

**MINUTES OF THE SELECTMEN'S MEETING
AUGUST 7, 2017**

PRESENT: Willard J. Boulter, Jr. (Chairman), Matthew J. Furlong (Vice-Chairman), Lewis W. Stone (Clerk), Arthur P. Boyle, Jr. (Selectman), Daniel Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Peter Brown, Sharon McNamara, Mark McNamara, Timothy Brennan, Arthur Egerton, Richard Madden, Jurgen Keller, Mark Sotir, Bonnie Pajick, Sabrina Chilcott (Executive Assistant), and others.

At 7:00 pm Mr. Boulter opened the meeting.

PETER BROWN, TINY & SONS, PEMBROKE CHAMBER OF COMMERCE

Mr. Brown was present before the Board with updates from the Pembroke Chamber of Commerce. The Chamber is hosting an after-hours event at the Pembroke Police Boys Club tomorrow evening from 5:00 pm to 7:00 pm. He stated that the eighth annual softball game between the Chamber and the Pembroke Police and Fire Departments will be held during the Chamber of Commerce's second annual Pembroke Day on August 19th. Mr. Brown advised that the event is from 4:00 pm to 78:00 pm and described various events and booths that will be present. For further information, contact Mr. Brown at 781-826-6163.

ANNOUNCEMENT

Fall Special Town Meeting will be held on October 24, 2017 at 7:00 pm at PHS, 80 Learning Lane.

OPEN FALL TOWN MEETING WARRANT

Mr. Trabucco moved to the warrant for the fall special town meeting; Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Trabucco moved to close the warrant for fall special meeting on August 25th at 4:00 pm; Mr. Stone seconded the motion. The vote was unanimously in favor.

VOTE TO ACCEPT THE RESIGNATION OF ANDREW STEVENSON AND KARL STENSTROM

Mr. Stone moved to accept the resignation of Andrew Stevenson and Karl Stenstrom from the Conservation Commission effective immediately; Mr. Trabucco seconded the motion. Mr. Boulter stated that this should reflect regret. Mr. Boyle moved to table this item to the next meeting to afford the Town Administrator an opportunity to speak with both members to inquire as to whether they would reconsider their resignation; Mr. Stone withdrew his motion and seconded Mr. Boyle's motion. The vote was unanimously in favor.

CONSIDER THE APPOINTMENTS OF JURGEN KELLER, MARK SOTIR AND SHARON MCNAMARA TO THE CONSERVATION COMMISSION

Ms. McNamara was present to address the Board on her application for appointment. Ms. McNamara stated that she has lived on Pembroke with her family for 25 years and has remained involved throughout that time. Ms. McNamara advised that she was the secretary to Conservation many years ago, and is familiar with the public's needs, the paperwork involved and the issues that the Committee addresses. Ms. McNamara looks forward to further education regarding DEP regulations. Ms. McNamara stated that she spent many years on the Zoning Board, knows the Open Meeting Law and how to run a meeting. Mr. Boyle moved to appoint Sharon McNamara to the vacancy on the Conservation Commission, term to expire 2020. Mr. Stone seconded the motion. Mr. Trabucco spoke in support of Ms. McNamara's opening, stating that he has worked with her for many years on various committees and has fantastic skills and approach. Mr. Trabucco asked Ms. McNamara to share the challenges of balancing her profession with her volunteer work and her approach should a conflict arise. Ms. McNamara stated that she recused herself on occasion with the Zoning Board if she felt there was a perception or appearance of a possible conflict and she would do the same again. She stated that she deals primarily in new construction, and would recuse herself if necessary on Conservation. Ms. McNamara stated that she has been in business for 17 years and understands the requirements; additionally, she stated that she is too invested in Pembroke to expose the town. Mr. Furlong asked what goals she would bring to the conservation Commission; Ms. McNamara stated that she would like to see improved relationship amongst the board members and with the applicants who come before the Commission. Ms. McNamara stated that the members may need facilitation and they need to respect each

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other and the applicants who come before them. Tim Brennan told the Board that he is in attendance to share with the board that he believes there will be an issue where land use is in question. Ms. McNamara stated that many volunteers bring their expertise to their boards without incident and she has accumulated 17 years of experience balancing her work and volunteer roles.

At 7:25 pm, Richard Madden, Jurgen Keller, Mark Sotir entered the meeting.

The vote was unanimously in favor of Ms. McNamara's appointment.

Mr. Keller was present before the Board on his application for appointment, stating that he gives to the community through community gardening. He stated that he would like a place for residents to garden together as a community. Mr. Keller stated that he holds a contractor's license and understands construction, and he supports Costa Rica tree farms, where he has watched them grow trees for many years. Mr. Keller stated that he respects trees, and believes if one is removed, one needs to be replaced. Mr. Keller stated that he has his real estate license in two states, and supports farming, flowers, and agriculture in the community. Mr. Keller stated that he has been on church boards for ten years.

Mr. Sotir was present before the Board on his application for appointment, stating that he looks forward to serving the town on Conservation with the other departments, subject matter specialists, applicants and residents. Mr. Sotir would like to work with other committed board members in a team based environment serving the residents with their applications; he would like to encourage a professional exchange of facts and opinions delivered with respect and courtesy. Mr. Boulter asked if his vote would remain heartfelt and not subject to obligation to anyone else; Mr. Sotir stated that he is apolitical and, while he understands small town politics, he has no obligations or relationships that would affect his vote.

CONSIDER A VOTE TO AUTHORIZE USE OF TOWN COUNSEL: CONSERVATION COMMISSION CHAIRMAN

Mr. Boulter advised that Conservation needs assistance understanding the issues. Mr. Boulter referenced the five sets of minutes with inappropriate remarks that the Selectmen have asked the Commission to review. Mr. Thorne advised that the next two weeks will see the remaining two positions filled; once the Board has decided the future makeup of the Conservation Commission then this decision can be made. Mr. Thorne advised that he has updated town counsel on this issue.

REVIEW AND VOTE TO SEND SELECTMEN'S LETTER RE: WEBSITE MINUTES AND AGENDA POSTINGS

Mr. Stone referenced the last discussion regarding the posting of minutes to the website and presented a draft of the letter that was requested to be sent to all committee members. Consensus was achieved on sending the letter as proposed.

VOTE TO ACCEPT THE MINUTES OF JULY 24, 2017

Mr. Stone moved to accept the minutes of July 24, 2017 as written; Mr. Boyle seconded the motion. The vote was unanimously in favor.

OLD BUSINESS

On August 9, 2016, Governor Charles Baker signed An Act to Modernize Municipal Finance and Government whereby the Board of Selectmen may designate any one of its members for the purpose of approving bills or payrolls provided, however, that the member shall make available to the board, at its next meeting, a record of such actions. Mr. Furlong stated that Mr. Boulter reported that on July 27th he personally reviewed 1 payroll warrant totaling \$ 1,460.33 as prepared by the Town Accountant, and authorized the itemized expenditures for payment and on July 27th he personally reviewed 3 accounts payable warrants totaling \$1,110,837.05 and 1 payroll warrant totaling \$ 238,591.16 as prepared by the Town Accountant, and authorized the itemized expenditures for payment. Mr. Trabucco moved to accept Mr. Boulter's reports as presented and Mr. Stone seconded the motion. The vote was unanimously in favor.

Mr. Trabucco referenced the Planning Board public hearing held on a proposed Zoning By-Law article submitted in March by the Board for spring town meeting; as legislation has been written since, Mr. Trabucco questioned the wisdom of submitting the article for the fall warrant. Discussion ensued. Mr.

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Trabucco moved to withdraw the Zoning By-Law submitted by the Board of Selectmen to the spring Town Meeting warrant; Mr. Furlong seconded the motion. The vote was unanimously in favor.

Mr. Trabucco moved that the Town Administrator to send a memorandum to the Planning Board and ZBA requesting proposed dates for a less formal joint meeting and requesting their input into the forum and discussion topics. Mr. Stone seconded the motion. The vote was unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne presented the fiscal year end solid waste report. Mr. Thorne updated the Board on North River Commission presentation July 27th; Area 2 will require further discussion as it is the waterfront area toward the bridge and is covered with invasive vegetative species. Further discussion will be needed on the two choices before the town of either leaving the area as it is, or removing the invasive vegetation and planting new vegetation using a professional consultant. Mr. Thorne advised that he will file a Notice of Intent (NOI) with the Conservation Commission regarding Area 4 to hydro seed the area in the fall.

Mr. Thorne advised that the Health Agent was notified Friday by the Department of Public Health that Mass DEP conducted a test, unbeknownst to the town, in which high levels of blue green algae were reported. Mr. Thorne stated that the town was not notified, there have been no details provided of the process by which the water was tested, the impetus to conduct this testing, or the security of the chain of custody of the sampling. Mr. Thorne advised that town has submitted a public records request for this information. Mr. Thorne updated the Board to the fact that DEP has sampled the water again this morning, and Solitude Lake Management will conduct an independent test tomorrow with the goal of seeing Oldham Pond re-opened as soon as it is appropriate to do so.

Mr. Stone updated the Board on Bay State Textile Recycling reporting that shows Pembroke as the 6th highest recycler of the 70 participating towns, a figure up 51% from July of 2016 to July of 2017.

NEW BUSINESS

Mr. Trabucco informed the Board that the Recreation Commission has reached out to the Board of Selectmen, acting as the Wage and Personnel Board, stating that the DPW has notified them of the fact that they will no longer maintain the grounds at the Community Center or Town Green. Mr. Thorne further stated that the DPW notified him that they will no longer maintain the Town Hall grounds as well. Mr. Trabucco moved to invite the DPW Commissioners and DPW Director to the next meeting to explain further; Mr. Stone seconded the motion. The vote was unanimously in favor.

Mr. Furlong asked the Town Administrator to add the Federal Parental Leave Act policy to the employee handbook. Mr. Thorne stated that he will look into this further and report back.

At 8:15 pm, Mr. Stone moved to enter Executive Session under M.G.L. c.30A, Sec. 21(1) to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual; T. Ramsey; Mr. Trabucco seconded the motion. Mr. Bouter stated that the Board will not return to open session. By roll call: Mr. Boyle – yes, Mr. Stone – yes, Mr. Trabucco – yes, Mr. Furlong – yes, Boulter – yes.

MATERIALS & EXHIBITS

Emails, A. Stevenson and K. Stenstrom RE: resignation (BOS/TA Office)

Vacancy Application, M. Sotir, J. Keller, S. McNamara (ConCom/BOS/TA Office)

Draft Letter, L. Stone RE: Website Data on Agenda and Minutes Postings by Boards (BOS/TA Office)

Email, K. Smith RE: Road Race Request October 22 (BOS/TA Office)

Draft Minutes of July 24, 2017 (BOS/TA Office)

Record of Approved Bills & Payrolls, W. Boulter 7/27/2017 and 8/2/2017 (BOS/TA Office)

Memorandum, Report E. Thorne RE: FY17 YE Solid Waste Tonnage (BOS/TA Office)