

## **Board of Selectmen**

Tuesday, June 16, 2015

Town Hall Mayflower Room, \*6:30 PM\*

### **6:30 p.m.** Executive Session

The Selectmen will hold an Executive Session pursuant to M.G.L. Chapter 30A, Section 21, Paragraph 6, 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 negotiating position of the body. Following executive session, the Board will reconvene in open session.

### **7:00 p.m.** Call to Order

Call to order at 7:02 p.m.

### **7:05 p.m.** Town Manager's Report

Ms. Arrighi reports on several items from her town manager's report.

White Horse Beach - I indicated that we would provide you with an update on White Horse Beach management. The Police Department has rededicated sources there and is making every effort to patrol the area. In addition, we will be working with the Police Chief to determine if we should return to the days where there was a police detail there every weekend in the summer. The Marine and Environmental Department is having the Natural Resource Officers walk the beach at random times/locations. The Fire Department is still talking internally about how they are going to handle allowing/disallowing fires on the beach for the holiday. We will continue with towing and arresting violators as necessary. As soon as there is a White Horse Beach management update available, I will provide it to you.

Revenue Idea Task Force - As they are finalizing their report to the Selectmen, staff continues to explore opportunities to create new sources of revenue. We have discovered that there is an MMA bill that would expand the authority of cities and towns to include nonpolitical advertisements approved by the board of selectmen along with local tax bills and other communications to residents and taxpayers as a way to raise new non-tax revenues. The bill is being sponsored by Rep. Shawn Dooley and is HD2293. We will ask our legislative delegation to support it.

Double Poles - There is another MMA bill that addresses a longstanding subject matter that irks elected and appointed officials, as well as citizens of Plymouth. That is the double poles throughout our community. The pending bill would establish the authority of cities and towns to enforce the provisions of Section 34B of Chapter 164 to require utility companies to remove "double poles" within 90 days or be subject to a fine of not more than \$1,000 per occurrence. We would ask everyone to encourage their legislators to support HD1432 sponsored by Rep. Stephen Kulik.

Selectman Mahoney addresses the Town manager - The first public hearing for White Horse Beach management will be next tuesday night. I would like to see White Horse Beach on the agenda before July 4th weekend. The rest of the Board concurs with this.

**7:10 p.m.** Public Comment

The July 4th committee takes the podium to discuss the parade in 3 weeks. They are still trying to raise funds and volunteers for the parade. The theme is sights and sounds of summer's past. We have several floats and bands in the parade and we are still accepting applications.

The independence day 5k is still on for the fourth of July and we are still looking for volunteers. The website has been completely updated.

Kevin Hines, owner of 42 degrees north, has been called to podium and he has donated \$5,000.00 for the July 4th parade. Entergy has also donated \$5,000.00 and make piece has donated \$2,500.00. We are still asking for \$20,000.00 in donations to reach our goal.

Chairman Tavares: Just a note to Mark we are actually at \$109,000.00 you have \$16,000.00 left to go.

Jeff calls up Jeff Cohan to the podium who states that he will be donating \$5,000.00 to the July 4th fund and he will be having 3 floats in the parade.

Mr. Frank Mand takes the podium to talks about Communitree. We want to have about 100.

Mr. Cereko representing precinct 3 takes the podium requesting thermo plastic lining on south street. Do security guards have the authority to direct traffic? I've seen them directing traffic in front of the school.

Ms. Cavaco takes the podium giving an update on friends of manoment youth center we will be selling raffle tickets this weekend.

Mr. Brewster from the Harbor Committee - The blessing of the fleet is at 1:00 p.m. and we would love to see the Board there.

Mr. Loring takes the podium to discuss the air conditioning issues. Only 16 units got A/C units and the rest of the 60 units. I've done some research on these portable units and they are only good for about 400 square feet. The window units that have been provided are not adequate.

Chairman Tavares: The Board will discuss this under new business and we have opened dialogue with the Housing Authority.

Everett Malaguti takes the podium: I noticed they were working on the leaking issue on the rotary and I'm wondering if the actual leak has been solved and how much is this costing us? There are potholes at the intersection of south cherry st that has a cone placed there.

**7:15 p.m.** Public Hearing: Transfer of Annual All Alcohol Restaurant License (14 Union St Corp d/b/a to Bison LLC d/b/a Surf Side Smoke House)

A motion to Approve was made by David Malaguti and seconded by John Mahoney, and the motion result was Passed.

Ayes: Provenzano, Jr., Mahoney, Tavares, Malaguti. Absent: Page.

The public hearing begins: Fred Beselin takes the podium. They are a food and beverage establishment and they saw an opportunity for a beautiful location on the water front. He

gives a brief history on his restaurant and what it can bring to the Plymouth Waterfront.

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**7:20 p.m. Annual Committee Reappointments**

A motion to Approve was made by Anthony Provenzano, Jr. and seconded by David Malaguti, and the motion result was Passed.

Ayes: Page, Provenzano, Jr., Mahoney, Tavares, Malaguti.

The following people have been reappointed to committees:

**Affordable Housing Trust:**

Lee Hartmann, Mark Snyder, Nicholas L. Iacuzio, Laura L. Schaefer

**Agricultural Committee:**

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John Risso, Bonnie Hobson, Amy Friedrich

**Airport Commission:**

Kenneth L. Laytin, William D. Burke, Thomas W. Hurley

**Building Committee:**

David B. Peck, Christy J. Murphy, Timothy Grandy

**Conservation Commission:**

David B. Foster

**Community Preservation Committee:**

William Keohan, Allen Hemberger

**Cultural Council:**

Marry Johannesen

**Energy Committee:**

Alexander L. Burns, Everett J. Malaguti, Greg Krantz

**Greater Plymouth Performing Arts Center:**

-  
Denise Faherty

**Historic District Commission:**

Julie ML Burrey, Robert A. Fournier

**Harbor Committee:**

William T. Doyle, Chester T Gwardyak, W Wrestling Brewster, Phil Chandler, Leonard D. Blaney

**Manomet Village Steering Committee:**

John F. Vacha

**Natural Resources & Coastal Beaches:**

Everett J. Malaguti, Kris Cavacco

**No Place for Hate Committee:**

Michelina Larson, Lennie De Souza Smith

**Open Space Committee:**

Lois Post

**Roads Advisory Committee:**

John Risso, Stephen P. Dyer, Timothy R. Bennett

**Visitors Service Board:**

Kenneth Buechs, Richard Quintal Jr

**Zoning Board of Appeals:**

Peter G. Conner, Edward C. Conroy

**7:25 p.m.** Discussion on County Land: Long Pond Rd & Wood Lot

Chairman Tavares states that we will enter into a discussion regarding the County Land on Long Pond Rd and wood lot

Selectman Mahoney: We are trying to work on this issue with the South Street transfer station. I understand that you want to give incentives for solar panels but if we are cutting down trees in order to put up these solar panels we are being counter productive. The Government should not be in the business of cutting trees down in order to generate revenue. I disagree with what they are doing. We need to fight this proposal as vigorously as possible as it isn't a good fit for that location.

Selectman Malaguti: I share Selectman Mahoney's concern regarding the south st transfer station. It is true that gravel removal operations naturally entail clear cutting and having been in the business all my life I can see the end result. I don't fear the gravel removal operation and I see it as a form of progress. I fully support the use of the wood lot proposal for the

use of solar panels as it is a form of progress and if it helps the energy situation, i am not opposed to it.

Selectman Provenzano: Regarding the Wood Lot I feel that deforesting a lot for the use of solar fields is a problem. Regarding South St and the traffic, it would be a good idea to get the county commissioner in here to give us more information on the project before we engage in a knee jerk reaction.

Chairman Tavares: The intent of putting this on the agenda was to see where you were with this information. We do have some information, but we do need more from the Commissioners. On the surface I'm not pleased with either proposal. I will reach out to the chairman of the commissioners. I know there are residents who wish to speak on this issue.

Cheryl Heller takes the podium: I put together a pictorial essay of the land and it contains 30 acres of open meadow and over 60 acres of forest. This is not a wooded lot this is a habitat not suitable for a solar farm. What the commissioners are proposing is a 6 mega watt solar farm. When you have a solar farm its important that the panels be put on stable soil, the soil at this site is mostly sand. I understand that there are solar bylaws that are being drafted and the vegetation should be considered in that bylaw. The Northern end of that property looks like a dump and there is evidence of partying going on. There is a fire engine that has been stuck in the bushes which could be a hazard for emergency vehicles.

The County has shown very little respect for this property and I think its something that needs to be address by the Selectmen.

Chairman Tavares thanks Ms. Heller for her presentation and the pictures and addresses Ms. Arrighi to get the photos to the right department.

Richard Rothestein takes the podium to discuss the county land that is a part of Plymouth and the Board of Health should have the final decision.

Steven Lyden precinct 12 takes the podium: Has the county gone through National Heritage to see if they can even use the land? Regarding the transfer station I don't think it would be a good idea.

Selectman Mahoney: I would like to set a site visit to see this property. Selectman Malaguti and I had the pleasure of visiting the South St. transfer station site and we were able to get a good look at the site. We need to extend an invitation to the commissioners.

**7:45 p.m.** Pac TV - Annual Update

Nancy Richards takes the podium to give an annual update: PacTv is a membership based program and provides two channels for the Town of Plymouth. 145 Plymouth residents are PacTV members and also volunteers on many community events. We assist local non profit groups to help them get information out to the community.

Chairman Tavares thanks Nancy for coming in and informing the public. The Board echo's the same sentiment.

**8:00 p.m.** Simes House Foundation

A motion to Approve was made by John Mahoney and seconded by David Malaguti, and the motion

result was Passed.

Ayes: Page, Mahoney, Tavares, Malaguti. Nays: Provenzano, Jr..

Chairman Tavares asks Ms. Arrighi to give some background on the Simes House Foundation. I'd like to publicly acknowledge how much work and effort has already been put into this project. There exists a unified hope to be able to achieve the original goal of Town Meeting and that was to make this a beautiful place for the Town. It is our hope that if the Selectmen does accept this back that it is our hope that it can be maintained and ran as it was intended.

Selectmen Provenzano: Asks if anyone can shed light on why the committee was not able to complete this task.

Chief Pearson takes the podium to discuss Simes House. The house has become a source of pride in Manomet and we chose to start with the stabilization of the building and the next phase was the interior restoration. Once we ran the first set of plans it became apparent that we didn't have enough money to complete the project. We ran into several issues with the plans, funding, and difference of opinions. The funding was eventually stopped and the CPC stated they would not allow any more expenditures out of the account set up for the reconstruction of this property. We have since chosen to gift this back to the Town.

Selectman Provenzano: You have a board of how many members? And how do you function? Was grant funding part of the original vision of this project?

Chief Pearson: 11 members. I feel as though we function very well we've been able to keep insurance on the property. We thought once we started showing some good progress on this project, we thought the grants would come in. It seems we've created a business plans and the house doesn't fit into one particular area. It isn't affordable housing or historic. It's too diverse for one particular grant. The mass historical society has offered to accept an application for a grant.

Chairman Tavares: The discussion is whether or not you want to accept this as a gift. There are some funds attached to this request and the question is does the Town want to participate in bringing this house back to Manomet.

Selectman Provenzano: i would like to hear from the CPC

Mr. Keohan: The CPC is ready to present an article to fall town meeting to complete the repairs on the house. The CPC has also been in contact with the Antaquarian Society to ensure the historic aspects of the building are maintained. Once the building is completed we would possibly go back to see if they would like to run it again.

Selectman Provenzano: How much funds are still in the account and how much would you ask town meeting for?

Mr. Keohan: About 750,000 and we would ask town meeting for roughly 1.2 million dollars. We placed a large burden on this group and that was wrong, we do want to complete this project for Manomet. We do appreciate the work that the foundation has done but we want to remove the burden of the construction and have them work on repairing relationships.

Selectman Provenzano: All organizations have their growing pains, as being a committee member of the Antaquarian society I can certainly attest to that. My intention is to get this organization functioning properly and complete the job.

Mr. Malaguti addresses Mr. Keohan: I can understand that Manomet would like a focal point in the community. My quandary is that we should not be acquiring more buildings when we can't even maintain what we have. If we did revert to the sale of the property would we get back the money we've put into it? I actively advocated for the purchase of 1820 court house so I can certainly relate to preserving a historic site. Are you anticipating that 1.2 million would complete the project?

Mr. Keohan: Having a sale without the inside completed would not get you a good rate of return. The CPC funds are already in place for us to start work right away. We would revise and review the numbers. When we go to Town meeting we would advocate that we would need to free the debate from controversy and have it go through procurement. We would advocate for this house to go through a lease process. If the Town does not accept this gift, the CPC will not have the funds to complete the needed improvements and the Town would eventually take it back due to non-tax payments.

Selectman Malaguti: Is it safe to say this will not be a financial liability to the tax payers?

Mr. Keohan: If we take it today and start the needed improvements it would not become a cost in the future or a burden to the tax payers.

Selectman Mahoney: Tell us more about the grants.

Mr. Keohan: We are in the process with getting a grant writer for both 1820 court house and the Simes House. If we are able to secure these grants it would cost the town less.

First motion would be to formally accept the deed as a gift from the foundation to the town. Mahoney, Malaguti.

Provenzano - No

Chairman Tavares - Yes

Selectman Malaguti: I share Selectman Provenzano's concern regarding taking on another property. When we expend these huge efforts to preserve and maintain a property we want it to be beneficial to the Town.

Selectman Mahoney: I also will support the vote. We are in to this property for 200 years or until global warming comes into play, but it's my intent to support taking this back and returning it to the village of manomet.

Selectman Tavares: I think a very important lesson has been learned as to how to run a foundation and I agree with the Chief as it's difficult to make this building grant friendly. I'm placing trust in the CPC to get this building up and running and returning it to Manomet as it was intended.

1. Engineering and plan vote: All Approve

2. CPC funds - Mahoney - yes, Malaguti - Yes, Tavares - Yes, - Provenzano - No

3. Special Event permit - All approve

4. Sign the Deed

**8:15 p.m.** End of Year Transfers

A motion to Approve was made by Anthony Provenzano, Jr. and seconded by David Malaguti, and the motion result was Passed.

Ayes: Provenzano, Jr., Mahoney, Tavares, Malaguti. Absent: Page.

**8:20 p.m.** Administrative Notes and Licenses

Sign Bonds - Plymco Dam Project

Ryder House Affordable Housing Project - Sign Application

A motion to Approve was made by Anthony Provenzano, Jr. and seconded by David Malaguti, and the motion result was Passed.

Ayes: Provenzano, Jr., Mahoney, Tavares, Malaguti. Absent: Page.

Acceptance of Deed - 161 Taylor Ave

A motion to Approve was made by Anthony Provenzano, Jr. and seconded by John Mahoney, and the motion result was Passed.

Ayes: Provenzano, Jr., Mahoney, Tavares, Malaguti. Absent: Page.

Approve Meeting Minutes - May 19, 2015

A motion to Approve was made by Anthony Provenzano, Jr. and seconded by David Malaguti, and the motion result was Passed.

Ayes: Provenzano, Jr., Mahoney, Tavares, Malaguti. Absent: Page.

Approve Meeting Minutes - May 26, 2015

A motion to Approve was made by John Mahoney and seconded by Anthony Provenzano, Jr., and the motion result was Passed.

Ayes: Provenzano, Jr., Mahoney, Tavares, Malaguti. Absent: Page.

One Day All Alcohol Liquor License - Victoria Bernstein - Eel River Beach Club 6/19/15 & 7/25/15

A motion to Approve was made by John Mahoney and seconded by Anthony Provenzano, Jr., and the motion result was Passed.

Ayes: Provenzano, Jr., Mahoney, Tavares, Malaguti. Absent: Page.

One Day All Alcohol Liquor License - Heather Morrison - Plymouth Center for the Arts 6/26/15

A motion to Approve was made by John Mahoney and seconded by Anthony Provenzano, Jr., and the motion result was Passed.

Ayes: Provenzano, Jr., Mahoney, Tavares, Malaguti. Absent: Page.

One Day All Alcohol Liquor License - Pilgrim Hall 6/20/15

A motion to Approve was made by David Malaguti and seconded by John Mahoney, and the motion result was Passed.

Ayes: Provenzano, Jr., Mahoney, Tavares, Malaguti. Absent: Page.

One Day Wine and Malt Liquor License - Mark Lootz - Plymouth Lions Club - Octoberfest 9/12/15 & 09/13/15

A motion to Approve was made by David Malaguti and seconded by John Mahoney, and the motion result was Passed.

Ayes: Provenzano, Jr., Mahoney, Tavares, Malaguti. Absent: Page.

KKaties Burger Bar - Closing 6/14/15 - 6/23/15 for renovations

A motion to Approve was made by John Mahoney and seconded by Anthony Provenzano, Jr., and the motion result was Passed.

Ayes: Provenzano, Jr., Mahoney, Tavares, Malaguti. Absent: Page.

14 Union Street Corp. d/b/a Union Fish - Closing for purchase transaction

A motion to Approve was made by Anthony Provenzano, Jr. and seconded by John Mahoney, and the motion result was Passed.

Ayes: Provenzano, Jr., Mahoney, Tavares, Malaguti. Absent: Page.

Licenses in conjunction with a public hearing Bison LLC - Comprehensive Entertainment, Common Victualler, Early Sunday Sales, and Extension of Hours

A motion to Approve was made by David Malaguti and seconded by John Mahoney, and the motion result was Passed.

Ayes: Provenzano, Jr., Mahoney, Tavares, Malaguti. Absent: Page.

**8:25 p.m.** Committee Liaison/ Designee Updates

**8:30 p.m.** Old Business/Letters/New Business

Chairman Tavares addresses new business:

We will be addressing the number of complaints regarding the number of races in the Town. We need to be aware that we have businesses in this Town that need a clear path for deliveries and commuters.

We got a letter from Representative Muratore that they are looking for life guards.

I had the pleasure of attending the Council on Aging volunteer luncheon and they recognized about 100 people and I did bring the greetings from the Board.

There was recently an Eagle Scout for Troop 9 ceremony and they both did projects that benefit the Town of Plymouth.

I would ask the Town Manager to prepare a report for the Board regarding the air conditioners.

On a motion by Selectman Mahoney, seconded by Selectman Malaguti the meeting adjourns at 9:29 p.m.

Minutes recorded by: Annikka Bernabe (Administrative Assistant to Board of Selectmen)

**Agenda Item**

Tuesday, 6/16/2015

Executive Session

**SUMMARY:**

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**BACKGROUND:**

**Agenda Item**

Tuesday, 6/16/2015

Call to Order

**Agenda Item**

Tuesday, 6/16/2015

Public Comment

**Agenda Item**

Tuesday, 6/16/2015

Annual Committee Reappointments

**Agenda Item**

Tuesday, 6/16/2015

Public Hearing: Transfer of Annual All Alcohol Restaurant License (14 Union St Corp d/b/a to Bison LLC d/b/a Surf Side Smoke House)

**Agenda Item**

Tuesday, 6/16/2015

Discussion on County Land: Long Pond Rd & Wood Lot

**Agenda Item**

Tuesday, 6/16/2015

Pac TV - Annual Update

**Agenda Item**

Tuesday, 6/16/2015

Simes House Foundation

**Agenda Item**

Tuesday, 6/16/2015

End of Year Transfers

**Agenda Item**

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Administrative Notes and Licenses

**Agenda Item**

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Sign Bonds - Plymco Dam Project

**Agenda Item**

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Ryder House Affordable Housing Project - Sign Application

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Acceptance of Deed - 161 Taylor Ave

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One Day All Alcohol Liquor License -Victoria Bernstein - Eel River Beach Club 6/19/15 & 7/25/15

**Agenda Item**

Tuesday, 6/16/2015

One Day All Alcohol Liquor License - Heather Morrison - Plymouth Center for the Arts 6/26/15

**Agenda Item**

Tuesday, 6/16/2015

One Day All Alcohol Liquor License - Pilgrim Hall 6/20/15

**Agenda Item**

Tuesday, 6/16/2015

One Day Wine and Malt Liquor License - Mark Lootz - Plymouth Lions Club - Oktoberfest 9/12/15 & 09/13/15

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Tuesday, 6/16/2015

KKaties Burger Bar - Closing 6/14/15 - 6/23/15 for renovations

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14 Union Street Corp. d/b/a Union Fish - Closing for purchase transaction

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Approve Meeting Minutes - May 19, 2015

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Licenses in conjunction with a public hearing Bison LLC - Comprehensive Entertainment, Common Victualler, Early Sunday Sales, and Extension of Hours

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Town Manager's Report