

**MINUTES OF THE SELECT BOARD MEETING
JANUARY 12, 2022
REMOTE MEETING HOSTED BY PACTV ON ZOOM WEBINAR PLATFORM**

PRESENT: Jessica Rushing (Chairwoman), John G. Brown, Jr. (Vice-Chairman), Rebecca Coletta (Clerk), Daniel W. Trabucco (Selectman), Tracy Marino (Selectwoman), William Chenard (Town Manager), Erminio Lima, Samantha McGibbon, Sabrina Chilcott (Ass. Town Manager), and others.

At 7:00 pm Ms. Rushing opened the meeting and advised that Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted via remote means. Members of the public who wish to access the meeting may do so in the following manner: This meeting can be viewed live via PACTV at <https://www.pactv.org/pactv/towns/pembroke> then select “Pembroke YouTube Streaming Channel”. To log in to the meeting to participate, use the web-based version of zoom and register to receive an email link to join the webinar at the website address listed above. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, for reasons of economic hardship and despite best efforts, we will post on the Pembroke website an audio or video recording, transcript or other comprehensive record of proceedings as soon as possible after the meeting. All votes taken will be roll call votes.

7:00 COMMON VICTUALER’S LICENSE APPLICATION: ERMINIO LIMA, SOUTH SHORE MARKET AND DELI, LLC 256 CHURCH STREET

Mr. Lima was present before the Board regarding his application for a Common Victualer’s license under MGL c140 §6 to be exercised at 256 Church Street under the name of South Shore Market and Deli, LLC. Mr. Lima is representing the South Shore Market and Deli, LLC of 280 Main Street in Kingston; they are opening a retail/grocery store and requesting to prepare and serve food to the public at the deli from 10:00 am to 9:00 pm Monday through Sunday. They have received a vote of approval for the project and the change of use from the Planning Board, is awaiting his Certificate of Occupancy from the Building Inspector and Fire Chief and has scheduled his health inspection. They have received food permits, submitted his required certification to the Board of Health and have filed a business certificate with the Town Clerk Margaret Struzik. Ms. Coletta moved approve the application for Common Victualer’s license CV-81 to South Shore Market and Deli, LLC at 256 Church Street pending approval of the Building Inspector and Health Agent. Ms. Marino seconded the motion. The vote was 5/0 8in favor by roll call vote.

DISCUSSION REGARDING POSSIBLE MOVING OF SELECT BOARD MEETINGS TO TUESDAY EVENINGS

Mr. Brown stated that this item must be tabled as other Board members have scheduling conflicts, but he would like to revisit the option at a later date. Mr. Trabucco mentioned the idea of polling the board to determine best availability.

VOTE SELECT BOARD 2022 CALENDAR OF MEETINGS AND ACTIVITIES

Ms. Rushing presented the calendar of meetings and events as recommended by the Town Manager’s office after reviewing historic actions required and recommended observance dates. Mr. Brown moved to accept the 2022 Select board calendar; Ms. Coletta seconded the motion. The vote was 5/0 in favor by roll call vote.

7:15 COMMON VICTUALER’S LICENSE APPLICATION: SAMANTHA MCGIBBON, MIX-IT NUTRITION, 345 WASHINGTON ST UNIT 3A

Ms. McGibbon was present before the Board on her application for a Common Victualer’s license under MGL c140 §6 to be exercised at 345 Washington Street, Unit 3A under the name of Mix-it Nutrition. Ms. McGibbon is representing Mix-it Nutrition of 7 Royal Dane Drive #57 in Marshfield and has opened a smoothie shop and requesting to prepare and serve food to the public on Sunday from 9:00 am to 1:00 pm and Monday through Friday from 7:00 am to 3:00 pm. They are not changing the use or the footprint/interior; this is an existing smoothie shop and, as such, no Planning or Zoning requirement exists. They have scheduled the health inspection and has received food permits and submitted required certification to the

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Board of Health and have filed a business certificate with the Town Clerk Margaret Struzik. Ms. Marino moved to approve the application for Common Victualer’s license CV-82 to Mix-it Nutrition at 345 Washington Street, Unit 3A pending approval of the Health Agent. Mr. Brown seconded the motion. The vote was 5/0 in favor by roll call.

VOTE TO DECLARE HERRING FISHERIES SEAT VACANT IN ACCORDANCE WITH TOWN BYLAWS - RICHARD MADDEN

Herring Superintendent Bill Boulter has requested that the Select Board vote to remove Richard Madden from his seat on the Herring Fisheries Commission because of missing four consecutive meetings with no response or communication, a year’s worth of meetings. This is a violation of the General Bylaws of the Town of Pembroke, Article IV Officers, Boards and Committees, “SECTION 7. If an appointed member of a Town board or committee misses more than three (3) consecutive meetings without a good cause, the member may be removed from the position by a vote of the Board of Selectmen or for cause after a hearing and a vote of the Board of Selectmen. The provisions of this section must yield to any contrary provisions of the town’s charter or of state law that establishes the appointing authority for certain boards and commissions.” Mr. Chenard advised that his office notified Mr. Madden of this fact and requested that he respond as to his membership status, asking if he would like to remain on the Commission and attend the scheduled meetings but required an accommodation, and offered to discuss accommodations with no response. Mr. Madden was advised that if he disregarded the notice, pursuant to G.L. c. 40, section 8C and Article IV, Section 7 of the Town’s General Bylaws, the Select Board would schedule a discussion and vote to remove him from his position on the Herring Fisheries Commission in January. No hearing is required. Ms. Marino moved to remove Richard Madden from Herring Fisheries Commission and declare a vacancy, term to expire 2022. Mr. Trabucco seconded the motion. The vote was 5/0 in favor by roll call vote.

ACCEPT RESIGNATION OF GINO FELLINI FROM HERRING FISHERIES COMMISSIONS; APPOINT DAVID CLAUSS JR. TO ALTERNATE VACANCY AND APPOINT ALTERNATE CHRISTOS KAPOUTAS TO MEMBER VACANCY

Ms. Coletta moved to accept the resignation of Gino Fellini from the Herring Fisheries Commission and move to appoint current alternate Christos Kapoutas to this vacancy, term to expire 2024 and move to appoint David Clauss, Jr. to this alternate vacancy, term to expire 2024. Ms. Marino seconded the motion. The vote was 5/0 in favor by roll call vote.

DISCUSSION OF RECALL PROCEDURE IN PEMBROKE

Mr. Chenard advised that in 1983 the legislature passed Chapter 356 of the Acts of 1983, a recall procedure for the town of Pembroke petitioned by the town of Pembroke at a town meeting then a town ballot. The procedures include an affidavit to recall filed with the Town Clerk including 150 signatures from voters with the name of the person being recalled and the grounds for that recall. Once the signatures are certified, the Town Clerk would put in place a petition for recall with the 150 original petitioners needing to get signatures from 20% of registered voters in town to sign the petition. If this petition is returned to the Clerk, then the signatures would be certified by the Registrars and submitted to the Select Board to call for a recall election which must occur between twenty-five and thirty-five days from that certification unless our annual town election is 90 days or less away, then the recall would defer to the annual town election. The ballot would have two questions or more if at the annual town election. The first question would be for or against the recall of the named official, and the second question would be to choose from a slate of candidates. The person who is up for recall will be placed automatically on the ballot; others would go through the standard nomination paper process to be placed on the ballot. The final requirement is that the election must achieve forty (40%) percent of registered voter turnout to be a successful recall. Discussion ensued on recall provisions and how they compare to other towns. Further discussion ensued on defining grounds for same. Consensus was achieved with the recall provisions as they stand, but residents are always welcome to submit a citizens petition article. Mr. Trabucco recommended tabling the item until in-person meetings resume so that the advocate of this item can explain their concerns; however, he would not be inclined to vote for a change. Ms. Rushing stated that the process is unclear. Mr. Chenard stated he will get more information from town counsel and report back.

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VOTE TO ACCEPT THE MINUTES OF DECEMBER 8, 2021

Ms. Marino moved to accept the minutes of December 8, 2021; Ms. Coletta seconded the motion. The vote was 5/0 in favor by roll call.

TOWN MANAGER'S REPORT

COVID Update

Mr. Chenard advised that several staff members at Town Hall are now out with COVID, requiring a change in how service is delivered to on-line or by appointment in-person service and mandatory mask wearing in town buildings. Mr. Chenard stated that 595 individuals have become fully vaccinated since the last meeting, or 13,129 residents over the age of five or 70% of residents, and 31% of residents have received a booster. Mr. Chenard stated that cases continue to remain high, and boosters remain vital. Further discussion ensued on current conditions, changes to CDC recommendations adopted by the Commonwealth and testing. The annual MMA has been changed to a virtual setting. The Lage house on the property was demolished as intended and planning for the parcel continues.

At 8:10 pm, Ms. Rushing read the upcoming issues from the agenda. Ms. Marino moved to adjourn; Ms. Coletta seconded the motion. The vote was 5/0 in favor by roll call vote.

MATERIALS & EXHIBITS

Common Vic License Application and Addendum, South Shore Market & Deli (TM Office)

Common Vic License Application and Addendum, Mix-it Nutrition (TM Office)

2022 Draft Calendar of Meetings and Events

1983 Town Meeting Vote, Chapter 356 of the Acts of 1983, 1984 Ballot Vote (T. Clerk/TM Office)

Emails from G.Fellini/D.Clauss/W. Boulter RE: Herring Fisheries Resignation/Appointment (TM Office)

Draft Minutes December 8, 2021 (TM Office)