

## MINUTES OF THE SELECTMEN'S MEETING OCTOBER 7, 2020

**HYBRID IN-PERSON MEETING, ALSO HOSTED BY PACTV ON ZOOM PLATFORM**

**PRESENT:** Daniel Trabucco (Chairman), John G. Brown, Jr. (Clerk), Angela Sestito (Principal Clerk)

Video: Jessica M. Rushing (Vice Chairman), Rebecca Coletta (Selectman), Tracy Marino (Selectman), William Chenard (Town Manager),

At 7:00 pm, Mr. Trabucco advised that Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, s.18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Pembroke Board of Selectmen will be conducted in person in the Town Hall's Veterans Hall and via remote participation of board members via Zoom. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Pembroke website, at <https://www.pembroke-ma.gov/home/news/governors-order-suspending-certain-provisions-open-meeting-law>. Members of the public who want to attend in person may come to Town Hall, or may view the meeting on television, Comcast Government channel 15 live or via livestream at [www.pactv.org/watch/prime](http://www.pactv.org/watch/prime). All votes taken during this meeting will be roll call votes.

## DISCUSSION AND VOTE REGARDING MMA'S BEST PRACTICE "CONDUCT AND CIVILITY OF PUBLIC OFFICIALS"

Mr. Trabucco stated that the previous discussion was interrupted by technical difficulties. Mr. Chenard advised that the town does not have a standard code of conduct for meeting to set expectations; he explained that he is working on a code of conduct for employees, but it the Board role to set the code for other boards. The Massachusetts Municipal Association's recommendations and best practice series with examples were reviewed. Mr. Brown stated that the examples from Carver and Holden were closest to being applicable, both were straightforward and succinct. Ms. Rushing stated that establishing a policy is necessary and she agreed that the two examples cited could be readily modified to fit Pembroke. Discussion ensued on tasking two members to work with the drafts to tailor them to fit the town. Ms. Coletta and Ms. Rushing volunteered to work to develop a draft for the entire board to consider at an upcoming meeting.

**DISCUSSION AND VOTE REGARDING DRAFT PUBLIC COMMENT POLICY (ASK THE SELECTMEN)**

Mr. Trabucco stated that the previous discussion was interrupted by technical difficulties. Mr. Chenard provided examples of case law since the creation of the “Ask the Selectmen” segment that seriously prohibits the towns ability to restrict specific speech should it be inflammatory or prejudicial; either the town allows public comment under established guidelines or allows public comment at public hearings only. Discussion ensued on the potential hazard of spontaneous public comment risking a notice content violation under the Open Meeting Law. Ms. Coletta proposed public comment presented for posting on the meeting notice forty-eight hours in advance of the meeting; Mr. Trabucco stated that members of the public rarely provide notice when they speak at a meeting; he proposed that comments spontaneously presented to the board be heard, but then scheduled as discussion on the next available agenda. Ms. Rushing stated that public comment in a meeting should be contained to agenda items already listed, with comment on unrelated topics presented forty-eight hours in advance for inclusion on the agenda. Discussion ensued on varying mechanics for allowing public comment. Discussion ensued on tasking two members to work with

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