

**BOARD OF SELECTMEN
PLYMOUTH, MASSACHUSETTS**

January 20, 2004

The Selectmen held their weekly meeting on Tuesday, January 20, 2004, 7:00 p.m. at Town Hall, 11 Lincoln Street.

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

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

TOWN MANAGER'S REPORT

Pamela T. Nolan, Town Manager, informed the Board that the Department of Public Works installed a guardrail near the apartment house on Newfield Street. The apartment house was struck recently by a motor vehicle. Ms. Nolan also added that since its installation it had been struck.

Vice Chairman Malaguti responded that he was very pleased but he wished this had been installed a year ago. Mr. Malaguti also mentioned how pleased he was with the new personnel in the DPW.

Selectman Lombard questioned whether or not there were reflectors on the guardrail. Ms. Nolan responded that there weren't at this time. Mr. Malaguti responded that the guardrail is very visible because it is made of galvanized steel. Mr. Lombard responded that reflectors would most certainly make the guardrail more visible.

WASTEWATER UPDATE

Mr. Steve Kruger of US Filter Operation Services explained to the Board that the treatment plant's nitrogen levels have continued to be in compliance. Mr. Kruger also explained that in spite of the cold weather the nitrogen levels have remained at the 3.5 level. Mr. Kruger responded that US Filter would be updating the new DPW Director at least once per week on their operations and results.

WASTEWATER UPDATE (continued)

Selectman Lombard responded that he didn't see the need to update the Board every week with a Wastewater Update but perhaps every other week. Selectman Rushforth thought that a weekly written report and perhaps a monthly appearance would suffice. After a brief discussion, the consensus was that any appearance would not be necessary, unless issues started to arise again. Chairman Tavares thanked the efforts of US Filter and all the individuals at the plant and explained his disappointment should they have to appear before the Board regarding this matter.

LICENSES

Selectman Malaguti moved to approve one petition **NSTAR 04-03** covering the installation of one (1) new pole on South Meadow Road in Plymouth. This pole is needed due to a problem with the existing underground service lines across South Meadow Road that feed the customers on Bruce Road. Selectman Rushforth seconded the motion. Voted 5-0.

ADMINISTRATIVE NOTES

Vice Chairman Malaguti voted to remove the following individuals, whose terms have expired, from their respective committees and Selectman Rushforth seconded. Voted 5-0 approved.

<u>Name</u>	<u>Committee</u>	<u>Term Expiration</u>
Benjamin Brewster	1749 Court House	6/30/03
David Ellis	Cultural Council	3/9/02
Ronnie Lazarus	Cultural Council	2/15/03
John Robinson	Nuclear Matters	6/30/03
Paul Giaccaglia	Nuclear Matters	6/30/03
William Olsen	Nuclear Matters	6/30/03
Maureen Thomas	Town Forest Committee	6/30/03
Carlos Fragata	Buzzards Bay Action Committee	6/30/96

Minutes –Selectman Rushforth made the motion to approve the minutes of January 13, 2004 and Selectman Lombard seconded. Voted 5-0 approved.

9/11 MEMORIAL

Selectmen Quintal updated the Board on the progress of the 9/11 Memorial being constructed in dedication of the victims of the world trade center attacks. Mr. Quintal provided detailed drawings of what the completed memorial will look like. Mr. Quintal said he wanted to get beams from the Towers, so he is working with State and Federal authorities in order to obtain them. Mr. Quintal is very proud of this memorial, as it is the only one that contains all 3,000 names from the disaster. Mr. Quintal explained that the completion is scheduled for June 30, 2004 and the dedication will take place on 9/11/04. All are welcome to attend.

Donations can be made out to Plymouth 9/11 Memorial Fund, 11 Skobee Circle, Plymouth, MA.

COMMITTEE APPOINTMENTS

Building, Planning and Construction Committee

Chairman Tavares announced that the Board had to revote on this committee, as last week there was a split vote due to the absence of Vice Chairman Malaguti. The Board voted again and Mr. Moroney received 4 votes from Selectman Quintal, Selectman Lombard, Vice Chairman Malaguti and Chairman Tavares. Mr. Varnum received 1 vote from Selectman Rushforth. Voted 4-1 in favor of Mr. Moroney.

Historic District Commission

The Board interviewed Ms. Anne Lane for the position of historian for the Historic District Commission. Ms. Lane has studied history for several years and has served on several historic boards in other towns. Ms. Lane loves Plymouth and would like to serve on its historic commission. After interviewing Ms. Lane, Vice Chairman Malaguti made a motion to appoint Ms. Lane to the Historic. Selectman Lombard seconded. Voted 5-0 approved.

2004 FISCAL YEAR END REVIEW

Ms. Pamela Nolan explained how the Town was tasked with cutting the current budget by \$883,121. Ms. Nolan explained that the report included in the Selectmen's packets is the effects of that task. Ms. Nolan deferred to Mr. Patrick Dello Russo, Director of Finance, for a more in depth explanation of those cuts.

2004 FISCAL YEAR END REVIEW (continued)

Mr. Dello Russo explained that in the report are actual reductions taken in each department as recommended at the Fall Annual Town Meeting in October of 2003. Mr. Dello Russo went department by department comparing the recommended reduction with the actual reduction. Mr. Dello Russo explained how pleased he was with the results. Mr. Dello explained that almost every department met or exceeded the recommended cuts. Mr. Lombard asked Mr. Dello Russo if next year he could include a percentage of change on the report in addition to the actual dollar change.

Chairman Tavares thanked Mr. Dello Russo and Ms. Nolan and mentioned that the Board will be meeting on the FY05 budgets on Thursday, January 29, 2004.

TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW

ARTICLE 26 - To see if the Town will vote to transfer the care, custody, management and control of that portion of Lot 36 on Plymouth Assessor's Map 74 shown as "Drainage Pipe Area" on a plan entitled: "Proposed Layout of Carolyn Drive Plymouth, Massachusetts," dated January 7, 2003, prepared by the Plymouth Dept. of Public Works, Engineering Division, and held on file with said Engineering Division, from the Conservation Commission for conservation purposes to the Board of Selectmen for highway and drainage purposes, and further to authorize the Board of Selectmen to use the remaining portion of said Lot 36 only for the purpose of dispersing surface drainage waters directed from Carolyn Drive through the "Drainage Pipe Area" onto the Lot, with the Conservation Commission otherwise retaining care, custody, management and control of said Lot 36 for conservation purposes, and further to authorize the Board of Selectmen to petition the General Court for approval of such transfers and changes in use under Article 97 of the Amendments to the Massachusetts Constitution, provided that the General Court may amend the form and substance of the requested legislation if the Board of Selectmen has approved such amendments before enactment, and to authorize the Board of Selectmen to approve any such amendments which shall be within the scope of the general public objectives of this petition, or to take any other action relative thereto.

Saeed Kashi, Director of Engineering, explained that they would like the Board to recommend approving the transfer of the use/jurisdiction of a certain portion of a parcel on Carolyn Drive from the Conservation Commission to the Board of Selectmen. Vice Chairman Malaguti moved to recommend this article and Selectman Lombard seconded. Voted 5-0 Approved.

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

Article 27 - To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation authorizing and directing the Division of Capital Asset Management, the Department of Agricultural Resources, and any other appropriate agency of the Commonwealth, to partially release:

- 1) an agricultural preservation restriction held by the Department of Agricultural Resources, recorded with the Plymouth County Registry of Deeds in Book 5905, Page 150, and encumbering land on Clifford Road in Plymouth owned by Nathan N. Withington, Trustee of Whip's Farm Trust, said land being described in a deed recorded with said Deeds in Book 19405, Page 272; and
- 2) an agricultural preservation restriction held by the Department of Agricultural Resources, recorded with said Deeds in Book 5905, Page 150, and amended by instrument recorded in Book 21466, Page 262, encumbering land on Clifford Road owned by Eel River Watershed Association, Ltd., said land being described in a deed recorded with said Deeds in Book 21466, Page 259;

the portions of land to be released from said agricultural preservation restriction being shown as temporary and permanent easement areas on a plan entitled: "Right of Way Plan Clifford Road, Plymouth, Massachusetts," dated October 29, 2001, revised August 20, 2003, and prepared by the Plymouth Department of Public Works Engineering Division, so that the Town may acquire permanent and temporary easements for highway and drainage purposes in such easement areas, and further to authorize the Board of Selectmen to petition the General Court to approve such release and change in use under Article 97 of the Amendments to the Massachusetts Constitution, provided that the General Court may amend the form and substance of the requested legislation if the Board of Selectmen has approved such amendments before enactment, and to authorize the Board of Selectmen to approve any such amendments which shall be within the scope of the general public objectives of this petition, or to take any other action relative thereto.

Saeed Kashi, Director of Engineering, explained that they would like the Board to recommend the release of the APR restriction on the permanent easements for the Clifford Road Culvert Replacement Project. Selectman Lombard asked Mr. Kashi if all the property owners have been contact. Mr. Kashi explained that all the releases from homeowners have been obtained. Selectman Lombard moved to recommend Article 27 as presented. Selectman Rushforth seconded. Voted 5-0 approved.

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

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, Chairman of the Charter Review Committee, reappeared before the Board, regarding this article. Ms. Chaffee explained that she wanted to thank all of the members of the Committee for all of their hard work and their efforts. Ms. Chaffee mentioned that a lot work went into these Charter amendments and a lot of thought as well.

Chairman Tavares explained that we can recommend this article as written or we can recommend it with an amendment of our own. Selectman Rushforth reminded the Board that last week we recommended this article with the exception of the reduction of town meeting members. Vice Chairman Malaguti responded that the authority and the decision making process can be diminished with the reduction of town meeting members. Selectman Lombard reiterated his feelings that we need to put prestige back in the town meeting with a smaller number of members. Mr. Quintal agreed with Mr. Lombard.

Selectmen Rushforth made a motion to accept the proposed charter amendments excluding the amended section that allowed for the reduction of town meeting members. Vice Chairman Malaguti seconded the motion. Board's vote was 3-2 in favor with Selectmen Quintal and Lombard in opposition.

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

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

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"; or take any other action relative thereto.

The Board voted on this issue and the results were 3-2 in favor of recommending this article. Selectmen Lombard and Quintal voted in opposition.

OLD BUSINESS/LETTERS/NEW BUSINESS

Milmore Letter – Chairman Tavares received a letter written by Mr. Milmore who runs the Nelson Street Beach concession stand. Mr. Milmore is asking for monetary compensation for cleaning the bathrooms there since allegedly the town is paying other vendors for the cleaning. Mr. Tavares would like copies of the bid from procurement before he proceeds any further. Selectman Lombard mentioned that Mr. Milmore also picks up the trash around the barrels there as well.

Tidal Beaches Committee Letter – Chairman Tavares received a letter from Stephanie Fugazzi of the Tidal Beaches Committee. Ms. Fugazzi wanted to make sure that the funds earmarked for the committee would not be withdrawn. Mr. Tavares stated that these funds are secure.

Old Colony Planning Council – Chairman Tavares received a letter from the Old Colony Planning Council regarding a request to develop a regional, multi-jurisdictional Hazard Community Planning Team. The Council was requesting a representative from the Town and Doug Hadfield was the consensus of the Board and the Town Manager.

MMA Meeting – Chairman Tavares commented on the potential allocation of funds earmarked for Plymouth from the State. The sum is approximately \$1,000,000 however Mr. Tavares mentioned that this allocation is only tentative.

Plymouth Area League of Women Voters – Chairman Tavares received an invitation from the Plymouth Area League of Women Voters regarding the attendance at a Nuclear Matters presentation. The topics discussed include relicensing, Nuclear Waste Storage, Homeland Security and Evacuation and Shelter. Mr. Tavares asked the Board if any of them were intending on going. Mr. Lombard responded that he would attend.

OLD BUSINESS/LETTERS/NEW BUSINESS (continued)

WW Site 101 – Mr. Mark Sylvia, Assistant Town Manager, asked the Board for their signatures on the revised agreement between Walgreen’s and the Town. Mr. Sylvia explained that the agreement provides for the traffic improvements that were discussed as well as a check for \$3,200.00. Mr. Sylvia explained that the \$3,200.00 was the difference between the parcel swap.

Selectman Lombard responded that he would’ve liked to see a visual before he votes. Mr. Sylvia explained that the Planning Board and the West Steering Committee have already recommended their support. Mr. Lombard moved to accept the agreement and Vice Chairman Malaguti seconded. Voted 5-0 approved.

Selectman Quintal commented that it would be a good idea to keep the Cumberland Farms informed of these traffic improvements so that everyone is on the same page.

Billington Street Pumping Station – Selectman Lombard questioned the hole in the roof at the Billington Street Pumping Station. Ms. Nolan commented that she was unaware of that but would check into it.

Updated Contact List – Vice Chairman Malaguti asked if the Board could be provided with an updated contact list. Mr. Malaguti asked for home phone numbers of all Department Heads, extension numbers for staff and any emergency numbers as well.

NSTAR Power lines and Power Stations – Selectman Rushforth discussed the possibility of acquiring NSTAR’s Power lines and Power Stations. Mr. Rushforth responded that 41 are towns in the state have acquired them and it has resulted in two things: a reduction in the cost of electricity and an increased reliability in service. Mr. Rushforth asked if the Town could look into this. Selectman Quintal responded that he would like to look at the paperwork and also asked about purchasing our streetlights. Mr. Sylvia replied that next week the Board would be presented with a proposal for purchasing the streetlights. Mr. Sylvia commented that the presenter, Mr. George Woodbury, is very versed in all areas of utility acquisition, and could perhaps discuss this as well.

Selectman Lombard asked if there would potentially be an issue with the electrical pool. Mr. Sylvia replied that we have not entered in an agreement yet with Constellation New Energy, so there would not an issue.

OLD BUSINESS/LETTERS/NEW BUSINESS (continued)

Billington Street Property – Chairman Tavares asked the Town Manager if she would write a letter to the Boy Scouts asking them to vacate the town-owned building on Billington Street. The Boy Scouts were using this area for storage but it has become unsafe. Ms. Nolan responded that she would take care of this immediately. Selectman Lombard commented that perhaps we could offer assistance for relocation as they recently put a new roof on the building.

Martin Luther King Breakfast – Chairman Tavares thanked the interfaith clergy for its breakfast in dedication to Martin Luther King Jr. The breakfast was held at the Plymouth North High School on Saturday January 17, 2004. Scholarships were given to the essay winners and posters and pictures were displayed.

Vice Chairman Malaguti moved to adjourn; Selectmen Rushforth seconded. Voted 5-0 adjourned.

Lisa Conroy, Clerk