

PLYMOUTH SELECT BOARD

TUESDAY, AUGUST 2, 2022

GREAT HALL, TOWN HALL, 26 COURT STREET, PLYMOUTH, MA – 6:00 PM
HYBRID PARTICIPATION IN-PERSON OR VIA ZOOM WEBINAR

6:00 PM - CALL TO ORDER

Betty Cavacco, Chairman of the Board, called the meeting to order at 6:00 p.m.

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_yk_Q9KtC8f1ydH61g

Present: Betty Cavacco, Chairman
John Mahoney Jr.
Harry Helm
Charlie Bletzer

Derek Brindisi, Town Manager
Brad Brothers, Assistant Town Manager

6:00 PM – PUBLIC HEARING – LUCIOSO’S PUB

- Extension of Hours (1:00 a.m.)
- Early Sunday Sales (10:00 a.m.)
- Comprehensive Entertainment (Group 1, 2, 3 - Radio, TV, Live, Dance)
- Common Victualler

Chairman Cavacco read the Public Hearing notice into the record as follows: In accordance with Chapter 138 of the Massachusetts General Laws as amended. Notice is hereby given that a Public Hearing will be held at Plymouth Town Hall, 26 Court Street Plymouth, MA, Tuesday, August 2, 2022, at 6:00 p.m. to consider the issuance of a transfer of an All Alcohol License from Lucioso’s Pub d/b/a Lucioso’s Pub, 6 Spring Lane, John Luce II, Manager to Gillis Restaurant Group Inc. d/b/a Lucioso’s Pub, 6 Spring Lane, Brendan Gillis Manager.

Brendan Gills, Lucioso’s Pub stated that the transfer of the license will not result in any changes to the existing restaurant except for a new General Manager.

Mr. Mahoney stated that the soon-to-be previous owner of Lucioso’s Pub received concerns from neighbors regarding live music noise levels. Mr. Mahoney stated that Mr. Gillis should be aware of the concerns and learn from the past. Mr. Gillis agreed that the business will be courteous to nearby neighbors.

On a motion by Charlie Bletzer and seconded by Harry Helm, the Board voted to approve the issuance of a transfer of an All Alcohol License from Lucioso's Pub d/b/a Lucioso's Pub, 6 Spring Lane, John Luce II, Manager to Gillis Restaurant Group Inc. d/b/a Lucioso's Pub, 6 Spring Lane, Brendan Gillis Manager.

Voted 4/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes.

6:05 PM - PUBLIC HEARING – BARK BBQ

Chairman Cavacco read the Public Hearing notice into the record as follows: In accordance with Chapter 138 of the Massachusetts General Laws as amended. Notice is hereby given that a Public Hearing will be held at Plymouth Town Hall, 26 Court Street Plymouth, MA, Tuesday, August 2, 2022, at 6:00 p.m. to consider the application for a new Annual Wine and Malt Restaurant License from Bark BBQ Inc. d/b/a Bark BBQ, 367 Court Street, #3, Janice Steinberg, Manager. Description of premises are as follows: Single story open floor plan with the private back of house area for kitchen prep, storage, and cleaning. Three entrances and exits.

Janice Steinberg stated that she is requesting the Annual Wine and Malt Restaurant License to grow her business.

On a motion by Charlie Bletzer and seconded by John Mahoney, the Board voted to approve the application for a new Annual Wine and Malt Restaurant License from Bark BBQ Inc. d/b/a Bark BBQ, 367 Court Street, #3, Janice Steinberg, Manager.

Voted 4/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes.

6:10 PM - PUBLIC HEARING – AQUACULTURE LICENSE REQUEST(S)

Chad Hunter, Harbormaster stated that the Department of Marine Fisheries and the Town agreed to have upwellers within prohibited waters. Mr. Hunter stated the requirements for upwellers are similar to growth sites. Mr. Hunter stated that there may need to be Town regulation changes. Mr. Hunter stated that aquaculture regulations are currently designed to handle license requests but not necessarily upwellers. Mr. Hunter stated that he will work with the Harbor Committee for guidance. Mr. Hunter stated that he is in support of the two requestors. Ms. Cavacco stated that the Harbor Committee unanimously supported the requests.

Connor Doyle asked the Board and Mr. Hunter if his father, William Doyle's upweller license run concurrently with his aquaculture license in the future. Mr. Hunter stated that the concern could be addressed with the Harbor Committee. Ms. Cavacco agreed.

On a motion by Harry Helm and seconded by John Mahoney, the Board voted to approve the application for Aquaculture License requests for Kyle Marble and William Doyle.

Voted 4/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes.

6:15 PM - PUBLIC HEARING – AQUACULTURE LICENSE TRANSFER

Mr. Mahoney asked Mr. Hunter if there was a formal process concerning transferring licenses. Mr. Hunter stated that the licensee by State law and Town regulation can request a transfer.

On a motion by John Mahoney and seconded by Charlie Bletzer, the Board voted to approve the application for an Aquaculture License transfer to John Reynolds.

Voted 4/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes.

BADGE PINNING CEREMONY – FIRE DEPARTMENT

Neil Foley, Fire Chief, of Plymouth Fire Department stated that Fire Fighter Carl Santino will be promoted to Lieutenant, Fire Fighter Jason Phair will be promoted to Lieutenant, and Lieutenant Joshua Soell will be promoted to Captain.

Chief Foley stated that pinning ceremonies is a moment to celebrate the hard work and dedication of the individuals being promoted.

Kelly McElreath, Town Clerk swore in the three individuals.

Chief Foley introduced Lieutenant Phair,

Lt. Phair is a graduate of Brockton High School. He served in the United States Marine Corps Reserves and then as a Combat Medic with the United States Army National Guard. He went on to work in the construction trade and at the Sheriff's Department before being appointed to the Plymouth Fire Department on Nov. 12, 2013. Lt. Phair has earned Firefighter I/II and Hazardous Materials First Responder Operational level certifications. From 2017-2019 he served as a Fire Alarm Operator for the department and he is currently assigned to Group 3 at Station 1. His achievement has been made possible with the support of his wife Jennifer, and sons Liam and Kevin.

Chief Foley introduced Lieutenant Santino,

Lt. Santino is a graduate of Plymouth South High School. Upon his graduation from high school, he went on to serve in the United States Army 82nd Airborne Division. Following his discharge from the Army, he then went on to complete nursing school and worked in the medical field before being appointed to the Plymouth Fire Department on Nov. 16, 2015. Lt. Santino has earned his Firefighter I/II and Hazardous Materials First Responder Operational level certifications. He is currently assigned to Group 2 at Station 1. His achievement has been made possible with the support of his wife Kim, and children Katelin, Kamryn, and Kyla.

Chief Foley introduced Captain Soell,

Capt. Soell graduated from Plymouth South High School and worked as an EMT before being appointed to the Plymouth Fire Department on Dec. 27, 2010. He was assigned as a Fire Alarm Operator from 2016-2018 and was promoted to the position of lieutenant in 2020. He is currently assigned to Group 1 at Station 1. Capt. Soell has earned Firefighter I/II and Hazardous Materials First Responder Operational level certifications. He is a founding member and director of the Plymouth Fire Relief Association and the co-chair of

the Local 1768 Health and Welfare Committee. His achievement has been made possible with the support of his wife Michaela, son JJ, and daughter Rilynn.

GREEN COMMUNITIES DESIGNATION – 20% ENERGY REDUCTION PLAN APPROVAL

Patrick Farah, Energy Officer, introduced Holly States, Chair of the Energy Committee.

Ms. States described that the 20% Energy Reduction Plan Approval is the last step to becoming a designated Green Community. Ms. States noted that the Green Communities program assists cities and towns to reduce their energy use and to help with the State's climate goals. Ms. States described how neighboring communities such as the Town of Kingston were awarded a recent grant. Ms. States described that once the Town of Plymouth is designated, the Town can apply for competitive grants. Ms. States noted that the Energy Reduction Plan required an audit of all 43 school and municipal buildings, 255 school and municipal vehicles, street lights, traffic lights, and water and wastewater facilities in the Town. Ms. States noted that 69% of the energy consumed is for buildings, 18% for vehicles, and nearly 10% for water and sewer infrastructure.

Ms. States noted that the Energy Reduction Plan is a plan, not a directive, and provides a recommendation to achieve reductions in energy use. Ms. States noted that the Green Communities program is not punitive, it is only meant to provide incentives and guidance.

On a motion by Charlie Bletzer and seconded by Harry Helm, the Board voted to approve and execute the Green Communities Designation – 20% Energy Reduction Plan.

Voted 4/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes.

PLYMOUTH 400 LEGACY POSTAL PROJECT UPDATE

George McKay, Board Member, Plymouth 400 stated that Plymouth 400 legacy projects are currently being enacted. Mr. McKay noted that most of the Plymouth 400 events did not occur due to the COVID-19 pandemic. Mr. McKay stated that he devised a plan to have a Thanksgiving Remailing Program for the Town. Mr. McKay stated that the program similar to that of Loveland, Colorado, and Santa Claus, Indiana.

Mr. McKay stated that the Thanksgiving Remailing Program would allow community members to send postcards to the site of the first Thanksgiving, Plymouth, Massachusetts, and receive a special postmark and then be remailed. Mr. McKay stated that in 2021, the Town remailed 21,000 postcards. Mr. McKay stated that the Town hopes to remail 50,000 postcards in 2022. Mr. McKay noted that if the Town remails 50,000 postcards, it will be third in the United States for retailing. Mr. Mahoney stated that he admires Mr. McKay's passion concerning this project.

Mr. McKay stated that the PL Vanity License plate program is available for interested people. Mr. McKay stated that the license plate program is an additional Plymouth 400 legacy project.

Mr. McKay noted that an additional legacy project is a planned remembrance park on Cole's Hill. Mr. McKay stated that the remembrance park will be in honor of the victims of the great

plague through Plymouth before the Pilgrims arrived, the Pilgrims that died when they landed in 1620, and the people who passed away due to the 2020 COVID-19 pandemic.

PLYMOUTH COUNTY WOODLOT PROJECT – DISCUSSION WITH BOSTON SOUTH REAL ESTATE & DEVELOPMENT GROUP

Representative Matthew Muratore stated that he was asked by Chairman Cavacco to provide an update to the Board regarding the Gaming Commission. Rep. Muratore noted that the Board voted unanimously to oppose a horse racetrack in the Town of Plymouth. Rep. Muratore noted that the Board's decision prohibits a race track because it is the jurisdiction of the Board. Rep. Muratore stated that there is no current legislation to change the law which currently allows the Board to oppose a racetrack.

Rep. Muratore stated that the Gaming Commission has its own set of rules of regulations and additionally has a new application process, which recently closed for public comment. Rep. Muratore noted that there is no indication that MGCL, Chapter 128, Sections A and C will be changed by the State legislature.

Ms. Cavacco stated that the Board is opposed to any horse racing track in the Town, and she shared the sentiments of residents that are concerned about a last-minute change that may occur with State Law to allow the project to move forward. Ms. Cavacco asked Rep. Muratore if there was anything else the Board could do to show opposition to the proposed development. Rep. Muratore noted that the Board's unanimous opposition conveys the message.

Rep. Muratore stated that Boston South Real Estate & Development Group has a lease for a 90-day due diligence period to test the soil and segments of the property. Rep. Muratore stated that if the 90-day due diligence period suffices to Boston South, they have three years to come up with a development plan and budget. Rep. Muratore stated that the County Commissioners are interested in an entertainment complex concept. Rep. Muratore reiterated that if there is any indication of the laws of Chapter 128, Sections A, and C will change. Ms. Cavacco asked Rep. Muratore if there is any indication of a change, and he would inform the Board. Rep. Muratore agreed with Ms. Cavacco.

Mr. Helm asked Rep. Muratore if the Gaming Commission could change their application to conflict with current State law. Rep. Muratore stated that the Gaming Commission would not be able to change their application to conflict with current State law.

Ms. Cavacco stated that she would like to ask the Town Manager and Legal Counsel to draft answers to the questions that the Board has regarding the County Woodlot.

Mr. Brindisi stated that the Town has engaged with Boston South in the past, and they assert that they are working with the County Commissioners, and believe that they can issue developments without necessarily going to the Town for the permitting and zoning process. Mr. Brindisi stated that he spoke with Mr. Hartmann, Planning and Community Development Director that the Town has precedent issuing permits for gravel removal on the County Woodlot. Mr. Brindisi stated that he will work with Town Counsel to draft an opinion regarding this matter.

Mr. Bletzer stated that he is concerned about the cost of the legal opinion. Ms. Cavacco noted that the Board has the responsibility to have the questions answered by Town Counsel. Mr. Helm noted that Rep. Muratore recommended that the Board receive Counsel regarding the rights of County property. Mr. Mahoney noted the concerns of Mr. Helm.

On a motion by John Mahoney and seconded by Charlie Bletzer, the Board voted to direct the Town Manager to engage with KP Law to answer questions that the Board may have regarding the County Woodlot, and report back in Open Session.

Voted 4/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes.

Rep. Muratore provided a legislative update. Rep. Muratore stated that the article to approve hybrid town meetings in the Town of Plymouth has reached its second reading in the State legislature. Rep. Muratore stated that the legislation regarding the nuclear power plant for the PILOT program had to be amended not to include the language of spent fuel rods.

Rep. Muratore provided an update regarding the FY23 State Budget that will soon be signed by the Governor. Rep. Muratore stated that the following initiatives are included:

- \$90,000 is included for the Plymouth Waterfront Visitor Center to update and upgrade bathrooms.
- \$150,000 is included for the Plymouth Housing Authority to finish a house on Oak Street.
- \$47,000 is included for the Plymouth Police Patrol and Rescue Boat motors.
- \$41,000 included for upgrades to the Plymouth Fire Department operations for a smart board.
- \$105,000 included for PACTV for a mobile van for news programs.
- \$27 million included for Chapter 70, including \$60 per pupil, compared to \$30 per pupil previously.
- \$4.54 million Unrestricted General Government Aid
- \$1.5 million for Town of Plymouth Route 80 Sidewalk Improvements
- \$700,000 for engineering, design, and permitting of Exit 13
- \$100,000 Plymouth Regional Economic Foundation for a feasibility study for a ferry service in the Town.
- \$100,000 Reconstruction of the historic waterfront seawall to increase public safety and protect businesses addressing sea level rise.
- \$122,000 18 mobile data terminals in frontline response apparatus.
- \$54,000 EV charging station installations for the Police Department.
- \$2.2 million for the water main and storage water drainage system for the intersection of Court Street and Hedge Road, in North Plymouth.
- \$250,000 Plymouth Town Wharf pedestrian improvements and sidewalks.

Mr. Mahoney noted that the Town of Plymouth has been a leader in removing dams and improving water systems. Mr. Mahoney that there is a significant Level 1 dam that is owned by the State, he asked Rep. Muratore what the status of the dam removal is. Rep. Muratore asked the Board for information from Mr. Gould, Director of Marine and Environmental Affairs regarding this issue.

PUBLIC COMMENTS

Patricia Edelman asked Rep. Muratore if the Board must additionally state their opposition to any gaming facility, not just horse racing. Ms. Cavacco believed that the letter that was addressed to the Gaming Commission included language regarding any proposed gaming facility.

Patricia McCarthy, Precinct 18, Town Meeting member, stated that she review the Boston South application. Ms. McCarthy stated that she had additional questions regarding the various approvals. Ms. McCarthy recommended to the Board that Town Counsel review the lease agreement with the County and Boston South. Ms. McCarthy had concerns about what type of inspections could occur during the 90-day due diligence period. Rep. Muratore stated that the 90-day due diligence period information and findings will all be made available to the public. Rep. Muratore noted that the due diligence period is standard for any development in the Town.

Alysa Bruneau, Chair, Precinct 18, asked about what Board or Committee would be involved in the decisions regarding the New Hope Chapel Church development. Ms. Cavacco stated that the Planning Board and Zoning Board of Appeals have oversight.

TOWN MANAGER'S REPORT

State Legislation and Legislative Partners

Mr. Brindisi noted that the communication with the Town and the State delegation has been critical to identifying areas of need and funding. Mr. Brindisi thanked the State delegation for their efforts. Mr. Brindisi noted that the Town has a Grant Writer that is compiling the needs of the Town and can draft language to support the initiatives.

Morton Park

Mr. Brindisi stated that Morton Park was uneventful over the past week with no issues. The Town Manager's Office has been working with the Police, Fire, and DPW Departments to provide a response that focuses on safety and quality of services at the park.

White Horse Beach – Whale Sightings

Mr. Brindisi stated that the Harbormaster in coordination with the Coast Guard has been actively monitoring the harbor for any whale sightings. Mr. Brindisi noted that the whales have been moving northward closer to Boston Harbor.

Heat Advisory

Mr. Brindisi stated that he has been in communication with Departments regarding the activation of cooling centers due to the extreme heat that is being forecasted.

Simes House Task Force Meeting

Mr. Brindisi stated that the Task Force has outlined at least 12 separate action items that the Task Force would like to have addressed.

SELECT BOARD OPEN DISCUSSION

Mr. Bletzer noted that he visited the various parks and the residents appreciated the police presence.

Ms. Cavacco read a letter into the record that was approved by the Board and was sent to the Attorney General's Office. *Attorney General Healey, The Town of Plymouth Select Board*

has been informed of recent reports about Holtec International's plan to remove water from the spent fuel pool and discharge the radioactive water into Cape Cod Bay. The Town of Plymouth Select Board voted on July 26, 2022, to oppose plans to discharge radioactive water from the Pilgrim Nuclear Power Plant Station's reactor vessel and spent fuel pool into Cape Cod Bay. Discharging the contaminated water is not the only option available to Holtec. Instead of releasing the water into the Bay, the company has other alternative actions to take including trucking the water to another location. The Select Board in the Town of Plymouth is deeply concerned about the potential adverse impacts of any discharge of radioactive water would have on the region's public health, the environment, and the local economy. We, therefore, state our strong opposition to any plans to discharge water containing radiation or other contaminants into Cape Cod Bay.

Ms. Cavacco stated that on an upcoming agenda, there will be an item to discuss White Horse Beach parking fines. Ms. Cavacco has stated that people who don't have stickers are carpooling and being issued a \$50.00 fine that is split between the multiple people that are in the car. Ms. Cavacco suggests that the Board consider raising the parking ticket fines at White Horse Beach.

LICENSES AND ADMINISTRATIVE NOTES

Licenses

On a motion by Mr. Mahoney and seconded by Mr. Helm, the Board voted to approve the Licenses as a group.

Voted 4/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes.

Brews and Cips LLC, 72 Elliot Lane, Julie Brewster is requesting a Day Wine and Malt License for August 26, 2022, from 5:00 p.m. to 7:00 p.m. at the Stonebridge Club at Pinehills for a private event.

Brews and Cips LLC, 72 Elliot Lane, Julie Brewster is requesting a Day Wine and Malt License for August 5, 2022, from 5:00 p.m. to 8:00 p.m. at the First Friday event at the Mayflower Society House, 4 Winslow Street.

Plymouth Public Library, 132 South Street, Anne Phelan is requesting an Amplified Music Permit for a musician on August 6, 2022, from 10:00 a.m. to 5:00 p.m. for an arts and crafts festival on the front lawn.

Roll Street Tavern Inc. The Board will vote to accept that Roll Street Tavern Inc d/b/a Roll Street Tavern, Jeffrey S. Zeitz has voluntarily relinquished the Annual All Alcohol Restaurant Liquor License for the premises located at 35 Main Street.

ADMINISTRATIVE NOTES

On a motion by Mr. Bletzer and seconded by Mr. Helm, the Board voted to approve the Administrative Notes as a group.

Voted 4/0. Mr. Helm, Yes; Mr. Mahoney, Yes with an abstention of Administrative Note #1; Mr. Bletzer, Yes; Ms. Cavacco, Yes.

1. The Board will vote to approve the Open Meeting Minutes from April 5, 2022, Select Board Meeting.
2. The Board will vote to approve the amendment of Special Speed Regulation #909-D, on Clark Road and Beaver Dam Road as included in the packet.
3. The Board will vote to appoint the following people to the following Boards and Committees as follows:
 - o Janice Capofreddi – Council on Aging Advisory Board
4. The Board will vote to approve a sufficient number of police officers, but not less than 1, at the polling location at every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections, as required by Section 72 of MGL Chapter 54 which was changed in section 13 of Chapter 92 of the Acts of 2022. Further, move to designate the Police Chief the authority to assign specific police officers according to scheduling and availability. The Town Clerk will advise the Police Chief on the location and time the officer is needed.
5. The Board will vote to approve and execute the State Primary Warrant on Tuesday, September 6, 2022.

ADJOURNMENT

On a motion by Mr. Helm and seconded by Mr. Bletzer, the Board voted to adjourn the Open Session at 8:09 p.m.

Voted 4/0. Mr. Helm, Yes; Mr. Mahoney, Yes; Mr. Bletzer, Yes; Ms. Cavacco, Yes.

Recorded by: Anthony Senesi
Assistant to the Select Board/Town Manager