

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, JANUARY 3, 2012

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, January 3, 2012 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

CALL TO ORDER

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

TOWN MANAGER'S REPORT

State Technical Assistance Grant – Town Manager Mark Stankiewicz informed the Board that the Massachusetts Executive Office of Energy & Environmental Affairs has identified two Plymouth projects on its “priority” list for Technical Assistance grants. The two river/wetland restoration projects are the Tidmarsh Farm Wetland Restoration and Holmes Dam Removal initiatives. Both projects, he explained, will restore natural habitats and improve fish passage.

Certification of Free Cash – Mr. Stankiewicz reported that the Massachusetts Department of Revenue has certified Plymouth’s available surplus funds—commonly referred to as “free cash”—at \$5.3 million. The Town’s Finance Director, he said, has identified a number of areas to which the free cash could be applied, including capital purchases, debt service, the Town’s Stabilization Account, and/or the Other Post Employment Benefits (“OPEB”) account. Mr. Stankiewicz indicated that the Finance Director will provide further information on plans for use of the Certified Free Cash during the January 10, 2012 budget presentation.

3rd Quarter Estimated Tax Bill – Mr. Stankiewicz announced that the third-quarter estimated tax bills have been mailed and will be due on February 1, 2012. It should be noted, he said, that the third quarter bill is estimated on last year’s figures, because the Town’s 2012 Triennial Revaluation with the Department of Revenue has not yet been certified. Mr. Stankiewicz reported that, as a result, residents’ fourth quarter tax bills will be based on the

actual 2012 tax rate, with the inclusion of the difference between the third quarter actual assessment and the third quarter estimated bill. This information, he noted, has been included on the back of the third quarter bill and posted on the Town's website.

Public Safety Grant for Police Department – Mr. Stankiewicz was pleased to report that the Plymouth Police Department has received a \$4,950 grant for extra traffic enforcement patrols from the Massachusetts Executive Office of Public Safety and Security. The Plymouth Police, he said, will join the State Police and 180 other local law enforcement agencies in running extra traffic patrols as part of the “Drive Sober or Get Pulled Over” initiative.

Hotel / Motel Tax Receipts – Mr. Stankiewicz noted that the receipts from Plymouth's Local Option Hotel/Motel Tax are up 17% from last year's totals. The Town's Promotion Fund receives 45% of this revenue, he added.

Plymouth Long Beach Seawall – Mr. Stankiewicz reported that the Department of Public Works (“DPW”) has been working diligently to repair the seawall at Plymouth Beach. A good deal of the necessary work was done last week, he explained, because weather conditions have been good. Mr. Stankiewicz described the remaining facets of the project that are anticipated to be complete in the next three weeks, noting that the entire project will be finished at a cost much lower than the initial estimates.

Other Completed DPW Projects – Mr. Stankiewicz informed the Board that the DPW recently completed drainage improvements to Nelson Street and River Street. In addition, he said, the Cedarville Water Tank has been repainted and returned to service.

LICENSES

VEHICLE FOR HIRE (RENEWAL)

On a motion by Vice Chairman Mahoney, seconded by Selectman Brewster, the Board voted to renew the following Vehicle for Hire licenses, as detailed below. Voted 5-0-0, approved.

❖ **Patriot Transportation** (85 Sandwich Street, Michelle Cushman, Owner):

- One Vehicle for Hire Business Permit – Taxi
- One Vehicle – Taxi (Leased from South Shore Taxi)
Vehicle has been inspected by the Inspectional Services Department
- Two Vehicle for Hire Operator Licenses:
 - Jeffrey Furtado, 94 Turner Road, Scituate
 - Michelle Cushman, 227 Standish Avenue

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

VEHICLE FOR HIRE (RENEWAL)

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to renew and/or approve the following Vehicle for Hire licenses, as detailed below. Voted 5-0-0, approved.

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

- Applying for 7 Vehicles – 4 Renewals (1 Taxi, 3 Livery), 3 New (Livery)
Vehicles have been inspected by the Inspectional Services Department

KENO

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following request for a Keno License. Voted 5-0-0, approved.

❖ **Lucioso's Pub LLC d/b/a Lucioso's Pub**, 6 Spring Lane

The Massachusetts State Lottery Commission will approve a Keno License for the above establishment. If the Board of Selectmen objects, it must claim its right to a hearing before the MSLC within 21 days of receipt of this letter.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the minutes of the September 6, 2011 Selectmen's meeting. Voted 5-0-0, approved.

Special Town Meeting Warrant – On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to open the Saturday, April 7, 2012 Special Town Meeting warrant on Tuesday, January 3, 2012 and close the warrant on Friday, February 3, 2012 at 4:00 p.m. Voted 5-0-0, approved.

Drainage Easement – On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept a *Drainage Easement* from Joseph A. Balboni, Jr. and Debra A. Balboni, as Trustees of Liberty Realty Trust, along property at 61A and 61B Nicks Rock Road, as shown on a plan entitled "61 Nicks Rock Road Subdivision, Definitive Subdivision Boundary Plan, Plymouth Assessor's Parcel Number 032-000-022-003, 61A & B Nicks Rock Road, Plymouth, Massachusetts (dated May 19, 2011)."

PUBLIC COMMENT

Barbara Anglin, founder of the Plymouth Farmers Market ("PFM"), addressed the Board regarding the Town's decision to put the ability to hold a farmers' market at Stephens Field on Thursdays out to bid. Ms. Anglin stated that she and her volunteer staff have invested

eight years into developing the success of the PFM, and the Town, she contended, should not put her hard work out to bid, simply because there are other individuals who insist upon holding their own market at the same day and time. The bid document is flawed and should be recalled, she said, so that she and other members of the community can have the opportunity to work with the Town on developing a process by which Stephens Field may be utilized for such events/activities.

Selectman Muratore asked Ms. Anglin why she would not consider bidding on the Request for Proposals (“RFP”), to which Ms. Anglin indicated that, from a technical point of view, there are a number of issues that would prevent her from doing so. When pressed further by Selectman Muratore, Ms. Anglin reluctantly acknowledged that she was ultimately choosing not to bid on the RFP. Selectman Muratore noted his understanding that the Assistant Town Manager had already held a meeting with Ms. Anglin, some time ago, on this matter, to which Ms. Anglin contended that she had only spoken briefly with Ms. Arrighi (the Assistant Town Manager) about the RFP a few weeks prior.

Chairman Hallisey asked that the Selectmen discuss this matter at a time when the Assistant Town Manager can be present to respond to questions and provide information on the RFP. No objections were made to Chairman Hallisey’s request, and, thus, the Selectmen’s Assistant affirmed that the subject would be scheduled for an upcoming Selectmen’s meeting.

Kara Mallon informed the Board that she initiated an online petition in support of Barbara Anglin and the PFM, which (she reported) was signed by 260 individuals. Ms. Mallon explained her stance that it would be unfair to give away the Thursday afternoon time slot at Stephens Field to another group.

Chairman Hallisey again stated that the Board would not take any action on the bid until it can have a full discussion on the matter. As such, he asked staff to schedule the farmers’ market RFP for the Selectmen’s January 24, 2012 meeting.

Erin Anna Smith spoke in support of the PFM, noting her belief that the market provides more benefits to the community than just fresh, locally-grown produce. Ms. Anglin, she said, has consistently produced a quality market that brings a “small town” feel back to Plymouth.

Joan Bartlett, member of the Town’s Open Space Committee and the citizen-run Friends of Stephens Field group, noted that she and her colleagues met with the Assistant Town Manager to discuss the establishment of a formal policy on the commercial use of publicly-owned property, for the sake of fairness and an open public process. It was known—and acknowledged in an e-mail from Ms. Anglin—that the Assistant Town Manager had made a decision to put the market out to bid, Ms. Bartlett reported. The issuance of the RFP or a formal policy on the use of public property should not be viewed as a statement on the work done by Ms. Anglin, she said, because it is well known that the PFM is one of the best of its kind. Lastly, Ms. Bartlett stated for the record that—contrary to what was reported in the newspaper—the Friends of Stephens Field have no interest in bidding on the farmer’s market.

Jenny Healey, identifying herself as one of PFM’s regular vendors, noted that she and her sister, Kara Mallon, put together a Facebook page to mobilize support for Ms. Anglin and the

market. The Town, she said, should rescind the RFP and meet with Ms. Anglin and the Federation of Farmers' Markets to discuss the future of the market in a collaborative manner.

Gene Lane changed the topic of discussion to Plymouth's beaches. Mr. Lane, a former Selectman, alleged that a legal opinion issued by Town Counsel (Kopelman & Paige) on December 12, 1997 indicated that Plymouth residents have the right to drive the road out to Saquish Beach without being stopped by the homeowner association's security guard. The Selectmen, he said, should reestablish the mile of Saquish's pristine beach for use by the public. Mr. Lane also reminded the Selectmen to pursue the construction of a revetment wall on Plymouth Long Beach, which, he claimed, was halted years ago by The Goldenrod Foundation (private property owners on Long Beach).

Irene Caldwell returned the discussion to the farmers' market, stating her belief that the Board seems to be treating Ms. Anglin unfairly by placing the market she has worked to establish—for no compensation—out for public bid. Ms. Caldwell asked the Board to rescind the RFP and refrain from allowing the private vendor at Stephens Field from controlling what happens at the park. The Town, she said, appears to be undermining Ms. Anglin's work by making changes to the use of Stephens Field out of the eye of the public.

Selectman Harnais took issue with Ms. Caldwell's accusations, noting that the Selectmen have neither interest nor intent to undermine Ms. Anglin and the PFM. Selectman Muratore concurred, reiterating Chairman Hallisey's request to allow the Selectmen the opportunity to schedule a proper public discussion on the matter, at which the Assistant Town Manager can be present.

Mr. Stankiewicz sought to explain that no person or organization is entitled to use publicly-owned property for private, for-profit use. In order for the Town to allow such use in a fair and consistent manner, he said, it must have a process by which it measures each request.

Brian Fencer from Blue Blinds Bakery questioned the section of the RFP that specifically steers the bid award towards the submission that is most financially advantageous to the Town. This, he said, could be damaging to the market, because there are social equities that need to be considered. Mr. Fencer asked that the Selectmen consider making changes to the RFP to reflect such concerns.

Martha Stone acknowledged the strong emotions shared during public comment by market supporters but stated her belief that, though some individuals may have not liked the process surrounding the issuance of the RFP, the majority of market supporters want to move forward in a positive direction and bring about a good outcome.

Brahim Dagher cited a number of reasons as to why the Selectmen should rescind the RFP. He questioned the wording of the RFP, noting his perception that the bid process sets forth incentives that do not necessarily align with the public good. The RFP, Mr. Dagher said, appears as if it will create a bidding war that could ultimately raise costs for consumers by raising costs for the vendors who participate.

PUBLIC HEARING: TRANSFER OF ALL ALCOHOL PACKAGE LICENSE

PLYMOUTH LIQUOR MART, INC. D/B/A PLYMOUTH LIQUOR MART, 285 COURT ST.

Chairman Hallisey opened a public hearing to consider the application for a Transfer of an All Alcohol Package Store License from Tiger, Inc. d/b/a Myles Standish Liquors, 285 Court Street, James Russo as Manager, to Plymouth Liquor Mart, Inc. d/b/a Plymouth Liquor Mart, 285 Court Street, Kamalesh Patel 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.

Attorney Robert Galvin addressed the Board on behalf of Kamalesh Patel of Plymouth Liquor Mart, Inc. Attorney Galvin indicated that he has known Mr. Patel and his family for many years, noting that the family owns and operates another liquor store in Marshfield, where Mr. Patel has garnered a good deal of experience. The Patel family, he explained, will purchase the location at 285 Court Street, contingent on the Alcoholic Beverage Control Commission’s (“ABCC”) approval of the transfer of license.

Following a couple of brief questions from the Selectmen, Chairman Hallisey opened the hearing to public comment on the license application.

Everett Malaguti of Precinct 1 expressed his hope that the new owners of the liquor store will consider the historic character of North Plymouth prior to making any improvements to the building’s façade. Attorney Galvin responded that there are no current plans to make any changes to the exterior of the building.

Seeing no further public comment, Chairman Hallisey closed the hearing to await a motion of the Board.

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board approved the Transfer of an All Alcohol Package Store License from Tiger, Inc. d/b/a Myles Standish Liquors, 285 Court Street, James Russo as Manager, to Plymouth Liquor Mart, Inc. d/b/a Plymouth Liquor Mart, 285 Court Street, Kamalesh Patel as Manager. Voted 5-0-0, approved.

PUBLIC HEARING: ALTERATION OF PREMISES (LIQUOR LICENSE)

WATER STREET RESTAURANT GROUP, LLC D/B/A WATERFRONT BAR & GRILL, 170 WATER ST.

Chairman Hallisey opened a public hearing to consider the application for an Alteration of Premises (Liquor License) from Water Street Restaurant Group, LLC d/b/a Waterfront Bar & Grill, 170 Water Street, Michael Cardelle as Manager. Chairman Hallisey read a description of the premises and the proposed changes thereto, and he affirmed that notice of the hearing was given to the public in accordance with Chapter 138 of the Massachusetts General Laws.

Attorney Richard Cornetta addressed the Board on behalf of Water Street Restaurant Group, LLC. The proposed change to the premises, he reported, is the establishment of a 16-seat

raw bar to the restaurant's street-level outdoor patio. Attorney Cornetta indicated that the patio is adequately enclosed on three sides to accommodate the service of alcoholic beverages.

Seeing no questions from the Board, Chairman Hallisey opened the hearing to public comment on the application for an Alteration of Premises. No citizens came forth to address the Board, and, thus, Chairman Hallisey closed the hearing to await a motion of the Board.

On a motion by Selectman Muratore, seconded by Selectman Brewster, the Board approved an Alteration of Premises (Liquor License) for Water Street Restaurant Group, LLC d/b/a Waterfront Bar & Grill, 170 Water Street, as described in the license application. Voted 5-0-0, approved.

COMMITTEE INTERVIEWS

Chairman Hallisey explained that the Board would consider the appointment of one citizen to the Zoning Board of Appeals (alternate seat), for a term effective January 4, 2012 through June 30, 2013. There were two (2) applicants:

Michael Leary	42 Billington Sea Road	New Applicant
Douglas O'Roak	76 Dorothy Drive	New Applicant

Chairman Hallisey invited Mr. Leary and Mr. O'Roak to appear before the Board, one-by-one, for a brief interview. Each applicant was given the opportunity to introduce himself and to answer questions posed by the Board.

Following the interviews, Chairman Hallisey called for a vote. Chairman Hallisey, Selectman Brewster, and Selectman Harnais voted to appoint Mr. Leary, while Vice Chairman Mahoney and Selectman Muratore voted for Mr. O'Roak. By majority vote of the Board, Michael Leary was appointed as an alternate on the Zoning Board of Appeals for a term effective January 4, 2012 through June 30, 2013.

BOARD LIAISON / DESIGNEE UPDATES

The Selectmen offered no reports or updates on Town committee activity.

OLD BUSINESS / LETTERS / NEW BUSINESS

League of Women Voters to Host Meals Tax Forum – Selectman Brewster reminded the public that the Plymouth Area League of Women Voters will host a forum at 7:00 p.m. at Town Hall on Thursday, January 5, 2012 to discuss the Meals Tax Referendum. Selectmen Brewster encouraged citizens to attend or view the forum (which will be aired live on

PACTV), to educate themselves on the issue prior to the referendum vote on January 14, 2012.

132-134 Court Street – Chairman Hallisey inquired about the status of the Town’s property at 132-134 Court Street, which is currently leased and occupied by the Plymouth Area Chamber of Commerce. Mr. Stankiewicz responded that the attorney for the Chamber has contacted the Town regarding purchase of the property. Chairman Hallisey stated that he would like to see the funds from the sale of 132-134 Court Street to be applied to offset the purchase of the Laughlin property on Plymouth Long Beach.

FY2013 Budget Presentation – On an inquiry from Vice Chairman Mahoney, Mr. Stankiewicz reported that Lynne Barrett, the Town’s Finance Director, will provide a presentation on the proposed FY2013 budget for the Selectmen, School Committee, and Advisory & Finance Committee during the Selectmen’s meeting of January 10, 2012. Selectman Muratore asked if the Finance Director has determined the FY2013 tax rate, to which Mr. Stankiewicz noted that Ms. Barrett will be prepared to provide the Board with an estimated figure during the January 10th meeting.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to adjourn its meeting at approximately 8:40 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the January 3, 2012 meeting packet is on file and available for public review in the Board of Selectmen’s office.