

**MINUTES OF THE SELECTMEN'S MEETING
JANUARY 11, 2016**

PRESENT: Arthur P. Boyle, Jr. (Chairman), Lewis W. Stone (Vice-Chairman), Willard J. Boulter, Jr. (Clerk), Michelle L. Burt (Selectman), Daniel W. Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Richard Wall (Police Chief), David Clauss (Police Lieutenant), Richard McDonald (Police Lieutenant), Nicole Mc Donald, Margaret Struzik (Asst. Town Clerk), Wendy LaPierre, Edward Flannery, Kathleen McCarthy (Town Treasurer/Collector), Michael Buckley (Town Accountant), Michael Murphy, Robert Arruda, Stephen Breton, Diana Julian, Joe Chinzi, Sabrina Chilcott (Executive Assistant), and many others.

7:00 SWEARING IN OF POLICE LIEUTENANT RICHARD MCDONALD

Police Chief Richard Wall introduced Police Sergeant Richard McDonald for promotion to the rank of Lieutenant. Chief Wall described the assessment center process by which (Sergeant) McDonald was chosen for promotion; all five candidates were eminently qualified and Chief Wall thanked all participants. Chief Wall provided a summary of (Sergeant) McDonald's illustrious background and qualifications leading to his selection as Lieutenant (Operations) for the Town of Pembroke. Chief Wall gave the floor to the Assistant Town Clerk.

At 7:05 pm, Assistant Town Clerk Margaret Struzik administered the oath of office to Lieutenant McDonald. Lieutenant McDonald thanked his family and expressed gratitude for the support of the Chief and all of the officers in his department. Additionally, he thanked his friends and colleagues throughout the town. Congratulations were offered by all and photographs were taken. At 7:10pm, Mr. Boyle declared the meeting in brief recess for all present to share their congratulations to the new lieutenant.

At 7:15 pm, Mr. Boyle declared the meeting resumed.

7:10 (7:15) TREASURER'S REQUEST: ATTORNEY MICHAEL MURPHY FOR CASA D'FAMILIA NOMINEE TRUST, 103 TOOLE TRAIL, PARCEL B5-94

Attorney Michael Murphy, representing Normandy Mortgage Loan Trust, was present before the Board with the bank's request to pay full arrears of back taxes that led to land taking and judgment on September 22, 2015; he submitted bank funds in the amount of \$41,212.38. Treasurer/Collector Kathleen McCarthy was present to advise that the town acquired 103 Toole Trail on September 22, 2015 for unpaid taxes by virtue of a final judgment in case # 14TL149234 and is within the one year right of redemption period. Mr. Stone moved to accept 103 Toole Trail, parcel B5-94 as a tax possession property at the recommendation of the Town Treasurer; Ms. Burt seconded the motion. The vote was unanimously in favor. Mr. Stone moved to vacate judgment in Land Court case # 14TL149234 and additionally release the Town of Pembroke of any interest in 103 Toole Trail, parcel B5-94 with the understanding that Robert McGlone, Trustee of Casa D'Familia Trust will maintain a current status on all bills due to the Town of Pembroke with regard to the referenced property. Ms. Burt seconded the motion. The vote was unanimously in favor.

REVIEW SURPLUS PROPERTY BIDS

Mr. Boyle announced the high bidder of each of the four items advertised in the town's surplus property auction. Vehicle #1, 1987 Sparten/FMC 1500gpm Pumper Truck, VIN# 1S9AT6LOXHC185413, Mark Brissette bids \$50; Vehicle #2, 1969 Dodge 300 Power Wagon (Brush Bars/Surplus Pump) VIN# 2381941188, Mark Brissette bids \$666.66; Vehicle #3, 2001 Ford Crown Victoria, VIN# 2FAFP71W51X191142, Mark Brissette bids \$25; Vehicle #4, 2006 Ford Cutvan, VIN# 1FDXE45S76DB15791, Richard Swift bids \$200. Mr. Boulter moved to award the listed items to the listed high bidders; Mr. Stone seconded the motion. The vote was unanimously in favor.

COMMON VICTUALER'S LICENSE TRANSFER CV-15: ARAL MANAGEMENT GROUP OF PEMBROKE, INC D/B/A FRIENDLY'S ICE CREAM AT 146 CHURCH STREET

Owner/Operator Robert Arruda was present before the Board on his application for a transfer of Common Victualer's license CV-15 at 146 Church Street; Friendly's Corporate has sold this location to his franchise group and he now owns 10 Friendly's restaurants on South Shore. He affirms that there will be no changes of

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name, product, structure, menu or employees; he was an employee of Friendly's corporate offices for many years and is running a family business which he oversees. Mr. Boulter moved to grant the application of Robert Arruda of ARAL Management Group of Pembroke, Inc. d/b/a Friendly's Ice Cream for a transfer of Common Victualer's license # CV-15 exercised at 146 Church Street. Mr. Stone seconded the motion. The vote was unanimously in favor.

ASK THE SELECTMEN

Mr. Trabucco stated that there are no cell towers on the Oak Street water tank and the area is deficient for cell coverage. He requested that the Board support tasking the Town Administrator with issuing an RFP for telecommunications antenna leasing at Oak Street; Mr. Thorne stated that there are four area providers from which he can solicit RFP submission for the Oak Street location.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne stated that he met earlier this evening with the Planning Board to discuss staffing upon the retirement of the Planning Board Assistant in July. Their discussion included updating the Master Plan for the town and looking into a Town Planner's position. Several options will be considered and several scenarios will be reviewed. Mr. Thorne also updated the Board on the South Shore Manager's meeting at Bridgewater State University, where 14 areas towns were represented. The meeting featured an introduction to the new President of BSU. Items discussed included the formation of a formal internship program between BSU and the towns represented. Ms. Burt commended the Town Administrator's office on the new website.

7:30 NATIONAL GRID, STEPHEN BRETON: PLAN # 19127438, INSTALLATION OF UNDERGROUND FACILITIES ON EDGEWATER DRIVE & SUNSET WAY

At 7:30 pm, Mr. Boyle opened the public hearing. National Grid Engineer Stephen Breton was present before Board regarding the proposed plan #19127438 whereby they will install 1200' +/- of PVC duct, 2 fiberglass pull boxes and 1 junction box on Edgewater Drive and Sunset Way. Mr. Breton stated that 700' of conduit will be replaced on Edgewater Drive and 400' of conduit on Sunset Way, and all wiring will be placed 30" underground. Mr. Trabucco inquired about roadway cuts; Mr. Breton stated that the wiring will cross Edgewater Drive at Sunset Way, and the sidewalk will be crossed three times at the beginning, middle and end of the run. Mr. Trabucco asked if National Grid has spoken with the DPW yet; Mr. Breton advised that plan approval is required first, and then a contractor is hired. They will pull a road opening permit from the town once the project begins, which will not happen until asphalt plants reopen in the spring. Mr. Stone asked how the area residents will be affected; Mr. Breton stated that excavation will occur along the side of the road and the road should not be blocked completely. Mr. Boyle opened the hearing to those present to speak in favor of the petition; there were none. Mr. Boyle declared that portion of the public hearing closed. Mr. Boyle opened the hearing to those present to speak in opposition to the petition; there were none. Mr. Boyle declared that portion of the public hearing closed. Mr. Boulter moved to grant permission to Massachusetts Electric Company (National Grid) on their petition for manhole and duct locations whereby National Grid will install 1200' +/- of PVC duct, 2 fiberglass pull boxes and 1 junction box on Edgewater Drive and Sunset Way in accordance with work order and plan # 19127438; Mr. Trabucco seconded the motion. The vote was unanimously in favor. A resident present asked how many existing cables there are; Mr. Breton stated there are two. The resident further asked about crossing the residents' driveways and the condition in which the area will be left; Mr. Breton advised that National Grid will repair the aprons when they are finished. The resident voiced concern about the area being restored to its original appearance once the project is finished; Mr. Breton stated that the plan is to do so. The resident inquired about the timeline of the project and Mr. Breton stated it is not certain at this time.

OLD BUSINESS

Mr. Boulter stated that the Herring Fisheries Commission went through town and checked the fish ladders and observed juvenile fish between Oldham Pond and Furnace Pond; migration continues this late in the season. Brockton Water was contact and a request was made to reduce or discontinue water draws while the herring are migrating.

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At 7:40 pm Mr. Boyle advised that this meeting is being made available to the public through a live video and audio broadcast on Comcast Government Access Channel 15 and is also being recorded for airing on the channel at future dates. Comments made in open session will be recorded.

7:40 MICHAEL KIRBY: DISCUSSION WITH CONSERVATION COMMISSION MEMBER REGARDING PUBLIC STATEMENT OF RESIGNATION AND MEETING ATTENDANCE

Mr. Thorne stated that Mr. Kirby is not in attendance and the Board may proceed to the public hearing.

PUBLIC HEARING: CONSIDER THE REMOVAL OF CONSERVATION COMMISSION MEMBER MICHAEL KIRBY

Mr. Boulter summarized information received through local news channels on cable, radio and in newsprint that Mr. Kirby has stated that he has resigned as a member of the Conservation Commission, but the Board has not received his resignation. The Town Administrator, on behalf of the Board, has sent letters to which there has been no response. An application for appointment was received November 16th and the Board has been unable to act on this request. Mr. Kirby has not attended meetings since August of 2015, which is in violation of Town By-Law Article IV Section 7. Mr. Boulter moved to removed Michael Kirby from the Conservation Commission; Mr. Stone seconded the motion. By roll call vote: Burt – yes; Boulter – yes; Stone – yes; Trabucco – yes, Boyle – abstain (present not voting). Motion to remove carries, 4-0-1 in favor.

CONSIDER REQUEST FOR APPOINTMENT: SHARON TUELLS, 3 KILCOMMONS DRIVE TO CONSERVATION COMMISSION

Mr. Stone moved to appoint Sharon Tuells of 3 Kilcommons Drive to the Conservation Commission to fill the vacancy, term ending 2017. Mr. Boulter seconded the motion. The vote was 4/1 with Ms. Burt opposed.

At 7:45pm, Mr. Stone moved to enter executive session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; Mr. Boyle so declared and Mr. Trabucco seconded the motion. By roll call vote: Mr. Trabucco – yes, Ms. Burt – yes, Mr. Stone – yes, Mr. Boulter – yes, Mr. Boyle – yes.

At 8:15 pm, Mr. Stone moved to adjourn; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

MATERIALS & EXHIBITS

Letter from Treasurer K. McCarthy (TREAS/COLL/BOS/TA Office)
Surplus Property Auction Ad, Bid Sheet Cert by Assist Town Clerk Cuneo, Orig. Bids (BOS/TA Office)
CV License App Packet: ARAL Mgmt Group, Liability/WC Ins Cert, Articles of Incorporation (BOS/TA Office)
ME/National Grid Petition for Manhole & Duct Locations, Plan # 19127438 (BOS/TA Office)
M. Kirby Sched Appt/ES/Public Hearing Docs: TA Letter Sent 12/10/2015 (BOS/TA Office)
By-Law, Article IV s.7 (BOS/TA Office)
TA Letter Sent 1/6/2016 (BOS/TA Office)
Pembroke Mariner Express, Mark Burrigade, 12/4/2015