

## **MINUTES OF THE SELECTMEN'S MEETING**

**MONDAY, MARCH 28, 2011**

**PRESENT:** Willard J. Boulter, Jr. (Chairman), Daniel W. Trabucco (Vice-Chairman), Lewis W. Stone (Clerk), Arthur P. Boyle, Jr. (Selectman), Gregory M. Hanley (Selectman), Edwin J. Thorne (Town Administrator), Diane M. Tobin (Executive Assistant), John Mattinson (Pembroke Media Broadcast), Mikaela Slaney (Pembroke Express), WATD reporter, Earl Turnbull, Jim Harris, Len Rusczyk, Mary Whitman, Robert DeMarzo, Chester Drown, Linda Peterson, Neil Ahlstedt, Ziggy Cytrynowski, Jeanne Gigliotti, Liz Cytrynowski, Elizabeth Bates, Cindy Long, Mary Quill, Patty Dunnigan, and others.

### **ANNOUNCEMENTS:**

**DPW STORM BRUSH CLEAN-UP:** The DPW has announced that they will provide a Winter Storm Clean-Up service to residents from April 4<sup>th</sup> through April 23<sup>rd</sup>. They will complete this by sections as follows: Apr. 4<sup>th</sup> – 9<sup>th</sup> they will be in the area of Wampatuck, Oldham, West Elm, Dwelley, High St., Mountain Ave, Queensbrook, Center, Forest, Plain, and Valley Streets; Apr. 11<sup>th</sup> – 16<sup>th</sup> in the area of Mattakeesett, Barker, Water, brick Kiln, Pleasant, Spring, Elm, Oak, Taylor, Congress, Old Washington Streets; and from Apr. 18<sup>th</sup> – Apr. 23<sup>rd</sup> in the area of Union, Plymouth, Hobomock, Lake, Monroe, Mill, School, West, Standish, Pelham, Birch, Station, and Chapel Streets. No construction material will be collected, only storm damaged brush and tree branches. They must be stacked butt end to the street in long lengths.

**CHILD CARE AT TOWN MEETING:** Pembroke High School National Honor Society will offer child care services at the Annual Town Meeting on April 26<sup>th</sup> from 7:00 pm to 10:30 pm.

**SOCIAL SERVICES FORUM:** There will be a forum at the Public Library on Friday, April 1<sup>st</sup> at 10:00 am that will feature presentations about services that are available regarding job search, fuel assistance, housing, tax relief, food and transitional assistance and veterans' services.

**JAPAN RELIEF DONATIONS:** Vicky Gillard in the Selectmen's Office has researched sites to send donations to help the victims of the tsunami in Japan. She found that Plymouth is doing a fundraiser to help their sister city in Japan and other legitimate sites for people to donate to. We can collect donations in the Selectmen's office to go to the Plymouth fund or provide a list for folks to choose to send to on their own.

**EAGLE SCOUT PROJECT:** Earl Turnbull presented his proposal to the Selectmen for a program and to teach about proper Flag Etiquette and proper retirement process of

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the American Flag. He proposes to construct a box to be left in the town hall for flags that need to be retired. He will also create and distribute literature to educate the public about flag etiquette. Mr. Boyle moved, seconded by Mr. Hanley, to grant permission to Earl Turnbull to construct the proposed box and coordinate the location with the Veteran's Agent and to allow him to distribute the flag etiquette literature. So voted unanimously in favor.

**MINUTES:** The Selectmen voted to accept the minutes of March 21 and March 23, 2011 as presented. Mr. Stone noted that at the meeting of March 23, they voted to initiate the project for curbside pickup and recycling and to furnish bins to each household in town.

**RECYCLING COMMITTEE:** Chairman Len Rusczyk gave an update of the committee's activities and noted that the committee endorses and encourages the Selectmen's initiative to pursue curbside recycling. He noted that they have been invited to attend a meeting with the Pembroke Schools Superintendent to discuss recycling in schools. Brooke Nash from the Mass. DEP will meet with the committee on Wednesday, April 6, 2011 at 7pm at the town hall.

**BOARD OF ASSESSORS:** Assessors Libby Bates, Cindy Long and Mary Quill, along with the Chief Assessor Cathy Salmon, were in attendance at the invitation of the Chairman to discuss the abatement process. Mr. Boulter had questions about two issues that recently arose. One was about the decision of the Assessors to not act on an abatement that was submitted on the deadline date but to someone other than the Assessors Office in the Town Hall. The second issue was the denial of a request by an applicant for copies of their submitted abatement papers.

Chairman of the Assessors, Libby Bates gave the Selectmen and informational handout and declared that the Board of Assessors welcomed this opportunity to explain the process of accepting abatement requests. She explained that the Assessors are governed by the statutes in the Mass. General Laws. She referred to MGL ch. 59, sec. 60 which stipulates that submitted applications may only be inspected by the commissioners and other designated officials. She also explained that a timely application must be received in the office of the Assessors no later than the fixed deadline date, and nothing ties the deadline date to the hours of the office.

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Chief Assessor Cathy Salmon detailed the chronology of events relating to the request of Ziggy and Liz Cytrynowski for copies of the abatement application documents they submitted to the Assessors office. She explained that the bill had been disputed after the property had been inspected and the files updated and recalculated. The Assessors denied the abatement request and the taxpayers asked for copies of the documents in order to use them to file for an appeal of the denial to the state. Ms. Salmon says the applicants were promptly and courteously informed of the law that prohibited them from giving out copies. Ms. Salmon recounted the interruption and delay of a meeting of the Board of Assessors in order to again explain why the taxpayer could not have copies of the documents they submitted and why she could not be put on that evening's agenda. Selectman Chairman Boulter agreed that the laws are sometimes difficult to understand and he talked with Town Counsel and Rep. Webster who both acknowledged that while only certain people may review the applications, they also agreed in their opinions that the applicants should be able to get a copy of their own records. Town Counsel also agreed that in the case of the deadline date filing, that application should have been accepted as being timely submitted since the applicant was at the town hall before the deadline and during the normal business hours of the offices. Ms. Salmon remarked that she has never seen a copy of Counsel's responses. Ms. Bates maintained that deadlines cannot be waived by the Assessors for any reason and that Plymouth's town counsel gave an opinion in a similar copies request and opined that the applicant is not entitled to a copy of their submission. Rep. Webster told the chairman that he was willing to file bills in the legislature to address these issues of photocopies for applicants and deadline extensions for filing.

Selectman Stone commented that the Assessors should advise applicants in the future that they will not be able to get copies of their paperwork once it has been submitted to the Assessors and they should advise late filers of the option to use the post office postmark option. Ms. Salmon advised that the application clearly carries these instructions and requested that the Selectmen communicate early on when questions are presented to them. When questioned, the Assessor responded to Mr. Hanley that the Appellate Tax Board can only consider an appeal if it was filed timely, the taxes have been paid timely and the appeal application has been timely filed with the Appellate Tax Board.

Assessor Cindy Long questioned why Town Counsel's opinion was sought on these private matters. Town Administrator Thorne responded that he felt this was not just a

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private matter because the issues were brought up to the Selectmen and it is his role to furnish the Selectmen with accurate information on matters before them.

Mrs. Cytrynowski spoke to say that she feels we are all in this together and the spike in property taxes prompted her request for an abatement that she has never had to do before. Being unfamiliar with the process, she had no idea that she would not be able to get the information she submitted to the Assessors back again for her appeal application. She explained that they are struggling to keep their home and felt it was their right to ask for this information. She noted that Ms. Salmon was gracious and helpful but other members of the board were not so helpful. In her defense, Assessor Mary Quill stated that she offered to have Ms. Cytrynowski return to the Assessors' meeting in two weeks.

**GIS PROGRAMS:** On another subject, Chief Assessor Cathy Salmon explained that GIS programs and Pictometry will allow access through digital maps. She said it may be possible through consultants to get working copies of these digital assessors' maps to share in other offices. Programs may be available free of charge. Each department could customize layers of the digital maps to show things like fire hydrants for the Fire Dept. use, and other infrastructure information. Ms. Salmon would like departments to obtain original parcel layer maps in order to customize their additional layers. She noted that the Conservation commission already has a GPS unit to map and record locations of information for each layer and MassGIS makes much information available for downloading. She will keep the Selectmen informed of any progress on this program.

**RECOMMENDATIONS FOR ATM ARTICLES:** The Selectmen voted their recommendations on the articles in the Annual Town Meeting Warrant.

**SPECIAL TOWN MEETING WARRANT:** Mr. Hanley moved, seconded by Mr. Trabucco, to re-open the warrant for the Special Town Meeting to insert the following articles:

*To see if the Town will vote to approve a sum of money to be transferred to the town of Pembroke's 300<sup>th</sup> Anniversary Committee, under the direction of the Board of Selectmen, to offset the costs to be incurred for the Anniversary Committee to continue the planning of town activities for the year 2012, or take any action relative thereto.*

*To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with Covanta Energy, formerly SEMASS Partnership, to extend the Town's current contract for disposal of solid waste, MA, from the current expiration date of June*

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*30, 2014, on such terms and conditions as the Board of Selectmen determines to be in the best interests of the Town, or take any other action relative thereto.*

*To see if the Town will vote to transfer the care, custody, management and control of the parcel of land located at 64 West Elm Street, described more particularly in an Order of Taking recorded with the Plymouth County Registry of Deeds in Book 16213, Page 226, and shown on Assessors Map B10 as Parcel 92, from the Board of Water Commissioners for water department purposes jointly to the Board of Water Commissioners for water department purposes and to the Board of Selectmen for the purpose of leasing all or a portion of said parcel for telecommunications purposes and granting access and utility easements thereon, and further to authorize the Board of Selectmen to enter into such a lease or leases for a term of up to twenty years and on such other terms and conditions as the Board of Selectmen deems appropriate, and to grant such access and utility easements on, under, and along said parcel as the Board of Selectmen deems appropriate to serve the telecommunications facilities installed pursuant to said leases; or take any other action relative thereto.*

*To see if the Town will vote to borrow the sum of \$280,000 for the purpose of purchasing recycling bins for the residents of the Town, or to take any action relative thereto.*

So voted. Further, Mr. Hanley moved, seconded by Mr. Boyle, to close the warrant for the Special Town Meeting. So voted unanimously in favor.

**BROCKTON POWER PLANT:** Mr. Trabucco is the Selectmen's representative to the Old Colony Planning Council and he reports that he attended the regional planning meeting and brought up Pembroke's concern about the use of water from Silver Lake to cool the Power Plant to keep people aware of the issue. Mr. Trabucco referred to Pembroke as the Quabbin of the South Shore. Mr. Boyle noted that Pembroke needs to be aware of the MWRA movement as well. Mr. Hanley disagrees with a concern about MWRA.

**300<sup>th</sup> ANNIVERSARY:** Mr. Boulter announced that there will be an Antique Car Show on May 22<sup>nd</sup> on the Town Green and a Golf Tournament at the Pembroke Country Club on May 14<sup>th</sup>. He also noted that Fedeles is having a mold cast to make candies of the 300<sup>th</sup> Anniversary Seal.

**EXECUTIVE SESSION:** Mr. Stone moved, seconded by Mr. Boyle, to go into executive session to discuss bargaining strategy, and upon conclusion no further public business to be discussed. Roll call vote: Boyle, yes – Hanley, yes – Trabucco, yes – Stone, yes – Boulter, yes The meeting was adjourned at 9:40 p.m.

