

**MINUTES OF THE SELECTMEN'S MEETING
MARCH 6, 2017**

PRESENT: Lewis W. Stone (Chairman), Willard J. Boulter, Jr. (Vice-Chairman), Arthur P. Boyle, Jr. (Clerk), Daniel Trabucco (Selectman), Matthew J. Furlong (Selectman), Edwin J. Thorne (Town Administrator), Richard Wall (Police Chief), J. Michael Hill (Fire Chief), Michael Guimares, James Costello, Adam Silva (Pembroke Mariner Express), Charles Mathewson, Bonnie Pajick, Sabrina Chilcott (Executive Assistant), and others.

At 7:00 pm, Mr. Stone opened the meeting and 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.

MICHAEL GUIMARES OF REMAX/SPECTRUM

Mr. Guimares was present before the Board with an update on his local business in Pembroke, a residential and commercial real estate firm in the center of town named Remax/Spectrum. Mr. Guimares stated that he has lived on the South Shore his entire life and lives in Pembroke with his wife of 22 years and their three children between the ages of 6 and 16. He opened his office in the center in 2011 and he now has 5 offices and 73 agents across the South Shore and Cape Cod, but his Pembroke location is the strongest. He stated that they assisted over 900 people last year buy or sell a home or office. Mr. Guimares stated that strengthening the core of what the town offers improves the value of Pembroke homes. His agents give back to the community to various volunteer opportunities in town. Additionally, Mr. Guimares began publishing the quarterly magazine *The Spectrum* and it is distributed to every home in town. He stated that it is a free publication and resource to get messages out to the public. Mr. Guimares stated that every vote taken at Annual Town Meeting add downstream value to everyone's property. Mr. Guimares concluded with support for the Chamber of Commerce's second annual Pembroke Day on August 19th.

VOTE ON PROPOSED BALLOT QUESTION TO SEND TO TOWN CLERK RE: MARIJUANA RETAIL ESTABLISHMENTS

Chief Wall was present before the Board with a memorandum from the BQ4 subcommittee formed by the Selectmen on November 21, 2016 consisting of the Police Chief, the Town Administrator, member of the Board of Health Gary Fine, member of the Planning Board Andrew Wandell and Selectman Furlong. Their purpose was to review the local control options outlined in Ballot Question 4, the Legalization of Marijuana, and they recommend that a ballot question be submitted for a vote at the town election prohibiting retail sales establishments in Pembroke. Mr. Thorne stated that town counsel recommends both a ballot question and a retail sales prohibition zoning article on the annual town meeting warrant. Discussion ensued; Chief Wall stated that the subcommittee's recommendation would put the issue to the voters; he stated that he feels it is in the best interests of the residents of Pembroke to prohibit retail purchase and use of marijuana, and this proposed question will not affect personal uses as allowed under the law. Mr. Trabucco inquired as to the subcommittee's evaluation of the differences between estimated annual tax revenue versus the costs to the town associated with supporting these businesses and related public safety concerns. Chief Wall stated that the costs to maintain appropriate public safety levels would offset any revenue received. Further discussion ensued; Mr. Boulter moved that the Board of Selectmen request that the Town Clerk place a question on the May 13, 2017 election ballot to read: "Shall the Town of Pembroke prohibit the operation of all types of marijuana establishments as defined in G.L. chapter 94G, section 1, including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, within the Town of Pembroke" and further to include the related zoning bylaw article, currently number article 21, on the annual town meeting warrant. Mr. Furlong seconded the motion. The vote was unanimously in favor.

NEW BUSINESS – DEPARTMENT HEAD BUDGET PRESENTATION, POLICE DEPARTMENT

Chief Wall was present before the Board to present the challenges that the Police Department will face in this budget cycle with a balanced budget for level funding in FY18.

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Chief Wall stated that this year will mark the fifth consecutive year that he has requested additional officers in his budget and the funding has not yet been available. He stated that the department responded to 14,567 calls last year, an increase of 3,500 calls in 2006 when he had the same manpower. Chief Wall stated that the town has grown significantly since the last time police officers were added, and the nature of the calls have changed. Calls received today are more involved whereby social work, outreach and drug intervention is more frequently required. The funding for additional officers cannot be performed within the current budget; there are 22.5 officers on patrol covering 119 shifts per week. Chief Wall stated that he needs to increase patrols by 3 members, or one on every shift; there is currently no time available for positive contact policing as the department is forced to be reactive at currently staffing levels. Chief Wall clarified that the School Resource Officer was not a new hire; the position was filled by the existing Safety Officer that was never backfilled. Without a Safety Officer, there is no traffic safety detail at the schools. The department needs more than the 29 officers it has to run effectively. Chief Wall stated that a town the size of Pembroke requires 36 officers, or an additional 7 officers, to run at optimal levels but he is only asking for 2 officers. The Chief described several situations of reduced manpower, including a Detective who worked additional worked on a joint task force for several months and a Sergeant who works as a Detective as needed. The Chief stated that he would like to immediately bring the staffing levels to a point where he does not need to fill a shift whereby someone calls out with overtime pay, and increase positive police contact and outreach in the community. The Chief stated that he put together a proposal and article for annual town meeting requesting the funding for two new officer positions, but understands that there is no funding in the spring. Discussions ensued on the 9 months it takes to train and perform field training hours for a new recruit. Chief Wall stated that he anticipates a Lieutenant retiring in September of 2018 and he would need to enter a new recruit into the academy after fall town meeting to have an officer ready to step up at that time. Mr. Boulter stated that 20 years ago there were 31 officers, or two more than there are today, and the department has never returned to those service levels. Further discussion ensued on calling for a civil service list for four permanent intermittent officers to develop and bench until the time that funding is appropriated, as it takes so long to get them trained properly. Mr. Trabucco inquired as to the warrant article; Chief Wall stated that he is seeking \$116,000 to hire 2 new officers July 1st. Mr. Thorne recapped this FY18 budget and how it balanced using FY16 actual revenues and free cash, but stated that the Police Fire and DPW departments have requests in excess of \$1million, and the school has additional funding needs to meet contractual obligations. Mr. Thorne stated that these are the hard decisions that need to be made with the current levy. Mr. Stone stated for clarification purposes, that if he hired two new officers in July, they would train to replace two retirees in FY18; the Chief confirmed that this is so.

7:30 ARROW PEMBROKE, LLC: CHANGE OF MANAGER ON CVAA LICENSE 00065-RS-0960 AT 300 CENTER STREET

Manager James Costello was present before the Board with his request for a change of manager at Arrow, 300 Center Street, from Dennis Dunphy to James Costello. Mr. Costello has assumed responsibility for the LLC and is the manager at the location. Mr. Stone stated that his attorney, Michael Van Dam, has submitted all required paperwork to proceed with this transaction including a change in LLC officers. Mr. Boyle moved to grant the request of the Arrow Pembroke, LLC d/b/a Arrow for a change of manager for Common Victualer All Alcohol License# 00065-RS-0960 (aka 0960 00065) exercised at the 300 Center Street, Pembroke from Dennis Dunphy to James Costello; Mr. Boulter seconded the motion. The vote was unanimously in favor.

VOTE ARTICLE FOR INCLUSION IN THE ANNUAL AND SPECIAL WITHIN THE ANNUAL TOWN MEETING WARRANT

Mr. Boyle moved to include routine articles 1-10 in the warrant; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved to include citizen's petition articles currently number 29 through 32 in the warrant; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved to table the remaining articles; Mr. Boulter seconded the motion. The vote was unanimously in favor.

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DISCUSSION AND VOTE REGARDING NEW ENVIRONMENTAL POLICY

Mr. Furlong stated that he would like to propose a way to raise resident's interaction and engagement with the Board of Selectmen by creating a secondary committee to review ideas on how to improve the town's environment submitted by residents before they come to the Board of Selectmen for implementation. Mr. Furlong moved that the Board of Selectmen adopt this environmental policy; Mr. Boyle seconded the motion. The vote was unanimously in favor.

DISCUSS METROPOLITAN PLANNING ORGANIZATIONS (MPO) IN ACCORDANCE WITH FEDERAL REGULATION 23 CFR 450.312(G) PROHIBITING OVERLAPPING MPO PLANNING BOUNDARIES

Mr. Trabucco explained that Old Colony Planning Council has advised the Town of Pembroke and others that recently the Federal Highway Administration and Federal Transit Administration notified MAPC (Metropolitan Area Planning Council) and OCPC that, while the Commonwealth allows a municipality to be a member of two RPAs, federal regulations prohibit a municipality from being a member of more than one MPO. The Planning Board Chairman, DPW Commission Chairman and DPW Director have each provided their analysis of the best interests of the town; they each have voiced their support for the Old Colony Planning Council and have cited examples of why OCPC is more advantageous than MAPC for Pembroke. Mr. Trabucco has been the town's representative for many years and concurs with their assessment. Mr. Trabucco asked what the annual cost is to remain a member of the MAPC; Mr. Thorne stated that it is \$5,000 per year. Mr. Trabucco moved that Pembroke become a member of the OCPC MPO only; Mr. Boyle seconded the motion. The vote was unanimously in favor.

VOTE TO ACCEPT THE RESIGNATION OF DIANE BEAUCHESNE FROM THE COMMUNITY PRESERVATION COMMITTEE

Mr. Boyle moved to accept the resignation of Diane Beauchesne from the role of Selectmen's Representative to the Community Preservation Committee; Mr. Boulter seconded the motion. The vote was unanimously in favor.

VOTE TO ACCEPT THE RESIGNATION OF GREG WALSH FROM THE CONSERVATION COMMISSION

Mr. Boyle moved to accept the resignation of Greg Walsh from the Conservation Commission; Mr. Boulter seconded the motion. The vote was unanimously in favor.

REQUEST FOR THE USE OF TOWN ROADS: SO. SHORE RACE MANAGEMENT FOR USA HEALTH & FITNESS 5K

Mr. Boulter moved to approve the use of the Town's roads by South Shore Race Management and USA Health & Fitness on Saturday, August 5 starting at 6:00 am on Hobomock, Standish, Lake, Plain, Valley and Forest Streets, with final approval from the Police Chief. Mr. Furlong seconded the motion. The vote was unanimously in favor.

REQUEST FOR THE USE OF TOWN ROADS: SO. SHORE RACE MANAGEMENT FOR ST. JUDE'S CHILDRENS RESEARCH 5K

Mr. Boyle moved to approve the use of the Town's roads by South Shore Race Management for a St. Jude's Children's Research fundraiser on Saturday, August 26 starting at 8:00 am on Center Street, High Street and Mountain Avenue, with final approval from the Police Chief. Mr. Boulter seconded the motion. The vote was unanimously in favor.

OLD BUSINESS

Mr. Boulter stated that water levels are very low and Brockton continues to divert; the town needs clarification of draw allowance; Mr. Thorne stated that Town Counsel has requested Brockton's water permit and will report back once obtained and reviewed.

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TOWN ADMINISTRATOR'S REPORT

Mr. Thorne stated that he has met with the Hanson Town Administrator and an agreement is close to being completed.

ASK THE SELECTMEN

Bonnie Pajick from Pleasant Street was present to suggest the town consider community composting; she stated that Boston has implemented a project whereby bins are dropped off at various locations for the collection of food waste and then retrieved. Mr. Trabucco explained that the town has community composting at the Recycling Center for tree bark, leaves and grass clippings; it is turned and aerated, and residents may go pick up the mulch for their use at no charge.

NEW BUSINESS – DEPARTMENT HEAD BUDGET PRESENTATION, FIRE DEPARTMENT

Chief Hill was present before the Board to present the challenges that the Fire Department will face in this budget cycle with a balanced budget for level funding in FY18. Chief Hill stated that he was delayed; today, he had to respond alone to two different fire report calls due to a shortage of manpower. He stated that he needs to fund half of the required salaries for new employees through his operating budget, with the remaining balance being funded through the ambulance fund. Chief Hill stated that Pembroke does not currently meet the standard for the National Fire Prevention Agency's shift requirement for a town this size. Chief Hill stated that he has six employees assigned to a shift, and Monday through Thursday that number drops to five. He stated that he can no longer run light on Monday through Thursday with the current call volume. Chief Hill stated that in 1997, the department received 2,106 calls; with the same shift size, in 2016 the department received 3,073 calls with the same number of employees on the shift. Chief Hill stated that the town has grown tremendously in the last twenty years. Discussion ensued on the use of the stabilization fund versus seeking an override. Chief Hill stated that several years ago, Chief Neenan requested eight employees to solve the current crisis and four to act as a band aid. Chief Hill concluded by stating that the situation is becoming worrisome.

Mr. Stone read the upcoming issues from the agenda.

At 8:35 pm, Mr. Boulter moved to enter executive session under M.G.L. c.30A, Sec. 21 (3) 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 regarding the Clerical/DPW/Police and Fire Unions; Mr. Stone declared it to be so, and stated that the Board would not return to open session. Mr. Boyle seconded the motion. By roll call vote: Boulter – yes, Boyle – yes, Furlong – yes, Trabucco – yes, and Stone – yes.

MATERIALS & EXHIBITS

Memorandum, R. Wall for BQ4 Committee re: Request for Ballot Question (BOS/TA Office)
Application, All Related Documents: Arrow for Change of Manager on Liquor License (BOS/TA Office)
Draft Annual Town Meeting Warrant (BOS/TA Office)
Draft Special Within the Annual Town Meeting Warrant (BOS/TA Office)
Email, Old Colony Planning Council re: MPOs (BOS/TA Office)
Email, R. Michael for D. Beauchesne re: Resignation (CPC/BOS/TA Office)
Email, G. Walsh re: Resignation (ConCom/BOS/TA Office)
2 Letters, A. Winchester, Special Use Permit Request Use of Town Roads, SS Race Mgmt (BOS/TA Office)