

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, OCTOBER 4, 2016

MAYFLOWER ROOM, TOWN HALL, 11 LINCOLN STREET, PLYMOUTH, MA – 6:00 PM

6:00PM EXECUTIVE SESSION

The Board of Selectmen will hold 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 litigating position of the public body and the chair so declares, 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 governmental body.

- ❖ Firefighters
- ❖ Pinehills
- ❖ Entergy

7:09PM - CALL TO ORDER

Ken Tavares, Chairman of the Board, called the meeting to order at 7:09 p.m. and led the Pledge of Allegiance.

Present: Kenneth A. Tavares, Chairman
 Anthony F. Provenzano Jr, Vice Chairman
 John Mahoney
 Sean Page
 Shelagh Joyce

 Melissa Arrighi, Town Manager

7:10PM – PUBLIC COMMENT

None

7:11PM – COMMITTEE APPOINTMENT

Ken Tavares, Chairman of the Board, asked Liana Patton to the podium and asked her why she would like to serve on the Affordable Housing Trust Committee.

Liana Patton came up and said that housing is such an important aspect in the community and that she would be honored to serve.

On a motion by Sean Page and seconded by John Mahoney, the Board appointed Liana Patton to the Affordable Housing Trust for a term beginning immediately and terminating on June 30, 2018. *Voted 5/0*

7:05PM – PUBLIC HEARING – Lobster Hut

In accordance with Chapter 138 of the Massachusetts General Laws, as amended, notice is hereby given that a Public Hearing was held at the Plymouth Town Hall, 11 Lincoln Street on Tuesday, October 4, 2016 at 7:05pm to consider the application for new officers, director, and stock holders for First VCH Corporation d/b/a Lobster Hut, 25 Town Wharf, holder of an Annual All Alcohol Restaurant License, Kaisang Ghale, Manager.

Description or premises is as follows: Two story building, first floor contain covered entrance (395 Square Feet), service area and dining room (3579 Square Feet), kitchen area with walk-in refrigeration (864 Square Feet), 4 half bathrooms, and a covered exterior patio (2218 Square Feet). The second floor is utilized for storage and a small office (936 Square Feet). The first floor has five (5) entrances and exits.

Anthony Matera, the attorney for Lobster Hut, came to the podium and asked the Board to consider their application for a New Officers, Directors, and Stock Holders. He went on to say that Kaisang Ghale was the Manager, adding that he came to the U.S. from Nepal on a work program sponsored by the Governor John Carver Inn. He said Mr. Ghale went on to become a naturalized citizen this past February and lives in Plymouth with his wife and three children.

On a motion by Shelagh Joyce and seconded by John Mahoney, the Board approved the application for New Officers, Directors and Stockholders. *Voted 5/0*

7:10PM – PUBLIC HEARING – T - Bones

A Public Hearing was held to discuss noise complaints against T-Bones Roadhouse from a resident and business owner in the downtown area.

Chairman Tavares opened the Public Hearing and explained that the Board wanted to hear from the complainant, Finbarr O'Donovan, and then hear from the defendant, Colin Wilcox of T-Bones. At that point he would open the floor for Public Comment.

Finbarr O'Donovan came to the podium and said he was a business owner and resident of Main Street. He went on to say that his complaint is with T-Bones on Saturdays and Sundays from 1:00pm to 5:00pm. The windows are open and the music keeps visitors away from the downtown area therefor hurting his business. Mr. O'Donovan said that he reached out to Colin Wilcox for a resolution but without success and that in fact, Mr. Wilcox wrote a letter, full of inaccurate information that was posted to social media and it has made me the most hated person in Plymouth. Mr. O'Donovan finished by saying he is not against all live music, just the noise level coming from T-Bones.

Chairman Tavares mentioned that the Board had received a letter from Walter Sullivan, the attorney for T-Bones, and that it will be entered into the records.

Walter Sullivan and Colin Wilcox came to the podium. Mr. Sullivan began by giving a brief history of Mr. Wilcox's history in Plymouth saying he came here in 2000 and has been a successful business owner for 35 years. He went on to say that after a previous complaint Mr. Wilcox has been closing his windows after 11:00pm to keep the noise down and he has even terminated bands that did not comply with his requests. Mr. Sullivan also said that T-Bones

had purchased software that will monitor noise levels and plans to use that regularly to ensure noise levels are within the standards.

Chairman Tavares then told the audience that the Board will invite them up for public comment, first those in support of Mr. O'Donovan and then those in support of T-Bones.

Kevin Lynch, Precinct 13, came up first in support of Mr. O'Donovan saying that he is a visitor of both T-Bones and O'Donovan's. He said there have been times where he's stood on the sidewalk saying the noise level is disconcerting. Mr. Lynch said that closing the windows might resolve this issue.

Steve Lydon came up in support of T-Bones saying that Mr. Wilcox has already presented a remedy and I think that's good enough. The windows will be closed soon. Mr. Lydon finished by saying he thinks T-Bones should be given a chance.

Charlie Taft came up and said that he too enjoys the food at T-Bones and also lives close by. He said he doesn't understand why the super loud music has to go on until after midnight. Mr. Taft finished by saying if Billy Joel has to end his concerts by 10:00pm at Fenway Park then T-Bone windows should be closed by 10:00pm as well.

Megan Collins-Dempster came up next saying that Plymouth is driven by tourism and entertainment. She said that for years the downtown was dying, but thanks to businesses like T-Bones we have a vibrant downtown. Ms. Dempster likened this to people moving in next to the airport then complaining about the air traffic and noise.

Carol Bruce of Leyden Street stated that she was the neighborhood-watch secretary. Ms. Bruce felt that everyone was thinking the same way but with different approaches. She reiterated that many of the facts are not true, and that the residents do not want to end live music, or First Saturday. Ms. Bruce added that they don't want to change anything, all the residents are asking for is fairness and a peaceful resolution.

Steve Burke, a local musician, said that Plymouth has a lot to offer including great music and live entertainment. Mr. Burke felt that there is a music boom happening which includes solo acts, groups, acoustic, etc. Mr. Burke finished by saying that personally, Plymouth has been good to him so he hopes nothing changes downtown.

Frank Frascetti, of Carver Street, said that they do hear music from inside their home but are not sure where it is coming from. He also said he hopes that the Board of Selectmen can find a peaceful solution. Mr. Frascetti went on to say he owned a business in a residential area years ago. He said that they worked with the residents throughout those years and their business flourished because of that.

Patrick Lavria, of North Street, said that he can't leave his home some days, but he accepts that. He said this is Main Street so if we restrict bands what will be next. Mr. Lavria said that it's not a late-night issue and that T-Bones is quieter at night.

Matt Romboldi, of Lombard's Waste, came to the podium and said that he collects trash for T-Bones and has had issues with Mr. O'Donovan in the past. Mr. Romboldi said he adjusted his pick-up time per Mr. O'Donovan's request but continued to have pictures taken of his trucks with threats to take them to the police. Mr. Romboldi questions Mr. O'Donovan's business ethics and his agenda.

Craig Brenner came up and introduced himself as a candidate for Selectman. He said he took his son to college in Tennessee and they walked down Main Street in Nashville. He went on to say there was music everywhere, and then asked why Plymouth can't be more like that. Mr. Brenner also referenced Virginia Beach and the open-air music there as well.

Dan Hilverson of Leyden Street came up and expressed that he was perplexed. He said there isn't anybody that wants to shut down live music, however, there's a noise bylaw in place so we need to just monitor that. Mr. Hilverson said that T-Bones has agreed to monitor the noise levels so he asked why people are still commenting about shutting down music.

Chairman Tavares then invited both parties back up so they could have the opportunity to respond to some of the previous comments.

Finbarr O'Donovan came up first and explained that the comments made by Mr. Romboldi were misleading. He said that the Lombard's trucks were picking up trash at 3:30am but he did start to come later once he was approached. Mr. O'Donovan explained that he took the photos because the trucks were parked in the cross-walk as well as in the handicap parking spots. Mr. O'Donovan went on to say that he approached Mr. Wilcox and T-Bones about the noise but that nothing was accomplished and said that's why he was here tonight. He finished by saying Mr. Wilcox's letter, which was posted on social media, has cause him to be hated, and that he's also been threatened and told to go back to Ireland.

Walter Sullivan came back up on behalf of T-Bones and thanked the Board for the opportunity to address the situation. Mr. Sullivan assured the Board that Mr. Wilcox will instruct his staff to monitor the noise levels with the newly purchased software. He also said they would attend the neighborhood meetings as well as report back to the Board in another year. Mr. Sullivan finished by asking that the Board take no further actions at this time.

Chairman Tavares then turned the discussion over to the Board of Selectmen.

Sean Page, Selectman, said this is straight forward. He wanted to point out that the bylaws exist for everyone, but when the Board issues a permit, that supersedes the bylaws. Mr. Page went on to say he sees both sides of the issue and that it's about being a good neighbor to local residents and businesses alike. He finished by saying Mr. Wilcox seems willing to be a good neighbor.

Anthony Provenzano Jr said that he lives downtown and has observed T-Bones on many occasions. He addressed Mr. Wilcox and said perhaps the solution is moving the bands deeper into the restaurant. Selectman Provenzano added that there are several bars downtown and didn't know of any other that have the bands in the front with their windows open. He added that the speakers are six inches from the windows and asked if he would be willing to change that layout.

Mr. Wilcox explained that the back room is for families as it is separate from the bar and entertainment area and quieter. He said he felt that if they moved the bands out back they would lose twelve tables and that it would damage his business. Mr. Wilcox said that he just needs to monitor the noise level better. He said he's terminated bands in the past because they were too loud. He told the Board that there are many struggles with running a business such as parking and tax rates, and that he's invested two million dollars into this business to build it up. Mr. Wilcox also said he's tried to be a good neighbor from day one and has been to many neighborhood meetings and has agreed to a lot of changes in order to accommodate Finbarr O'Donovan.

Shelagh Joyce, Selectman, gave Colin Wilcox the suggestion of keeping a log with the newly purchased decibel reader so if he does have a specific complaint he can look back and see where you were at that time in regards to noise levels.

John Mahoney, Selectman, said that T-Bones has been in front of the Board on a few occasions over the years and that Lisa Johnson presented a detailed time-line, and your record seems pretty good. Mr. Mahoney said that he doesn't want people to feel like they have to sell their homes to get relief so he urged Mr. Wilcox to continue monitoring the noise level.

Colin Wilcox assured the Board that he will monitor the decibel levels. He also said he would like to meet regularly with local residents and businesses to discuss the matter.

Ken Tavares, Chairman of the Board, said that he goes downtown often and sometimes he felt the music was too loud, yet other times he enjoyed it. The Chairman went on to say that T-Bones license comes up for renewal at the end of the year and hopes that there will be a concerted effort to resolve this matter before that time. Mr. Tavares said it's a fine line as residents have the right to live in peace, yet you have the right to run a successful business. He finished by saying even if the Board doesn't agree, we still have to listen to what others are saying and use common sense.

On a motion by Sean Page and seconded by John Mahoney, the Board agreed to allow T-Bones to monitor the noise level and report back to the Board two times before next summer. *Voted 4/1 Tavares-Yes, Provenzano-No, Mahoney-Yes, Page-Yes, Joyce-Yes*

8:32PM – ARTICLE 4A – Fiber Loop (*Joe Young*)

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the construction and/or purchase and/or lease and/or replacement of departmental buildings and/or equipment and/or capital facilities and/or for feasible studies and other types of studies for the various departments of the Town, or take any other action relative thereto.

Joseph Young, IT Manager for the Town of Plymouth, came up and said they were asking to appropriate \$100,000 in order to relocate fiber strands to the New Town Hall and at the New Plymouth South High School. He added that the reason why they are requesting it at this time is because the materials have a lead time of anywhere from two to six months. He finished by saying \$90,000 would be for Town Hall and \$10,000 would be for the PSHS.

Shelagh Joyce, Selectman, asked for an explanation as to why these costs for the Fiber Loop weren't figured into the project's original budgets.

Joseph Young replied by saying it has always been standard practice to do so.

Tony Provenzano Jr, Selectman, said that in the past technology was always treated as an exotic add-on but now it's as standard as plumbing so it should be built into the budget.

Selectman Joyce said that she would prefer to request the \$90,000 for the Town Hall stating that the PSHS project should be able to find the \$10,000 that they would need.

On a motion by Shelagh Joyce and seconded by John Mahoney, the Board approved the appropriation of \$90,000 for the installation of Fiber Loop in the New Town Hall. *Voted 5/0*

8:55PM - LICENSES AND ADMINISTRATIVE NOTES

LICENSES

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved a One Day Wine and Malt License for **EC Event Management** for a Comedy Show being held on October 15, 2016 from 6:00pm to 11:00pm at Memorial Hall. *Voted 5/0*

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board approved a One Day Wine and Malt License for **EC Event Management** for a Music Show being held on October 21, 2016 from 6:00pm to 11:00pm 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 **HopHead Events, LLC** for a Beer Tasting Event being held on October 22, 2016 from 5:00pm to 9:00pm at Memorial Hall. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a One Day Wine and Malt License for **Sodexo Inc. & Affiliates** for a Private Dinner for 12 being held on October 16, 2016 from 5:00pm to 8:30pm at the Craft Center Building in Plimoth Plantation. *Voted 5/0*

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved a One Day Wine and Malt License for **SmartPak** for a Team Building Event being held on October 20, 2016 from 2:00pm to 5:00pm 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 **Pilgrim Hall Museum** for a Fall Exhibit Reception being held on October 7, 2016 from 5:30pm to 7:30pm at Pilgrim Hall Museum. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved a Change of Manager for **First VCH Corporation d/b/a Lobster Hut** from Betrand G. Hinderscheid to Kaisang Ghale. *Voted 5/0*

ADMINISTRATIVE NOTES

The Board approved the Town Manager's granting of Special Leave Status for a qualified applicant (who remains anonymous due to confidential information) to become effective on the day following the exhaustion of the individual's earned paid time off.

The Board approved and executed a Declination for Right of First Refusal under Chapter 61 for land owned by Long Pond Golf Corporation. Said land is on Assessor's Map 77A and is a portion of Lot A-1 off of Long Pond Road. (*Formerly Lot 6D*)

The Board approved and executed a temporary loan of the following items from the Town's Collection to Pilgrim Hall Museum for their Fall Exhibit – Plymouth 300: The Pilgrim Tercentenary 1920 – 1921

- Framed Certificate from Sister City of Plymouth, England congratulating the Town for the 1920 Tercentenary
- Wooden Sign: "The Country Way to Plymouth"
- Parade Baton used by Sherman Whipple during the 1920 Pilgrim Tercentenary

9:06PM - COMMITTEE LIAISON / DESIGNEE UPDATES

None

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

NONE

9:08PM - ADJOURNMENT

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board voted to adjourn the Open Session at 9:08pm and not reconvene in Executive Session. *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