

PLYMPTON BOARD OF SELECTMEN  
EXECUTIVE SESSION MEETING MINUTES  
July 30, 2012

Attendees: John Henry, Joe Freitas and Barry DeCristofano

The Board met at 5:45 p.m. and the Chairman declared that:

- Under G.L. c.30A, §21(a)(2), the purpose of the first part of the executive session would be to conduct a collective bargaining session,
- The Board shall continue in executive session at the conclusion of discussion and that,
- Under G.L. c.30 A, §21(a)(3), the purpose of the second part of the executive session would be to discuss litigation strategy pending and potential further litigation regarding land on Brook Street, known as: Robert F. Smith, Trustee of R&M Realty Trust v. Town of Plympton Zoning Board of Appeals and Building Department, United States District Court (D. Mass) C.A. NO. 2001-10037-GAO and potential new litigation; and under G.L. c.30 A, §21(b)(6) to consider the purchase, exchange, lease or value of a portion of the land that is located on Brook Street that is subject of the litigation,
- A discussion of the foregoing in open session may have a detrimental effect on the negotiating position of the Town; and
- The Board shall return to open session at the conclusion of the executive session.

Following the Chairman's declaration, it was moved by Mr. Freitas, seconded by Mr. DeCristofano and voted unanimously, upon a roll call vote, that the Board of Selectmen go into executive session, under G.L. c.30A, §21(a)(2) then continue under G.L. c.30 A, §21(a)(3) and G.L. c.30 A, §21(b)(6), for the purposes and reasons declared by the Chairman, as stated above, and with the Board to return to open session at the conclusion of the executive session. On a roll call vote, the Board voted unanimously.

Town Counsel (Ms. Quirk) was present.

During the first part, the Board met with Officers Fowler, Teri and Mulready to discuss clarifying wording in Article 14.5 of the current contract with the Patrolmen's Union. It was agreed that the intent of the section was to exclude the overtime rate from the calculation of the night differential. It is to be calculated as a percentage of the basic hourly rate and then added the the overtime rate amount. The Union will submit a re-worded clause to the Board and when the new wording is agreed to, it will be incorporated into the contract.

During the second part of the executive session, the Board was presented with a draft of the Town's complaint related to the water business at the Brook Street property referenced above. Ms. Quirk recommended that the Zoning Board of Appeals, the Board of Assessors and the Zoning Enforcement Officer be included as plaintiffs. The Board will set up a time that Ms. Quirk can meet with these individuals to explain the action. They will need to agree to be plaintiffs before the complaint can be filed with the court. Ms. Quirk will clean-up the document and re-send a copy of it to the Board.

At 7:00 p.m., the Board left Executive Session and recessed prior to entering into open session, on a motion by Mr. DeCristofano, second – Mr. Freitas (Roll call vote: Mr. Henry – yes, Mr. Freitas – yes and Mr. DeCristofano – yes).

Respectfully submitted,  
Barry DeCristofano  
Selectman