

# PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MAY 17, 2016

MAYFLOWER ROOM, TOWN HALL, 11 LINCOLN STREET

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## 7:02PM - CALL TO ORDER

Ken Tavares, Chairman of the Board, called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

Present:            Kenneth A. Tavares, Chairman  
                      Anthony F. Provenzano Jr, Vice Chairman  
                      John Mahoney  
                      Sean P. Page  
                      Shelagh Joyce  
  
                      Melissa Arrighi, Town Manager  
                      Derek Brindisi, Assistant Town Manager  
                      Larry Pizer, Town Clerk

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## 7:04PM – SWEARING IN OF THE NEWLY ELECTED SELECTMEN

Ken Tavares, Chairman, asked Anthony Provenzano Jr and Shelagh Joyce to the podium to be sworn into office. Larry Pizer, Town Clerk, read their oath and both accepted.

Anthony Provenzano Jr took the podium and thanked everyone and said he was grateful for the results. He said he had worked hard over the past three years and he pledged to work just as hard over the next three years for the residents of Plymouth.

Shelagh Joyce, Selectman, also came to the podium and thanked the voters for turning out on Saturday. She stated that Plymouth has some daunting issues that she looks forward to working on with the Plymouth residents, staff, and her fellow Selectmen.

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## 7:07PM – POST ELECTION REORGANIZATION

Chairman Tavares asked the Board for nominations to rename the Chairman and Vice Chairman for the Board of Selectmen.

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board voted and approved Kenneth Tavares to continue as the Chairman of the Board. *Voted 5/0 Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Joyce-Yes*

On a motion by Sean Page and seconded by John Mahoney, the Board voted and approved Anthony Provenzano Jr to continue as the Vice Chairman of the Board. *Voted 5/0 Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Joyce-Yes*

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## **7:10PM – PUBLIC COMMENT**

Belinda Brewster from Precinct 5 came to the podium and defended Jonathan Beder, Director of Public Works, from comments that were made at last week's Selectmen's Meeting. She said that in her 3 years as a Selectman she got to work with Jonathan and said he was considerate, listened courteously and worked endlessly for the residents of Plymouth. She stated that Curbside was never jammed down anyone's throats and that the Solid Waste Rates are calculated by taking the cost to run and dispose of trash and divide it by the users, adding that it's not rocket science. She went on by saying Mr. Beder does not have a private agenda and reminded everyone that Curbside was voted in by the residents at Town Meeting and not by Jonathan Beder. Ms. Brewster went on to say that Jonathan did not deserve the ignorant comments from last week and that people should realize you can disagree without name calling. She finished by also thank Dennis Westgate for his hard work as well.

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## **7:10PM – TOWN MANAGER'S REPORT**

Melissa Arrighi, Town Manager, began her report by thanking Belinda Brewster for her kind words and support for Jonathan Beder.

Ms. Arrighi then made the Board aware of Michael Young's retirement announcement. The Town Manager wanted to thank Deputy Young for hi 36 years of service in the Plymouth Fire Department and said he would be missed.

Melissa Arrighi then wanted to let everyone know that our Eleventh Annual DPW Day was planned for Thursday, May 26<sup>th</sup>, 2016 at the Plymouth Public Library, 132 South Street from 10:00am to 2:00pm and all are welcome.

Ms. Arrighi then told the Board that she attended a meeting on May 11<sup>th</sup> with the Network of Open Space Friends. She said that the discussed their town wide litter clean-up which continue to grow each year. She also thanked Kevin O'Reilly for reaching out to Tim Norris who will help improve these clean-up days for Plymouth.

Melissa Arrighi said that she was able to meet with Paul Quigley and Kristie Hebert of Market Basket and wanted to remind everyone that they are having their ribbon cutting ceremony and soft opening on Sunday, May 22<sup>nd</sup> at 9:00am.

The Town Manager also wanted to talk about ABC Disposal. She said there had been a lot of activity online stating concerns and she assures everyone that despite their filing of Chapter 11, and the fire at one of their plants last Friday, the service that Plymouth residents receive will not be affected in any way.

Lastly, Melissa Arrighi wanted to mention that Plymouth Growth and Development reached out to Durkee, Brown, Viveiros & Werenfels, the Architect Firm that worked with the Town on the New Town Hall, to also work on a parking platform concept to be locarted near the new Town Hall. Ms. Arrighi wanted to point out that one of DBVW's Partners, Martha Werenfels, was named one of the Women in Preservation honored with an award from Preservation Massachusetts. She finished by saying this was a prestigious recognition, well deserved by Martha, and again shows the firm's commitment to historical work.

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## 7:15PM - LICENSES AND ADMINISTRATIVE NOTES

### LICENSES

On a motion by Shelagh Joyce and seconded by Anthony Provenzano Jr, the Board approved a One Day Wine and Malt License for **WR Productions**, PO Box 10, New Boston, NH for a Comedy Night being held on August 13, 2016 from 7:00pm to 10:00pm at Memorial Hall. *Voted 5/0*

On a motion by Sean Page and seconded by John Mahoney, the Board approved a One Day Wine and Malt License for **Professional Bar Services**, 410 North Falmouth Highway, West Falmouth for a Car Show being held on June 11, 2016 from 11:00am to 5:00pm in the parking lot of Studio G, 50 Shops at 5 Way. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a One Day All Alcohol License for **Eel River Beach Club**, 110 Warren Avenue, Plymouth for a Cocktail Party being held on June 17, 2016 and a Adult Night being held on July 23, 2016 at the Beach Club. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved a One Day All Alcohol License for **Edward and Joan Gutowski**, 36 Columbia Circle for a Wedding and Cocktail Reception being held on June 11, 2016 from 3:30pm to 10:00pm at Memorial Hall. *Voted 5/0*

### LICENSES IN CONJUNCTION WITH A PUBLIC HEARING

On a motion by Sean Page and seconded by Anthony Provenzano Jr, in conjunction with the issuance of an Annual All Alcohol Restaurant License for **Towne Line Tavern, Inc**, 390 Court Street, Plymouth, MA the Board also approved the following licenses: *Voted 5/0*

- Comprehensive Entertainment (Live, Radio, and Dancing)
- Common Victualler
- Early Sunday Sales (10:00am)
- Extension of Hours (1:00am)
- Sunday Entertainment (Live)

### ADMINISTRATIVE NOTES

On a motion by Sean Page and seconded by John Mahoney, the Board appointed Carol Capen and Jacqueline Winokur to the No Place For Hate Committee. *Voted 5/0*

On a motion by John Mahoney and seconded by David Malaguti, the Board appointed Pamela Borgatti, Town Treasurer, as the custodian of property located off of Nelson Street as shown on Map 10, Lot 19A. *Voted 5/0*

On a motion by John Mahoney and seconded by Sean Page, the Board approved an Aquaculture License for James P. O'Shea, 28 Warren Avenue, Plymouth, MA for a term of 10 years commencing on December 12, 2015 and terminating on December 11, 2025 for the use of 3.5 acres within Plymouth Harbor as mapped by the following coordinates: *Voted 5/0*

Northwest Corner:

N 41° 59.324

W 70° 40.515

Southwest Corner:

N 41° 59.205

W 70° 40.524

Northeast Corner:

N 41° 59.287

W 70° 40.470

Southeast Corner:

N 41° 59.246

W 70° 40.567

On a motion by Sean Page and seconded by John Mahoney, the Board approved an Aquaculture License for Cassie Gosselin, 80 Central Avenue, Plymouth, MA for a term of 10 years commencing on April 3, 2016 and terminating on April 2, 2026 for the use of 2.9 acra within Plymouth Harbor as mapped by the following coordinates: *Voted 5/0*

Northwest Corner:

N 41° 59' 18.37"

W 70° 40' 45.67"

Southwest Corner:

N 41° 59' 14.28"

W 70° 40' 43.92"

Northeast Corner:

N 41° 59' 16.74"

W 70° 40' 41.46"

Southeast Corner:

N 41° 59' 15.22"

W 70° 40' 48.82"

On a motion by David Malaguti and seconded by Sean Page, the Board app an Aquaculture License for Frank Costa, 9000 Second Avenue, Plymouth, MA for a term of 10 years commencing on June 12, 2016 and terminating on June 11, 2026 for the use of 3 acra within Plymouth Harbor as mapped by the following coordinates: *Voted 5/0*

Northwest Corner:

N 41° 59' 18.67"

W 70° 40' 44.35"

Southwest Corner:

N 41° 59' 18.24"

W 70° 40' 35.88"

Northeast Corner:

N 41° 59' 21.10"

W 70° 40' 40.17"

Southeast Corner:

N 41° 59' 17.04"

W 70° 40' 40.74"

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**7:45PM – PUBLIC HEARING (TOWNE LINE TAVERN)**

Joshua Humicello came to the podium to present his restaurant to the Board. He described it as a food based establishment that would be serving breakfast, lunch and dinner and that they wanted to be able to serve patrons that held odd hours like early morning and late night.

Anthony Provenzano Jr, Vice Chairman, asked Mr. Humicello what his previous experiences were in regards to running a restaurant.

Joshua Humicello replied stating that he managed a Pizza Shop and Michael's Restaurant which was a full service restaurant including alcohol.

Ken Tavares, Chairman, asked if anyone in the audience would like to get up and speak in favor of this license.

Flora came to the podium and said even though she was not a resident she was assisting Joshua in the setup and opening of his establishment. She went on to say she was overseeing and executing the opening by ensuring everyone was tip certified, serve safe certified and that serving would be done properly. She emphasized that it would be a family restaurant and not a bar atmosphere.

Ken Tavares asked how many people the restaurant could hold, and Flora replied by saying 15 at the bar and 8 tables.

David Malaguti, Selectman, stated that he felt they should consider don't starting off with the extension of hours until they've been open a while and had more experience.

Flora replied by saying that they wanted to do a full late-night menu to cater to the people in the community that work late nights and need a place to dine.

Mr. Malaguti replied by saying he was concerned about the late night hours as the location is in a residential area even though there are other businesses.

Mike Bowers, Owner of the building, came to the podium and said that the restaurant could not reach its full potential by closing earlier. There are apartments over the restaurant and there have never been problems, and the residents are really excited about a food establishment coming back into the area.

Chairman Tavares stated that this location has been a restaurant before and they have had the extension of hours without it being an issue. And where it has proven to be fine it speaks to considering the extension of hours.

David Malaguti wanted to clarify by asking if the alcohol will be removed from the tables at 12:45am in order to close the restaurant at 1:00am. He also said that we've had issues in the past with food staying on the tables until 2:00am.

Mr. Bowers said that the kitchen would be closing at 12:30am to ensure that diners would be done and out the door by 1:00am.

Sean Page, Selectman, said that some people say Plymouth has too many bars and restaurants in town, however I find this refreshing. He also said it was a great idea wanting to cater to the late night crowd. He felt that people leaving bars that late at night should be eating and putting something into them before going home. He reminded them that licenses can be revoked so to manage it responsibly.

On a motion by Sean Page and seconded by John Mahoney, the Board approved all license requests for **Towne Line Tavern, Inc.** *Voted 5/0*

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**8:01PM – SOLID WASTE HEARING – CONTINUED** (*SELECTMEN'S VOTE*)

Ken Tavares, Chairman, directed the comments to the Board as Public Comment was last week.

David Malaguti, Selectmen, said that he doesn't fill more than one trash bin every two weeks so does not support this big of an increase. He suggested subsidizing the fees with the Special

Purpose Solid Waste Stabilization Fund. Mr. Malaguti went on to say that the whole system including recycling and difficult to manage waste needs to be addressed and we need to move some numbers around.

Chairman Tavares asked Mr. Malaguti to discuss the Stabilization Fund that he was suggesting using for the subsidy.

Mr. Malaguti explained that back when recycling was at its best the Transfer Station generated some extra money which was put into a Stabilization Fund created just for this purpose and there is roughly \$100,000 in there at this point.

Mr. Tavares stated that they had to be clear where these funds would be coming from and what the balance is and would be.

Melissa Arrighi confirmed that the account was a Stabilization Fund and that after dedicating these funds for the subsidization there would be roughly \$200 left.

Anthony Provenzano Jr, Vice Chairman, asked that if we subsidize from this fund and it's depleted what would we do for next fiscal year, go into the General Fund.

Ms. Arrighi replied by saying yes, that would be the scenario if you chose to subsidize again next year.

John Mahoney, Selectmen, stated that, for the record, this Board did everything they could to save the other transfer station from closing. He reiterated that if we wanted to continue subsidizing then it would have to come from the General Fund.

Selectman Malaguti suggested forming a Solid Waste Working Group to take on all aspects of waste removal. He said he doesn't know where it will lead but the possibilities are endless. Mr. Malaguti went on to say that at one point there was \$200,000 in this Stabilization Fund so thought that there's a good chance that a working group could figure out how to make that happen again.

Chairman Tavares asked what else the \$100,000 in the Special Purpose Solid Waste Stabilization Fund could possibly be used for, to which Ms. Arrighi replied nothing. She clarified that this fund can only be used for solid waste purposes.

Ken Tavares said that we need to discuss what this new working group would be charged with before we think about forming it. He also said that they should look into the Town taking over the difficult to manage part of the transfer station.

Melissa Arrighi said that it might be tough to get that past the unions, and adding more on to DPW might be tough as well.

Sean Page, Selectmen, said that he hoped the DPW could handle it as its run by one person now, He also said it must be profitable or the current company managing it would not still be there.

Chairman Tavares wanted to clarify what the increases would be before calling for a vote. He stated that with the subsidy the Transfer Station Rate would go from \$115 to \$168 which is an increase of \$53, and the Curbside would go from \$185 to \$191 which would be a \$6 increase.

On a motion by David Malaguti and seconded by John Mahoney, the Board approved the Subsidy if \$100,000 from the Special Purpose Solid Waste Stabilization Fund bringing the

new rates for FY17 to be \$168 per year for the Transfer Station and \$191 per year for Curbside. *Voted 4/1 = Tavares-Yes, Provenzano-No, Mahoney-Yes, Page-Yes, Malaguti-Yes*

Chairman Tavares told the Board and the Town Manager that he would like to discuss the proposed Working Group at future Selectmen's Meeting.

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**8:35PM – DOG PARK HEARING – CONTINUED (SELECTMEN'S VOTE)**

Chairman Tavares brought the discussion back to the Board as Public Comment was heard at the May 3, 2016 Selectmen's Meeting.

Selectman Malaguti began by saying he has a deeper respect for dog parks and dogs in general because of Mrs. Ward's tribute to her son. He also said that he was in favor of a dog park but was not convinced that this location would be the right spot. Mr. Malaguti went on to say that it has universally been an unpopular spot. He also said he felt that the recreation area was created for children and it should be kept that way. He finished by saying he would not support a dog park in this location even if it were flip-flopped with the ball field.

Anthony Provenzano Jr, Vice Chairman, said that he lives across the street from a de-facto dog park. He explained that it is a fenced in area and people come from all over Plymouth with their dogs. Mr. Provenzano went on to say that living there within feet of this de-facto dog park does not jive with some of the opponent's concerns. He said that he will hear barking once in a great while, but said he hears more dogs barking outside of his work office than at his house across from the park. He said he had never witnessed a dog escape the fenced in park and pointed out that it isn't double fenced like the proposed dog park would be. Mr. Provenzano continued to say that he disagreed with last week's statement that dogs and children don't mix. He said that most children love dogs and the biggest problem parents will have at the recreation field is their kids asking them to stop at the dog park. Mr. Provenzano finished by saying he supports this dog park moving it over to the other side of the recreation road as proposed as the second option.

Selectman Sean Page started by saying the biggest thing he's learned since being on the Board is that no matter which way you vote on an issue someone will not be happy. Having said that, he explained that he walked the entire site and the wooded area across from the proposed site and thought it would be a great location. He also said that he has two bull dogs that bark when he comes home, bark when he leaves, and even barks at birds out the window, but they never bark when they are outside. He also said he would rather see a dog park than have them running around a ball field before or after a game, because kids get soiled from people not cleaning up after their dogs, adding that dog parks provide bags so this wouldn't be an issue. He finished by saying he supports this dog park located at the second option across the road. Mr. Page finished by saying he hoped this was the first of many more dog parks in Plymouth.

Selectman John Mahoney said that he also walked the recreation area. He stated that there is very little Town owned land to work with. He said that we are still in need of more recreation fields. Mr. Mahoney said that the Town doesn't need a dog park, it need 4 or 5 dog parks and it would be a dis-service to the Town to deny this request. He finished by saying that he supports this dog park on either side of the road.

Ken Tavares said that he played back what everyone had said last week regarding the dog park and he takes it seriously. He stated that he would consider moving the dog park to the other side of the road but said we would have to hold another hearing because it might effect a whole other group of abutters. He also said that there has been more time spent on this than the school budget so he would like to see this wrapped up soon.

Selectman Page said that the hearing that was held the previous week covered moving the dog park to the other side and that it had been discussed in length.

Vice Chairman Provenzano also said that the location across the road was discussed in length the previous week and that it was presented as option number two, and felt that another hearing was not necessary.

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved the proposed Dog Park in the location named as Option 2 which is located across the Recreation road on the airport side of the property. *Voted 3/1 = Tavares Abstained Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-No*

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### **9:10pm - COMMITTEE LIAISON / DESIGNEE UPDATES**

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### **9:12PM - OLD BUSINESS / LETTERS / NEW BUSINESS**

David Malaguti wanted to say that it's the end of his 22<sup>nd</sup> year of serving as Selectman, and with the election coming on Saturday he wanted to let his fellow Selectmen know that it has been a pleasure working with them.

Anthony Provenzano Jr reiterated Mr. Malagutis sentiments and went on to say it was an interesting year with many memories.

Chairman Tavares reminded everyone to get out and vote and that the polls would be open from 7:00am to 7:00pm on Saturday.

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### **9:14PM - ADJOURNMENT**

On a motion by Sean Page and seconded by John Mahoney, the Board voted to adjourn the Open Session at 9:14pm. *Voted 5/0*  
*By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Joyce-Yes*

**Recorded by:** Christopher Badot  
*Administrative Assistant, Board of Selectmen*