

**MINUTES OF THE SELECT BOARD MEETING
APRIL 6, 2022**

PRESENT: Jessica Rushing (Chairwoman), John G. Brown, Jr. (Vice-Chairman), Rebecca Coletta (Clerk), Tracy Marino (Selectwoman), Daniel W. Trabucco (Selectman), William Chenard (Town Manager), Erin Obey (School Superintendent), Michael Tropeano, Susan Bollinger, Linda Peterson, Karyn Rainer, Stephen Curley, Meghan Watts, Alysha Siciliano-Perry, Donald Bryant, Matthew Heins, Steve Ciciotti, Dana Bean, Arthur Egerton, and others.

At 7:00 pm Ms. Rushing opened the meeting with the Chairman's statement.

SCHOOL DEPARTMENT – BUDGET PRESENTATION

Mr. Tropeano advised that the Town and School have arrived at a budget appropriation of \$36,615, an increase of \$1.1m or 3.14%. Challenges facing the PPS include \$190,000 in increased special education requirements, a kindergarten bubble that has added another section and changes made to reading and other specialists required to combat COVID education impacts, some of which will be covered under or reimbursable using ESSER funds. Mr. Tropeano stated that the learning loss solutions under consideration will require three to five years to be effective. Additional budgetary impacts include settled collective bargaining agreements and Pathways program funding, a vocational education supplement in the form of job skills for the twenty first century. Discussion ensued on vocational ed opportunities and challenges. Ms. Obey stated that approximately thirty-four rising eighth grades enter vocational or agricultural programs annually. Ms. Obey also stated that the indicators of interest in vocational offerings is rising quickly. Mr. Tropeano clarified that the Pathways program is not replacing hardline vocational ed but will focus on technological and related trade alternatives. Discussion ensued on agricultural ed opportunities and challenges. Out of district placement transportation continues to be a challenge. Discussion ensued on ESSER funds, with Mr. Tropeano stating that they are currently working within the construct of the demands required in ESSER'S 1, 2 and 3 right now. Further discussion ensued on items covered by each category. A review of actions taken during COVID was reviewed. Therapeutic resource rooms provide space for educational instruction for students who have behavioral issue needs and the Compass Program at the PHS for students returning to the building after a prolonged absence so the student may catch up on work and get back on task. Final issue is the remaining budget gap of \$78,400; Mr. Chenard stated that he is working with Ms. Obey to close that gap, including the possibility of the potential increase in Chapter 70 funding.

**7:30 PUBLIC HEARING – CONTINUE TO MAY 4, 2022 WITH NO OTHER ACTION TAKEN
W. SCOTT OSBORNE D/B/A IMPACT AUTO SALES: CLASS II LICENSE TRANSFER FROM
105 MATTAKEESETT ST TO 328 MATTAKEESETT ST, CII-37**

Ms. Coletta moved to open the public hearing on the application of W. Scott Osborne d/b/a Impact Auto sales: Class II license transfer from 105 Mattakeesett St to 328 Mattakeesett St, CII-37 and immediately continue the public hearing to May 4, 2022 at 7:30 pm. Ms. Marino seconded the motion. The vote was unanimously in favor.

**RECYCLING COMMITTEE, KARYN RAINER: COMMITTEE'S REPORT REGARDING
PROPOSED DUAL STREAM CHANGE**

Chair Karyn Rainer and members Steve Curley and Meghan Watts were present from the Recycling Committee to present their report of findings on a request of the Board to evaluate the pros and cons of dual stream curbside recycling versus the town's current single stream operations. After a detailed analysis of the two processes and the costs associated with each, the Committee's recommendation is to stay with single stream curbside recycling and increase education to residents about successful recycling methods to reduce or eliminate contaminants in the stream. The Committee has focused their efforts on education and have seen a significant decline in contaminants. In 2018, the town saw a contamination rate of 13.7%, in 2019 it rose to 25.9% and in 2020 the rate has declined to 12.3%. Mr. Chenard confirmed that the cost savings by reducing contamination saved over \$70,000. Mr. Brown moved to accept the report; Ms. Marino seconded the motion. The vote was unanimously in favor.

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PLANNING BOARD BRIEFING: NEW STATE LAW REQUIRING MBTA (ADJACENT) COMMUNITIES TO AMEND ZONING BYLAWS TO ALLOW FOR DENSER MULTIFAMILY HOUSING

Planning Board Chair Alysha Siciliano-Perry was present to brief the Board on new legislation enacted as part of the economic development bill in January of 2021, new section 3A of M.G.L. c.40A (the Zoning Act) requiring that an MBTA community (Pembroke is an MBTA adjacent community) shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute. <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter358>. Ms. Perry advised that the initial steps required include holding a Briefing of the Select Board on the Draft Compliance Guidelines no later than May 2, 2022, and attest to that on the MBTA Community Information Form. The requirement for the zone is to allow for by right building of 15 units per acre in 50 acres, or 750 units with no age restrictions, no occupant limits to allow for maximum commuter and family opportunity. Discussion ensued regarding challenges and opportunities of creating the zone, as well as the current by right building opportunities afforded in Industrial A and B. Further discussion ensued on affordable housing standards and the circumstances related to the town.

DISCUSSION, CITIZEN'S PETITION ARTICLE TO REQUEST LEGISLATURE CHANGE RECALL OF ELECTED OFFICIALS

Petitioner Don Bryant was present before the Board to review the current requirements for recall of a public official in Pembroke. Mr. Bryant stated that he is withdrawing the article and would like to have further discussions on this before it is resubmitted.

VOTE TO ACCEPT MINUTES OF MARCH 9, 2022, AND MARCH 23, 2022

Ms. Coletta moved to accept the minutes of March 9, 2022, and March 23, 2022; Ms. Marino seconded the motion. The vote was unanimously in favor.

VOTE TO ADOPT PEMBROKE MUNICIPAL VULNERABILITY PREPAREDNESS AND HAZARD MITIGATION PLAN

This evening the Board is being asked to vote support to submit the Town's Municipal Vulnerability Preparedness & Hazard Mitigation Plan. Mr. Chenard thanked the Board and the public for participating in this process and stated that the Plan is robust and ready for filing. Ms. Coletta read the resolution into the record. "A RESOLUTION OF THE TOWN OF PEMBROKE ADOPTING THE PEMBROKE MUNICIPAL VULNERABILITY PREPAREDNESS AND HAZARD MITIGATION PLAN, WHEREAS the Pembroke Select Board recognizes the threat that natural hazards pose to people and property within Pembroke; and WHEREAS Pembroke has prepared a multi-hazard mitigation plan, hereby known as the Pembroke Municipal Vulnerability Preparedness and Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000; and WHEREAS the Pembroke Municipal Vulnerability Preparedness and Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long term risk to people and property in Pembroke from the impacts of future hazards and disasters; and WHEREAS adoption by the Select Board demonstrates their commitment to the hazard mitigation and achieving the goals outlined in the Pembroke Municipal Vulnerability Preparedness and Hazard Mitigation Plan. NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF PEMBROKE, MASSACHUSETTS THAT: Section 1. In accordance with the Bylaws of the Town of Pembroke, the Pembroke Select Board adopts the Pembroke Municipal Vulnerability Preparedness and Hazard Mitigation Plan." Ms. Coletta moved to adopt this resolution; Ms. Marino seconded the motion. The vote was unanimously in favor.

REVIEW AND VOTE RECOMMENDATION ON ALL REMAINING ARTICLES

Mr. Chenard presented article 1, Wage & Classification Bylaw includes a cost of living increase for non-union personnel of 1.5% for FY23. Mr. Chenard advised that stipends were added to address the vacancy that

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resulted when the Library Director retired, leaving the work of Communications Officer on website and social media platforms to be done by the Town Manager and Board's staff. Going forward the plan is to develop a team to have the responsibility and be compensated accordingly. There is market growth reflected in the Town Manager's salary and the contractual increases for department heads are also represented. Discussion ensued on review processes. Mr. Chenard advised that his office conducted a robust salary survey and adjustments have been made to accommodate the results, primarily as relates to the minimum wage increase requirements and other affected steps within job classifications. Summary discussion was held on Article 2, Operating Budget presentations and support from Advisory. Questions were asked and answered regarding the Library Director's pay scale adjustment and employment contracts held by department heads. Mr. Brown moved that the Board recommend favorable action on article 1; Ms. Marino seconded the motion. The vote was unanimously in favor. Mr. Brown moved that the Board recommend favorable action on article 2; Ms. Marino seconded the motion. The vote was unanimously in favor. Mr. Chenard confirmed that ARPA funds will be discussed in a joint conversation with the School Department and are planned to fund water capital projects. Ms. Marino moved that the Board recommend favorable action on article 3; Ms. Coletta seconded the motion. The vote was unanimously in favor. Mr. Chenard advised that article 4 has potential impact from a fuel kicker that will go into effect if fuel prices increase past a certain point, but if the cost of fuel goes over \$7/gal for diesel fuel, a mid year adjustment will be necessary. Mr. Chenard review the capital requests contained in article 5; over \$3million was requested but he recommends partial funding at spring with additional capital funding possible in fall. Discussion ensued on the community center building project gap funding article; the majority of the disparity between the projections given to the board by the Committee in 2021 results from an incorrect hazardous material remediation survey, with the difference coming from the absence of the cost of a Clerk of the Works/project engineer assigned to the project. Mr. Chenard advised that statute requires that a project of this size and scope have a CoW or engineer assigned to oversee the project and the town doesn't have an engineer on staff. Discussion ensued on the mechanics of including the article and removing the withdrawn citizens petition article. Consensus was achieved as putting the community center gap funding in a separate article. Ms. Coletta moved to reopen the warrant and Ms. Marino seconded the motion; the vote was unanimously in favor. Mr. Trabucco moved to remove articles 15 and 16, as requested by the petitioners. Ms. Marino seconded the motion, and the vote was unanimously in favor. Ms. Coletta moved to add article 15 as printed; Mr. Trabucco seconded the motion. The vote was unanimously in favor. Ms. Coletta moved to close the warrant and Ms. Marino seconded the motion. The vote was unanimously in favor. Ms. Marino moved to recommend favorable action on article 5 and Mr. Brown seconded the motion. The vote was unanimously in favor. Mr. Trabucco moved to recommend favorable action on new article 15; Ms. Coletta seconded the motion. The vote was unanimously in favor. Ms. Coletta moved to recommend favorable action on article 10 and Ms. Marino seconded the motion. The vote was unanimously in favor. Mr. Trabucco asked what Planning Board's recommendation is on the zoning change in article 11; Mr. Chenard stated they are having a hearing on April 11 and the board has no meetings between then and the posting of the warrant. Mr. Trabucco moved to recommend town meeting floor on article 11 and Mr. Brown seconded the motion. The vote was unanimously in favor. Discussion ensued on the recommended CPC projects and Mr. Chenard provided detail. Ms. Marino moved to recommend favorable action on article 12 recommendations A through G. Mr. Brown seconded the motion. The vote was unanimously in favor. Mr. Chenard presented the departmental transfers in article 1 of the special within the annual warrant. Ms. Coletta moved to recommend favorable action on article 1 on the special; Ms. Marino seconded the motion. The vote was unanimously in favor. Ms. Rushing recommended that article 9 in the annual and article 2 in the special be tabled until after executive session.

At 10:15 pm, Ms. Coletta moved to enter executive session under MGL c.30A, Sec. 21 (3) to discuss strategy with respect to collective bargaining if an open meeting will have a detrimental effect on the bargaining position of the public body, and the chair so declares, MOAs: Pembroke Permanent Firefighters Association, Local 2351 International Association of Firefighters, AFSCME Council 93 Local 1700 Public Works, Water, Clerical Units and MS. Rushing declared it to be so. Mr. Chenard advised that the Board will return to open session to conduct further business. Ms. Marino seconded the motion. By roll call vote: Brown – yes, Coletta – yes, Marino – yes, Trabucco – yes and Rushing – yes.

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At 10:40 pm, the Board returned to open session.

REVIEW AND VOTE RECOMMENDATION ON REMAINING ARTICLES

Ms. Coletta moved to recommend favorable action on; article 9 and Mr. Trabucco seconded the motion. The vote was unanimously in favor. Ms. Marino moved to recommend favorable action on article 2 and Mr. Brown seconded the motion. The vote was unanimously in favor. Ms. Coletta moved to sign the warrants on April 20, Mr. Trabucco seconded the motion. The vote was unanimously in favor.

At 10:45 pm, Ms. Coletta moved to adjourn; Ms. Marino seconded the motion. The vote was unanimously in favor.

MATERIALS & EXHIBITS

Recycling Committee's Report Regarding Dual Stream Proposed Change (Recycling/TM Office)

Minutes of March 9, 2022 and March 23, 2022 (TM Office)

Resolution of Support for MVPHM Plan (FEMA/TM Office)

Final Annual and Special within the Annual Warrants (TM Office)