

**BOARD OF SELECTMEN
PLYMOUTH, MASSACHUSETTS**

March 2, 2004

The Selectmen held their weekly meeting on Tuesday, March 2, 2004, 7:00 p.m. at the PCIS Little Theatre, 117 Long Pond Road.

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

TOWN MANAGER'S REPORT

Ms. Pamela Nolan, Town Manager, advised the Board that the Advisory and Finance Committee has voted to adjust the recommended FY05 Operating Budget by restoring funding to the following items:

1.	Finance & Accounting	\$3,560.00
2.	Assessing	\$22,173.00
3.	Data Processing	\$6,050.00
4.	Council on Aging	\$276.00
	Total	\$32,059.00

Ms. Nolan explained that the Advisory and Finance Committee did not recommend budget reductions to accommodate these adjustments and that that she and the Director of Finance do not recommend supporting these adjustments as they exceed the 2 ½ levy limit and deviate from the FY05 budget guidelines.

Ms. Nolan explained that the Town Manager's Office concurs that the website should be maintained, however, it was their recommendation that the cost be absorbed in the FY05 budget and that no other cuts be made as a result. She further explained that she and the Director of Finance recommend that the Selectmen revise its proposed FY05 Budget by transferring \$9,050.00 from the Town Clerk's postage line to Data Processing. The \$9,050.00 represents funding of the website (\$6,050) and the Applied Graphics mapping system (\$3,000.00). The Water Enterprise Fund will be responsible for funding the postage expenses of \$9,050.00 as it relates to water billing.

LICENSES

Selectman Rushforth moved to approve the following new Vehicle for Hire Business Permit. Selectman Lombard seconded the motion. Voted 4-0.

Vehicle for Hire Business Permit (New)

AA Supreme Limousine Service, Inc.
1687 State Road
Karen and Paul Spano

Applying for three (3) Vehicle for Hire Permits (Livery)

Applying for one (1) Vehicle for Hire Operator Licenses

Ronald Tanguay
35 Carver Road

Issuance of the above license is subject to CORI. Driving record shows no basis for denial. All vehicles have been inspected by our Inspectional Services Department.

Selectman Rushforth moved to approve the One Day Wine and Malt Licenses. Selectman Lombard seconded the motion. Voted 4-0. Chairman Tavares asked when the seasonal license begins. Mark Sylvia, Assistant Town Manager, responded that they begin April 1, however when the weather permits, they ask to be able to serve alcohol before the seasonal license begins. Chairman Tavares requested that perhaps the seasonal licenses need to be adjusted.

One Day Wine and Malt

Atlantic Country Club, 450 Little Sandy Pond Road is requesting a one-day wine and malt license for the following dates for the opening of the Golf Course from 10:00 a.m. to 8:00 p.m.:

March 13, 14, 17, 20, 21, 26, 27, 28, 29, 30 and 31, 2004.

Liquor liability is in place and professional bartenders will be serving the alcohol.

ADMINISTRATIVE NOTES

Weighers – The Board appointed the following individuals as sworn weighers for Kingstown Corporation’s Plymouth facility:

- William McNeil
- Roger C. Cushing, Jr.
- Charles Bosworth
- John Moon
- Shirley Dinsmoor
- Bradford Cushing
- Ann McKay

Minutes – Selectman Lombard moved to approve the minutes of February 24, 2004. Selectman Quintal seconded. Voted 4-0 approved.

PUBLIC HEARING – BALDER LLC

A public hearing was held to consider the application of Balder LLC at 7 Home Depot drive for a license to increase their underground diesel fuel storage from 32,000 gallons to 42,000 gallons.

Attorney Philip Barthel and Engineer Alan Micale, representing Balder LLC, spoke on behalf of their client. Mr. Barthel explained that the client is seeking additional underground storage for their diesel fuel. Selectman Rushforth was concerned with another tank’s proximity to the town well. Mr. Micale responded that these tanks are state of the art and double walled for safety. Mr. Micale also asked if the Board could expedite this request. Mr. Lombard was concerned for the fueling of buses and trucks who want to utilize the diesel fuel and who may have a difficult time maneuvering around the patrons in their cars and the exit areas as well. Mr. Lombard also asked why all this is being requested in the 11th hour and was not done in the original plan. Chairman Tavares also asked Mr. Micale why they waited until the last minute. Mr. Micale responded that it was Motiva’s plan to add diesel for the various traffic in home depot plaza. Mr. Micale also mentioned that he told the Board as soon as received the request from Motiva.

Selectman Lombard moved to continue this hearing until March 9, 2004. Selectman Rushforth seconded the motion. Voted 4-0.

PUBLIC HEARING – RUN OF THE MILL

A public hearing was held to consider the application of Run of the Mill Restaurant at 6 Spring Lane for an alter of premise. The applicant seeks to add: a room of approximately 324 SF accessible through an existing doorway on the west side of the building. A second room of approximately 180 SF abutting the aforementioned room. A fenced and gated deck of approximately 130 SF on Spring Lane accessible through an existing doorway serving as access/egress to the above rooms.

Mr. Thomas Howarth, Owner, explained to the Board that there would be no new signage, no new construction and no changes to the exterior of the building. Mr. Howarth explained that he would like to expand to accommodate the heavy traffic on Friday and Saturday evenings. He explained that this space is for dining only and not for another bar area or entertainment area. He also explained that this area would include the deck area already present there. Selectman Rushforth asked what would happen to the grindstone there. Mr. Howarth explained that he had no intention on dismantling the grindstone or the wheel.

Mr. and Mrs. Colburn, abutters to the property, spoke with opposition. They explained that there have been many complaints, many made by them about the loud music and disorderly conduct of some patrons leaving the establishment.

Mr. Clarence Krueger, abutter to the property, spoke in favor of the expansion. He explained that Mr. Howarth's stewardship has been of the highest caliber and he has every confidence that this alteration will continue in the same manner.

Selectman Quintal explained that he would like to be able to look at the proposed alterations before making a decision. Chairman Tavares, Selectman Lombard and Selectman Rushforth concurred with Selectman Quintal. Selectman Quintal moved to continue this hearing to March 9, 2004. Selectman Lombard seconded. Voted 4-0.

CONSTABLE INTERVIEWS

The Board interviewed Kevin Sturtevant and William Kallenberg in consideration for two constable appointments. Although both men submitted applications which were recommended by the Police Department, Chairman Tavares asked that this item be placed on next week's docket as the Board had several questions in regards to the number of constables necessary and whether or not the current constables were performing the functions for the appointment. This item will be placed on the docket for March 9, 2004.

NUCLEAR MATTERS COMMITTEE

The Board met with members from the Nuclear Matters Committee to discuss their role and/or charge. Chairman Tavares stated that in 2002 the Committee was given a formal written charge by the Selectmen, which included but was not limited to the following:

Regular meetings with Pilgrim Station Management or their representative(s) in order to maintain awareness of activities, which may affect the Town of Plymouth and advise the Board accordingly.

Assessing the operation readiness of the nuclear emergency plan of the Town of Plymouth and participating as observers in scheduled drills and exercises.

Participating in open discussions relating to disposition of real property associated with Pilgrim Station and determination of the valuation of the Pilgrim facilities and monitoring the appropriate State agencies to provide the Board with timely information regarding potential changes to electric deregulation legislation.

Monitoring any current or future plans for expansion of the Pilgrim property for the purpose of accommodating additional electrical generating equipment or for the storage of high or low level nuclear waste by products above those limits currently licensed.

Mr. Bob Walulik, Chairman, explained that the committee seems to be out of the loop in many discussions and areas involving nuclear matters. Mr. Walulik would like the committee to be copied on all non-confidential nuclear matters going forward. Mr. Walulik explained that the committee does meet regularly but with the Board paving the way for them, they will be able to be more active in drills and with the plant as well.

Mr. Walulik felt that the committee could have assessed the plan at a higher value for the Town. Chairman Tavares said that he does not want the committee involved in real estate matters. He would like this portion of the charge removed if the Board agrees. Mr. Walulik also mentioned that it would be beneficial to have a liaison to the Selectmen so they could have only one point of contact. Selectman Lombard responded that he would like to be active in the committee as the Board's liaison. Mr. Lombard also asked Ms. Nolan to have Doug Hadfield, Emergency Management Director, copy the committee on all appropriate correspondence.

NUCLEAR MATTERS COMMITTEE (continued)

A few other members of the committee addressed their concerns to the Board in addition to Mr. Walulik. The Board took into consideration all of the concerns and reiterated the original charge to the committee members. The committee will be going forward with the original charge.

TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW

ARTICLE 14: To see if the Town will vote to raise and appropriate or transfer from available funds, to the Stabilization Fund, as authorized by the provisions of G.L. c.40, §5B as amended, or take any other action relative thereto.

ARTICLE 15: To see if the Town will vote to raise and appropriate or transfer from available funds, to the Special Reserve Fund, as authorized by the provisions of Chapter 211 of the Acts of 1998, or take any other action relative thereto.

John Madden, Finance Dept., explained that they are requesting that funds be appropriated into the Capital Stabilization Fund and the Special Reserve Fund (BECO). He explained that this first fund is used to support the Debt obligation of the community and the second fund is designed to provide assistance to the Town commencing in FY08 when we will experience a sharp decline in revenue realized from the Boston Edison PILOT Agreement. Mr. Madden also explained that it is the goal of the first fund is to provide relief to the taxpayer by using the Capital Stabilization Fund each year to pay a portion of the community's debt obligations in Article 7 of the Annual Town Meeting.

Selectman Lombard asked Mr. Madden where the additional money from free cash is going. Mr. Madden replied that some goes to Article 9 and some to the health care trust fund. Selectman Quintal asked what our financial requirement for the health care claims fund. Mr. Madden responded that our intention is to keep 2 months worth of premiums in the fund at all times.

Selectman Lombard moved to recommend both Articles 14 and 15. Selectman Rushforth seconded the motion. Voted 4-0.

ARTICLE 6: To see if the Town will transfer from Airport Enterprise Free Cash the available balance to be reserved for future capital items, or take any other action relative thereto.

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

ARTICLE 7: To see if the Town will transfer from Sewer Enterprise Free Cash the available balance to be reserved for future capital items, or take any other action relative thereto.

ARTICLE 8: To see if the Town will transfer from Water Enterprise Free Cash the available balance to be reserved for future capital items, or take any other action relative thereto.

ARTICLE 9: To see if the Town will transfer from Solid Waste Enterprise Free Cash the available balance to be reserved for future capital items, or take any other action relative thereto.

John Madden, Finance Department, asked the Board to recommend the following transfer amounts from their respective Enterprise Free Cash accounts to be reserved for future capital accounts:

Airport	\$82,649.00
Sewer	\$403,307.00
Water	\$163,669.00
Solid Waste	\$112,070.00

Selectman Rushforth moved to recommend Articles 6, 7, 8, & 9. Selectman Lombard seconded. Voted 4-0 approved.

ARTICLE 11: To see if the Town will vote to petition the General Court to enact special legislation, as set forth below, to create an appointed Board of Trust Fund Commissioners; and further, to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition, or take any other action relative thereto.

An Act Relative to the Bylaws of the Town of Plymouth

Section 1. Notwithstanding the provisions of sections 21 and 32 of chapter 40, and section 45 of chapter 41 of the General Laws, or any other special or general law to the contrary, the bylaws of the Town of Plymouth are hereby amended to establish an appointed Board of Trust Fund Commissioners by inserting the following as Chapter 180:

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

§180 -1. A Board of Commissioners of Trust Funds of three members shall be appointed by the Board of Selectmen for three-year overlapping terms; provided, however, that the initial appointments shall be made as follows: one member for a one year term; one member for a two year term; and one member for a three year term. The Board of Commissioners of Trust Funds shall have those powers and duties of Boards of Commissioners of Trust Funds set forth in the General Laws.

Section 2. The bylaw authorized by this Act may be amended from time to time by vote of the Town, as would any other bylaw, subject to the provisions of the General Laws.

Section 3. The Board of Commissioners of Trust Funds appointed pursuant to this act shall be subject to the provisions of the Town Charter applicable to boards, commissions, committees and multiple-member bodies.

Section 4. This act shall take effect upon passage.

Selectman Lombard explained that he requested additional time to consider this article because he was unsure about whether to recommend this Board be appointed or elected. Mr. Lombard considered it thoroughly and has decided to recommend this article as it provides for an appointed Board.

Selectman Lombard moved to recommend Article 11. Selectman Rushforth seconded. Voted 4-0 approved.

OLD BUSINESS/LETTERS/NEW BUSINESS

South Middle School Subcommittee – Selectman Lombard requested an update on this issue. Mark Sylvia, Assistant Town Manager, informed Mr. Lombard that Trace would be getting a report to them very shortly.

Memorial Hall – Selectman Lombard requested an update on Memorial Hall Lease Agreement. Mr. Sylvia explained that he, George Crombie, Jim Hoppenstadt, Denis Hanks, and Pam Nolan have been meeting regarding the creation of an RFP. Mr. Sylvia estimates that the RFP will go out for bid in April.

Selectman Quintal would like to look at the past and current utility bills.

OLD BUSINESS/LETTERS/NEW BUSINESS (continued)

Kennel License – Selectman Lombard explained that there has been a great deal of concern with the kennel owners. Mr. Lombard explained that they were upset because they were not involved in the discussion of Article 45. Chairman Tavares explained that there is a meeting tentatively scheduled for next week on the docket.

Selectman Lombard moved to adjourn this meeting. Selectman Quintal seconded. Voted 4-0 to adjourn.

Lisa Conroy, Clerk