

MINUTES OF THE SELECTMEN'S MEETING

MONDAY, SEPTEMBER 13, 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, John Tedeschi, Police Chief Michael Ohrenberger, and others.

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

ANNOUNCEMENTS: Chairman Boulter called for a moment of silence to honor the memory of those who lost their lives on the 9/11/2001.

Sincere condolences were extended to Carol Dodge and her family on the passing of her husband on Sept. 7, 2010 and to Ed Quill, former Selectman, on the loss of his wife, Dolores, who died over this past weekend.

Election Day for State Elections is Tuesday, Sept. 14th and all five polling stations will be open from 7 am to 8 pm.

MONROE STREET PIT: DPW Director Gene Fulmine and the DPW Commissioners Paul Whitman, Ben Bastianelli and Jim Kilcommons, were present to request the Selectmen's approval to allow removal of crushed materials from the Monroe Street Pit after a one-time crushing project. The project will be funded with Chapter 90 funds and there is an article on the warrant for the cost of trucking the material to the highway barn. Some material will go to the landfill for contour of the capping project.

The DPW held open meetings to hear comments and suggestions from abutters and concerned residents. There are no polluted materials to be removed. Mr. Boyle was concerned that these open meetings were not well advertised. Mr. Hanley agreed and he motioned to schedule an earth removal hearing. The motion was seconded by Mr. Boyle.

Mr. Thorne suggested that the ZBA may have to issue approval to crush on-site. The DPW Director explained that they withdrew a previous request for a Special Permit through the ZBA because the original proposal was to do the work over an extended period of time but then it was decided to do it all at one time. Mr. Thorne will investigate the need for the DPW to request a ZBA hearing to crush on site and the Selectmen could hold an earth removal hearing on the 27th.

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It was noted that the DPW will still have to go through the RFP process. The DPW wants to do the work as early as possible before the weather no longer permits. Mr. Hanley suggested that the RFP process could start while the hearing is being advertised and held.

CASH MANAGEMENT MEETING: This meeting will be held on Wed., Sept. 22nd at 6:30 p.m. in the Advisory Committee Meeting Room to review the available revenues for the Capital Plan requests and the Town's mandatory operations.

JOHN BELBIN: Mr. Belbin extended thanks to the Board of Selectmen and to the DPW for the fine job of paving the Furnace Colony neighborhood. He also sent out thanks to T.L. Edwards.

MINUTES: The board approved the minutes of the Selectmen's meeting of August 23, 2010 as written.

PERSONAL PROPERTY TAX BILLS: Treasurer Collector Kathleen McCarthy sent out a request for proposals for the collection of delinquent personal property tax bills and received only one response. F.H. Cann & Assoc. will not cost the town any funds for a successful program. The Treasurer plans to collect back to ten years outstanding bills. The collector company's share will be 33% of the overdue charges. There will be no long term contract with this company.

Mr. Boyle was concerned about the lack of an appeals process. Mr. Hanley was concerned about the minimal advertising of the RFP. Mr. Trabucco suggested that we revisit this subject after the second quarter billing goes out, maybe in the Spring.

APPOINTMENTS TO BOARDS AND COMMITTEES: For clarification, it was noted that the Board had voted on June 28th to appoint DPW Director Eugene Fulmine to serve on the Central Plymouth County Water District Advisory Board. Mr. Daggett's 90 appointment is expired.

The DPW Directors recommended Paul Whitman to serve as their designee to the Community Preservation Committee.

It was noted that a procedural error was made in appointing Mr. Kirby as the Historical Commission's designee to the Community Preservation Committee. The Historical commission will meet on Sept. 16th and choose their designee, in accordance with the DCD bylaws, and they will advise the Selectmen of their appointment.

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Michael Keeley is still a member of the Wage & Personnel Board for a term to expire in 2011. The Selectmen will meet with Advisory and the Town Moderator for a joint appointment of Matthew Norton at their meeting of Sept. 20th.

LIST OF CURRENT VACANCIES: There are currently vacant seats on the Advisory Committee, Commission on Disabilities, Cultural Council, Conservation Commission, Old Colony Planning Council, So. Shore Community Action Council, Wage & Personnel Board, and an alternate position on the Zoning Board of Appeals.

GOVERNMENT STUDY COMMITTEE: The Selectmen are in receipt of a letter requested to have the Pembroke Government Study Committee disbanded at this time. Lew Stone was the Chairman of this committee and explained that he feels there are still things to be done but there is a need for a Town Manager to be in place first. The Study Committee did not feel there was enough support for this movement and they felt they cannot go further with making other changes. He suggested that an article may again be put on the annual town meeting to change the form of government in Pembroke.

Mr. Hanley moved, seconded by Mr. Boyle, to disband the Pembroke Government Study Committee on the recommendation of the vote of that committee on August 19, 2010. Voted 4-1 in favor, with Mr. Boulter opposed. Letters of thanks will be sent to members.

SOLID WASTE/RECYCLING STUDY COMMITTEE: Ben Bastienelli explained that this committee has looked at all options and does not know what the next step is after having presented all the spreadsheets and submitted them to the Town Administrator.

Mr. Boyle moved, seconded by Mr. Hanley, to take the information from Mr. Thorne under advisement and to disband the Solid Waste/Recycling Study Committee with many thanks for their service and time. Letters of thanks will be sent to members.

BONNEY STREET TRAILER: The temporary trailer permit has expired and no request has been submitted, as yet, for renewal. Mr. Boyle moved, to table this item for two weeks pending information from the Building Inspector. Mr. Trabucco seconded and the motion passed by a 4-1 vote with Mr. Boulter in opposition.

Mr. Boulter noted that the property owner did win a judgment in court but the defendant appealed the decision. The defendant requested a transcript but has not yet paid for it. Mr. Boulter feels it is up to the homeowner to communicate with the Building Inspector

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and the Selectmen on the status and progress of the building. He noted that the money awarded by the court may not be enough to re-build the house.

242 WASHINGTON ST. EARTH REMOVAL: Mr. Boyle moved, seconded by Mr. Hanley, to sign the conditions of approval with an amendment to add 200yards of clean fill to be donated to the DPW barn for use at the Mattakeesett Street ballfields as per the offer of the developer. So voted unanimously in favor.

The developer noted that after the buildings are erected they will plant a buffer strip in response to the concern of a neighboring resident.

DOCKS, RAFTS & MOORINGS: Chief Ohrenberger was invited by Chairman Boulter to come in to talk about the status of his investigation into docks, rafts and moorings. Chairman Boulter thanked the Chief for his letter containing ideas about enforcement of these structures on our ponds. Chief Ohrenberger reported that he investigated what the process could be put into place without having to actually have a written bylaw. Town Counsel suggested that there could be police implications as a result of passing a written bylaw. He says there should be a process to permit docks and rafts and other structures on the ponds. He checked with other towns and will put together a smooth process to register floating docks, rafts and moorings. He feels fees must be established. Chief Ohrenberger says the police department has software for a permitting process and they could keep track of the permits. All proposed structures would have to go through Conservation, the Building Inspector and the Fire Dept. Any permanent structures must go through the State process. These DEP approved structures should be recorded with the property deeds.

Chief Ohrenberger noted that there are several docks currently with no record of permits so he would like to first take an inventory of what exists and then develop a process to be in place before the next boating season. He proposes an established rate structure for fees with the money going in to a fund for waterways use and enforcement. Mr. Trabucco suggested that he Chief check with the Assessors for possible assistance through their new GIS system. Mr. Stone commended the Chief for such a comprehensive report and for his time and preparation on this subject. The Chief noted that he has to put this issue on the back burner for now because the department is currently operating with two less officers this year and they are working harder with less at this time.

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TOWN ADMINISTRATOR'S REPORT:

Chamber of Commerce: Town Administrator Thorne advised the Selectmen of his approval to the Chamber of Commerce for their Fall Festival Event to be held on October 16, 2010 at the Herring Run Park. Conservation has also approved this event.

Hazardous Waste Collection Day: Mr. Thorne reported that there will be a Hazardous Waste Collection event held on Saturday, Sept. 18th at the Recycling Center off Hobomock Street. DEP has informed us that no asbestos material will be accepted.

Cash Management Meeting: There will be a meeting on Sept. 22 at 6:30 p.m. in the upstairs conference room at the town hall.

Status of Health Agent: Mr. Thorne advised that the Health Agent position is not under the Selectmen's purview.

69 Center Street: Mr. Thorne reported that the judge agreed with the magistrate's decision and upheld the Selectmen's ban on the two dogs at 69 Center Street. Mr. Thorne expressed appreciation to the Animal Control Officer, Bill Hart, for his professionalism in this matter.

EXECUTIVE SESSION: Selectman Stone moved, seconded by Selectman Hanley, to go into executive session to discuss the reputation, character, physical condition or mental health – rather than the professional competence - of an individual.

Roll Call Vote: Trabucco, yes – Stone, yes – Boyle, yes – Hanley, yes – Boulter, yes

The Chairman declared that upon conclusion of the executive session, the meeting would reconvene to discuss the Special Fall Town Meeting Articles. The Selectmen remained in the Selectmen's Office and entered into executive session at 9:00 p.m.

At 9:50 pm, the open session of this meeting reconvened after executive session.

SPECIAL FALL TOWN MEETING ARTICLES: The Selectmen reviewed the draft of the articles that had been submitted for inclusion on the fall town meeting warrant. Four petition articles have been submitted but the required 100 signatures have not yet been certified.

After review of all of the articles submitted, the Selectmen voted to include all items except draft articles #16, #17 and #19 submitted by Ben Batenelli regarding the transfer

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of full operations and oversight of the recycle center to the DPW Dept.; one to not allow an elected official to hold more than one elected position at a time; and one to send the excess of solid waste to another facility besides SEMASS. So voted unanimously in favor.

ABINGTON ROCKLAND PUMPING STATION: Mr. Hanley inquired about any word on the pumping station being town down and it was noted that there will be a public hearing held by the Conservation Commission on this subject.

The meeting was adjourned at 10:30 pm.