

MINUTES OF THE SELECTMEN'S MEETING

NOVEMBER 4, 2020

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

PRESENT: Daniel Trabucco (Chairman), John G. Brown, Jr. (Clerk), Tracy Marino (Selectman),
Sabrina Chilcott (Assistant Town Manager), Ayad Makram
Video: Jessica M. Rushing (Vice Chairman), Rebecca Coletta (Selectman), William
Chenard (Town Manager), Catherine Salmon (Chief Assessor)

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. All votes taken during this meeting will be roll call votes.

COMMON VICTUALER'S LICENSE APPLICATION: MAKRAM PIZZA, INC. D/B/A PEMBROKE FAMOUS PIZZA, 125 CHURCH STREET, AYAD MAKRAM, MANAGER

Mr. Ayad Makram was present before the Board on his application for a transfer of Common Victualer's license #CV-76 under MGL c140 §6 to be exercised at 125 Church Street under the name of Makram Pizza, Inc. d/b/a Pembroke Famous Pizza. He is requesting to prepare and serve food to the public from 10:00 am to 9:00 pm Monday through Sunday. There is no requirement under change of use; he is not changing any aspect of the former owner's location (Luis Berjamo Peralta of Pembroke Famous Pizza, Inc. d/b/a Pembroke Famous Pizza) including the menu and signage. He has had his health inspection and has received food permits and submitted his required certification to the Board of Health and filed a business certificate with the Town Clerk. Ms. Rushing moved to approve the transfer application for Common Victualers license #CV-76 from Luis Berjamo Peralta of Pembroke Famous Pizza, Inc. d/b/a Pembroke Famous Pizza to Makram Pizza, Inc. d/b/a Pembroke Famous Pizza at 125 Church Street. Mr. Brown seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

VETERAN'S AGENT, TOWN MEMORIAL COMMITTEE: UPDATE ON VETERAN'S DAY VIRTUAL ACTIVITIES

Town Memorial Chair Linda Osborne and Veterans Agent David McPhillips feature in a video presentation that is expanding to be a remote Veterans Day program for viewing on November 11th. The introduction and Mr. McPhillips' reading of the Governor's proclamation were aired.

WILLARD J. BOULTER JR., REQUEST FOR LETTER OF SUPPORT TO RESTORE FUNDING FOR SCENIC RIVER PROTECTION (NSRWA)

Mr. Boulter was present before the Board to review the North River Commission's responsibilities, member towns, and budget requirements and stated that, for the last forty-two years, they have provided permitting and enforcement of the Scenic River Protection Act with a budget of \$30,000 annually and they had requested an increase to \$50,000. They were then informed that the Mass

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Department of Conservation & Recreation (DCR) had eliminated their funding. The North South River Watershed Association assisted in petitioning all member towns, the public and others to come together to request that the funding be restored; Lieutenant Governor Karyn Polito met with DCR and they have restored the original \$30,000. Discussion ensued. Mr. Trabucco requested a motion to authorize the Town Manager to draft a letter of support for annual funding of the North River Commission as enforcement of the SRPA; Mr. Brown so moved. Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

VOTE RECOMMENDATION OF HERRING FISHERIES: APPOINT ROBERT MCCARTHY (24 GLENWOOD RD), ROBERT MCCARTHY, JR. OF 274 HIGH ST

Mr. Boulter advised that both applicants have been working side by side with the Commissioners in the streams and will be an asset to the group. Mr. Brown moved to appoint Robert McCarthy to the alternate vacancy on the Herring Fisheries Commission, term to expire 2023 and Robert McCarthy to the alternate vacancy on the Herring Fisheries Commission, term to expire 2022. Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

VOTE RECOMMENDATION OF CULTURAL COUNCIL TO APPOINT TWO (2) MEMBERS, CAROL WATCHES, MARGARET WOLL

Pembroke Cultural Council chairman Linda McCollum has requested that Carol Watches be re-appointed to the Cultural Council after serving her year off between back-to-back terms and that Margaret Woll be appointed as a new member. Each would be for three years terms. Massachusetts Cultural Council terms are six years and Pembroke's are three years; members are allowed to serve two terms (of three years each) and then must sit out one year before being re-appointed to comply with the state statute. Ms. Marino moved to appoint Carol Watches of 19 Maple Avenue and Margaret Woll of 84 Forest Street to the Pembroke Cultural Council, terms to expire 2023. Mr. Brown seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

7:30 PM: TAX ASSESSORS' FY21 TAX CLASSIFICATION HEARING

Mr. Trabucco opened the Public Hearing at 7:30 pm. Chief Assessor Cathy Salmon appeared before the Board to request they vote on whether to keep a uniform tax rate or split the rate between residential property and commercial/industrial/personal property. Ms. Salmon also requested the Board vote on a small commercial property exemption. Ms. Salmon provided the current finalized value of the Town at \$3,039,791,884. The estimated levy based on the votes from Town Meeting will be \$44,332,785 resulting in a uniform tax rate of \$14.58 per thousand dollars of assessed value. This is an average of \$6,169 per residential taxpayer on an average single-family assessment of \$423,000 and \$15,668 per commercial taxpayer on an average assessment of \$1,074,300. Pembroke has 87.43% in the residential class, 8.19% in commercial class, 2.94% in industrial class and 1.44% in personal property class. Ms. Salmon stated that, in order for the residential taxpayers to save \$88.74 per year, the shifting burden to commercial taxpayers would result in an increase of \$1,566.78. The Board of Assessors recommends staying with the single rate. Ms. Salmon introduced the small commercial exemption; only ten towns in the state have adopted it. This shifts the tax burden from small commercial to large commercial. To qualify the business must have less than ten employees in a property worth less than \$1million; however, the owner of the property then gets the exemption, not the qualifying business owner. The Board of Assessors does not recommend this exemption. Discussion ensued. Mr. Brown moved to accept the recommendation of the Board

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of Assessors for a uniform tax rate for the Town of Pembroke for FY21 for the Town of Pembroke; Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining. Ms. Rushing moved that the Board does not vote to adopt the small commercial exemption; Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining. Ms. Coletta moved to continue the public hearing until further information is received from the Assessors. Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

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

Ms. Rushing stated that she worked with Ms. Coletta leveraging examples previously reviewed by the Board to present the document that is before the Board this evening. Discussion ensued on item number one, section b and item three, section e and the similarities between. Ms. Coletta recommended that item one, section b be removed, leaving item three, section e intact to fit within the document's structure. Mr. Brown requested that the words "or political affiliation" be added to the end of item three, section f. Ms. Coletta and Ms. Rushing voiced support for the addition. Ms. Coletta asked that the policy be reviewed by town counsel. Mr. Chenard recommended that the policy be voted "subject to approval of town counsel" if so desired. Ms. Rushing moved that, pending town counsel's approval, that the Board vote to adopt this as Pembroke's official Code of Conduct for the Pembroke Selectboard. Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

VOTE TO ENACT PUBLIC COMMENT POLICY

Mr. Brown presented the draft Public Conduct policy that he and Ms. Marino have tailored to address needs previously expressed to allow public comment, but clarify the Board's ability to respond. Discussion ensued on number 5 'to ensure compliance with the Open meeting Law, privacy laws, and other legal obligations, the Board will not engage with a speaker or with one another in deliberation on comments as they are presented during comment periods. At its discretion, the Board may schedule issues raised by a speaker for deliberation at a future meeting'. Ms. Rushing stated that she would like to see this changed to only allow public comment on items submitted for posting to the agenda as the Board is prevented from deliberating on items that are not posted; if comments were submitted for inclusion on the agenda by Friday, the Board would have an opportunity to research the concern. Ms. Coletta cited examples from 2013 in Chatham, from November of 2018 in Rockland and one from Somerset that clarify that only comments that the chairman cannot reasonably anticipate being presented by other board members or the public would not violate G.L. c.30A, § 20(b). Ms. Coletta stated that it is better practice to put topics that can be anticipated on an agenda. Mr. Trabucco stated that citizens come into the Selectmen's meetings to voice their concerns as they occur, and the concern may not be available for posting on Friday. Mr. Trabucco stated that requiring advance notice for an agenda posting for public comment will stifle the public from attending the meeting. Ms. Rushing stated that having the item posted allows for the residents' issues to be fully addressed. Mr. Trabucco stated that the Attorney General's decisions clarify that a chairman may know a specific person plans to attend a meeting, but the chairman cannot necessarily anticipate what they will say while there. Ms. Marino recommended that number 5 be amended to add that the chairman will place the item on the agenda if they can reasonably anticipate the issue, and by removing the "engage with the speaker" reference, leaving remainder of the sentence. Ms. Marino stated that these two changes should address both issues. Ms. Coletta moved that town counsel review the public comment policy and bring their recommendations back

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to the board. Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

VOTE TO ACCEPT MINUTES OF OCTOBER 7, 2020 AND OCTOBER 21, 2020

Ms. Marino moved to accept the minutes of October 7, 2020; Mr. Brown seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining. Ms. Marino moved to accept the minutes of October 21, 2020; Mr. Brown seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

TOWN MANAGER'S REPORT

Mr. Chenard presented a focus on coronavirus and the Governor's recent Orders. Mr. Chenard advised that the town's cases peaked in October at 71 cases, but most of these cases were reported as being mild and not requiring hospitalization. Mr. Chenard updated the Board that this weeks cases are at ten cases, down from thirty the week before, showing the beginning of a downward trend. Mr. Chenard encouraged everyone to remain diligent so that facilities may remain open. Mr. Chenard advised that Governor Baker has issued a Stay at Home Advisory to take effect on Friday, November 6th at 12:01 am; the Advisory applies to the hours of 10:00 pm and 5:00 am during which residents are advised to stay at home unless going to work, going to school, running critical errands to get groceries and address health needs, and taking a walk. He has issued a new executive order that requires the early closure of certain businesses and activities each night at 9:30 pm. Effective November 6, the following businesses and activities must close to the public each day between the hours of 9:30 pm and 5:00 am including restaurants (in-person dining must cease at 9:30 pm, although takeout and delivery may continue for food and non-alcoholic beverages, but not alcohol), liquor stores and other retail establishments that sell alcohol must cease alcohol sales at 9:30 pm (but may continue to sell other products). Additionally, Governor Baker signed an updated order restricting gatherings. The new gatherings order reduces the gathering size limit for gatherings at private residences: indoor gatherings at private residences are limited to 10 people and outdoor gatherings at private residences are limited to 25 people. The limit on gatherings held in public spaces and at event venues (e.g. wedding venues) remains the same. The new order also requires that all gatherings (regardless of size or location) must end and disperse by 9:30 pm. He has also signed an updated order related to face-coverings. The revised order requires all persons to wear face-coverings in all public places, even where they are able to maintain 6 feet of distance from others. All residents over the age of five (5) years old must wear a mask in public, including outdoors. Ms. Rushing asked what the enforcement mechanism will be on the mask order; Mr. Chenard stated that the Governor hasn't specified. Ms. Coletta asked what the thoughts are on a "Town Hall" policy to require masks and limit the number of people to ten people. Mr. Chenard advised that he is considering shifting to a less open format whereby we accept all residents by appointment; currently masks are required in all hallways, common areas and in offices when the public comes to visit the office and the Veteran's Hall will require the wearing of masks in accordance with the Governor's order. Mr. Trabucco inquired as to how a member of the public can volunteer on a board; Mr. Chenard stated that the town website has a list of vacancies and a link to the application for residents to complete and submit.

At 8:35 pm, Mr. Trabucco read the upcoming issues from the agenda. Mr. Brown moved to enter executive Session under M.G.L. c.30A, Sec. 21(6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; Hobomock Street (D6-1) proposed solar farm (c.61B)

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and (7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements; HIPAA voting of Ambulance Fund Abatements and Open Meeting Law, MGL c.30A §21 voting of executive session minutes. Mr. Trabucco declared it so, and stated that the Board would not return to open session. Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

At 8:55 pm, Mr. Brown moved to adjourn with Ms. Marino seconding the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

MATERIALS & EXHIBITS

Complete CV Application, Makram Pizza Inc., A. Makram (BOS/TM Office)

Vacancy Application: R. McCarthy for Herring Fisheries Alternate (BOS/TM Office)

Vacancy Application: R. McCarthy, Jr. for Herring Fisheries Alternate (BOS/TM Office)

Vacancy Application: Ms. Woll for Pembroke Cultural Council (BOS/TM Office)

Email, L. McCollum RE: Appointment of C. Watches, M. Woll to PCC (BOS/TM Office)

Draft Code of Conduct, J. Rushing and R. Coletta (BOS/TM Office)

Draft Public Comment Policy (BOS/TM Office)

Draft Minutes of October 7, 2020 and October 21, 2020 (BOS/TM office)