

**MINUTES OF THE SELECTMEN'S MEETING
MONDAY, DECEMBER 13, 2010
VETERAN'S MEMORIAL HALL**

PRESENT: Willard J. Boulter, Jr. (Chairman), Daniel W. Trabucco (Vice-Chairman), Lewis W. Stone (Clerk), Arthur P. Boyle, Jr. (Selectman), Gregory M. Hanley (Selectman), Diane M. Tobin (Executive Assistant), John Mattinson (Pembroke Media Broadcast), Becca Manning (Pembroke Express), Pauline Dixon and others. Mr. Thorne was not present this evening as he is still rehabilitating from surgery.

The meeting was called to order by the chairman at 7:05 pm.

ANNOUNCEMENTS: The Chairman requested a moment of silence on the passing of retired firefighter John Waggett.

The Chairman announced that Town Counsel has informed us that Mr. Frattasio has withdrawn his lawsuit against the town regarding planes landing on ponds.

The DPW is seeking snow plow contractors for the 2010-2011 winter season.

MINUTES: The Selectmen approved the minutes of Dec. 6, 2010 as written with a correction to the start date of the GATRA bus service to read January 3, 2010.

TOWN HALL HOLIDAY SCHEDULE: Mr. Stone moved, seconded by Mr. Hanley, to close the Pembroke Town Hall on Friday, December 24th all day and that on Thursday, Dec., 23rd, there will be reduced services since the Clerical Union Contract allows for union employees to leave at noon. So voted unanimously in favor.

Mr. Stone moved, seconded by Mr. Boyle, that the Town Hall be closed on Friday, Dec. 31st, and all offices will be open all day on Thursday, Dec. 30th. So voted unanimously in favor.

ANNUAL LIQUOR LICENSE RENEWALS: Mr. Boyle moved, seconded by Mr. Stone, to sign the Liquor License Renewal Affidavits as presented with the exception of the Bistro on Washington Street as the applicant has chosen to not renew this year. So voted unanimously in favor.

TAX CLASSIFICATION HEARING: Mr. Boyle moved, seconded by Mr. Hanley, to close the 2011 tax classification hearing. So voted unanimously in favor. It was noted that the tax rate for next year will be \$13.47 per thousand. Mr. Stone commented that this means the average home would see an increase of \$93. on their tax bill.

SUNSET WAY COOKOUT: Mr. Boyle moved, seconded by Mr. Stone, to grant permission to Michael Mollica to hold his annual backyard cookout with a band and a police detail at his home on 102 Sunset Way from 4pm to 10 pm. So voted unanimously in favor.

**MINUTES OF THE SELECTMEN'S MEETING
DECEMBER 13, 2010 – PAGE TWO**

LANDFILL CAPPING PROJECT: Mr. Hanley moved, seconded by Mr. Boyle, to sign the Authorization to allow Town Treasurer, Kathleen McCarthy, to file applications and execute agreements for grants and/or loan assistance on behalf of the Board of Selectmen, as voted at the 2010 Fall Town Meeting, in the matter of the Landfill Capping Project.” So voted unanimously in favor.

PEMBROKE CENTER PLAZA LIGHTS: Mr. Boulter informed the members of the board that he met with the owners of the Pembroke Center Plaza and was told that changes have been made to the computer system operating the street lights. They are trying to do their best to synchronize them for that area. Mr. Boulter talked to an engineer who works for the State and lives in Pembroke. Mr. Boulter stated that he found that the peer review done by someone else for the town was not a certified engineer. It appears he is working under his father's license but is not an engineer himself. The father's company went out of business in 2008. The traffic study was only done for a 5 year plan and expires in 2012. Mr. Boulter recommended that the town talk to Town Counsel about this engineer. Mr. Boulter said he called today to have the Planning Board documents reviewed. The contractor had to pay for the peer review. It was suggested that possibly another independent peer review should be done from a professional, certified engineer. Chairman Boulter said he would entertain a motion to have Town Counsel look into this before the proposed Stop and Shop goes in the plaza. Mr. Boulter feels the Selectmen would be remiss in not trying to get a qualified reviewer.

Mr. Boyle agrees that there is an issue with the lights and they should have been left blinking for now. He suggests there may be an errors and omissions clause and he would support having counsel investigate the peer review issue.

Mr. Trabucco noted that the Planning Board's usual peer review engineer had a conflict of interest issue so the board had to use someone else for peer review. He said he was certain the board would have used a certified engineering company. Mr. Trabucco reminded the Selectmen that the job of the peer review engineer is to verify that the facts and figures work and he does not design the project.

Mr. Stone noted that the Board of Selectmen attended a meeting of the Planning Board to go over this project and says the Planning Board is on top of this issue. He spoke to the Planning Board to see what is happening and was told that they would be meeting tonight. He suggested that maybe the Planning Board chairman should be tied in with this decision to go for counsel review.

Mr. Boulter repeated that he feels it appears that it is not a reputable company that did the peer review. Mr. Hanley moved to contact Kopelman & Paige to review the contract documents of the project and any error and omissions clause. Mr. Stone commented that if this motion passes, the Selectmen should talk to the Planning Board chairman for his input. Mr. Trabucco added that the Planning Board has been working on this proposed project for three years now and for the Board of Selectmen to take a vote after having been previously invited by the Planning Board for a face to face meeting, the Selectmen should extend to the Planning Board the same courtesy with this issue. Mr. Hanley

**MINUTES OF THE SELECTMEN'S MEETING
DECEMBER 13, 2010 – PAGE THREE**

agreed that the Planning Board Chairman and the Zoning Board should be notified. Mr. Boyle seconded.

Mr. Boulter said the intent is not to undermine anyone but just to get the best advice to look at the project and make sure that the Town of Pembroke sits in a better position than the contractor.

The vote on the motion was 4-1 with Mr. Trabucco abstaining.
Mr. Boulter is willing to go to talk to the Planning Board about this.

BROCKTON POWER PLANT: A letter was received from the Energy Facilities Siting Board thanking the Town of Pembroke for their interest in this matter and informing the Board of the ongoing hearings and the motion to change the approval already secured. Mr. Trabucco noted that the next meeting will be on Dec. 22nd at 10 am and will probably last until 4pm or so. Part of that hearing will have to do with the water use issue.

The City of Brockton refused to produce a witness and will be compelled to bring an expert witness at the hearing on Dec. 22nd. Mr. Trabucco does not understand why Brockton will not approve the use of wastewater to cool the towers instead of taking water from their drinking source.

FIRE MUTUAL AID: Mr. Boulter talked to Fire Chief Neenan about the mutual aid agreement and told him that he had spoken to Attorney Dolan at Kopelman & Paige. Mr. Boulter gave Chief Neenan's contact phone numbers to Mr. Dolan to draft an agreement to be sure that Pembroke Firefighters will be covered. This issue will be put on a future agenda.

TOWN ADMINISTRATOR: Mr. Stone reported that he spoke to Mr. Thorne and he is recovering well from his surgery and will see the surgeon for an evaluation this week. He expects to put in a guest appearance in the next couple of weeks.

RECYCLE COMMITTEE: The Selectmen will accept applications for this committee until Dec. 31st and will invite applicants to come to a Selectmen's meeting in January.

Mr. Boyle moved, seconded by Mr. Hanley, to adjourn this meeting at 7:45 p.m. So voted unanimously in favor.

Prepared by Diane M. Tobin
Executive Assistant