

Board of Selectmen

Tuesday, October 13, 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 3, to discuss strategy with respect to collective bargaining and 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.

On a motion by Selectman Mahoney, seconded by Selectman Provenzano, the Board voted to enter executive session at 6:30 p.m. pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to collective bargaining and Paragraph 6, to consider the purchase, exchange, lease, or value of real property, as an open meeting on this matter may have a detrimental effect on the negotiating position of the body. By roll call: Tavares – yes, Provenzano – yes, Mahoney – yes, and Malaguti – yes.

7:00 p.m. Call to Order

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

Melissa Arrighi, Town Manager

The Selectmen returned to open session at 7:00 and Chairman Tavares Led the Pledge of Allegiance.

Chairman Tavares stated that during executive session the Board took a vote to approve a contract.

Selectman Provenzano makes a motion to approve the collective bargaining agreement between the Town of Plymouth and Plymouth Fire Fighters union as presented with the exception of an error that will be corrected in the drug and alcohol testing policy that will be incorporated in the agreement, seconded by Selectman Mahoney. All Approve.

Chairman Tavares notes that Selectman Page will not be in attendance at the meeting tonight due to a work conflict. Chairman Tavares proceeds to read a statement regarding the Pilgrim Nuclear Power Plant as follows:

Today, the Town of Plymouth issued the following statement after an announcement by parent company Entergy that Pilgrim Nuclear Power Station will close by June 1, 2019:
“The Town of Plymouth’s dependency on the revenue generated from the Nuclear Power

Station's tax payment has considerably decreased over the years. We are optimistic about our ability to mitigate the impact of the Plant closing and remain fiscally strong in this environment.

Town Officials and Senior Management do have concerns about the closing of the Pilgrim Station in terms of the safety of our community and the long term storage of spent nuclear fuel. The Town must be assured that all safety practices are being implemented during current operations and decommissioning. We will continue to rely heavily on the oversight of the Nuclear Regulatory Commission throughout that process. Further, the global issue and burden of long-term storage of nuclear waste must be led by the federal government.

In addition, we must consider the direct impact to the 190 Plymouth residents and their families who work at the Pilgrim Station, as well as the economic impact that the closing will have on the community as a whole. We continue to partner and depend upon our State and Federal Delegations to find methods to reduce ramifications resulting from decommissioning.

Today since we received the announcement at 8:00 a.m. this morning, the Board of Selectmen has set up a meeting for tomorrow with the State Delegations to begin to make plans for the decommissioning of the plant. We expect to have meetings soon with the federal officials, we will keep the community informed along the way.

7:05 p.m. Public Comment

No Public Comment

7:10 p.m. Public Hearing: Transfer of annual all alcohol restaurant liquor license from Michael's 390 Court Street Inc. to The Station LLC 390 Court Street,

Licenses in conjunction with a public hearing

The Station LLC, 390 Court Street, Roxana Lemus, Manager is requesting the following licenses in conjunction with their request for a transfer of an annual all alcohol restaurant license:

- Comprehensive Entertainment – Radio, tv, dancing, live entertainment
- Common Victualler
- Early Sunday Sales – 10:00 a.m.
- Extension of Hours – 1:00 a.m.
- Sunday Entertainment – Dancing, live entertainment

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

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

Roxana Lemus takes the podium and explains that this restaurant will be a family run business and they will be serving Spanish food.

Selectman Provenzano questions Ms. Lemus and asks if she has any restaurant management experience and if she has ever held a liquor license. Ms. Lemus responds that she has 5 years of restaurant experience but she has not held a liquor license; she will have someone else assisting her with that aspect of the business.

Licenses in conjunction with the public hearing:

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- Early Sunday Sales – 10:00 a.m.
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- Sunday Entertainment – Dancing, live entertainment

7:15 p.m. Public Hearing: Transfer of annual all alcohol innholder license from RAMA Associates LLC d/b/a Raddison Hotel Plymouth Harbor to Linchris Hotel, Corp. d/b/a Raddison Hotel Plymouth Harbor

Licenses in conjunction with a public hearing

Linchris Hotel Corp. d/b/a Radisson Hotel Plymouth Harbor, 180 Water Street, Kelly Lajoie, Manager is requesting the following licenses in conjunction with their request for a transfer of an annual all alcohol innholder license:

- Comprehensive Entertainment – Radio, tv, dancing, live entertainment
- Common Victualler
- Innholder
- Sunday Entertainment – Live entertainment
- Extension of Hours – 1:00 a.m.
- Early Sunday Sales – 10:00 a.m.

Applicant seeks to Pledge the liquor license to Wash`ington Trust Company

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

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

Joe Devlin and Ms. Lajoie take the podium: Mr. Devlin explains that Kelly has extensive experience in the hotel industry. The location of the Radisson will stay the same but they will be making some changes.

Selectman Provenzano: I'm happy to see that the hotel will be in good hands and this is a positive development.

Chairman Tavares: What immediate changes will you be making? We all know the hotel could use some updates. Ms. Lajoie states that they will be changing the name to a Boutique hotel and will be putting in 8 million dollars in renovations to the property.

Mr. Devlin comments that if the hotel does get rebranded it will be a change in DBA and it would come back to the Board of Selectmen before that happens.

Chairman Tavares: It has been a concern of this Board for some time now and we are glad that the Town won't be losing these hotel rooms and thanks them both for coming to Plymouth.

Licenses in conjunction with Public Hearing:

- Comprehensive Entertainment – Radio, tv, dancing, live entertainment
- Common Victualler
- Innholder
- Sunday Entertainment – Live entertainment
- Extension of Hours – 1:00 a.m.
- Early Sunday Sales – 10:00 a.m.

7:20 p.m. Aquaculture Licenses

Aquaculture applicants:

1. Joan Irvine
2. William Doyle
3. Todd McAdams

4. Henry Larsen
5. Connor Doyle

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

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

Chad Hunter takes the podium and states that 4 applications are within the aquaculture development zone. Site 19, Site 10, Site 6, and Site 20. William Doyle chose a site outside of the aquaculture zone and we did receive a letter of concern for that site. All the applicants are present.

Chairman Tavares calls on Mr. Withington who had the concern regarding Mr. William Doyle's parcel. Mr. Withington reads a letter to the Board that can be found in the weekly packet.

Chairman Tavares addresses Mr. Withington and asks him if the only license he is against is Mr. William Doyle's. Mr. Withington says Yes. Chairman Tavares tables Mr. Doyle's application until October 27, 2015.

Joan Irvine - Site 19 within the aquaculture development zone. Ms. Irvine does not wish to speak.

William Doyle - Tabled until October 27, 2015

Todd McAdams - Site 10 of the aquaculture development zone. Mr. McAdams takes the podium and states he has been chasing this since 2010. He states he feels bad for William Doyle who has put his heart and sole into this opportunity.

Chairman Tavares states that we will be addressing Mr. Doyle's license on October 27, 2015.

Henry Larsen - Site 6 within the aquaculture development zone. Mr. Larsen does not wish to speak.

Connor Doyle - Site 20 within the aquaculture development zone. Mr. Doyle does not wish to speak.

7:30 p.m. RITF Presentation - Chris Pratt

Ms. Pratt takes the podium and introduces John Moody to go over the Dry Cask storage for the Pilgrim Plant. A copy of the presentation can be found in the weekly packet.

Chairman Tavares thanks Mr. Moody and the RITF for their hard work.

Mr. Jeff Berger takes the podium and states that he thinks Plymouth deserves some compensation for the housing nuclear waste. Chairman Tavares states that the Board certainly agrees with that as the Town shouldn't be responsible for any additional cost for Power Plant.

Ms. Pratt: This was a tremendous effort by Ms. Hadley and Mr. Moody; they did a lot of research on this topic.

8:00 p.m Saquish Head - Discussion

Ms. Arrighi: One of the things the Board asked us to do is go back and look at this property to see if its something the environmental department/Town would be able to use. It has salt marsh and easy to access from remote locations but I must caution you that in properties such as this that we take to tax title in the majority of cases when the property owner is willing to pay the Selectmen generally accept.

Selectman Provenzano: I did a little research at the registry of deeds and indeed a judgment in a tax lien case issued in June of this year based upon a land court proceeding which began in August of 2012 based upon a tax taking which was put on record in December of 2011. This isn't the first time this tax payer has found themselves in this position. On 3 other occasions this property owner has found themselves in this situation. My concern here is if we accept the funds we will be back on the same merry go round the next year. This is a lovely property. It's crazy that it has come to this point 3 times over the last 10 years.

Selectman Mahoney: This issue is a great from what we've previously discussed. We want to position Plymouth in a position of strength. Mr. Gould went out to this property a few times and was ecstatic about the possibilities this property could provide the Town. These homeowners didn't pay there taxes for 5 full years. These opportunities don't come up often; we have nothing to lose here. We are either going to be put in a stronger position or they will go to land court and fight for the property back. Either way we don't lose anything.

Selectman Malaguti: I'm not happy with the fact that this is reoccurring tax liability. If everyone neglected to pay their taxes we would be out of business. I know that we have had instances that have stretched for a long period of time and we have been made whole on a few occasions. I have a concern that if we are made whole again we will be revisiting this again next year. The only way I will go along with taking this property is if we sell it. I have no interest in having another beach area. There are no facilities out there, emergency vehicles would have trouble getting out there, and no life guards on duty. If we do take this property I want to put it up for sale. I have no intention to add another property to the list of buildings and land we already take care of.

Selectman Provenzano: I don't think this property is practical to maintain as a recreation area for the Town of Plymouth. It is my understanding that we don't have to take any action right now. We have already started the eviction process and the homeowners have a year to dispute this with land court. If the Town sells the property and the Town is made whole of taxes the remainder funds belong to the Town not the property owner. If we sit and do nothing we then put it on the homeowner to act on this with land court.

Selectman Mahoney to Chairman Tavares: So do we need a vote on this or can we just sit on it until next June?

Chairman Tavares: According to Attorney Provenzano we can just take no action and maintain this property until next June.

Ms. Arrighi: A vote is not needed we will let the homeowners know your decision.

8:05 p.m Licenses and Administrative Notes

One Day Wine and Malt Liquor License - Konida LLC d/b/a Jungle Plex, 8 Natalie Way - October 22, 2015 from 12:00 p.m. to 6:00 p.m.

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

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

One Day All Alcohol Liquor License - America's Hometown Thanksgiving Celebration, 10 Cordage Park November 21, 2015 from 5:30 p.m. to 10:30 p.m.

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

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

One Day All Alcohol Liquor License - General Society of Mayflower Descendants, 4 Winslow Street - October 23, 2015 from 6:00 p.m. to 9:00 p.m. - Pilgrim Hall

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

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

Common Victualler (New) - Gallery Grille and Pizza - John Chisney

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

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

Annual Application for the FY2016 Sewer Rate Relief Fund

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

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

8:10 p.m. Committee Liaison/Designee Updates

Selectman Mahoney: Two to three months ago the Board asked me to sit in on the non-profit youth organizations in Town. I have been to three meetings so far and there have been representatives from 16 leagues in the community and the primary concern of the non-profits is getting a fair price to use some of the new facilities at Plymouth South High School. The fee structure of those facilities is 3 to 4 times more than some other outside fields we have. We think a compromise has been made and we will have a meeting next Monday contingent on Town Meeting being done on Saturday. Mr. Begley was impacted by the individuals in the room and we are moving toward a fair compromise.

Chairman Tavares: Fall Town Meeting does start on Saturday October 17, 2015.

8:15 p.m. Old Business/Letters/New Business

Selectman Mahoney: Next Monday there is also a Nuclear Matters meeting and I can't be in two places at once. If one of the committee members could help me out with either one of these meetings it would be appreciated.

On a motion by Selectman Mahoney, seconded by Selectman Provenzano the Meeting adjourns: at 8:20 p.m.

Meeting minutes recorded by: *Annikka Bernabe* (Administrative Assistant to Board of Selectmen)