

## **Board of Selectmen**

Tuesday, November 17, 2015  
Town Hall Mayflower Room, \*7:00 PM\*

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

Chairman Tavares called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

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

Melissa Arrighi, Town Manager  
Derek Brindisi, Assistant Town Manager

A moment of silence is observed for the tragedy that has taken place in Paris, France

A moment of silence is also observed for Carl Pratt a well-known person in this community who has recently passed. He has been involved in sports teams for many years. We extend our sympathy to his wife, children, and grandchildren.

Selectman Provenzano mentions lights of hope which is an event that will be held on December 4, 2015 to benefit the cranberry hospice bereavement program. The even will be held at the Plymouth Gristmill and bags are \$5.00.

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

#### 1. Mast Road

The Department of Public Works will be placing two signs on Mast Road: One at Gallows/Mast Road and the other immediately adjacent to 530 Mast Road. These signs will read, "No Maintenance Travel at Your Own Risk" . Accordingly, all grading, plowing, and deicing operations will no longer occur. In addition, we are staying in touch with the Wildlands Trust who owns the property to listen to their longterm plans for the roadway. They are interested in restoring a portion of that road, immediately adjacent to the pond, back to a walking path. They are doing outreach to the neighbors and to public safety officials as this has logistical implications that are important and need to be considered with any possible change. I will keep you informed.

#### 2. New Town Hall

The Town will be holding a ribbon cutting ceremony for the new town hall construction on Friday, December 11, 2015 at 3:00 pm. As so many residents were involved in making this project come to fruition, we are encouraging everyone to attend. In addition, we have executed a contract with Fontaine Brothers for

\$29,862,000. They have mobilized on site and the construction trailers are in place. We are holding a Neighbor's meeting on Thursday, December 3, 2015 from 4:30 – 5:30 pm at Town Hall. We are also planning on updating the project information on the Town's website by the end of next week.

3. Veteran's Day – Although the venue was moved to Memorial Hall due to inclement weather, the ceremony, keynote speech, events, and participation was extraordinary. I would like to publicly thank Roxanne Whitbeck for her commitment and her skills in making this a wonderful success. I would also like to thank and honor all our Veterans.

4. Budget Meetings – We are having on going internal meetings with Department and Division heads on their budget requests. We intend to finish that process within the next three weeks in order to remain on schedule.

Retirement of Firefighter Paul A Zapula

5. Thanksgiving Parade - Northern Construction will be making final repairs to the roundabout before the parade. This Friday, they will be onsite to remove materials and prep the site for work on Monday. The curbing and decorative crosswalk are expected to be done by Wednesday 11/18.

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

No Public Comment

**7:15 p.m.** Plymouth 400, Inc.- Michele Pecoraro

Michele Pecoraro takes the podium to give a presentation update on Plymouth 400. A copy of the presentation can be found in the weekly packet.

Ms. Pecoraro We hope to be able to announce the state commission within the next couple of months. We appreciate the support of the community and the support of Plymouth.

Chairman Tavares: Could you go into a little more detail as to where Plymouth 400 is in the planning process.

Ms. Pecoraro: In 2011 a timeline was done and we just recently pulled the timeline out and we are smack dab where we are supposed to be right now. We are building our stakeholder base and this board of directors has been tremendous in having the foresight to bring extra help on when signature events were starting. We are right where we need to be.

Selectman Malaguti: I'm sad that the community hasn't perked up a little bit vs. in 1920. My wife and her sister have two pilgrim costumes that could be put on loan for fundraising purposes.

Ms. Pecoraro: Our society has changed so much and everything is so instant now. I believe that this is going to take hold and the community will rise up and be proud of what's happening. We may be hosting near to 7 million people into 2021.

Selectman Provenzano: There is plenty of time for the community to get involved and engaged. We are in a stage where we are getting them informed and I think they will come out.

Selectman Mahoney: My license plate is on it's way. Just reinforcing the next 4 1/2 years will come quickly.

**7:30 p.m.** Public Hearing: Independent Fermentations Brewing, LLC Paul Dixon

Advertised for 7:10 p.m.

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  
Paul Dixon from Independent Fermentations Brewing

About a year and a half ago as a small brewer. We recently moved up to 127 Camelot drive where we have 3 to 4 times the space and 500 barrels of beer a year. We want to have a tap room at the front of the building and the brewer in the back.

Selectman Provenzano: I'm assuming all your servers will be tip certified?

Mr. Dixon: Yes they already are, it will be similar to Mayflower brewer just a bit smaller.

**7:40 p.m.** Public Hearing: Transfer and Change of location of an annual all alcohol package store license from Village Vineyards to Yankee Spirits

Advertised for 7:10 p.m.

Mr. Triffletti takes the podium to represent the petitioner, Yankee Spirits Inc.: I am joined here by my associates Allan Costa, Laurie Curtis of 1620 Associates, and Thomas Tesauro (Owner of Yankee Spirits). I would like to begin by introducing and requesting that certain documents be incorporated into the record this evening. The Board has already received our presentation also a copy of the liquor license relocation plan, an old Sturbridge village letter, a letter from the Sturbridge police chief, Attleboro licensing board letter and articles, and various letters from businesses at Colony Place. We have a revised power point presentation and two pages of signatures from businesses at Colony Place that are in support of Yankee Spirits.

Yankee spirits is seeking a transfer and the all alcohol license and change of location from Village Vineyards to Yankee Spirits. Yankee spirits is a Massachusetts based company for over 40 years and currently operates in 3 locations. It is a company providing un-paralleled selection with great value. They have an impeccable reputation and a successful business model which has allowed them to flourish, even in tough times.

Mr. Triffletti introduces Thomas Tesauro who takes the podium: Mr. Chairman and members of the Board, thank you for giving us the opportunity tonight to share our story. At Yankee Spirits we set the bar high. Our goal is to be the very best in our industry; our stores are clean, well merchandised, and staffed by knowledgeable and helpful team members who are trained and TIPS certified. As Steve mentioned, our company provides un-paralleled selection at a great value and our whole sale license allows us to travel and get merchandise that isn't otherwise available in Massachusetts. Last year we rose over \$25,000 for Saint Jude, this year we've reached that goal. We also raised \$10,000.00 for the Boston Marathon bombing survivors. There is a letter in your package from Old Sturbridge. We have also

supported many other Charites. We are excited for the opportunity to be located here in Plymouth.

Mr. Triffletti takes the podium to resume the presentation: Yankee Spirits has chosen Colony Place because it is a regional shopping center located in Plymouth. Colony Place is a destination shopping center. Many shoppers going there will visit more than one store. The proposed location for Yankee Spirits is the former Office Depot location. The current location of Village Vineyards does not meet the need of Yankee Spirits which requires a significant amount of space.

There was a 2014 request from Walmart asking for this license. You may ask what the difference is. The Walmart proposal was denied because Plymouth did not want a big box store like Walmart to be in the business of selling alcohol. Unlike Walmart, Yankee Spirits is not a big box store. I visited an out of state Walmart store that sold alcohol and it was sold near food, toys, and children's clothing. Yankee spirits on the other hand is exclusively a wine/beer/spirits retailer and isn't a big box store. Comparing this application with Walmart is completely different. All of the Yankee Spirits staff is TIPS trained. I've visited Yankee Spirits stores; they have state of the art security, exits and entrances that are controlled consistent with the sale of alcohol. We believe from a legal standpoint, the issue of "need" is moot. When the ABCC issued the license to Village Vineyards, they established that there is a need in Colony Place. The Yankee Spirits store will be unique as it will bring a selection of wine/beer that currently can't be found here. It will attract shoppers from not only Plymouth but surrounding areas. There may be some inaccurate rumors about the current owners of Village Vineyards who have decided to move on to something new and take advantage of this opportunity. Looking around this room it seems to be there may be some opposition to Yankee Spirits. However, we are reminded from a legal perspective the creation of competition is not a valid factor to be considered by the Board. Factors that can be considered are traffic, noise, location, and reputation of the applicant; these are all valid factors that the Board should consider. Yankee Spirits is a destination store; it is not a quick stop on the way home for a bottle of wine or a six pack of beer. At the Swansea store, which opened 7 years ago, has other liquor stores in town and they all stayed in business, with one a half a mile from them. How will the Town of Plymouth benefit from Yankee Spirits coming to the community? The Office Depot store front will finally be filled. This will lead to higher tax assessments. People will come from all over to eat in local restaurants and shop. Yankee spirits will create 30 to 40 new jobs and bring its long record of community support to Plymouth. This proposal will have a significant positive impact on Plymouth.

Chairman Tavares thanks Mr. Triffletti and asks if anyone wishes to speak in favor of this license.

Ms. Mary Ellen Burns: I live close to Colony Place and I'm here representing myself and my husband. Prior to moving here we frequented Sturbridge quite a lot and we have come to know Yankee Spirits. It's a wonderful experience and behalf on my husband and I we believe that this store would be an asset to Plymouth and the surrounding area.

Donald Smith takes the podium to speak in favor of Yankee Spirits: We've put a lot of time and effort in building something that is a regional job. We see customers coming from Hingham, Hyannis, and Taunton. We've added shops that the internet can't do and we are trying to create a destination. That's why we are standing up for Yankee Spirits, the idea of the regional microbrews and wines from all over makes it an experience for everyone. We got a unanimous response from all the tenants and they are excited for the addition to Colony Place.

Mark Natto takes the podium, owner of Village Vineyards and states he hopes the Board will approve the transfer.

Chairman Tavares asks if anyone wishes to speak in opposition of the transfer to Yankee Spirits.

Sharon Sesenelli takes the podium: Having this license transfer to such a large store is pretty inappropriate given that most of the liquor stores in Town are 2,000 square feet.

Mike Garagonizian owner of Plymouth Liquors: I read a disturbing article in the ledger that Plymouth is the drunkest Town in the state. As far as a need goes, a need is created by businesses. This new organization will be satisfying the needs of whoever traveling from all over. I ask the Board to refuse the transfer of the license.

Dennis McNickleon takes the podium: I strongly believe that there isn't a need for this transfer.

Everett Malaguti: I oppose the transfer of this liquor license because there isn't a need for a package store like this when you already have package stores in Plymouth. We are over the quota limit by 4. The Village Vineyards store was a specialty store and we don't need any more stores in Plymouth. Yankee may be a somewhat mom and pop store, but the actual owners of the liquor stores that live and work in Plymouth deserve our support.

Steven Balboni: In this situation I don't believe there is a public need. The definition of a "box store" as Mr. Triffletti has stated, is not only limited to Walmart. I ask the Selectmen to be consistent in their decisions and deny this transfer. I feel its a conflict of interest to have the Town Moderator representing this establishment.

Vicky McMinnehe: Should the Town be concerned by any legal action from Walmart since they were denied and Walmart only wanted a few thousand square feet as opposed to this being 20,000.

Steve Luke from Luke's Liquors: I believe this license was issued as a boutique wine shop. This license transfer should not go through. I think this license should go back to the Town.

Mr. Triffletti: We certainly did listen to the people who spoke in opposition and we understand the concern. The quota concern was issued validly by the Town of Plymouth; this is a valid license that can be transferred. I understand that some people may not want competition. Yankee will increase the professionalism and standards for all liquor stores by showing that they have a stellar record of having all their employees trained. We've submitted letters from the police who have had a good experience with Yankee Spirits. Many years ago when I was appointed moderator I was granted special municipal employee status, although I would never appear over Town Meeting, which I reside; on many occasions I have appeared before the Board of Selectmen. In an article about "big box" companies are quoted as stores that are 50,000 square feet or more. There is a distinction; this is not Walmart that offers wine and beer next to children's clothes. What we are hearing is a parade of liquor store owners who are afraid of competition.

Mr. Tesauro takes the podium and states that there is no such thing as a "boutique license" a license is a license; this is strictly a liquor license. Also, the ABCC's decision to uphold the Walmart decision was solely based on the 2006 referendum which was defeated overwhelmingly.

Chairman Tavares asks the audience if anyone else would like to speak on this matter.

Chairman Tavares states he would like this hearing be continued until December 1, 2015 as additional information is needed in order to make this decision.

Selectman Malaguti: I personally have enough information to decide tonight and I am prepared to do so. I of course will be respectful if any member of the Board requests additional time.

**8:00 p.m.** Snow Plow Recommendation

Bloody Pond Road  
Nautical Way  
Anderson Way

A motion to Approve and the motion result was Passed.

Bloody Pond Road- Selectman Malaguti: I would like the Board to support plowing this road, the road is no narrower than some of the other roads we plow. We have elderly people living on that road, a nurse, and a state trooper. They all need access. There is a way in and a way out of Bloody Pond Road. The road has been graded and clearly this road should be plowed.

Ms. Marks: We purchased the land in 1973 and we lived there year-round to 1978. To my knowledge it was plowed straight through and now that we are back at that house in the winter it is a problem.

Mr. Morrison takes the podium and discusses bloody pond road. One of the most important reasons I'm here is for the residents, I'm the youngest at 65.

Selectman Malaguti makes a motion to plow bloody pond road, seconded by Selectman Provenzano. All approve.

Nautical Way: Selectman Malaguti: I agree with Mr. Wood on this one. There is a potential developer for the rest of the lots in the subdivision so that can be worked on. Mr. Beder assured me that they would do better this winter with helping them.

Chairman Tavares: Why has the bond not been activated on? It is inexcusable that these people had 3 days they couldn't get out. Do you have any information on that? We have put residents in a horrible position. We are collecting taxes on those homes and it seems inexcusable in this day and age to not have the bond.

Selectman Provenzano makes a motion to plow Nautical Way, seconded by Selectman Malaguti. All approve.

Anderson Way: No action taken

**8:10 p.m.** Licenses and Administrative Notes

Vehicle for Hire (New) - Plimoth Transportation d/b/a Mayflower Taxi - Vehicle for Hire Operator Edward Young

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

Vehicle for Hire Operator (New) - Pilgrim Taxi - One Vehicle for Hire Operator - Nicholas MacInnis

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) - Blue Harbour Cafe

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

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

Change of Manager (Liquor) - Sodexo Operations, LLC - 3 Licenses from Kathleen Arkell to Elizabeth Derosier

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

Establishments closing for the winter season

**Gellars Snack Bar Inc, 506 State Road**, Susan Gellar is requesting permission to close from November 2015 through the end of March 2016 for maintenance.

**Lobster Hut, 25 Town Wharf**, Kaisang Ghale is requesting permission to close from December 20, 2015 through February 10<sup>th</sup>, 2016 for repairs. They will reopen February 11, 2016.

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

Approve License Amendment with Lobstermen's Association for Winch #2 Area on Town Wharf

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

Approve License Agreement with Lobstermen's Association for Winch #3 Area on Town Wharf

A motion to Approve and the motion result was Passed.

#### **8:15 p.m.** Committee Liaison/Designee Updates

Selectman Mahoney: NMC meeting last night, some of the discussion was around Senator Wolf from the Cape.

Chairman Tavares: The advisory committee that we have will be meeting next week. It was discussed to give out the assignments and we are waiting to hear back from them. There is a lot in motion right now and information is being gathered which has to be presented to this Board first.

Selectman Provenzano: In the senate reading room we viewed about our pilgrim fathers and mothers by Mr. Burns. It's an interesting story on our Pilgrims.

Chairman Tavares: This is the anniversary of the Pilgrims coming along with our Thanksgiving parade on Saturday.

**8:20 p.m.** Old Business/Letters/New Business

New Business: Selectman Malaguti: I would like to change the form that goes out regarding political signs (Only if owner permits). Globe: Should the state raise the cap on funding for Charter schools. Dr. Gary Maestas had a very interesting take on it. Charter schools directly affects our budget. Gary makes a very convincing argument.

Chairman Tavares: The Lt. Governor is coming on Thursday to Plymouth to sign the Community Compact. Also the Board is meeting in a special meeting next Tuesday evening at the 1749 courthouse meeting.

On a motion by Selectman Malaguti, seconded by Selectman Mahoney the meeting is adjourned at 9:10. All Approve.

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

**Agenda Item**

Tuesday, 11/17/2015

Call to Order

**Agenda Item**

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Town Manager's Report

**Agenda Item**

Tuesday, 11/17/2015

Public Comment

**Agenda Item**

Tuesday, 11/17/2015

Plymouth 400, Inc.- Michele Pecoraro

**Agenda Item**

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Public Hearing: Independent Fermentations Brewing, LLC Paul Dixon

**SUMMARY:**

Advertised for 7:10 p.m.

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Approve License Amendment with Lobstermen's Association for Winch #2 Area on Town Wharf