

PLYMPTON BOARD OF SELECTMEN
MINUTES
September 30, 2013

Present: Joe Freitas, John Henry and Mark Russo
Board met in Executive Session at 6:45 PM with Town Accountant - Contract
Regular Open Meeting began at 7:00 PM

Mr. Freitas opened the meeting by reporting that the Board met in Executive Session at 6:45 PM with Ms. Gomez, Town Accountant and approved the five year contract with the Town.

7:00 PM APPOINTMENT: Ms. Amy and Ms. Jennifer Martell of Main Street. Mr. Russo read the letter that the Martell's submitted by email to the Board on September 24, 2013 concerning 20' parcel of land abutting their property at 292 Main Street. In the letter, a request was made to the Board to discuss the proposed "clearing" of trees between their property and that of the Plympton Plaza strip mall, which Plympton Convenience and Liquor Store abuts.

Mr. Freitas stated that the 20' parcel of land is not a right-of-way. It is a parcel of land owned by the Town. The following items were touched upon during the discussion:

- Mr. Vopat had been approached by Selectmen in the past to purchase some of his land. Mr. Jacobson reported that Mr. Vopat's land has been on sale for over thirty years; was perked twelve times and it will not perk. Mr. Freitas stated the earth is "blue clay."
- Ms. Martell reported that they have been using the property for over twenty years.
- The Martell's wanted to know the process for clearing the trees and stated that there are sixty foot pines along two hundred and fifty foot tree line, along their property. They would like more research as to cost and to confirm clearing of trees with the Planning Board.
- Mr. Freitas stated that maintenance of trees is not in Town By-laws or governed by the Planning Board.
- Mr. Henry questioned the zone the Martell property is in. Mr. Jacobson stated he had obtained a zoning Variance from Gus, however the Zoning Board of Appeals never approved it. Ms. Martell stated the zone is commercial and residential, dual zoned.
- Mr. Henry gave a briefing on the original intent to purchase the land for a new Fire Station which will require more than one and a half acres. Center Street was another consideration, as well as Maple and Palmer Street or the Town House lot.
- Mr. Wilhelmsen suggested that citizen participation and move involvement take place: post meetings and call neighbors when such clearing is to take place. He also wanted to know if the new Fire Department location was part of the Town Complex Study.
- Mr. Henry stated in the beginning it was, however, the site has been narrowed to three choices.
- Mr. Henry reported that he has had an ongoing discussion with the Town Highway Surveyor. Mr. Mulchay planned his fall schedule to include maintenance of trees and use the chipper.

Ms. Kim Russo wanted to know if the cost for clearing was in the Town Budget and asked if the cost to clear was part of the budget. Ms. Russo also wanted to know how much was spent on Maple and Palmer Street.

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- Mr. Henry stated that the intent of clearing the tree line was for better access for Emergency vehicles and viewing of the newly created Recreation Commission basketball court.
- The Board will post an Open Meeting on Monday, October 07, 2013 at 2:00 PM at the new Basketball Court on Parsonage Road. The Board will meet there with the Highway Surveyor and interested citizens to view the area.
- Selectman Russo reiterated that this discussion will continue at the next posted Board of Selectmen meeting in open session. Mr. Russo stated that there should not be any time-table pressure or a quagmire of legal or financial ramifications in the future on this subject.

ACTION ITEMS:

Mr. Russo submitted the new Town Counsel Request form for the Board's approval.

Mr. Henry brought to light the fact that there is a lot involved with a question to Town Counsel: It takes, time, work, and research. The question can be too vague.

VOTED: Motion made by Mr. Russo to adopt the new request form to contact Town Counsel. Second Mr. Henry. 3/0.

Mr. Pleau reported he will post the new form on the Town website and put a copy in each of the Boards/Committees mailboxes.

Churchill Park Conservation Restriction, (C.R.) Mr. Russo gave an update: Ms. Vicki Marsh, Esquire of Kopelman and Paige, from an email sent on Tuesday, September 24, 2013 - *that the Town is required to grant a conservation restriction on this property, especially since the property is already under the care and custody of the Conservation Commission. But the Town is required to grant a conservation restriction on the property to a third party if the Town used Community Preservation funds to acquire the property as set forth in G.L. c. 44B. The third party may be a charitable organization such as a land trust or it may be a political entity such as the Commonwealth of Massachusetts and a division thereof such as Fish and Wildlife or the Department of Conservation and Recreation, depending on the nature of the property.*

It has been my experience that a local land trust is often the holder of such a conservation restriction granted by a municipality. I have worked with Wildlands Trust on many such conservation restrictions. It is my opinion that they would be a logical choice to hold the conservation restriction on this property. The form of the Conservation Restriction must comply with the standards of the Executive Office of Environmental and Energy Affairs and comply with G.L. c. 184, Sections 31-33, and EOEEA must approve and execute the Approval in order for it to be recorded.

Mr. Russo reported that he recently attend a Community Preservation Coalition meeting in Bridgewater where mention was made about State Government that reviews Community Preservation Association purchases; if there is no third party listed, the application receives an automatic rejection. Mr. Russo quoted, Ms. Irene DelBono, Statewide Conservation Restriction Reviewer (EEA) "a third party C.R. is required, any Municipality without a third party custodian is no good."

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Mr. Freitas thanked Mr. Russo for his research and noted, "a job well done." The draft C.R. packet will be sent to Town Counsel for their comments.

UPDATES:

Mr. Pleau reported that Mr. Seth Pickering from the State has completed the Energy Plan Audit and progressing toward Green Communities Designation. Application deadline is October 30, 2013. There will be \$150,000. Grant monies available. Mr. Pleau sent the report to Mr. Reinhardt, Architect for the Town Complex Building Study project.

Currently we are compiling the MassEnergyInsight data base of energy use for the town and compiling the required records of documents from town meeting and BOS meetings.

A revote for certification by Board to purchase energy efficient vehicles and be part of the Town By-law to obtain grant monies was mentioned.

Mr. Freitas reported the Temporary Housing Unit for EMT's location site has been discussed. It was determined that the best location is along the retaining wall, in front of the PAYS shack. The location will avoid digging a trench and be closer for the tie into septic system. This topic will be put on next week's Agenda. Mr. Freitas is waiting to hear from Mr. Sylvester, PAYS – Chairman.

Mr. Freitas reported he called NSTAR to speak with Ms. White about the possibility of a light over the Basketball court on Parsonage Road. He was advised to go online.

Mr. Russo was contacted by one of the Town residents on Ring Road that granted temporary access on their land into Churchill Park / Cato's Ridge. Bicyclists have been ignoring the posted signs and coming onto the property at rapid speeds with no regard to safety. Mr. Russo implored residents if they know of anyone riding bikes onto the property to cease the abuse of this privilege. There are signs clearly posted at the entries, "no bikes, no horses."

Mr. Freitas reported that he received a call regarding a lost pig. He instructed the caller to contact Animal Control Officer of which they did. A woman went to view the pig and does not think it is hers.

CORRESPONDENCE READ BY CLERK:

Filed in Selectmen Assistant's office unless noted otherwise:

(Any correspondence discussed in length will be noted with an *)

Registry of Motor Vehicles – **Certificate of Title** for the 7 Passenger Mini-Van Toyota Sienna (Council on Aging) to be filed with **Town Clerk's Office – in vault.**

Contract – Emergency Dispatch System with Town of Duxbury for Five years. Original Contract with Town Accountant, copy in Selectmen's Office.

Police Sergeant, Robert Costa – three year upgrade – Board signed.
Xfinity Box – and Reactivation Service

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MLBCPA, LLP – Auditors for Town – signature request from Chairman. (not signed.)
Chairman Freitas will review.

Kopelman and Paige, P.C., letter to Ms. Wick, **Town Clerk** – Acquisition of 0 Main Street **original recorded deed** – from B. Messinger, and Bocash family, recorded with the Plymouth County Registry of Deeds in Book 43358, Page 76 with the Acceptance of Deed and certified copy of Town Meeting Vote. (Copy filed in Selectmen's Office in the Churchill Park folder.)

Department of Public Utilities – Petition of NSTAR for approval by the DPU. (copy to Mr. Freitas)
Town of Halifax – State Legislature Chapter 371, Acts of 1964 Central Plymouth County Water District. (Copy to Mr. Freitas)

Recreation Commission – purchase order list of inventory for Basketball Court. Request made to Town Insurer, MIIA – quote to add theft/vandalism to policy. No decision made by Board.

Mr. Henry brought to the attention of the Board, the recent emails that MIIA Insurance sent. He noted that the policy does not cover Athletic Coverage. Mr. Freitas stated that an Insurance Committee needs to be resurrected.

Resignation letter from Police Officer, Elisha Sullivan as of October 01, 2013. Mr. Russo read the resignation notice and letter in its entirety. He commented on Officer Sullivan's positive experience in Plympton and said it is a beautiful letter.

Massachusetts Municipal Directory 2013-2014 ***This ends the Correspondence.***

DATES:

Mr. Russo reported a Land workshop for land owners will be Wednesday, November 13, 2013 at 7:00 PM to 8:30 PM. Agenda to follow.

VOTED: Motion made by Mr. Russo to adjourn at 8:35PM to review the Meeting Minutes of September 23, 2013. Second Mr. Henry. 3/0

VOTED: Motion made by Mr. Russo to approve the Meeting Minutes of September 30, 2013, with one correction. Second Mr. Henry. 3/0

Respectfully submitted,

Lisa Krance,
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: Selecemen.assistant@town.plympton.ma.us