

**MINUTES OF THE SELECTMEN'S MEETING
JANUARY 8, 2019**

PRESENT: Matthew J. Furlong (Chairman), Arthur P. Boyle, Jr. (Vice-Chairman), Willard J. Boulter, Jr. (Clerk), John G. Brown, Jr. (Selectman), Daniel W. Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Joel Bard (Town Counsel), Michelle Burt, Vincent Cogliano, Robert DeMarzo, Paul Dwyer, Lewis W. Stone, Stephen Curley, Linda Peterson, Stephen Walsh, Andrew Sullivan, Adam Silva (Pembroke Mariner), Brooke Young, Sabrina Chilcott (Assistant to the Town Administrator), and others.

At 7:30 pm, Mr. Furlong opened the meeting and advised that this meeting is being made available to the public through a live video and audio broadcast on Comcast Government Access Channel 15 and is also being recorded for airing on the channel at future dates. Comments made in open session will be recorded.

REVIEW OF CURRENT LICENSING AND PERMITTING FEE SCHEDULE VERSUS AVERAGE FEES CHARGED

Mr. Thorne presented a fee comparison survey of twenty surrounding towns and cities, the average cost of each license, and the Selectmen's fees. Discussion ensued on the last fee increase over twenty years ago. Chairman Furlong requested this item be posted to the town website to notify all interested parties and scheduled on the next agenda for a vote.

VOTE RECOMMENDATION OF COUNCIL ON AGING BOARD: APPOINT MARILYN CHRISTMANN AND KAREE BOHMAN

Mr. Trabucco moved to appoint Karee Bohman of 103 Toole Trail and Marilyn Christmann of 132 High Street to the Council on Aging Board, terms to expire 2019. Mr. Boyle seconded the motion. The vote was unanimously in favor.

VOTE TO APPROVE MINUTES OF DECEMBER 17, 2018

Mr. Trabucco moved to approve the minutes of December 17th as written; Mr. Boyle seconded the motion. The vote was 4/0/1 in favor with Mr. Boulter abstaining.

RECORD OF APPROVED BILLS: DECEMBER 24, 2018

Mr. Boyle advised that on December 24, 2018 he personally reviewed nine accounts payable warrants totaling \$1,076,570.25 and two payroll warrants totaling \$1,277,922.53 prepared by the Town Accountant and authorized the itemized expenditures for payment. Mr. Trabucco moved approve Mr. Boyle's report; Mr. Brown seconded the motion. The vote was unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

FY20 Budget Process

Mr. Thorne updated the Board on the status of the FY20 budget in progress, stating that the balanced budget will be presented to the Board at the meeting of January 29th. Mr. Thorne stated that he is reviewing requests for staffing increases and advised that he recommending freezing personnel issues and not hiring to fill the role of retirees at this time.

Community Compact Grant Opportunities

Mr. Thorne advised that the town has applied for funding under the Safe Routes to School project to fund sidewalk improvements on Learning Lane that weren't funded at town meeting. Safe Routes to School is part of the Complete Streets Program.

Tax Possession Property Auction

Mr. Thorne stated that the thirty days to close on the auction sale of the town's tax possession properties has almost passed and he will be able to report final figures on all final sales completed. Mr. Thorne stated that the proceeds will go to the Capital Fund to fund capital budget items included in the FY20 capital budget. Mr. Thorne stated that Community Paradigm Associates will have their CIP ready to present in 2-3 weeks.

At 7:40 Mr. Boyle introduced the former Selectmen in the audience, Ms. Burt, Mr. Cogliano, Mr. DeMarzo, Mr. Dwyer, and Mr. Stone. At 7:45 pm, Mr. Furlong declared a brief recess.

MINUTES OF THE SELECTMEN'S MEETING

8:00 TOWN COUNSEL JOEL BARD, KP LAW, P.C.: DISCUSSION, TOWN MANAGER ACT APPOINTMENT OF INTERIM TOWN MANAGER

Mr. Bard of KP Law, PC was present before the Board to review salient points in the Town Manager Act, stating that the Act allows for the appointment of an Interim Town Manager where there is a vacancy or a temporary absence; Mr. Brad confirmed that the law went into effect when signed December 28th and there is a vacancy in the role and the Selectmen may appoint an Interim Town Manager immediately to fill the position. Discussion ensued on the definition of "interim" and Section 5(A) regarding the filling of a permanent role with a search committee. Mr. Bard confirmed that a search process can take four to six months, or perhaps longer dependent upon circumstance. Further discussion ensued on Mr. Thorne's contract term through June of 2020 and the fact that the Act doesn't adversely affect any contract in effect at the time of the signing of the Act. Mr. Brown asked if Mr. Thorne has the powers vested by the Act as Town Administrator and Mr. Bard stated that he would not. Mr. Bard did state that his legal opinion is that eighteen months exceeds the interim definition. Discussion ensued on contract negotiations proposed terms and conditions with Mr. Bard stating that he has not heard any concerns raised that cannot be resolved by the parties after an interim designation is voted. Mr. Trabucco stated that all ten Selectmen in attendance have fairly negotiated contracts with Mr. Thorne in the past and this situation will be resolved; he stated that it was a long process to get the Act passed and now is the time to transition to the Town Manager structure. Mr. Trabucco further stated that Mr. Thorne is perfect for many reasons, allowing time for a diligent and responsible search to be conducted. Mr. Brown stated that the contract should be negotiated before the appointment is made. Mr. Boulter concurred with Mr. Trabucco stating that he expects Mr. Thorne to submit his resume and credentials to the search committee and, as he is amazingly qualified, would become the Town Manager outside of the transition. Mr. Trabucco concurred. Mr. Lewis Stone agreed with Mr. Trabucco's assessment of what should be done, stating that the best interests of the town would be served by appointing the interim tonight and beginning the process. At 8:43 pm, Mr. Trabucco moved to appoint Edwin Thorne Interim Town Manager with no time specified; Mr. Boyle seconded the motion. The vote was unanimously in favor.

CREATION OF TOWN MANAGER SEARCH COMMITTEE

Mr. Bard stated that the Act calls for the formation of an advisory body to the Selectmen in the form of a search committee, whose composition is defined in the Act. Discussion ensued on the definition of "shall"; Mr. Bard stated his legal opinion that shall equals must; a committee must be formed. Mr. Boulter stated that he prefers that the two members of the general public be members of the general public, not from another Board or Committee. Mr. Trabucco stated he prefers that the members of the Town Government Study Committee who worked on this article be included in the Search Committee. Further discussion ensued on how to evaluate interested persons for the committee. At 8:58 pm, Mr. Boutler moved to create a search committee and accept applications for same; Mr. Boyle seconded the motion. The vote was unanimously in favor.

At 9:05 pm, Mr. Trabucco moved to adjourn; Mr. Brown seconded the motion. The vote was unanimously in favor.

MATERIALS & EXHIBITS

Licensing Fee Survey 2018 (BOS/TM Office)

Vacancy Applications, K. Bohman and M. Christmann (CoA/BOS/TM Office)

Daft Minutes of December 17, 2018 (BOS/TA Office)

Record of Approved Bills of December 24, 2018 (BOS/TM Office)

An Act Creating a Town Manager Form of Government in Pembroke (BOS/TM Office)

Emails of Interest, Application A. Sullivan RE: Mariner/TM Search Committee (BOS/TM Office)