

**MINUTES OF THE SELECT BOARD MEETING
MAY 19, 2021
REMOTE MEETING HOSTED BY PACTV ON ZOOM PLATFORM**

PRESENT: **Panelists:** Daniel Trabucco (Chairman), Jessica M. Rushing (Vice Chairwoman), John G. Brown, Jr. (Clerk), Rebecca Coletta (Selectwoman), Tracy Marino (Selectwoman), William Chenard (Town Manager), Stephen Dodge (Moderator), Linda Peterson (Advisory Committee Chairwoman), Kerri Goodwin, James Burke, Joan Wilson, Elaine Bulger
Attendees: Sabrina Chilcott (Assistant Town Manager)

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, §18-20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Pembroke Select Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can view this meeting while in progress on Comcast Government Access channel 15, and for those without cable, via livestream at: <https://www.pactv.org/pactv/towns/pembroke>. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the meeting designated for public comment, by registering to login to this webinar at <https://www.pembroke-ma.gov/select-board/meetings>. While no in-person attendance of members of the public will be permitted, 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, 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 KERRI GOODWIN OF JJ'S SUNDAE EXPRESS: APPLICATION, PERMIT TO ENGAGE IN ICE CREAM TRUCK VENDING

Ms. Rushing moved to approve the application of Kerri Goodwin of JJ's Sundae Express for #IC-02-21 to Engage in Ice Cream Truck Vending and operate an ice cream truck throughout the Town Monday through Saturday from 9:00 am to dusk and on Sunday from 11:00 am to dusk for a period of one year pending inspection by the Board of Health Agent. Ms. Marino seconded the motion. By roll call vote: Mr. Brown – yes; Ms. Coletta – yes; Ms. Marino – yes; Ms. Rushing – yes; Mr. Trabucco – yes.

VOTE TO AUTHORIZE FIRE CHIEF DEPUTY POSITION

Mr. Chenard reviewed data presented by the Chief in his detailed report of departmental operations on March 17; discussion ensued on the likelihood of internal candidates and possible promotions that might lead to needing to hire a new firefighter as well. Ms. Rushing moved to authorize the new Deputy Fire Chief position as described. Ms. Marino seconded the motion. By roll call vote: Mr. Brown – yes; Ms. Coletta – yes; Ms. Marino – yes; Ms. Rushing – yes; Mr. Trabucco – yes.

CONSIDER RESIDENT'S REQUEST FOR WAIVER: LIVE BAND AT 183 QUEENSBROOK RD ON JULY 24, 2021 FROM 3PM-10PM

Ms. Bulger was present before the Board to advise that she is hosting a DJ for her family and friends for a backyard celebration; she has invited her neighbors as well. Ms. Coletta moved to approve the request for a waiver by Elaine Bulger for a DJ at 183 Queensbrook Road on July 24, 2021 from 3pm-10pm with the requirement that this information be forwarded to the Police

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Department and be subject to any restrictions that the Police Department would find appropriate. Ms. Rushing seconded the motion. By roll call vote: Mr. Brown – yes; Ms. Coletta – yes; Ms. Marino – yes; Ms. Rushing – yes; Mr. Trabucco – yes.

DISCUSSION, POSSIBLE VOTE REGARDING A RETURN TO IN-PERSON MEETINGS

Mr. Chenard advised that the Governor first removed the mask requirement for youth and amateur sports for those under age eighteen and played outdoors on May 18th, with the removal of all youth and amateur sports restrictions effective May 29th. The Governor has rescinded the face covering order for all those who have been vaccinated effective May 29th with the exception for transportation modes and venues and health care facilities and has ended COVID restrictions and capacity limits as of May 29th. Effective June 15th when the State of Emergency is lifted, all municipal government public meetings will no longer be remote and must be in person unless additional legislation is passed to extend that deadline. Discussion ensued on remote participation by residents and members of the public. Mr. Brown moved to authorize public participation remotely by telephone or other electronic means permitted under the law. Ms. Marino seconded the motion. By roll call vote: Mr. Brown – yes; Ms. Coletta – yes; Ms. Marino – yes; Ms. Rushing – yes; Mr. Trabucco – yes. Mr. Chenard advised that the School Committee and Recreation Commission meet on Tuesdays, and recommended that the Select Board continue to meet on Wednesdays for now until the conclusion of the River Marsh hearings which are also held on Tuesdays.

7:30 PUBLIC HEARING: VIVO PAZZA, INC. D/B/A OSTERIA VIVO, JOAN WILSON MANAGER: CVAA LIQUOR TRANSFER AT 254 CHURCH ST, UNIT 7 FROM OYSTER'S BAR AND GRILLE

At 7:46 pm, Mr. Trabucco opened the public hearing on the application of Vivo Pazza, Inc. d/b/a Osterio Vivo Restaurant, Joan Wilson, Manager, for a Transfer of the Common Victualer's All Alcohol Beverages License 00041-RS-0960 currently exercised at 254 Church Street, Unit #7; the premises consists of one floor with the kitchen in the rear, a bar and a dining room. Ms. Wilson was present before the Board to advise that she and husband James Burke are taking over Oyster's Restaurant and turning it into an Italian restaurant. Mr. Trabucco asked if anyone was present to speak in favor of the application; there were none. Mr. Trabucco asked if anyone was present to speak in opposition of the application; there were none. Ms. Rushing moved to approve the application of Vivo Pazza, Inc. d/b/a Osterio Vivo Restaurant, Joan Wilson, Manager, for a Transfer of the Common Victualer's All Alcohol Beverages License 00041-RS-0960 currently exercised at 254 Church Street, Unit #7, Pembroke, MA; premises consists of one floor with the kitchen in the rear, a bar and a dining room, and transfer the Common Victualer's license CV-53 as described. Mr. Brown seconded the motion. By roll call vote: Mr. Brown – yes; Ms. Coletta – yes; Ms. Marino – yes; Ms. Rushing – yes; Mr. Trabucco – yes.

7:40 PUBLIC HEARING: REDUCTION OF QUORUM TO BEGIN TOWN MEETING TO BE HELD JUNE 22, 2021

Mr. Trabucco opened the public hearing of the Pembroke Select Board in conjunction with the Pembroke Town Moderator to consider and vote on a proposal to adjust the Pembroke Town Meeting quorum requirements under Session Laws of 2020, Chapter 92 An Act Relative to Municipal Governance During the COVID-19 Emergency, Section 7 (amended by H.4777 and Chapter 5 of the Acts of 2021). Mr. Chenard stated that he has spoken with the Moderator and the recommendation before the Board is to reduce the quorum to open the meeting to 50% or 75 registered voters to enable the town to star the meeting on time and minimize the time that this large

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group will congregate to do the business of the town. Mr. Dodge stated that it is everyone's desire to have a robust number of participants attend town meeting and this measure is hopefully unnecessary. Ms. Coletta moved that, to the extent legally permitted under special legislation and executive orders related to the COVID-19 pandemic, that the Board vote to reduce the required minimum quorum for the town meeting, annual and special, to 50% or seventy-five people. Ms. Rushing seconded the motion. By roll call vote: Mr. Brown – yes; Ms. Coletta – yes; Ms. Marino – yes; Ms. Rushing – yes; Mr. Trabucco – yes.

REVIEW REMAINING WARRANT ARTICLES FOR VOTE OF RECOMMENDATIONS

Mr. Chenard reviewed remaining articles five, twelve, twenty-four and twenty-six. Mr. Chenard provided additional information on items included in the capital budget with new figures incorporated for obtaining Route 36 easements. Ms. Marino moved to recommend favorable action on article five; Mr. Brown seconded the motion. By roll call vote: Mr. Brown – yes; Ms. Coletta – yes; Ms. Marino – yes; Ms. Rushing – yes; Mr. Trabucco – yes. Mr. Chenard advised that article twelve is not ready and not likely to be ready; discussion ensued on withdrawing the article versus taking no action. Ms. Coletta moved to withdraw article twelve from the town meeting warrant. Ms. Rushing seconded the motion. By roll call vote: Mr. Brown – yes; Ms. Coletta – yes; Ms. Marino – yes; Ms. Rushing – yes; Mr. Trabucco – yes. Mr. Chenard advised that Planning Board is working on final language for article twenty-four regarding kennels and dog daycare operations but there is no further time to consider a recommendation once they finalize the article; he recommended a town meeting floor recommendation for the warrant and debating the final changes before town meeting. Mr. Chenard stated that he is working with the Library Director to address items raised in article twenty-six and he recommends a town meeting recommendation from the board, but the goal is to see the article withdrawn and addressed elsewhere. Ms. Rushing moved on both articles twenty-four and twenty-six to recommend town meeting floor; Ms. Marino seconded the motion. By roll call vote: Mr. Brown – yes; Ms. Coletta – yes; Ms. Marino – yes; Ms. Rushing – yes; Mr. Trabucco – yes. Ms. Rushing moved to sign the warrants on June 7 to post on June 8; Ms. Marino seconded the motion. By roll call vote: Mr. Brown – yes; Ms. Coletta – yes; Ms. Marino – yes; Ms. Rushing – yes; Mr. Trabucco – yes.

VOTE MINUTES OF APRIL 14, 2021 AND MAY 5, 2021

Ms. Marino moved to accept the minutes of April 14, 2021 and May 5, 2021; Ms. Rushing seconded the motion. By roll call vote: 5/0: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

TOWN MANAGER'S REPORT

COVID-19 Update

Mr. Chenard advised that COVID-19 cases are continuing to trend down in town and across the state; if they continue to do so, the town will stop reporting at the end of June. In April Pembroke averaged under five cases per day and in May under three cases per day.

Community Comment

Photographs posted to Facebook of trees graffitied with inappropriate subject matter were raised; Mr. Chenard will research with DPW Tree Division and resolve. Ms. Marino marked the sad passing of resident Kathy Church.

Mr. Brown submitted an update from the Council on Aging Board's meeting this evening. Included in the written update: 4,335 Meals on Wheels were delivered from January to April; programs will

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return to normal scheduling next week; the new van is being used for off hours transportation and tickets for a swing into summer event on July 9th will have tickets go on sale for \$7 on June 9th. The CoA COVID response efforts resulted in identifying 5,470 residents of age 60, obtaining vaccinations for 400 seniors after making and receiving 8,276 calls. A full time Outreach Coordinator has been approved and interviews are ongoing.

At 8:35 pm, Mr. Trabucco read the upcoming issues. Ms. Marino moved to adjourn; Ms. Coletta seconded the motion. By roll call vote: 5/0: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

MATERIALS & EXHIBITS

Permit to Operate an Ice Cream Truck (TM Office)

Email, E. Bulger RE: Live Music Backyard (TM Office)

Application, Addenda CVAA Transfer 254 Church St, J. Burke & J. Wilson (TM Office)

Minutes of the Meetings of April 14, 2021 and May 5, 2021 (TM Office)

PowerPoint Presentations, W. Chenard (TM Office)

Draft 2021 Annual Town Meeting Warrant (TM Office)

CoA Director's Report, G. Emmetts (CoA/TM Office)