

**BOARD OF SELECTMEN  
PLYMOUTH, MASSACHUSETTS**

**January 13, 2004**

The Selectmen held their weekly meeting on Tuesday, January 13, 2004, 7:00 p.m. at Town Hall, 11 Lincoln Street.

Present:       Kenneth A. Tavares, Chairman  
                  Christopher R. Lombard  
                  David J. Rushforth, M.D.  
                  Richard J. Quintal, Jr.

Pamela T. Nolan, Town Manager  
Mark D. Sylvia, Assistant Town Manager

Moment of Silence - Chairman Tavares asked for a moment of silence in memory of Joseph Barrett who passed away recently. Mr. Barrett was a long-time member of the Council on Aging. Mr. Tavares, on behalf of the Board, expressed his sympathy to the Barrett family.

**SWEARING IN**

Laurence Pizer, Town Clerk, swore in Scott Vecchi as a Sergeant for the Plymouth Police Department. Mr. Vecchi has been on the Plymouth Police Department for 7 years.

Mr. Pizer also swore in John Abbott as a Lieutenant for the Plymouth Police Department. Mr. Abbott has been on the Plymouth Police Department for 24 years.

**WASTEWATER UPDATE**

Mr. Gary Frizzell, Wastewater Coordinator, explained to the Board that the treatment plant's nitrogen levels have continued to be in compliance.

**LICENSES**

Selectman Lombard moved to approve a Common Victualler's license to California Pizza, 202 South Meadow Road. Selectman Rushforth seconded the motion. Voted 4-0.

## **LICENSES (continued)**

Selectman Lombard moved to approve a Common Victualler's license to Marylou's Coffee, 63 Obery Street. Selectman Rushforth seconded the motion. Voted 4-0.

Selectman Lombard moved to approve the closing of Cabbyshack, 30 Town Wharf Road, from February 2, 2004 until February 19, 2004 for repairs and renovations. Selectman Rushforth seconded the motion. Voted 4-0.

## **ADMINISTRATIVE NOTES**

**Permission to Traverse Town Property** - The Board granted Land Management Systems, Inc. permission to traverse town property for construction and installation of a stone revetment at 108 Pawtuxet Road, as required under a Conservation Commission order of conditions.

**Gift** - The Board, acting in their capacity as Water Commissioners, accepted, as a gift, a 12.6 acre open space parcel for public water supply protection pursuant to G.L. c. 40 §§ 39B and 39D subject to review and approval of the deed by Town Counsel.

**Dog Hearing** - The dogs owned by J. Moore were ordered permanently restrained. In addition, the dogs are to be:

- A. Left in the house when the owner is not home
- B. Between the hours of 7:00 p.m. and 7:00 a.m. if the dogs bark at anytime while outside, they are to be brought in the house immediately
- C. Between the hours of 7:00 a.m. and 7:00 p.m. if the dogs bark continuously for five minutes or longer, they are to be brought in the house immediately

**Committee Appointment** - The Board appointed Mr. Kenneth Heckman to the No Place for Hate Committee.

**Minutes** – The Board approved the minutes of January 6, 2004, with one exception. Selectman Lombard wanted to change the word "fees" to "cost" in the administrative notes regarding the Coastal Nonpoint Source Grant Program. Voted 4-0 approved.

## **COMMITTEE APPOINTMENTS**

### **Building, Planning and Construction Committee**

The Selectmen interviewed Patrick Moroney, Timothy Grandy, Robert Squillante and Frederick Varnum for a vacancy on the Building, Planning, and Construction Committee. Chairman Tavares commented on how qualified each of these candidates was. Mr. Tavares mentioned that he wishes this committee had more vacancies so that they could each serve. Selectman Rushforth concurred with his sentiments. Selectman Lombard asked the applicants if they were familiar with the issues at the South Middle School and if they could be of assistance if they were appointed. All of the applicants responded that they had the appropriate experience and knowledge to understand and perhaps find a solution. The Board split the vote at 2-2. Mr. Moroney received 2 votes from Selectman Quintal and Selectman Lombard and Mr. Varnum received 2 votes from Chairman Tavares and Selectman Rushforth. Chairman Tavares explained that they would have to vote again next week when Mr. Malaguti returns.

### **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW**

**Article 47** - To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for authority to enact special legislation to amend the Town Charter as recommended by the Charter Review Committee in its report entitled "Recommendations for Change," dated December 4, 2003, on file with the Town Clerk; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto.

Marie Chaffee, Charter Review Committee Chairman, explained that they would like the Board to recommend the following changes and/or additions to the Proposed Charter Amendments previously proposed at the Annual Fall Town Meeting:

2-3-3 The representative town meeting shall (have the power to) consider and act upon, pursuant to its legislative authority, with or without amendments, all proposed operating and capital improvement budgets, bond issues, and all other financial proposals of the town (and such matters as prescribed by law and all matters that appear on the town warrant) except as otherwise provided by general law.

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)**

2-4-7 2<sup>nd</sup> paragraph (If the Advisory and Finance Committee has failed to consider a warrant article, the representative town meeting may consider that article provided that two thirds (2/3) of the representative town meeting members in attendance vote to so do)

3-6-1 The Director of the Department of Public Works shall be appointed by the Town Manager and shall be a civil engineer (or any other combination of experience and education including a Masters Degree in a related field.) The Director of Public Works shall be qualified by education and experience for the duties of the office.

Mr. Sam Butterfield, Charter Committee Member, spoke in favor of reducing the number of town meeting members to 84, as amended in the proposed charter. Mr. Butterfield explained that he felt it would make the elections more competitive as several people ran unopposed last year and for several years prior.

Selectmen Rushforth made a motion to accept the proposed charter amendments excluding the amended section that allowed for the reduction of town meeting members. Chairman Tavares seconded the motion.

The Board's vote was split 2-2. Chairman Tavares and Selectmen Rushforth voted to accept the proposed charter with aforementioned exclusion. Selectmen Quintal and Lombard voted in opposition. Chairman Tavares explained that we would have to re-hear this article next week when Selectmen Malaguti was present.

**Article 48** - To see if the Town Meeting will vote to authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact legislation (full text on file with Town Clerk) to amend the Town Charter to read in the form attached hereto and entitled "Town of Plymouth Proposed Charter Amendments Final Draft July 29, 2003"; except that Section 2-2-1 thereof shall read in its entirety as follows:

"2-2-1 The town shall have a representative town meeting which shall consist of representative town meeting members who are elected for three-year (3) overlapping terms. The number of representative town meeting members shall be determined as follows: Each precinct shall elect (9) members; this provision shall be implemented by each precinct electing three (3) members in each annual town election occurring after the effective date of this Charter. Should the number of precincts in the town change, the total number of regular town meeting members shall increase or decrease accordingly";

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)**

or take any other action relative thereto.

Mr. William Abbott, Town Meeting Member and petitioner for this article, explained to the Board that reducing the number of town meeting members opens the doors for special interest groups. Mr. Abbott presented slides comparing the number of Town Meeting Representatives in other towns as well as a slide showing the percentage of Town Meeting seats filled by ballot candidates.

Selectman Lombard was in favor of downsizing town meeting members as he said having too many members could handicap town meeting conflict of interest law. Mr. Lombard explained that when there is competition it could bring out any conflicts of interest in your opponent. Mr. Lombard explained that when you run unopposed, these conflicts are not usually revealed. Mr. Lombard was also opposed to using the word "degree" in the Charter regarding the requirements for the Director of Public Works. Mr. Lombard does not want to see this wording in the Charter, but rather in the job description.

Ms. Pamela Nolan, Town Manager responded that she cannot see herself hiring and paying someone who does not have a degree, the sum of 95,000 per year. Ms. Nolan mentioned that as long as they have the appropriate education and experience for the position. Ms. Nolan would prefer they have a Master's degree.

Ms. Chaffee explained that she read it as saying you have to have an appropriate combination of education and experience but not necessarily needing a Master's degree. Mr. William Abbott, Attorney, explained that this wording and interpretation leaves room for flexibility.

Selectman Quintal asked Ms. Chaffee if any town meeting members have run unopposed. Ms. Chaffee deferred this question to Mr. Butterfield. Mr. Butterfield answered yes and responded that on average 80% run unopposed. Mr. Quintal then asked, for the viewer's at home, if you only need 10 signatures to get a seat at town meeting. Mr. Butterfield answered that for open seats you only need 2 write in votes. Mr. Quintal asked Mr. Butterfield if they have ever considered have a 100-signature requirement. Mr. Butterfield said they have never considered that as an option.

Chairman Tavares thanked everyone for their hard work on these articles.

The Board's vote was split 2-2. Chairman Tavares and Selectman Rushforth voted in favor of this article, while Selectmen Lombard and Quintal voted in

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)**

opposition. Chairman Tavares explained that we would have to re-hear this article next week when Selectmen Malaguti was present.

### **OLD BUSINESS/LETTERS/NEW BUSINESS**

**Update on 9/11 Memorial** – Selectman Quintal asked the Board for docket time to update them on the 9/11 Memorial.

**NRC Letter** – Selectman Lombard questioned whether the Nuclear Matters Committee received a copy of the letter from the Nuclear Regulator Commission.

**Executive Session** - Selectman Lombard moved to go into executive session pursuant to Massachusetts General Laws, Chapter 39, Section 23B, paragraph 3 to consider pending litigation. Selectman Quintal seconded the motion. Voted 4 - 0 by roll call - Selectman Rushforth, Quintal, Lombard, and Tavares.

The Selectmen did not return to public session.

Lisa Conroy, Clerk