

**MINUTES OF THE SELECT BOARD MEETING
NOVEMBER 18, 2020
HYBRID IN-PERSON MEETING, ALSO HOSTED BY PACTV ON ZOOM PLATFORM**

PRESENT: John G. Brown, Jr. (Clerk), Tracy Marino (Selectman), Linda Peterson (Advisory Committee), Sabrina Chilcott (Assistant Town Manager)
Video: Daniel Trabucco (Chairman), Jessica M. Rushing (Vice Chairman), Rebecca Coletta (Selectman), William Chenard (Town Manager), Daniel Taylor (Planning Board), Kenneth McCormick (Interim Fire Chief), Scott Owens, Tim Porelle

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.

DANIEL TAYLOR: JOINT APPOINTMENTS OF INTERIM PLANNING BOARD MEMBERS HEATHER TREMBLAY AND STEPHAN ROUNDTREE

Mr. Taylor was present before the board to advise that the Planning Board has screened candidates and conducted interviews of the interested persons that applied for two six-month interim vacancies on the board. They voted to appoint Heather Tremblay, 24 Wildwood Road to the role vacated when Tom Irving resigned and Stephan Roundtree of 55 Forest Street to the role vacated when Ms. Coletta resigned. Mr. Taylor moved the interim appointment of Heather Tremblay for a term from November 18, 2020 to the first available local election, May 15, 2021. Mr. Trabucco seconded the motion. The vote by roll call: By roll call vote: 5/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes. Mr. Taylor moved the interim appointment of Stephan Roundtree for a term from November 18, 2020 to the first available local election, May 15, 2021. Mr. Trabucco seconded the motion. By roll call vote: 5/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

LINDA PETERSON: JOINT APPOINTMENT OF ADVISORY COMMITTEE MEMBER

Ms. Peterson was present before the board to advise that the Advisory Committee conducted interviews of interested persons for appointment to their vacancy and the have voted to recommend the appointment of Robert Kenney of 20 Taylor Point Road. Ms. Peterson moved to appoint Robert Kenney to the vacant term which expires in 2021; Mr. Trabucco seconded the motion. By roll call vote: 5/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

SCOTT OWENS, FIRST AMERICAN LAW GROUP ON BEHALF OF FIRST AMERICAN TITLE INSURANCE: REQUEST FOR CERTIFICATE OF COMPLIANCE

Scott Owens was present before the board representing First American Law Group on behalf of First American Title Insurance with a request for vote to authorize the issuance of a Certificate of Compliance on 40B property 29 Jessica Circle, Unit #36. Mr. Owens advised that the board voted to assign the town's Right of First Refusal to CHAPA to find an eligible buyer for this 40B

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constructed/deed restricted unit on April 5, 2010. Mr. Owens stated that CHAPA provided written background on that process and the events that occurred on July 15, 2020. In summary, an eligible buyer was approved for purchase on June 28, 2010; however, shortly thereafter it was discovered that the owner (Ann Marie Walker) had an ineligible second mortgage, causing the sale to fall through. MassHousing then foreclosed on the property and took ownership on August 20, 2010. The deed rider for 29 Jessica Circle allows a foreclosure by an eligible mortgage holder to extinguish the deed rider. Mr. Chenard advised the board that town counsel has provided a recommendation that the board vote to issue a Compliance Certificate. Ms. Rushing moved that the board vote to authorize a Certificate of Compliance for 29 Jessica Circle, Unit #36. Mr. Brown seconded the motion. By roll call vote: 5/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

VOTE TO ACCEPT RESIGNATION OF MATTHEW MURPHY FROM RECYCLING COMMITTEE

Mr. Brown moved to accept the resignation of Matthew Murphy from the Recycling Committee with regret. Ms. Marino seconded the motion. By roll call vote: 5/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

VOTE RECOMMENDATION OF AFFORDABLE HOUSING COMMITTEE: APPOINT JANE FORD OF 18 LILAH LANE

Ms. Marino moved to appoint Jane Ford of 18 Lilah Lane to the Pembroke Affordable Housing Committee; Mr. Brown seconded the motion. By roll call vote: 5/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

CONSIDER VOTE TO RENEW ELIGIBLE CLASS I AND CLASS II LICENSES FOR 2021

Mr. Trabucco advised that the eligible auto dealer's licenses for renewal are listed on the public agenda and the vote will be subject to the approval of the Building Inspector and Treasurer. Ms. Rushing moved to approve the renewal of the eligible Class I new auto dealer's license. Mr. Brown seconded the motion. By roll call vote: 5/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes. Ms. Marino moved to approve the renewal of the eligible Class II used auto dealer's licenses subject to the approval of the Building Inspector and Treasurer; Mr. Brown seconded the motion. By roll call vote: 5/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

CONSIDER A VOTE TO RENEW ELIGIBLE PRECIOUS METALS LICENSES FOR 2021

Ms. Rushing moved to approve the renewal of the eligible Precious Metal dealer's licenses subject to the approval of the Treasurer; Mr. Brown seconded the motion. By roll call vote: 5/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

VOTE TO ACCEPT MINUTES OF NOVEMBER 4, 2020

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

At 7:30 pm, Ms. Rushing moved to enter executive Session under M.G.L. c.30A, Sec. 21(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements; Health Insurance Portability and Accountability Act (HIPAA), Pub. L. 104-191, 110

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Stat. 1936 for consideration of a vote of Ambulance Fund abatements. Mr. Brown seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining. At 7:48 pm, Ms. Rushing moved to re-enter public session; Ms. Marino seconded the motion. By roll call vote: 5/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

AMBULANCE FEE ABATEMENT

Ms. Rushing moved to affirm the vote taken in executive session to abate \$172,734.70 from the ambulance billing account for fiscal years 2016, 2018, 2019 and 2020 as listed. Mr. Brown seconded the motion. By roll call vote: 5/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

TOWN MANAGER'S REPORT

COVID Updates

Mr. Chenard stated that November date has shown 432 cases, slightly lower than the high recorded in October, and reiterated that the Commonwealth's Travel Policy has four states through which residents can travel without filing the mandatory state disclosure form; residents and employees should be aware that failing to file a disclosure could subject the traveler to fines levied by the state. On return from a state not on the exempt list, the traveler must quarantine for fourteen days or produce a negative test result. Pembroke Town Hall will be closed on Friday, November 26th and will reopen by appointment only on Monday, November 30th. Staff will continue to work normal hours and provide normal services. Mr. Trabucco stated that meetings will go fully remote until after the holidays.

Recycling Update

Mr. Chenard advised that the town's annual recycling audit is underway, and the town's website link to South Shore Cooperative's Recycling How To page, exploring in more detail what can and cannot be recycled at the curb. Mr. Chenard advised that Simple Recycling curbside textile recycling program diverted 2,647 pounds of textiles from the waste stream in the month of October.

CAROLYN MURRAY, KP LAW, PC: DISCUSSION REGARDING BOARD'S PUBLIC COMMENT POLICY LANGUAGE

Mr. Chenard stated that the board has been debating public comment policy questions and town counsel has been invited to attend to clarify issues raised. Ms. Murray stated that she has reviewed the draft of the policy before the board and recommended some modifications including language that, as general policy, the board will not address items if not posted on an agenda as the Board is not obligated to do so; however, if urgent matter must be attended, the board may choose to address them. Also recommended is an addition to the policy to make clear that the meeting is not the forum to being forward staff complaints that should be directed to the Town Manager. Discussion ensued. Ms. Murray suggested changing the reference in number 2 from "confined to" to "dedicated to". Notes taken by the working group during this discussion will be forwarded to town counsel to draft a policy for a vote at an upcoming meeting. Discussion ensued on drafting town meeting article(s) replacing the Board of Selectmen moniker with the title of Select Board in accordance with H4607. Ms. Murray stated that the passage of the Town Manager Act resulted in the name change to Select Board.

At 9:00 pm, Mr. Trabucco read the upcoming issues from the agenda. Ms. Rushing 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.

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MATERIALS & EXHIBITS

Vacancy Applications: H. Tremblay and S. Roundtree (PB/TM Office)

Vacancy Application: R. Kenney (AdCom/TM Office)

Email, S. Owens First American Law Group, RE: 29 Jessica Circle, Unit #36 (TM Office)

Email, T. Porelle with CHAPA history RE: 29 Jessica Circle, Unit #36 (TM Office)

Email, M. Murphy (TM Office)

Vacancy Application: J. Ford for Affordable Housing Committee (TM Office)

Letter, K. McCormick RE: Ambulance Fee Abatement Request (Fire/TM Office)

Draft Public Comment Policy from KP Law (TM Office)

Draft Public Comment Policy, J. Brown and T. Marino (TM Office)

Draft Minutes of November 4, 2020 (BOS/TM Office)