

**MINUTES OF THE SELECTMEN'S MEETING
JANUARY 9, 2012**

PRESENT: Daniel W. Trabucco (Chairman), Lewis W. Stone (Vice Chairman), Gregory Hanley (Clerk), Arthur P. Boyle, Jr. (Selectman), Edwin J. Thorne (Town Administrator), Sabrina Chilcott (Executive Assistant), John Mattinson (PMB Cable), Pembroke Express reporter and others.

ANNOUNCEMENTS

Mr. Boyle read a letter from Captain Phil Tavares of the Marshfield Police Department; Pembroke is a member of the Old Colony Police Anti Crime Task Force. On Tuesday, Dec 13th Pembroke participated in Operation Happy Holidays which ran in conjunction with the Mass State Police, Plymouth County Detectives Division and the DEA. Seventy arrest warrants were issued and sixty-three arrests were made; under direction of Pembroke Police Chief Michael Ohrenberger, Pembroke Police Department played vital role.

Mr. Boulter updated 300th Committee activities and acknowledged individual donors; Sunday January 15th is the kickoff at the Pembroke Country Club with a slideshow presentation and movie of past locations and events.

The Town Administrator acknowledged the Hanson Town Administrator Rene Read and Board of Selectmen members James Egan, David Soper and Donald Howard. Jim Armstrong and Bob Oberholzer of the Hanson Energy Committee were also in attendance.

7:00 PATRICK MEHR UPDATE H869 MUNICIPAL ELECTRIC UTILITIES BILL

Mr. Mehr introduced himself by stating that the BOS in Lexington appointed him to their Electric Utility Committee in 2001 recognizing their need for change as they have NStar, an "investor owned utility". They worked with neighbor Concord who has their own municipal electric utility. Massachusetts has 41 towns with their own municipal electric utility companies, all formed prior to 1926. Fifteen percent of Mass residents are served by these 41 towns and save on average 24% over towns that have investor owned utilities; in Mass there are four. NStar, National Grid, Unitil and Western Mass Electric. He cited three main issues; rates; service reliability and attention to local priorities. Power is generated elsewhere, sent to distribution centers (substations), forwarded to smaller substations or transformers and out to houses. Power generation is open for bids and was deregulated by the government; these are the companies that solicit consumers to buy electricity at price per kw. Distributors are local lines, linemen, poles and is a default service; NStar, National Grid, etc. Mr. Mehr explained often generator power savings in miniscule; distribution is expensive as it is manpower. MGL C164 s43 is antiquated statute stating if town wants to form its own municipal utility and there is an incumbent distributor, then the town must speak to the distributor and determine the value of the assets. If they don't agree on a price, both parties go to the DPU which will look at the issue on technical grounds and come up with a figure. Then the current statute says either the incumbent distributor agrees to sell its equipment at that price set by DPU or the Town has earned its right to build its own network separate from the existing distribution network. This was written one hundred years ago when municipal networks were being formed between 1895 and 1912; the most recent municipal electric company was formed in 1926. Economists call electricity a natural monopoly. Legislation was filed to change the language in this statute. House bill H869 amends this one hundred year old statute to allow towns, once the DPU has set a fair price on the incumbent utilities assets, to buy the assets at this higher price should the Town still want to do so. The DPU highly regulates utilities asset values and depreciation so it is a measurable sum. This legislature was filed eight years ago or five sessions ago; NStar is spending millions of dollars lobbying against it. It is dying in session. It will stay before the legislature until 7/3/2012. Mr. Mehr requested Pembroke and Hanson support H869 to create competition for the big distributors like National Grid and allow for the

possibility of a local municipal utility company. Mr. Mehr stated the Governor, the Speaker of the House and the Senate President must agree to propel H869 forward. 140 of the 351 towns in Massachusetts already support it. Mr. Trabucco asked how many years until the break even point for Lexington. Mr. Mehr stated they haven't begun research; the legislation mandates economic analysis by the Town as well but the priority is passing the legislation to allow the opportunity for each town. They did do the analysis for the city and three towns in Unitil; Fitchburg, Lunenburg, Townsend and Ashby and determined Unitil assets worth \$52m for those four towns. Mr. Boyle told Mr. Mehr that Ms. Murray represents Pembroke and has always been approachable. Mr. Mehr reminded the Board that the goal of Mass Muni Choice is to end the automatic monopoly enjoyed by investor owned utility companies and give the Towns option to form municipal utility company, not necessarily to encourage any town to actually do so. This statute must have updated language. Mr. Boulter asked why deregulation did not encourage competition amongst distributors; Mr. Mehr stated it encouraged competition among power generation companies but not distribution companies. Mr. Hanley stated that distribution, or H869 sounds like a long term goal and asked about short term fixes for service improvements and revenue stream generation. Mr. Mehr stated there is no way to improve service now; the distributor we have is what we have. Pembroke could bid for different power generator to save some money now but difference is usually cents per kw; could add up depending on usage. To generate revenue streams, each community would need to be creative and attempt alternative energy sources and reverse meter the power generated. Mr. Stone spoke in favor of the BOS supporting the efforts to aid in passing H869. Mr. Howard from the Hanson BOS asked Mr. Mehr about letters he's been receiving from different companies offering him "private electric services". Mr. Mehr confirmed these are power generating company offers for kw prices; should a consumer accept these offers, their electricity will still be conveyed via their existing distributor (National Grid). Chairman of Hanson Energy Committee spoke; they buy third party power in Hanson, gas and electric. He also stated that as a town, we cannot buy green power and take advantage of tax incentives without a PPA or power purchase agreement. They would need to be developed by a for-profit or third party ownership company and the payback is less than ten years. Hanson Selectman David Soper pointed to the overall low percentage of outage as a whole and asked if there was a figure available attached to that; Mr. Mehr said it is available through the DPU but he didn't have the number; estimates average less than 180 minutes annually. Mr. Soper cautioned towns to take on this burden both economically and with manpower but suggests that supporting H869 is a positive step and further suggested that Hanson and Pembroke take on more of a role from Asplund, with proper training, cutting back trees from wires and charge back the utilities to recover costs. The IOUs are not performing the service and it is affecting distribution so the towns could be more proactive in this regard. Mr. Boyle made the motion that the Pembroke Board of Selectmen, through the Town Administrator's office, send a letter to Senator Therese Murray, State Representative Daniel Webster, Governor Deval Patrick and House Speaker Robert DeLeo in support of House Bill H869. Mr. Hanley seconded the motion. The vote was unanimously in favor. Mr. Hanley made a motion to instruct the Town Administrator to investigate opportunities that may exist with power generation charges with the ability to put our power out to bid and pursue possibility of power purchase agreement and performance based rates. Mr. Boyle seconded; vote was unanimous in favor.

7:30 EARL TURNBULL: EAGLE SCOUT PROJECT UPDATE

Veteran's Agent David McPhillips introduced Eagle Scout candidate Earl Turnbull and his completed project to the BOS. He has replaced the table outside the Veteran's office with a handmade wooden table containing a repository bin for worn American flags. Mr. Turnbull stated he appeared before the BOS a year ago with a three part project; first he created instructional pamphlets on the care of the American flag to be distributed, then he designed and built the table containing a drop off box for worn out, retired flags with assistance from other scouts, then he

had a pit for the final ashes put in at the Veteran's Forest that is dug out with a rock that will be engraved. Mr. Turnbull thanked Mr. McPhillips, Mr. Wall and the other members of his troop. Mr. Boyle moved to accept this gift from Eagle candidate Earl Turnbull and congratulate him on the success of his project. Mr. Boulter seconded the motion; vote was unanimously in favor.

Mr. Boulter stated that Town Counsel has advised that, as he is a Town employee and takes the Town insurance, he should recuse himself from insurance discussion and further vote. Mr. Boulter stated he is recusing himself from tonight's discussion and vote. Mr. Hanley concurred with Mr. Boulter and stated he also obtained opinion of Ethics Committee which also stated he cannot participate or vote on this insurance matter. Mr. Hanley has asked for an opinion from the Attorney General to simultaneously negotiate with the unions while the BOS work on the reform. Mr. Hanley stated he will be available to work individually with each union. Ken McCormick requested the BOS consider adopting section 19 instead of sections 21-23. Mr. Hanley and Mr. Boulter exited the Veteran's Hall.

7:45 VOTE MGL 32B s21-23

Mr. Boyle stated that the Board of Selectmen are being fair to both sides; to both the union members and the taxpayers and only making changes if changes are necessary. Mr. Boyle made the motion that the Town of Pembroke elect to continue to engage in the process and to review and/or change health insurance benefits under M.G.L. c.32B §§21-23. Mr. Stone seconded the motion. Rick Wall repeated Ken McCormick's request to adopt section 19 instead, stating that under section 19 the unions would be willing to sit down for discussion as opposed to sections 21 through 23 where the unions have no choice. Mr. Boyle stated that he remains firm that he will not see any employee hurt by changes that would include preexisting conditions or any changes that hurt any employee's family member. Mr. Wall stated that section 19 allows for the unions to be actively involved. Mr. Boyle pointed out that the Town can still work with the unions while engaging in this process. Mr. Wall stated that this is willing versus unwilling involvement. The unions would only be actively involved under section 19; there will be a difference in the way they approach the discussions. Mr. Stone stated that any plans that the unions have come up with are of great interest to the BOS and they look forward to meeting with the unions. Mr. Trabucco called for the vote; the vote was three votes in favor with none against.

Mr. Boulter and Mr. Hanley returned to the Veteran's Hall.

8:15 PUBLIC HEARING: NEW RETAIL PACKAGE WINE & MALT LICENSE 145 CHURCH STREET

Attorney Robert Galvin, representing Verc Enterprises, spoke to the request for a new package wine and malt license to be held in the name of Verc Enterprises, Inc., d/b/a Pembroke Mobil. He introduced Paul Vercollone, the Vice President of Verc Enterprises and Richard Cleary, the proposed manager of the 145 Church Street location. The Vercollones have two other locations in Lynnefield and Plymouth that offer beer and wine and have never had a complaint filed. Mr. Cleary is TIPS trained and certified. The completed application includes a completed floor plan. Mr. Vercollone stated that the Pembroke location has been in operation since 1978 and was completely remodeled three years ago. Verc Enterprises holds 23 locations with two in Mass holding licenses and one in NH with no violations. Mr. Vercollone stated they are a convenience location and will not draw business through price. Resident Chris Leblanc stated he feels there is no public need for a third license in this section of town as Muckeys and the Wine and Spirits Depot at the North River Plaza have two concessions within a quarter of a mile. He stated that it is a busy intersection with gas pumps and a Dunkin Donuts. Mr. Vercollone confirmed that it is a busy intersection and they serve anywhere from a thousand to fifteen hundred customers per day. By offering different products they minimize customers from having to make different turns into traffic to seek purchases. Mr. Trabucco asked if this would generate higher traffic flow. Mr.

Vercollone stated they would be offering a convenience service, not a price point service. This service would not generate additional traffic to draw people to purchase the product; it would simply act as a convenience product for consumers already at the point of sale. Mr. Hanley added that as the former Chair of the ZBA he saw the Vercollones comply with all of the conditions placed upon them during the extensive remodel and they have always been good corporate neighbors. Mr. Boyle stated that this would be different if this was Mobil Corporate; this is a local business. Mr. Boulter concurred. Mr. Stone, while agreeing with the other Selectmen's assessment of the business and the Vercollones, acknowledged the public safety issue of the location and the views of some of the residents. He requested an opinion from Chief Ohrenberger on the public safety factors. Chief Ohrenberger stated that Mr. Vercollone's assessment of convenience purchases is accurate; the room he has to sell from doesn't allow for the volume of sales to create a public safety issue. The Chief pointed out this Mobil is a twenty-four hour location; he requires a means by which the beer and wine will be securely stored away from the public after hours. Mr. Vercollone states the walk in coolers planned for beer and wine storage are locked coolers and will be locked at the end of sale hours and registers can be programmed not to make a sale after a certain hour as well. Chief Ohrenberger states that would satisfy his criteria. Resident Donna Bagni inquired about returning recyclable bottles and cans to the point of sale; Mr. Vercollone stated the location will handle all returns as required. Mr. Hanley made the motion to grant Paul and Leo Vercollone, Verc Enterprises, Inc. d/b/a Pembroke Mobil a beer and wine license at 145 Church Street whose premises consists of a gas convenience store with a Dunkin Donuts coffee shop with a customer entrance in the front of the building and employee and delivery entrance on the east end of the building with emergency exit in the west side of the building to include a provision to secure beer and wine after hours with employees to be security check or TIPS trained. Mr. Boyle seconded the motion; the vote was four in favor with Mr. Stone opposed.

CONSIDER REQUEST OF POLICE CHIEF FOR OFFICER TRANSFER

In December, the Pembroke Police Department honored the retirement of Officer Paul Trostel after 31 years of service. He began employment in 1980 and was the breathalyzer records and maintenance officer. Officer Trostel was a detective at his retirement. Chief Ohrenberger has interviewed and vetted a police officer from the Halifax Police Department who has three years on the job with the necessary training and certifications to assume full time responsibilities immediately. The four full time intermittent police officers that were appointed in October will finish the police academy in July so they will be able to fill future needs. This transfer candidate would start January 22, 2012. Mr. Boyle made the motion that the Pembroke Board of Selectmen acting as the Board of Police Commissioners authorizes the Town Administrator and Chief Ohrenberger to offer employment to the transferee from the Halifax Police Department to the Pembroke Police Department effective January 22, 2012. Mr. Stone seconded the motion; the vote was unanimously in favor.

CONSIDER PARCEL D4-94 AS A TAX POSSESSION PROPERTY

Mr. Boyle made the motion to accept the property located at 7 Christina Marie Drive, Map D4, Parcel 94 as a tax possession property at the recommendation of the Treasurer/Collector Kathleen McCarthy. Mr. Hanley seconded the motion; vote was unanimously in favor.

CONSIDER USE OF BANDSTAND ON THE TOWN GREEN BY THE MATTAKESETT GARDEN CLUB MAY 19, 2012

Mr. Stone moved to approve the use of the Bandstand on the Town Green on May 19, 2012 from 9:00 am to 1:00 pm for the use of the Mattakeesett Garden Club for their annual plant sale.

MINUTES

Mr. Stone moved and Mr. Boyle seconded to accept the minutes of the meeting of December 19, 2011 as presented. The vote was unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne updated the Board as to the fact that the landfill closure project is complete; there is some surveying being done to comply with the order of the DEP. Mike Valenti will be in soon to update the Board of Selectmen. Mr. Thorne also advised that a group of inspectors, local architects and engineers were at the Community Center surveying to compile a report for the Board of Selectmen. Mr. Trabucco stated these were industry professionals that were on site in the field of contracting, construction and related fields.

ASK THE SELECTMEN

Mr. Stone provided an update on the resident from Mattakeesett Street who contacted him regarding service and billing issues with Comcast. Mr. Stone has put him in touch with the proper executive at Comcast and they have made him an offer and he is currently in discussion with them; there is a dialogue going on and hopefully, they can resolve the issue. Mr. Stone also wanted to pass along some very positive feedback he received regarding curbside recycling and the large totes. Several residents have responded favorably to both and he passed that along to the Board.

Mr. Boyle motioned to adjourn; seconded by Mr. Stone. The vote was unanimously in favor.

The meeting was adjourned at 9:10 pm.