

PLYMOUTH SELECT BOARD

TUESDAY, JUNE 6, 2023

GREAT HALL, TOWN HALL, 26 COURT STREET, PLYMOUTH, MA – 5:00 PM
HYBRID PARTICIPATION IN-PERSON OR VIA ZOOM WEBINAR

5:00PM - CALL TO ORDER

Richard Quintal, Chairman of the Board, called the meeting to order at 5:00 p.m. and asked Select Board Member, Kevin Canty to read the opening statement.

In accordance with S2475, and pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted via remote means and in-person. Members of the public who wish [to watch the meeting may do so](#) in the following manner: tune into PACtv government cable access channels Comcast Channel 15 or Verizon Channel 47 and watch the meeting as it is aired live, or watch the meeting live the PACtv website at <https://pactv.org>. Members of the public who wish to **PARTICIPATE** in the meeting may do so in the following manner:

Remote Participation: please go to the Town website under the Select Board page and click on the Zoom Webinar Registration box or simply click on the link below.

https://pactv.zoom.us/webinar/register/WN_-cge_vk_Q9KtC8f1ydH61g

Present: Richard Quintal Jr., Chairman
Kevin Canty, Vice Chairman
John Mahoney Jr.
Harry Helm
Charlie Bletzer

Derek Brindisi, Town Manager
Brad Brothers, Assistant Town Manager

EXECUTIVE SESSION

The Select Board will hold an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21(a), clause 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 public body.

- 29 Manomet Point Road (Lease)

The Select Board will hold an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21(a), clause 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 public body and the chair so declares.

- 16 Town Wharf (Lease)
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6:02 P.M.- PUBLIC HEARING: TRANSFER OF ANNUAL ALL ALCOHOL RESTAURANT LICENSE

Sam Diego's East Inc d/b/a Sam Diego's Mexican Cookery & Bar, 51 Main Street, Richard Sorenson, Mgr. to Anejo Plymouth Inc, d/b/a Anejo Mexican Bistro, 51 Main Street, Blair Wellbeloved, Mgr.

Jamie Surprenant, Owner, of Anejo Plymouth Inc. stated that the proposed restaurant's liquor license would be transferred from San Diego's Mexican Cookery & Bar. Mr. Surprenant stated that he has restaurants in Falmouth and Hyannis. Mr. Mahoney asked the Owner if they will be doing some interior changes. Mr. Surprenant stated that his business will undergo a décor change, with a new design, lighting plan, and flooring. Mr. Surprenant said that he plans to not modify the existing structure.

On a motion by Charlie Bletzer and seconded by Kevin Canty, the Board voted to approve the Transfer of Annual All Alcohol License.

Voted 5/0 By Roll Call: Mahoney-Yes, Canty-Yes, Helm-Yes, Quintal-Yes, Bletzer-Yes

6:02 P.M.- PUBLIC HEARING: ALTERATION OF PREMISES

Franciscano's of Plymouth Inc. d/b/a Ocho Café Tacos and Tequila, 275 Colony Place, Ana Michel, Mgr.

On a motion by John Mahoney and seconded by Harry Helm, the Board voted to approve the Alteration of Premises.

Voted 5/0 By Roll Call: Mahoney-Yes, Canty-Yes, Helm-Yes, Quintal-Yes, Bletzer-Yes

6:05 P.M. AQUACULTURE LICENSE RENEWAL

Katharine Bartlett and Douglas Bartlett

Mr. Chad Hunter, the Harbormaster, stated that Mr. Bartlett and Ms. Bartlett have exceeded the minimum investment requirements. Mr. Hunter recommends them for renewal.

On a motion by Charlie Bletzer and seconded by Kevin Canty, the Board voted to approve Aquaculture License Renewals, as presented.

Voted 5/0 By Roll Call: Mahoney-Yes, Canty-Yes, Helm-Yes, Quintal-Yes, Bletzer-Yes

LICENSES AND ADMINISTRATIVE NOTES

On a motion by Charlie Bletzer and seconded by Kevin Canty, the Board voted to approve the Licenses, and the Licenses in Conjunction with the Transfer of Liquor License, as a group.

Voted 5/0 By Roll Call: Mahoney-Yes, Canty-Yes, Helm-Yes, Quintal-Yes, Bletzer-Yes

On a motion by Kevin Canty and seconded by John Mahoney, the Board voted to approve the Pole Petitions, and Vehicles for Hire, as a group

Voted 5/0 By Roll Call: Mahoney-Yes, Canty-Yes, Helm-Yes, Quintal-Yes, Bletzer-Yes

On a motion by Kevin Canty and seconded by John Mahoney, the Board voted to approve the Pole Petitions, and Vehicles for Hire, as a group

Voted 5/0 By Roll Call: Mahoney-Yes, Canty-Yes, Helm-Yes, Quintal-Yes, Bletzer-Yes

Before making a motion to vote on the Administrative Notes, as a group, Mr. Mahoney asked Mr. Brindisi to clarify Administrative Note #1. Mr. Brindisi stated that the Town Moderator has asked the Select Board to appoint a representative to the Charter Review Appointment Committee, to appoint all nine members of the Charter Review Committee. Mr. Brindisi stated that the Charter Review Committee, would review the existing Charter, and bring back

a set of recommendations to the Town Meeting for final approval. Mr. Helm expressed interest in being appointed to the Committee, as he stated in a previous Select Board meeting.

Mr. Canty said that a member of the public wanted to speak regarding Administrative Note #3. Ms. Marcia Sheridan said that her granddaughters were allegedly attacked by a neighbor's dog. Ms. Sheridan described the treatment.

Mr. Mahoney asked Mr. Brindisi to clarify the Beach Eligibility Policies and the proposed amendments. Mr. Brindisi said that the proposed amendments are to address residents who have sold their vehicles and did not take the stickers off their cars and present them to the Town for a replacement. Mr. Brindisi said that to remedy this issue, the Town recommends that additional verification of a sale of the vehicle can be utilized.

On a motion by John Mahoney and seconded by Kevin Canty, the Board voted to approve Administrative Notes 1-10 as a group.

Voted 5/0 By Roll Call: Mahoney-Yes, Canty-Yes, Helm-Yes, Quintal-Yes, Bletzer-Yes

ADMINISTRATIVE NOTES

1. The Board will vote to appoint Select Board member, Harry Helm, to the Charter Review Appointment Committee, effective immediately.
2. The Board will vote to approve and execute an Assignment and First Amendment to the License Agreement attached and terminate the License Agreement with Captain Tim Brady and Sons and transfer it to Plymouth Charters & Cruises for the use of a Ticket Booth located on Town Wharf.
3. The Board will vote to approve and affirm the decision of the Designated Dog Hearing Officer regarding a Complaint of Dangerous or Nuisance Dogs filed against the owner of a dog harbored at 28 Bonnie Briar Drive as outlined in the Hearing Minutes and Decision.
4. The Board will vote to approve the End of Year Transfer Request for postage expenses of \$10,000 from Town Clerk Salaries to Town Clerk Expenses, as approved unanimously by the Advisory & Finance Committee on May 24, 2023.
5. The Board will vote to execute and approve the License Agreement with Energy North, ENI 131 Commerce Way LLC for the purposes of construct, within the roadway layout, a sign, at 131 Commerce Way, pursuant to the Planning Board decision dated, November 10, 2022.
6. The Board will vote to approve and execute the amended Long Beach 4x4 Parking Sticker Eligibility Policy, as presented in the agenda packet, effective immediately.
7. The Board will vote to approve and execute the amended Resident Beach Parking Sticker Eligibility Policy, as presented in the agenda packet, effective immediately.
8. The Board will vote to approve and execute a Local Initiative Program application for a project at 195 Court Street.
9. The Board will vote to approve and execute the Grant of Easement, which includes an "Access Easement for the Benefit of the Town of Plymouth", between the Town and Bradford C. Cushing, Trustee of the Mill Pond Realty Trust.
10. The Board will authorize the application for, and (if awarded) acceptance of, a grant in the amount of \$50,000 through the Massachusetts Executive Office of Energy & Environmental Affairs' Planning Assistance Program, to support the development of the Town's Climate Action Plan.

Licenses

1. Spectacle Management, 57 Bedford St., Lexington, Jack Lally is requesting a One Day Wine and Malt License from 8:00 p.m. to 11:00 p.m. for concerts/shows at Memorial Hall on the following dates: June 8, 2023, June 9, 2023, June 15, 2023, and June 24, 2023.
2. Craft Beer Cellar, 44 Main Street, Tatum Stewart is requesting a One Day Wine and Malt License from 4:00 p.m. to 8:00 p.m. on June 7, 2023, for a VIP Event at Plimoth General Store, 44 Main Street.
3. Provincetown Brewing Co., 141 Bradford Street, Erik Borg is requesting a One Day Wine and Malt License on June 25, 2023, from 11:00 a.m. to 5:00 p.m. for Plymouth Pride Block Party at Nelson Park.
4. Plymouth Area Chamber of Commerce, 100 Armstrong Road., Amy Naples is requesting a One Day Wine and Malt License for June 10, 2023, from 11:00 a.m. to 3:00 p.m. for acoustic music for Bark in the Park at Nelson Park.
5. Plymouth Area Chamber of Commerce, 100 Armstrong Road., Amy Naples is requesting a One Day Wine and Malt License for July 13, 2023, from 5:00 p.m. to 7:00 p.m. for the Scallop Shell Auction at 14 Roberts Road where the shells are being stored.
6. Second Wind Brewing Company, 7 Howland Street, Kenneth Semcken is requesting One Day Wine and Malt License for June 18, 2023 (rain date June 17, 2023) from 11:30 a.m. to 10:30 p.m. for a Dads and Grads Beer Garden in the parking lot in front of the brewery.
7. New Hope Chapel of Plymouth, 89 Court Street, is requesting an Amplified Music Permit for July 30, 2023, from 10:30 a.m. to 8:00 p.m. for some music during services at DCR Pilgrim Memorial Park
8. Plymouth Area Chamber of Commerce, 100 Armstrong Road., Amy Naples is requesting an Amplified Music Permit for June 10, 2023, from 11:00 a.m. to 3:00 p.m. for Bark in the Park at Nelson Park.
9. Anejo Plymouth Inc d/b/a Anejo Plymouth Inc, 51 Main Street, Blair Wellbeloved, Manager, is requesting the following licenses: - Common Victualler - Comprehensive Entertainment – Group 1- Radio, tv - Sunday Entertainment – Live entertainment Extension of Hours – 1:00 a.m. Early Sunday Sales – 10:00 a.m.
10. Eversource Energy W/O 7733636 One petition covering the installation of two (2) new poles #615/174 and #104/1 on Long Pond Road in Plymouth. These new poles are necessary due to widening the road.
11. Special Occasion Limousine (170 Court Street, Diane Dockery, Owner), Richard Huber, 19 Hallorans Way, Plymouth

CHARTER BOAT OPERATOR RECOMMENDATIONS

Mr. Hunter said that he provided the Board with a memo to establish a Charter Boat Area at Town Wharf, to allow for additional opportunities for Harbor mooring holders to enhance tourism and allow small businesses an opportunity that did not already exist. Mr. Hunter said that these recommendations have been approved by the Harbor Committee, and voted on at their March 16, 2023 meeting.

Mr. Hunter said that the recommendations include adding 75 feet of Town-owned floating dock space, a washdown area, and a table, to be accessed by mooring holders, wishing to participate in the program. Mr. Hunter said that the Town wanted assurances that all boats operating off the Town floats would meet all U.S. Coast Guard licensure and insurance

coverage. Mr. Hunter said that normally in private marinas, the costs of a program such as this would be much higher. Mr. Quintal asked where the fees go to the Town, once collected. Mr. Hunter said that the fees would go to the General Fund. Mr. Hunter said the Town is responsible for seasonal maintenance of the docks, and there is an operating budget to cover maintenance. Mr. Hunter described the transient mooring opportunities and how they are organized in comparison to Town mooring holders. Mr. Hunter said that the Harbormaster building and facilities have received excellent reviews online from transient boaters, which helps retain visitors for longer periods.

On a motion by John Mahoney and seconded by Kevin Canty, the Board voted to approve the Charter Boat Operator Recommendations, as presented by the Harbormaster, as requested by the Harbor Committee.

Voted 5/0 By Roll Call: Mahoney-Yes, Canty-Yes, Helm-Yes, Quintal-Yes, Bletzer-Yes

AMERICAN CRUISE LINES LICENSE AGREEMENT

Mr. Brindisi said that the Town has been working for months with the Harbormaster, Harbor Committee, Loberstermen, and Fishermen to finalize a three-day pilot agreement. Mr. Brindisi said that the agreements do not prevent access to winches. Mr. Brindisi said that the three-day pilot agreement would include an American Cruise Lines tie-up on August 19, 2023, August 26, 2023, and September 2, 2023, for a total cost of \$3,000.

On a motion by John Mahoney and seconded by Charlie Bletzer, the Board voted to approve the American Cruise Lines License Agreement (pilot), as presented.

Voted 5/0 By Roll Call: Mahoney-Yes, Canty-Yes, Helm-Yes, Quintal-Yes, Bletzer-Yes

DEPARTMENT OF PUBLIC WORKS 2023 ROAD PROGRAM PRESENTATION

Mr. James Downey, Interim Town Engineer, provide the update. Mr. Downey said that the Road Program covers 377 miles in Plymouth, with 243 miles of accepted roads. Mr. Downey said that the Town completed 4 miles of paving last year, and 29.7 miles of roadway preservation, including crack seal and rubber chip seal.

Mr. Downey said that the amount of total estimated roadway improvement costs would be over \$135 million. Mr. Downey said that the Town currently has a Road System Rating of 68.95 out of 100. Mr. Down said that if the Town increased spending by \$7 million every year for five years, this would raise the Town's overall road rating.

Mr. Helm said that he is concerned the Town will not be able to keep up with overall roadway improvements with the current level of funding. Mr. Downey said that some of the funds each year go to preserving roadways, that are on the verge of major rehabilitation.

Mr. Downey described the rubber chip seal process, and how it is applied. Mr. Downey said that the rubber chip seal is to preserve the road for a longer period before major rehabilitation is needed.

Mr. Bletzer asked how roadway improvements can be paid for. Mr. Brindisi said that the delta of the existing excise tax and new excise tax revenue is placed in the pavement management stabilization fund. Mr. Brindisi said that is how the management program is funded. Ms. Sgarzi, Interim DPW Director said that the Town was not able to complete some projects,

due to added costs and limited funding.

TOWN BOAT RAMP UPDATE

David Gould, Director of Marine and Environmental Affairs described the ongoing improvements in regard to the Town Harbor, including the Town Boat Ramp, Maritime Facility, and Town Wharf improvements. Mr. Gould stated that by adding four additional steel piles it would extend Town Wharf. Mr. Gould stated that by doing this, it would add 50 feet.

Mr. Gould stated that for the Town Boat Ramp project, the bid came in at \$1.3 million, and there was an allocated \$1.65 million. Mr. Gould stated that the State's Seaport Economic Council granted the Town \$1 million, therefore the project would only cost the Town \$300,000. Mr. Gould said that the project would begin in September. Mr. Gould said that some of the surplus funds may be recommended to be allocated for additional work to allow for a cruise ship while giving enough room for the fishing industry. Mr. Gould said that additional work may go to Town Meeting in Fall 2023. Mr. Brindisi noted that the improvements are long-term investments that have been in the planning and design stages before the American Cruise Lines agreement occurred.

PLYMOUTH LONG BEACH PIER UPDATE

Mr. Gould stated that the proposed pier would only give boats 3 feet of depth, and would only be able to be used for 50 percent of the tide cycle. Mr. Gould stated that with the cost estimates that were generated, and the overall infrastructure improvement projects that are priorities, Mr. Gould does not recommend the Long Beach Pier project. Mr. Gould said that the research that was done to learn more about the feasibility was helpful.

Mr. Mahoney said that it was beneficial to research the feasibility. Mr. Mahoney said that the project should be on the back burner, and if it did occur, would need grant funding to offset the overall costs.

LONG BEACH MANAGEMENT PLAN INFORMATIONAL DISCUSSION

Mr. Gould described the background information regarding how the Long Beach Management Plan was formed and implemented. Mr. Gould said that the Town must adhere to the Endangered Species Act (State and Federal), Migratory Bird Treaty Act, and State Wetlands Protection Act.

Mr. Gould said that the piping plovers are a threatened species in the Endangered Species Act. Mr. Gould described what constitutes "take" under the ESA. Mr. Gould stated that a "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct.

Mr. Gould said that previously to 2003, Long Beach was able to be accessed during the Fall and Winter months. Mr. Gould said that the State required the Town to identify how they would protect and monitor the Beach, under the Wetlands Protection Act. Mr. Gould said that due to the seasonality of public use of that beach, and the overall costs for staffing, it was determined that Long Beach would remain closed.

Mr. Gould said that the Town cannot take seaweed away from where piping plovers are because it would be deemed a “take”. Mr. Gould stated that other shorebirds are at the beach. Mr. Gould said that the first Notice of Intent was submitted for the ORV/Wildlife Management Plan on Plymouth Long Beach in 1992. Mr. Gould said that in 1992, the NOI was appealed by the “Concerned Citizens for the Preservation of Plymouth”, - MA DEP issues SOC closing harbor side road and enacts a 790’ Line. Mr. Gould said in 1996, a piping plover chick “take” was identified. Mr. Gould said in 1997, USFWS tells Town it must incorporate federal guidelines into a new formal document (plan). Mr. Gould said that in 1998, a Notice of Violation occurred against the Town, which involved a \$12,000 civil penalty. Mr. Gould said that in 1998, the United States files a complaint in the U.S. District Court. The Town, Assistant U.S. Attorney, and USFWS meet to negotiate a settlement with federal guidelines. Mr. Gould said in 1998, the Board of Selectmen rejected the settlement agreement and filed a petition for Relief from Notice of Violation. Mr. Gould said in 1999, Mass Audubon and two property owners, appealed OOC’s. Mr. Gould says that in 1999, the State requires the Town to file an ENF under MEPA. Mr. Gould said that in 2000 DEP issued SOC, which is appealed by Mass Audubon and property owners. Mr. Gould said in 2000, a series of mitigation conferences, appeals, and violation incidents occur. Mr. Gould said in 2000, a new plan was written incorporating State and Federal guidelines, and a settlement agreement was reached, the penalty was vacated.

Mr. Gould said that the current Management Plan is according to State and Federal laws, regulations, and the adopted Plan. Mr. Gould said that the plan outlines how the beach is managed and also contains agreements between the State, appellants, and the Town, including the hours of operation, gate opening times, staffing requirements, and the travel corridor. Mr. Gould said that the Plan has a history of appeals leading to review, scrutiny, and adjudicatory proceedings.

Mr. Gould said that in 2002, there were 12 nesting pairs. In 2012 there were 20 pairs. In 2022, there were 48 pairs.

Mr. Gould said that the Town has a Habitat Conservation Plan (HCP), which allows for limited access for vehicles to move through a roadway during daylight hours and additional staffing. Mr. Go

DOG PARK PLAN PRESENTATION (ARPA REQUEST)

Mr. Helm provided the proposed locations of the two dog parks. Mr. Helm stated that one proposed dog park is behind the Cedarville Fire Station, along a small access road, that abuts the Animal Control Office. Mr. Helm said that the Dog Park Committee has been working with Town staff, including the Recreation Director, DPW, Animal Control, etc. Mr. Helm said that both proposed dog parks include double-gate entry systems. Mr. Helm stated that there will be a small dog area and a large dog area.

Mr. Helm stated that the second proposed dog park is at Forges Field, adjacent to the first parking lot when visitors come into the entrance. Mr. Helm noted that there is easier access to water in this location.

Mr. Helm said that the total cost for the proposed Cedarville Dog Park is \$260,200. Mr. Helm stated that the estimated total cost for Forges Field is \$231,500. Mr. Helm said that the Town is pursuing a \$250,000 grant from the Stanton Foundation to offset the overall cost.

Mr. Helm said that Tiffany Park, Grant Writer is working on a grant application, for the final deadline in December 2023.

Mr. Helm said that the Dog Park(s) will be funded in perpetuity through a future organized non-profit organization. Mr. Helm said that the non-profit would accept donations and find sponsorship opportunities.

On a motion by Charlie Bletzer and seconded by Harry Helm, the Board voted to approve the Dog Park Committee proposal for two dog parks in Cedarville and Forges Field, utilizing a \$500,000 ARPA allocation for the projects.

Voted 5/0 By Roll Call: Mahoney-Yes, Canty-Yes, Helm-Yes, Quintal-Yes, Bletzer-Yes

TOWN MANAGER'S REPORT

Mr. Brindisi said that the Bark in the Park event is this Saturday. Mr. Brindisi said that the Town Clerk will be at the event issuing dog licenses.

Mr. Brindisi said that the Age & Dementia Friendly Task Force is holding community forums to engage community members.

Mr. Brindisi said that Robert Davidson was awarded a Humanitarian Award during the Memorial Day ceremonies.

Mr. Brindisi said the Town of Plymouth municipal aggregation program contract will be expiring in Fall 2023, which means rates will increase to 0.14 per kilowatt-hour, for two years.

Mr. Brindisi said that Hilldale Road will have a water main replacement. Mr. Brindisi said that the Jordan Road water main replacement is ongoing for four weeks. Mr. Brindisi said the Water Street Sewer Interceptor Project is moving forward and is anticipate being paused for the summer by June 30, 2023. Mr. Brindisi said that the road will be fully operational by that date.

Mr. Quintal thanked the staff for Memorial Day.

Mr. Quintal asked if the Town could do a reverse 911 call for water main breaks for targeted areas. Mr. Brindisi said he would investigate this option. Mr. Brindisi said that the CodeRed System is operated by the Sherriff's Department.

Mr. Brindisi presented the 2023-2024 Select Board Schedule and the Town Meeting/Election Schedule. Mr. Brindisi said that the schedule will be sent to all board/committee members.

SELECT BOARD OPEN DISCUSSION

Mr. Mahoney said that he attended a meeting regarding the Clark Road intersection and the concerns regarding traffic and pedestrian safety. Mr. Mahoney said that the Town staff should be in attendance at future meetings.

Mr. Canty suggested to the Board that there be an ongoing future meeting agenda item for Board members to describe articles that they would like to consider for Town Meeting. Mr. Quintal agreed.

Mr. Mahoney asked the Chair of the Historic District Commission to provide an update regarding proposed projects on Water Street.

ADJOURNMENT OF OPEN SESSION

On a motion by John Mahoney and seconded by Kevin Canty, the Board voted to adjourn the Open Session at 8:56 p.m.

Voted 5/0 By Roll Call: Mahoney-Yes, Canty-Yes, Helm-Yes, Quintal-Yes, Bletzer-Yes

Recorded by: Anthony Senesi

Assistant to the Select Board/Town Manager