

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MARCH 29, 2016

MAYFLOWER ROOM, TOWN HALL, 11 LINCOLN STREET

5:30pm - Executive Session

The Board of Selectmen held an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3; to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair declares.

- ❖ Yankee Spirit
- ❖ BJ's Wholesale
- ❖ Brewster Ambulance
- ❖ Lynne Barrett
- ❖ DPW-COBRA
- ❖ Fire Fighters Litigation
- ❖ Patrolmen Litigation

And Paragraph 6; to consider the purchase, exchange, lease, or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the government body.

- ❖ Entergy Land

7:43PM - CALL TO ORDER

Ken Tavares, Chairman of the Board, called the meeting to order at 7:43 p.m. and led the Pledge of Allegiance.

Present: Kenneth A. Tavares, Chairman
 Anthony F. Provenzano Jr, Vice Chairman
 John Mahoney
 Sean P. Page
 David Malaguti

 Melissa Arrighi, Town Manager
 Derek Brindisi, Assistant Town Manager
 Gregg J. Corbo, Esq., Kopelman and Paige (Town Counsel)

7:44PM – PUBLIC COMMENT

None

7:45PM – PUBLIC HEARING

Ken Tavares, Chairman, opened the Public Hearing at 7:45pm for the (7) Aquaculture applicants.

Chad Hunter, Harbor Master, came to the podium and told the Board that all of the applicants were present for tonight's meeting, then went on to list the Aquaculture sites that each of the applicants had selected. He told the Board that this venture has been very successful for the Town of Plymouth.

John Mahoney, Selectman, asked Mr. Hunter how many Aquaculture sites were left and once they are depleted will there be a waiting list.

Mr. Hunter replied by saying after these licenses are issued there would be (4) four lots left. He added that the four remaining sites have already been chosen by future applicants and that he would be back in the near future for those applicants. He stated that they were not certain how the waiting list would be managed but they were looking at all options.

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved the Aquaculture Licenses for the following applicants: *Voted 5/0*

- James Mertz, 10 Wagon Wheel Road, Plymouth
- Matthew J. Nickerson, 420 Long Pond Road, Plymouth
- Antonio Viscariello, 29R Kingfisher Lane, Plymouth
- David F. Tarantino, 8 Warren Avenue, Plymouth
- Michael W. Withington, 76 Forge Drive, Plymouth
- Cassie Gosselin, 80 Central Avenue, Plymouth
- James O'Shea, 28 Warren Avenue, Plymouth

Chad Hunter thanked the Board of Selectmen for their support with their Aquaculture program. He referred them to a couple of recent newspaper articles that talked about the great success with this program in other Coastal Towns.

7:55PM – YANKEE SPIRITS

Chairman Tavares stated that the Board needed to revisit their findings for the Annual All Alcohol Package Store License for Yankee Spirits from at a previous meeting. He said that the ABCC (*Alcoholic Beverages Control Commission*) reached out to the Board and asked them for more details in regards to their findings.

Gregg Corbo, Town Counsel from Kopelman and Paige, said that the Board needs to make two motions, one to accept their original findings and the other to accept the 27 facts to support their findings.

On a motion by Davd Malaguti and seconded by Sean Page, the Board voted to reaffirm their findings from the December 1, 2015 Public Hearing during the Board of Selectmen's Meeting which denied an Annual All Alcohol Package Store License Transfer from Villiage Vineyards to Yankee Spirits, Inc. *Voted 4/1*

Chairman Tavares then went on to read from the list of 27 facts that the Board will adopt to support their decision to deny said License.

On a motion by David Malaguti and seconded by Sean Page, the Board voted to adopt the list of 27 facts in support of their decision to deny an Annual All Alcohol Package Store License to Yankee Spirits, Inc. *Voted 4/0 (Vice Chairman Provenzano Abstained)*

Selectman Malaguti thanks Town Counsel for their work on this matter.

Gregg Corbo finished up by saying he would be working with the Town Manager to draft a formal finding and resubmit it to the ABCC.

8:05PM – BJ’S WHOLESALE

Gregg Corbo, once again, urged the Board to re-approve their findings from February 9, 2016 Public Hearing regarding an Annual All Alcohol Package Store License for BJ’s Wholesale Club.

On a motion by David Malaguti and seconded by John Mahoney, the Board voted to reaffirm their findings from February 9, 2016 Public Hearing during the Selectmen’s Meeting which denied an Annual All Alcohol Package Store License Transfer for Mormax Corporation d/b/a BJ’s Wholesale Club. *Voted 5/0*

Anthony Provenzano Jr, Vice Chairman of the Board, read the 31 facts that the Board will adopt to support the decision in the license mentioned above.

On a motion by David Malaguti and seconded by John Mahoney, the Board voted to adopt the list of 31 facts in support of their decision to deny an Annual All Alcohol Package Store License Transfer from The Phoenician to BJ’s Wholesale. *Voted 5/0*

7:45PM – EXPLORE NATURAL PLYMOUTH (PRESENTATION)

Melissa Walker and Valerie Messard came to the Board of Selectmen and asked for their support regarding their program designed to highlight Plymouth Tourism.

Melissa Walker began the presentation by showing a PowerPoint presentation focusing on who they are and what they do. She touched on their Mission Statement which is to connect visitors and residents to the forest, farms, indigenous sites, wetlands, waterways and habitats of Plymouth by sharing a network of destinations and events that celebrate its ecological heritage and natural beauty.

Valerie Messard then came up and spoke about some of the key points of Explore Natural Plymouth. She mentioned active recreation such as walking and hiking trails, biking, camping and boating to name a few. Ms. Messard then talked about things that they offer like after school activities, family focused events and nature education programs.

Valerie then talked about the eco-tourism and what they hope to accomplish through highlight new attractions by working with tour guides, increase exposure to Plymouth’s outdoors and attracting new audiences and encourage longer visits to Plymouth.

They finished by asking the Board of Selectmen and the Community for their continued support with things like grant applications, event coordinating and signage and maps.

Chairman Tavares thanked them for their hard work and for highlighting Plymouth. He told them that he and the Town Manager had attended a Plymouth 400 meeting and there was a lot of talk about bringing Plymouth's tourism back.

Anthony Provenzano Jr thanked them for their great efforts and for encouraging people to enjoy Plymouth's open space.

John Mahoney said it was a great presentation and that they highlighted some assets that normally fly under the radar. He said it's great to see them talking about beaches and access. He finished by saying the key is to get tourists to keep coming back.

Sean Page also thanked them and said that he agrees with everything his colleagues had said but added that with the youth and technology it was nice to see someone trying to get the kids off of the couch.

7:45PM – TOWN MEETING ARTICLES

Article 15:

To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow a sum of money for the purchase and acquisition of land for general municipal purposes, and to design, construct, and equip a new Fire Station thereon, including all costs incidental and related thereto; and further to authorize the Board of Selectmen to take any other action necessary to carry out the purpose of this article; or take any other action relative thereto. *(No Motion No Action)*

Article 27:

To see if the Town will vote to amend the Zoning By-Laws, as on file with the Town Clerk, by adding a new section entitled "Ground-Mounted Solar Energy Facilities", that identifies solar energy facility site locations, selection criteria and evaluation criteria as well as amending associated definitions, procedures, and schedules, or take any other action relative thereto.

Everett Malaguti, Town Meeting Member – Precinct 1, came to the podium to speak in favor of Article 27, Ground Mounted Solar. He stated that the Board of Selectmen decided to table this Article a couple of weeks ago because they wanted more language in the Article that refers to tree preservation. Mr. Malaguti stressed that the Article as it is currently written has buffers set up as well as plantings in and around the solar farms to maintain the surrounding environment.

Lee Burns took the podium next and explained to the Board that there has been a lot of support with this Article from the Agricultural Committee, Simon Thomas, and many others. He mentioned he would like to build the tree protection in as a separate line item to appease both sides.

Chairman Tavares then asked John Moody, Chairman of the Advisory & Finance Committee, to come up and explain why they unanimously voted this Article down.

Mr. Moody came up and explained that his committee rejected the Article for the same reason which was protecting trees. He stated that trees are like solar farms so why cut them down to put up these solar fields. He also said that they were somewhat concerned about the

financial protection in regards to bringing the property back to environmental standards after the solar farm have expired.

Selectman Malaguti said that he looks at it differently. He sees solar energy as a positive way to produce electricity rather than using fossil fuels. He stated it may have a negative effect on some trees but a far more positive effect on the environment.

Chairman Tavares stated that he still has the issue with adding language that will better protect trees from being stripped and would like to see the protection language have a little bit more bite. He suggested that they do a little more work with it and come back for the Fall Town Meeting.

Sean Page, Selectman, said that he agrees with both Mr. Malaguti and Mr. Tavares stating that any way you look at it the Article needs a little better language.

John Mahoney, Selectman, said he agrees with Chairman Tavares. He stated that it seems counterproductive to cut down trees to put up solar panels. He then suggested using roof tops, along highways or lots of land that are already cleared of trees. Mr. Mahoney said he also would like to see this Article put off until Fall Town Meeting and to add better language.

On a motion by David Malaguti and seconded by Sean Page, the Board voted to table Article 27 until the Fall Town Meeting. *Voted 4/1*

By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-No

8:35PM - LICENSES AND ADMINISTRATIVE NOTES

LICENSES

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved a *One Day All Alcohol License* for **Plymouth Guild Inc.**, 11 North Street, Richard Mulchahy, for April 10, 20176 from 1:00pm to 5:00pm for an Art Show Opening. *Voted 5/0*

On a motion by David Malaguti and seconded by John Mahoney, the Board approved a *One Day Wine and Malt License* for **Loretta LaRoche Productions**, 50 Court Street, Erik Christensen, for April 9, 2016 from 6:00pm to 10:00pm for a Broadway Music Show being held at Studio G, 30 Shops at 5 Way. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved a *One Day Wine and Malt License* for **Fred Estaire Dance Studio** for April 8, 2016 from 6:30pm to 9:30pm for a Mini-Match and Studio Celebration being held at Memorial Hall. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a *Charity Wine Pouring License* for **Plymouth Philharmonic Orchestra**, 137 Warren Avenue, Caroline Chapin, for April 29, 2016 for a Fund Raising Event being held at Plimoth Plantation. *Voted 5/0*

On a motion by David Malaguti and seconded by John Mahoney, the Board approved a *New Vehicle For Hire Operator License* for **Special Occasion Limousine**, 170 Court Street, Tim and Diane Dockery, Owners, for Daniel Puopolo, 17 Chestnut Street, Kingston, MA. *Voted 5/0*

RENEWAL LICENSES

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved the renewal of a *Seasonal Liquor License, Common Victualler License, and a Comprehensive Entertainment License - Groups I, II, III and IV* for **Pinewood Lodge Inc. d/b/a Pinewood Lodge**, 190 Pinewood Lodge, Albert Saunders, Manager. *Voted 5/0*

On a motion by Sean Page and seconded by John Mahoney, the Board approved the renewal of a *Seasonal Liquor License, Common Victualler License, Comprehensive Entertainment Group I, and Early Sunday Opening* for **Sandy Pond Golf Inc, d/b/a Atlantic Country Club**, 450 Little Sandy Pond Road. *Voted 5/0*

On a motion by David Malaguti and seconded by John Mahoney, the Board approved the renewal of a *Seasonal Liquor License, Comprehensive Entertainment Group I, II, III, Sunday Entertainment License (TV, Dancing, Live) and Early Sunday Opening* for **Double C Inc, d/b/a Campy's**, 531 Federal Furnace Road. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved the renewal of a *Seasonal Liquor License, Common Victualler License and Comprehensive Entertainment Groups I and II* for **Camp Bourndale Inc.**, 110 Valley Road. *Voted 5/0*

On a motion by Sean Page and seconded by John Mahoney, the Board approved the renewal of a *Seasonal Liquor License and Common Victualler License* for **Kevin J Aragon d/b/a Kevin's Club House Restaurant**, 265 South Meadow Road. *Voted 5/0*

On a motion by David Malaguti and seconded by John Mahoney, the Board approved the renewal of a *Seasonal Liquor License, Common Victualler License and Comprehensive Entertainment License Groups I and II* for **Pillory Pub LLC**, 72 Water Street. *Voted 5/0*

PAWN BROKER RENEWALS

On a motion by Sean Page and seconded by John Mahoney, the Board approved the renewal of the following Pawn Broker Licenses. *Voted 5/0*

- Pawn Your Collectibles LLC, 46 Tower Road
- Peggy's Pawn Shop (John McCarthy), 37 Court Street

JUNK DEALER RENEWALS

On a motion by David Malaguti and seconded by John Mahoney, the Board approved the renewal of the following Junk Dealer Licenses. *Voted 5/0*

- Antiques Potpourri, 1464 State Road
- Best Buy Stores LP #385, 228 Colony Place
- Chapel Antiques, 631 State Road
- Gamestop Inc, 165 Colony Place
- Nasr Jewelers Inc., 61 Commerce Way
- Pawn Your Collectibles LLC, 46 Tower Road
- Sona Grigoryan d/b/a Quick Cash, 52 Main Street
- Village Braider Antiques Inc., 48 Sandwich Street
- Walmart Stores Inc., 300 Colony Place

JUNK COLLECTOR RENEWALS

On a motion by Anthony Provenzano Jr and seconded by David Malaguti, the Board approved the renewal of the following Junk Collector Licenses. *Voted 5/0*

- Paul Almeida 24 Hour Towing Inc., 10 Columbus Road
- Peggy's Collectibles, 37 Court Street
- Plymouth Coin and Jewelry, 64 Court Street
- Robert Silva, 27 West Cherry Street

FORTUNE TELLING RENEWALS

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved the renewal of the following Fortune Teller Licenses. *Voted 5/0*

- Crystal Chambers (Tammy Miller), 12 Samoset Street
- Heart of Destiny's Wings (Irene Moody), 763 State Road
- Marianna John, 11 Brine Avenue

BILLIARD RENEWALS

On a motion by David Malaguti and seconded by John Mahoney, the Board approved the renewal of the following Billiard Licenses. *Voted 5/0*

- Ellis Haven Campground, 531 Federal Furnace Road

ADMINISTRATIVE NOTES

On a motion by David Malaguti and seconded by Anthony Provenzano Jr, the Board appointed Nanci Cordeiro, 23 Burgess Road, Plymouth, MA to the Board of Registrars for a three year term commencing on April 1, 2016 and ending on March 31, 2019. *Voted 5/0*

On a motion by _____ and seconded by _____, the Board agreed to re-adopt the updated Retiree Benefit Documents previously adopted in September of 2014. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by David Malaguti, the Board approved and ratified the Successor Collective Bargaining Agreement for 2015 – 2018 Superior Officers. *Voted 5/0*

On a motion by David Malaguti and seconded by John Mahoney, the Board approved and ratified the Successor Collective Bargaining Agreement for 2015 – 2018 COBRA. *Voted 5/0*

On a motion by Sean Page and seconded by John Mahoney, the Board approved and ratified the successor Collective Bargaining Agreement for 2015-2018 Plymouth Police Brotherhood (Patrolmen). *Voted 5/0*

Melissa Arrighi, Town Manager, presented a slide show breaking down the agreements that were ratified above by the Board of Selectmen. She began by given a history of the unions and statistics that go into collective bargaining and provided an internet link for anyone that wanted to learn more about it. Ms. Arrighi broke down Collective Bargaining which included salaries, stipends, educational incentives, overtime, holiday, etc. She then talked briefly about management's rights in the process.

Ms. Arrighi went on to breakdown each of the agreements for the following: Superior Officers, Patrolmen, DPW, Library, Dispatchers, etc. She went into some detail about what was agreed upon and the costs to the Town for each of the items, as well as what would be presented at Town Meeting.

9:05pm - COMMITTEE LIAISON / DESIGNEE UPDATES

None

9:07PM - OLD BUSINESS / LETTERS / NEW BUSINESS

David Malaguti, Selectman, wanted to point out that he has been contacted by many residents stating that Town Government is out of control. He said many have told him that taxes are really becoming a problem and that some people are being forced out of town. He finished by saying that this was some information that he felt should be passed on to the Board.

9:10PM - ADJOURNMENT

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board voted to adjourn the meeting at 9:10pm and not to reconvene in Executive Session. *Voted 5/0*
By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes

Recorded by: Christopher Badot
Administrative Assistant, Board of Selectmen