

## MINUTES OF THE SELECTMEN'S MEETING

MONDAY, AUGUST 23, 2010

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), Becca Manning (Pembroke Express), Linda Peterson, Ben Bastianelli, Jim McCollum, Mike Virta, Sarah Winn, Matthew Merritt, John Tedeschi, Barbara Thissell, Police Chief Michael Ohrenberger, Rob Raleigh, Matt Newman, Tom Finnegan, Joan Sem, Mike Valenti, Mark White, and others.

The meeting was called to order by the Chairman at 7:00 p.m. in the Town Hall Veteran's Hall and the Pledge of Allegiance was recited.

### ANNOUNCEMENTS:

Special Voter Registration: The Town Clerk reminds residents that the last day to register for the State Primaries is Wed., August 25<sup>th</sup>.

Monroe St. Pit Hearing: The DPW will hold an informational hearing on Tues., Aug. 24<sup>th</sup> at 7:00 p.m. on their plans to close the Monroe St. pit.

Pembroke Swim Team: Sarah Winn and Matt Merritt proudly reported that the Pembroke Swim Team won first place, after 15 years of competition, in the recent meet against Hanson and Whitman. They will present their first place trophy to the Selectmen for display in the town hall.

**MINUTES:** Mr. Boyle moved, seconded by Mr. Stone, to accept the minutes of the Selectmen's meeting of August 9, 2010 as written. So voted.

**MAPC REPRESENTATION:** Mr. Boyle moved, seconded by Mr. Hanley, to re-appoint Ed Thorne to serve as the representative from Pembroke to the Mass. Assoc. of Planning Councils, and to appoint Lew Stone to be the Alternate Representative. Both positions are for three year terms.

**TOWN LANDING COMMITTEE:** Mr. Boyle moved, seconded by Mr. Stone, to accept the recommendation of the Town Administrator to appoint Patricia Merritt of 5 Standish Street to fill a vacant seat on the Town Landing Committee for a term of three years. So voted unanimously in favor.

**COMMUNITY PRESERVATION COMMITTEE:** Mr. Boyle moved, seconded by Mr. Hanley, to appoint Michael Kirby to serve on the Community Preservation Committee as the Historic Commission representative. He will fill the seat vacated by Laura Campbell. So voted unanimously in favor.

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**EARTH REMOVAL HEARING/TEDESCHI:** At 7:15 pm, the Chairman opened the advertised public hearing for an earth removal permit at 242-246 Washington Street. Mr. John Tedeschi explained to the Selectmen that he is proposing to remove approximately 5800 cubic yards of material from the site to be developed on Washington St. He has obtained site plan approval from the Planning Board. He said that the calculations had been thoroughly reviewed by Merrill Associates for the Planning Board. He said there will only be one cut into the hill and it will actually create a better situation than the original land currently offers. There will be more gradual slopes, a rain garden, and stormwater management system. In response to the concern of abutter, Mr. McInnes, Mr. Tedeschi said there should be no change during the earth removal process. Mr. Tedeschi said that the trees that have been removed will be replanted on the buffer line as required by the Planning Board conditions. The actual earth removal will be on the other side of the lot from the building where he resides. There are no wetlands involved so no Conservation Commission approval is needed. Barbara Thissell, engineer, explained that there should be plenty of loam to cover the disturbed area. The Planning Board has reviewed the landscaping and the request for a waiver of a bond. The occupancy permit would be held in lieu of the bond.

Selectman Hanley stated that he spoke with Mr. Tedeshci today about using material in the Town somewhere such as the ballfields or the landfill. Mr. Valenti said the lesser grade material would be useful at the landfill and they could actually use the entire 5800 cy. Selectman Trabucco noted that the decision on where the material goes will not have an impact on tonight's decision.

Selectman Stone questioned the traffic pattern of the trucks. The gentleman accompanying Mr. Tedeschi, Ted (attorney?) said that it would take about 205 trucks for a period of about 20 days. He noted that a requirement for a police detail would force loading extra onto the trucks to move the material faster and suggested the detail should not be necessary. Mr. Stone insisted that for any out of town use, the trucks should only use Rte. 53 and Rte 139. Abutter Valerie Kroon inquired about the start time for the operation and the response was 8:00 am.

Mr. Trabucco moved, seconded by Mr. Hanley, to grant approval of an earth removal permit to 242 Washington Street Trust on the property located at 242-246 Washington Street to remove approximately 5800 cubic yards for a proposed commercial development, in accordance with the Site Plan Approval granted by the Pembroke

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Planning Board and with the following conditions to be written and voted on at the Selectmen's meeting of Sept. 13, 2010:

- Hours of Operation: 8:00 am to 4:00 pm with no idling of vehicles
- Truck routes are to be State Numbered Roads or Major Ways; specific exclusion of use of Water Street, Brick Kiln Lane and Pleasant St.
- Final Occupancy Permit will be withheld until completion of earth removal
- Application for sign permit is referred to the Building Dept.

Voted 5/0 unanimously in favor.

**CORI CHECKS:** At the request of the Board of Health, discussion ensued relative to any requirements for a criminal background check on the employees of travelling circus and carnival outfits. Lisa Spellmeyer and Liz Cytronowski and Police Chief Michael Ohrenberger were in attendance. It was noted by the Police Chief that these people must be registered with the Dept. of Public Safety and companies are required to provide a roster of their employees. Chief Ohrenberger noted that so far the Police Dept. has had no input in the screening process but he is willing to do so if there are areas of concern. A CORI request cannot be made of the registered employees from the Police Dept. without cause. He said he would check with the Dept. of Public Safety before next Spring and assure Pembroke that the employees who will be in town have been updated.

Matt Newman, Rob Raleigh and Tom Finnegan were also present from the Recreation Commission and they stated that all references are checked out and they talk to other towns before agreeing to have the circus here. The Commission had the regional director of the company as their contact person. Recreation will work with the Police Dept. to help out with any required background checks and will have them sign in with the Chief.

Ms. Spellmeyer noted that this is just a pro-active move to insure the safety of the public and to avoid any future problems.

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**DOCKS, MOORINGS & WATERWAYS:** Chairman Boulter noted receipt of the Police Chief's letter and his report on the subject of the docks, moorings and waterways issues. He acknowledged the response and expressed appreciation for the Chief's investigation and comments. Discussion of this subject will be on a future agenda.

**FRIENDS OF THE ANIMAL SHELTER:** Joan Sem spoke of the need to have volunteers to help at the Animal Shelter (dog pound) because she feels it in poor condition. She said she feels that Animal Control Officer Bill Hart failed to reach out to the community for help with proper care of animals at the shelter. She stated that Mr. Hart does not accept volunteers and he is perceived as difficult to work with. She proposes setting up a group of "Friends of the Animal Shelter". Ms. Sem volunteers at the Kingston Shelter and she received a call from a Marshfield resident who wanted to call Help Me Hank about the Pembroke shelter. Selectman Hanley suggested that the MSPCA come down to evaluate the facility. Chairman Boulter will talk to Mr. Hart about these issues.

**LANDFILL CAPPING AND CLOSURE:** Mike Valenti, Landfill Manager and Mark White, Engineer for Environmental Partners, reported on the status of the capping and closing of the landfill. Mr. White noted that contrary to original thinking, there are only 19.2 acres to be capped. He gave the Selectmen a summary of the task schedule. Comments were received from DEP on this plan and the actual design plan will be ready mid-December. Construction is planned for the summer while school is out of session.

An SRF loan application has been submitted to DEP for a grant of \$2.5 million with a 2% interest rate over 20 years. It needs to be re-submitted and needs town meeting approval. Mr. Valenti proposes to submit an article for the Oct. 19, 2010 Special Fall Town Meeting. It has been 20 years since the landfill ceased to operate and the Administrative Consent Order laid out time frames for performance. Non-compliance will incur fines. The budget line item for engineering would become the maintenance budget after completion. The current Recycling Center can stay but alternate access may be needed.

Recreational use is possible but any structures could get expensive. Sewer gas vents will need to be explored. Mr. Hanley suggested finding a use that could be submitted under the Community Preservation Act. Mr. White noted that one town is considering a solar farm on its closed landfill. And there is a wind feasibility study going on in another town.

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Mr. Trabucco inquired how much has been spend so far on this project and how much will be spent. Town Administrator Thorne will check with the Town Accountant to determine this figure.

Jim McCollum spoke up to say that he was on the Board of Health from 1985 to 1988 when the town was first told that they needed to close the landfill. Nine towns have been allowed to mine their area and he would like to see what that cost would be for Pembroke as opposed to going for a \$2.5 million loan and creating what he called a “monument to garbage”. Mr. Valenti suggested that the mining option is not practical because the materials would have to be sorted and it could take years for this operation as opposed to having it covered. The odor from the decomposition would be extremely offensive to neighbors and he would be concerned about the smoldering heat from the decomposing material. Mr. McCollum suggested that the Deputy Director at DEP would come down to talk to the Board on this subject. Much discussion ensued relative to the pros and cons of researching this option. Mr. Hanley feels people are entitled to options and we should explore every opportunity. He would like to have this DEP person invited to address the body relative to mining the property. Mr. Stone said that if she comes he wants to hear the cost and time involved. He is concerned about the impact on the neighbors. Mr. Trabucco noted that DEP will not provide numbers only historical data. This would be a labor intensive project and may be too costly. Mr. Boulter feels it would be nice to hear from the DEP Director.

Mr. Hanley moved to authorize an article on the special warrant to borrow money for the landfill capping. The motion was withdrawn for lack of a second.

**OCPC:** Mr. Boyle moved, seconded by Mr. Hanley, to support the submission of an application to the Old Colony Planning Council for the creation of an Eight Town Economic Target Area under M.G.L. Ch. 27. So voted 5/0 unanimously in favor.

**CUB SCOUT RECRUITING:** The request of Mark Henerson for the Cub Scouts Pack 105 to use the Town Green on Saturday, Aug. 28 from 1 to 4 pm for a recruiting event was approved.

**ASK THE SELECTMEN:** In response to a letter from Robert Hale, Chairman Boulter acknowledged that he sometimes mumbles. He also noted that the Pembroke Media Broadcast operator has offered the following instructions to help improve the volume reception on the local cable channel during these meetings.

**SOLID WASTE/RECYCLING STUDY:** Mr. Bastienelli explained that methods have been compiled for the different types of solid waste disposal. Now they need to determine the next step in the process so the committee can go forward. Pay As You Throw can be implemented with any of the other options. It is not an actual method alone. The method options are: Transfer Station; Curbside pick up with SEMASSS along with keeping the Recycling Center; Single Stream Curbside pick up with SEMASS.

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Mr. Stone noted that no single plan cuts costs or accomplishes more recycling. Mr. Stone moved, seconded by Mr. Trabucco, to extend the current SEMASS contract for five years. Vote 5/0 unanimously in favor.

It was stated that single stream pickup would not reduce the fee but would increase recycling. Mr. Stone noted that it is actually against the law to not recycle glass and #1& #2 plastics.

The plan is to send out updated information sheets regarding recycling rules and enforce the 4 barrel per household limit. Mr. Hanley asked about vendor based trash management systems or the option to regionalize trash removal with another town. Mr. Bastienelli said that Town Counsel advised the committee that there is no way to get out of our SEMASS contract. An outside vendor is basically what we have, short of having him collecting fees and paying SEMASS. We are locked into a contract with DelPrete for three more years. The current household cost is \$270.00 annually.

**HAZARDOUS WASTE DAY:** The Town will sponsor a Hazardous Waste Collection on Saturday, September 18, 2010 from 9:00 am to 1:00 pm in the Town Hall parking lot.

**OLD BUSINESS:** Mr. Stone reminded the Board that there are two 90-day re-appointments that are due to expire in September. These will be put on the agenda for the next meeting. There is also a Trailer Permit that needs to be addressed and this will be on the next agenda as well. Mr. Stone also requested to invite the Energy Committee to a future meeting of the Selectmen to update them on their activities.

The meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Diane M. Tobin, Executive Assistant