



BOARD OF
SELECTMEN
MEETING
MINUTES

November 17th, 2014

6:00 pm

Plympton Town House
Community Meeting Room

Present: Chairman Mark Russo, John Henry and Colleen Thompson

Chairman Russo called the meeting to order at 6:08 pm. Mr. Russo opened meeting with "ground rules". BOS are testing out new audio system tonight.

Correspondence:

- Plympton & Carver Triad Holiday Party, 12/4/14 at Upland Club. 12 noon.
- Plympton-Halifax Express.
- Promotional mail from Utility Service Partners, Inc.

Review License fees:

- It came to BOS attention that the Wine and Beer annual license fees were priced the same as a full liquor license fee. BOS assistant, Kristen did some research and found towns comparable to Plympton are charging from \$400-\$600 for wine and beer. We currently have wine and beer priced at \$1200. Mr. Henry wants to propose cutting fee in half.

VOTED: Motion made by Mr. Henry to amend Wine and Beer annual license fee to \$600. Second Ms. Thompson. 3/0

Liquor License Inspections:

- BOS needs to inspect all three facilities for their annual liquor license renewal. Mr. Henry has already inspected Plympton Mobil and Plympton Convenience & Liquor. Mr. Henry stated that Upland Club still needs to be inspected and suggested Mr. Russo do the inspection. Mr. Russo would like Mr. Henry to inspect Upland Club since he has done the other two facilities already. Mr. Henry agreed to have Upland Club inspected by the deadline of November 24th, 2014.

Electronic Communication Policy:

- Mr. Russo would like to save this discussion for the next BOS meeting. This policy will be on agenda next week.

Comcast Contracts:

- Mr. Russo started off by saying he thought BOS would be voting on contract tonight and on the Tri-town contract next week. This is not the case. He briefed audience on background of contracts. A year and a half ago he began working on these contracts. Felt it was in the best interest of Plympton to join a tri-town contract with Carver and Halifax. Lots of time and money has been spent putting these contracts together. Mr. Henry has opposed this contract since the beginning and has been quite open about it. 10 out of the 11 selectmen are in favor of this contract. Mr. Henry at the last hour has gone to D.O.R about appropriated funds. Questions have been raised about franchise fee and general fund and now this will delay all negotiations. Carver is upset and ready to pull out of agreement. Everyone is under time pressures. Mr. Russo contacted several lawyers and will explore contracts over the weekend. Mr. Russo has also contacted D.O.R. Mr. Russo wants everyone to know our contract is no different from the vast majority of towns. Holding off on approving contract will incur more expenses and loss of trust from the other towns we are involved with. Mr. Russo also contacted a pro bono attorney that deals directly with cable contracts for towns. BOS is a licensing authority and only BOS can vote, 99% of towns do the process like we are doing it. Mr. Russo stated that D.O.R usually stays away from these types of issues and unfortunately when they get involved they are usually very aggressive and conservative.
- Mr. Henry would like to address the audience and state his side. He reached out to D.O.R to see how we avoid the franchise fee going into the general fund. These fees cannot be spent from a general fund. D.O.R told Mr. Henry this could not be done. Franchise fees cannot go into a general fund without a Town meeting. D.O.R told Mr. Henry that a new law is taking place as of January 15, 2015. (A community will be able to credit these franchise fees revenues to a fund other than general fund, but monies cannot be spent without appropriation). Mr. Henry stated these fees cannot be spent until there is a town meeting vote. He believes this issue is controversial and should go to a town meeting vote. He is convinced this could have been avoided if Mr. Russo and Ms. Thompson allowed contracts to go to Town Counsel for review, but they voted against it. He suspects Mr. Russo was trying to avoid a Town meeting all along. Mr. Henry stated is he only looking out for best interest of the town and trying to protect them.
- Ms. Thompson brought up the point that she did not want to go to a Town meeting over this issue. Since subscribers are the ones paying for the additional service, they should be the ones that vote on this issue, not everyone.
- Karen Foye, a member of the Cable Advisory Committee was present at meeting and stated that the D.O.R does not have jurisdiction over cable fees. She read some regulations from the Department of Telecommunications and Cable.
- Town Coordinator, Mr. Pleau said issue is quite simple. Selectmen do have right to vote under state law however, in this case we have a third party, the tri-town contract. By law, the money cannot be spent without a town meeting. Mr. Pleau said we can approve contract with language stating that it is "subject to appropriations".
- Resident asked how many signatures are needed for a special town meeting. BOS answered that 200 signatures are needed. Another resident asked if we could have a special town meeting regarding this issue, Mr. Russo said he would think about it.
- Mr. Russo has no doubt that we were 99.9 percent there and now with these delays the Town will "go dark" for 4 months with no meetings shown on cable TV. More time and money will be spent. He will work with lawyers on the language of contract and work it out. The next steps will most likely be this issue going to Town Meeting.

- **VOTED: Mr. Henry made motion for both Comcast contracts be sent to Town Counsel for review. Second Ms. Thompson. (1/2) Mr. Henry in favor. Ms. Thompson and Mr. Russo are not in favor.**

Victualler license- Just Right Farm:

- Mr. Russo recused himself to sit in audience as resident and not BOS member.
- Mrs. Russo stated to BOS that she has submitted her Victualler license and would like to see it approved. Mrs. Russo addressed all of Mr. Henry's concerns and responded to the list of questions he gave her last week. Mrs. Russo gave her breakdown of qualifications for the Agriculture exemption. She has provided all the documentation that was asked of her by Mr. Henry.
- Ms. Thompson read up on all the laws and read all documentation Mrs. Russo provided. She does not have an issue with this license.
- Mr. Henry said Agriculture exemption law was not designed for a restaurant. Mr. Henry will consider and will read all documentation that Mrs. Russo presented.
- Ms. Thompson stated we will vote on this license next week.

Future BOS Meeting Schedule:

- Next BOS meetings- 11/24/14, 12/1/14, 12/8/14 at 6 pm.

TOWN COORDINATOR REPORT:

- Mr. Pleau sent out the Electronic email policy to all Plympton employees/committees/boards. Policy is available for comment for up to 10 days then policy will be put in place. Mr. Russo asked if anyone has heard any feedback regarding policy. Ms. Thompson said yes. Mr. Morin (present in audience) also said BOH will have some comments, they are getting list together now. Comments will be addressed at next meeting.
- Mr. Pleau said he got results on Maple street perk test.
- Mr. Pleau will meet with engineer this week for evaluation on Town House land for possible Safety Building site.

MINUTES:

Ms. Thompson found corrections in the 11/3/14 BOS meeting minutes. She wants to make motion to rescind the vote and amend the minutes.

**VOTED: Motion made by Ms. Thompson to rescind minutes from 11/3/14.
Second Mr. Russo. 3/0**

BOS addressed corrections of 11/3/14 minutes.

VOTED: Motion made by Mr. Russo to accept 11/3/14 minutes. Second Ms. Thompson. 3/0

VOTED: Motion made by Mr. Russo to accept the 11/10/14 Executive meeting minutes. Second Mr. Henry. 3/0

VOTED: Motion made by Mr. Russo to accept 11/10/14 BOS meeting minutes as amended. Second Ms. Thompson. 3/0

Mr. Russo proposed to BOS that they have an Executive Session before the 11/24/14 meeting at 5pm to discuss Rocky Harvest and Sakr litigation. They were all in favor.

MOTION: Mr. Russo to adjourn the meeting at 7:18 pm. Second Ms. Thompson. 3/0

Respectively submitted,



Kristen LeVangie

Board of Selectmen, Assistant

All Meeting Minutes are sent electronically to Town Clerk's Office and are posted on the Town website. A paper copy and electronic version is on file with the Selectmen's Office.

TOWN WEBSITE: www.town.plympton.ma.us

SELECTMENS' ASSISTANT: Selectmen.assistant@town.plympton.ma.us