of the hearing was given to the public in accordance with Chapter 138 of the Massachusetts General Laws.

Gabriel Daher III explained that he and his business partner have returned before the Board to apply for a new license, in lieu of the license transfer for which they had previously filed. The reason for filing for a new license, he said, stems from complications related to the debts of the former licensee of the establishment. Mr. Daher noted that the previous licensee has since relinquished her license to the Town.

Chairman Hallisey opened the hearing to public comment. Not citizens came forth, and, thus, Chairman Hallisey closed the hearing to await a motion of the Board.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board approved a new annual All Alcohol Restaurant Liquor License for Lucioso's Pub LLC d/b/a Lucioso's Pub, 6 Spring Lane. Voted 5-0-0, approved.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board approved the following licenses for Lucioso's Pub LLC d/b/a Lucioso's Pub (6 Spring Lane, Gabriel Daher III, Manager), in conjunction with the request for a new annual All Alcohol Restaurant License. Voted 5-0-0, approved.

- Common Victualler
- Comprehensive Entertainment – Jukebox, radio, TV, live entertainment, dancing
- Sunday Entertainment – Live entertainment, dancing
- Extension of Hours – 1:00 a.m.

Issuance of the above licenses is subject to approval from the Health & Building Departments.

COMMITTEE APPOINTMENTS

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

COUNCIL ON AGING: 1 SEAT AVAILABLE, 1 APPLICANT

Brian Dunn	32 Winding Way	New Applicant	Term exp. 6/30/2012
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CULTURAL COUNCIL: 4 SEATS AVAILABLE, 2 APPLICANTS

Dave Gilbert	21 Forest Avenue	New Applicant	Term exp. 6/30/2014
Jeannette McKay	67 Pawtuxet Road	New Applicant	Term exp. 6/30/2014

DISABILITIES COMMISSION: 1 SEAT AVAILABLE, 1 APPLICANT

Dionne Dupuis	47 Melix Avenue	New Applicant Family Member of Person w/ Disability	Term exp. 6/30/2014
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ENERGY COMMITTEE: 2 SEATS AVAILABLE, 2 APPLICANTS

A. Lee Burns	110 Treetop Way	New Applicant	Term exp. 6/30/2012
Christopher Mazzola	1163 Long Pond Road	New Applicant	Term exp. 6/30/2013

CONSOLIDATION COMMITTEE: 1 SEAT AVAILABLE, 2 APPLICANTS

Chairman Hallisey explained that the Board would appoint one citizen to the Consolidation Committee, for a term effective October 5, 2011 through June 30, 2012. There were two applicants (listed below), he said, but neither could attend the October 4, 2011 meeting to interview before the Board.

Sam Bartlett	226 Warren Avenue	New Applicant
Margie Burgess	16 Boutemain Avenue	New Applicant

The Board sought to make a decision between the two respected and qualified candidates. Selectman Muratore noted that there is representation on the Consolidation Committee from the School Committee (on which Ms. Burgess already serves), and, thus, perhaps the Board should consider choosing Mr. Bartlett.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to appoint Sam Bartlett to the Consolidation Committee, for a term effective October 5, 2011 through June 30, 2012.

BOARD LIAISON / DESIGNEE UPDATES

Council on Aging – Selectman Muratore spoke about the “kickoff” meeting held on September 24, 2011 to begin developing the vision and mission of the accreditation process for the Plymouth Council on Aging. A number of Town officials attended the meeting, he said, at which the mission and vision statement of the process was finalized. Selectman Muratore noted that this is only the first step in a multi-step process, and, therefore, he encouraged the members of the Board and other Town officials to become involved. In

addition, he reported, the Council on Aging is investigating the feasibility of providing a supportive day program at the Senior Center, when the new facility comes online in 2013.

Walk to End Alzheimer's Event – Selectman Muratore spoke about the Walk to End Alzheimer's event in which he participated (as Master of Ceremonies) on Saturday, October 1, 2011 on Plymouth's waterfront. The event organizers, he said, will likely bring the event back to Plymouth, next year, based on this year's success, as there were over 2,000 participants who raised nearly \$200,000 for research and supportive programs.

Industrial/Commercial Land Study Committee – Chairman Hallisey reported that the Industrial/Commercial Land Study Committee is nearing the completion of its work and has identified five very promising areas where further industrial/commercial growth may be ideal. The committee, he said, will come forth with its final recommendations in the near future.

OLD BUSINESS / LETTERS / NEW BUSINESS

OLD BUSINESS

Civil War Reenactment on Training Green – Selectman Brewster invited the public to visit the 22nd Massachusetts Regiment's Civil War drill encampment, to be held on Saturday, November 12, 2011 from 10:00 a.m. until 4:00 p.m. The event, she said, will be held to commemorate the 150th anniversary of the start of the Civil War and the 350th anniversary of the establishment of the Town's Training Green. Selectman Brewster noted that all proceeds raised from the event will be used for the restoration of the Civil War monument at the Training Green, which was dedicated in 1869.

Legislation Regarding Sober House Living Facilities – Selectman Muratore inquired if the Board wished to vote in support of legislation being filed through the Massachusetts Legislature to allow municipalities to create local zoning ordinances with regard to sober living facilities. After some conversation, during which Mr. Stankiewicz explained that such facilities are afforded a number of protections under State and Federal law, the Board opted to research the matter, further, and discuss support of the legislation at a later date.

NEW BUSINESS

Public Forum on Affordable Housing – Selectman Brewster announced that the Plymouth Area League of Women Voters, along with the Plymouth Affordable Housing Trust, will host a public forum on "Affordable Housing: Myth Versus Reality" on October 5, 2011. The event, she said, will be held at 7:00 p.m. at the Plymouth Public Library. Selectman Brewster encouraged citizens to attend the forum, noting that she, herself, will attend the event to learn more about affordable housing.

Plymouth Long Beach / Tidal Beaches Advisory Committee – Vice Chairman Mahoney thanked the members of the Tidal Beaches Advisory Committee for their 5-1 vote in favor of

the Town's proposal to acquire property on Plymouth Long Beach (Fall Town Meeting Articles 11 and 12).

Development Near Kingston/Plymouth Town Line – Chairman Hallisey explained that he arrived late to the September 27, 2011 Selectmen's meeting because he attended a meeting of the Kingston Board of Selectmen to hear a discussion on a development proposal for the area near the Kingston/Plymouth town line. A landowner, he said, has proposed a commercial development within the Town of Plymouth on land that abuts the area behind the Lowes shopping center in Kingston. Chairman Hallisey expressed his disappointment that the Kingston Selectmen would not consider the opening of William Gould Way (behind Lowes) to provide additional access/egress to the development property. It was his hope, Chairman Hallisey said, that both towns could recognize the mutual economic benefits of this development, and, as such, he offered Plymouth's assistance toward easing any traffic burden that may fall on Kingston's roads. At this point, he noted, the developer will likely pursue litigation against the Town of Kingston, so it is unclear as to what will come of the proposed development.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to adjourn its meeting at approximately 7:45 p.m. Voted 5-0-0, approved.

Chairman Hallisey invited the public to attend its October 11, 2011 meeting, which will be held in the Community Room at the Cedarville Fire Station. Because the meeting will take place outside of Town Hall, he explained, the meeting cannot be televised.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the October 4, 2011 meeting packet is on file and available for public review in the Board of Selectmen's office.