

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, MAY 28, 2013

EMERGENCY OPERATIONS CENTER / COMMUNITY ROOM AT CEDARVILLE FIRE STATION, 2209 STATE ROAD

The Selectmen held a meeting on Tuesday, May 28, 2013 at 6:00 p.m. at the Emergency Operations Center / Community Room at the Cedarville Fire Station, 2209 State Road.

Present: Mathew J. Muratore, Chairman
Belinda A. Brewster, Vice Chairman
John T. Mahoney Jr.
Kenneth A. Tavares
Anthony F. Provenzano Jr.

Melissa Arrighi, Town Manager
Michael Galla, Assistant Town Manager

CALL TO ORDER

Chairman Muratore called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

PUBLIC HEARING: ALTERATION OF PREMISES (LIQUOR LICENSE)

NOTORIOUS LLC D/B/A 42 DEGREES NORTH, 690 STATE ROAD

Chairman Muratore opened a public hearing to consider the application for an Alteration of Premises from Notorious LLC d/b/a 42 Degrees North, 690 State Road, holder of an annual All Alcohol Restaurant Liquor License. Prior to commencing the hearing, Chairman Muratore 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.

Erik Hynes, Manager for Notorious LLC d/b/a 42 Degrees North, provided a brief overview of the outdoor deck and bar that has been added to the restaurant.

Chairman Muratore opened the hearing to public comment. No citizens came forth, and, thus, Chairman Muratore closed the hearing to await a motion of the Board.

On a motion by Selectman Tavares, seconded by Vice Chairman Brewster, the Board voted to approve an Alteration of Premises for Notorious LLC d/b/a 42 Degrees North, as requested by the applicant. Voted 5-0-0, approved.

LICENSES

ONE DAY WINE & MALT LIQUOR LICENSE

On a motion by Selectman Tavares, seconded by Vice Chairman Brewster, the Board voted to grant a One Day Wine & Malt Liquor License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Holy Ghost Society of Plymouth, Inc.** requested a One Day Wine & Malt Liquor License for the Holy Ghost Festa, to be held from 12:00 p.m. to 6:00 p.m. at 12 South Cherry Street on July 21, 2013. Liquor Liability Insurance will be in place before the license is released.

ONE DAY ALL ALCOHOL LIQUOR LICENSE

On a motion by Selectman Tavares, seconded by Vice Chairman Brewster, the Board voted to grant a One Day All Alcohol Liquor License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Thomas Jaeger / Eel River Beach Club** requested a One day All Alcohol Liquor License for member cocktail parties, to be held at the Eel River Beach Club during the dates and times listed below. Liquor Liability Insurance will be in place before the licenses are released.
 - June 21, 2013, from 7:00 – 11:00 p.m.
 - July 27, 2013, from 7:00 – 11:00 p.m.

SPECIAL AUCTIONEER PERMIT

On a motion by Vice Chairman Brewster, seconded by Selectman Mahoney, the Board voted to grant a Special Auctioneer Permit to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **J. James Auctioneers and Appraisers** (Joshua Rioux, 84 Court Street) requested a Special Auctioneer Permit to auction antiques and collectibles on July 16, 2013, from 12:00 p.m. to 10:00 p.m. at Memorial Hall, 83 Court Street.

CLASS II AUTO DEALER

On a motion by Selectman Mahoney, seconded by Vice Chairman Brewster, the Board voted to grant a Class II Auto Dealer's License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Secondcar Sales, Inc.**, 39 Shore Road, George Gonsalves, Owner – Internet sales, only. Vehicles will not be stored at this address (vehicles must be delivered directly to dealers and auctions). Inspectional Services has approved zoning for this business.

ADMINISTRATIVE NOTES

Notice of Non-Exercise / Chapter 61A Property at 15 Little Herring Pond Road – Ms. Arrighi explained that the Chapter 61 land at 15 Little Herring Pond Road is under a Purchase & Sale Agreement with Mr. Michael Babini. The Town, she said, has allowed its 120-day timeline to exercise its right of first refusal to expire. Due to that, the law now requires that the Board of Selectmen vote to execute a written Notice of Non-Exercise for the property and send it to the landowner by certified mail. Ms. Arrighi further explained that the internal procedure to consider if the Town should purchase this property was not done well and that corrections have been established, so this type of error is not repeated in the future. However, in this case, she acknowledged, the Town did miss out on a possible opportunity due to such operational mistakes.

Selectman Mahoney made a motion to approve the Notice of Non-Exercise with the condition that proof of a current Purchase & Sale Agreement between Mr. Babini and the property owner (Kristine Keese) is supplied. After Selectman Provenzano explained that a Purchase & Sale Agreement is a document between two private parties and is (thus) outside of the scope of the action being required by the law (Chapter 61A, Section 14), Selectman Mahoney withdrew his motion.

Mr. Babini explained that the near-5-acre parcel was for sale for three years and neither the Town, nor any neighbors, nor any association stepped up to purchase it. Mr. Babini expressed frustration that the whole process of acquiring this property has taken him a good amount of time and money, and he stated that he simply wants the Selectmen to vote upon this matter this evening, so that he can move forward.

Brian Harrington, a neighbor of 15 Little Herring Pond Road, expressed his frustration that the Town mishandled the Chapter 61A Right of First Refusal process and missed an opportunity for environmental preservation. Mr. Harrington did acknowledge, however, that he understood the legal obligation the Board was now under to sign off on the Notice of Non-Exercise.

Selectman Provenzano encouraged the members of the audience—many of whom were part of the Herring Pond Watershed Association—to obtain a 501(c)(3) non-profit status and work with Mr. Babini and other property owners in that area to acquire land for future protection from development.

Selectman Tavares led a discussion on whether the Town should engage Mr. Babini in negotiations about possibly acquiring a portion of the property, if it is determined that there is a benefit to the community.

Ms. Arrighi explained that much of the land on this parcel would be protected even with the development, and she stated that there may be no real benefit for the Town to obtain only a portion of it. The benefit of that exchange, she noted, may fall solely on Mr. Babini, as there would be less taxable land.

Don Williams, a neighbor of 15 Little Herring Pond Road who is associated with the Herring Ponds Watershed Association, indicated his hope that the Town and the Selectmen will pay close attention to what could be built by the developer on the property (i.e. setbacks, effects on water quality, drainage issues, and the placement of septic systems) so that the development does not negatively impact the watershed.

Mr. Babini again requested that the Board vote to execute a written Notice of Non-Exercise. He committed and gave his word to the Board that he would reach out to the Town and meet with David Gould (Director of Marine & Environmental Affairs) and Ms. Arrighi to discuss the possibility of the Town acquiring a portion of the parcel.

Selectman Tavares thanked Mr. Babini and stated that he would take his word on the commitment, noting that Mr. Babini has often worked in the best interest of the Town.

On a motion by Selectmen Provenzano, seconded by Selectman Tavares, the Board voted to execute a written Notice of Non-Exercise for property located at 15 Little Herring Pond Road, shown as Lot 15 on Assessors Map 59, and issue such notice by certified mail to the landowner, Kristine Keese of 103 Haskell Road, Plymouth, MA 02360. Voted 5-0-0, approved.

OLD BUSINESS / LETTERS / NEW BUSINESS

New Assistant Town Manager – Chairman Muratore welcomed the Town's new Assistant Town Manager, Michael Galla, to his first meeting with the Board of Selectmen.

Miscellaneous Time-Sensitive Items – Ms. Arrighi asked the Board to consider voting on three time-sensitive matters:

1. Sending a letter of support for the location of the Olympics to be held in Plymouth, England (UK)
2. Approving Exclusive Vending Rights for July 4 Plymouth, Inc. for the parade and fireworks events
3. Approving a Common Victualler License and Entertainment Permit (TV, Radio) for Mama Joy's at 531 Federal Furnace Road.

On a motion by Selectman Provenzano, seconded by Vice Chairman Brewster, the Board voted 5-0-0 to approve a letter of support for the Plymouth England Year of Culture. Selectman Provenzano agreed to draft the letter.

On a motion by Vice Chairman Brewster, seconded by Selectman Provenzano, the Board voted 5-0-0 to grant Exclusive Vending Rights to July 4 Plymouth, Inc. for the parade and fireworks events on July 4, 2013. Voted 5-0-0, approved.

On a motion by Vice Chairman Brewster, seconded by Selectman Provenzano, the Board approved a Common Victualler License and Entertainment Permit (TV, Radio) for Mama Joy's at 531 Federal Furnace Road. Voted 5-0-0, approved.

Graduation Ceremonies for the Class of 2013 – Chairman Muratore indicated that he would be unable to attend the upcoming graduation ceremonies at Plymouth North High School on June 8th at 10:00 a.m. Selectman Provenzano offered to go in his place.

Graffiti at Plymouth Beach Bath House – Selectman Tavares asked that the DPW paint over the graffiti on the bath house at Plymouth Beach.

Summer Meeting Schedule – Chairman Muratore noted that he had finalized the Selectmen's summer schedule of meetings, with meetings scheduled on an every-other-week basis, starting in mid-June.

ADJOURNMENT OF MEETING

On a motion by Selectman Mahoney, seconded by Vice Chairman Brewster, the Board voted to adjourn its meeting at approximately 6:55 p.m. Voted 5-0-0, approved.

Following the conclusion of the meeting, the Board attended Emergency Operations Training (closed to the public) with the Town's Emergency Management Director, Aaron Wallace.

Recorded by Melissa Arrighi, Town Manager

Formatted by Tiffany Park, Clerk to the Board of Selectmen

A copy of the May 28, 2013 meeting packet is on file and available for public review in the Board of Selectmen's Office.