

**MINUTES OF THE SELECTMEN'S MEETING
AUGUST 13, 2012**

PRESENT: Gregory M. Hanley (Chairman), Lewis W. Stone (Vice Chairman), Willard J. Boulter, Jr. (Clerk), Arthur P. Boyle, Jr. (Selectman), Daniel W. Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Jessica Merritt, Patty Merritt, Cathy Thurbide (Town Landing Committee), Michael Ohrenberger (Police Chief), James Neenan (Fire Chief), Debbie Breen, Jonathan Cohen, Elaine Felcher, Richard Serkey, Brian O'Donnell, Colleen Haggerty, Eric Brainsky, Sabrina Chilcott (Executive Assistant), Dave Antoine (PACTV Cable), Dave Palana (Pembroke Mariner Express), and others.

ANNOUNCEMENTS

Message from the Town Clerk: Friday, August 17 is the last day to register to vote or change your party enrollment in the State Primary Election on Thursday, September 6; absentee ballots are available for the in the Town Clerks office. Absentee voting hours are from 9:00 am to 4:00 pm and on Monday evening August 27. For questions, call 781-709-1403. Hours for voting in the State Primary Election on Thursday, September 6 will be from 7:00 am to 8:00 pm in all five districts. Additionally, dog licenses are now available from 8:30 am to 4:30 pm.

7:00 JESSICA MERRITT: PRESENTATION OF PROCEEDS FROM WATER SAFETY AWARENESS DAY

Jessica Merritt was present before the Board to present Mr. Thorne and Ms. Thurbide of the Town Landing Committee the proceeds of the donations from her Girls Scout Gold Award project, Water Safety Awareness Day, in the amount of \$400.00. Additionally she presented photos of the Town Memorial sign that she refurbished and thanked everyone who assisted. Photos were taken.

7:05 DEBBIE BREEN: CAMP PEMBROKE REMARKS

Ms. Breen was present before the Board explaining that she has been experiencing noise disruptions for ten years at her home next door to the recreation building that was erected next to her property on the grounds of Camp Pembroke; she specifically cited the malfunctioning pool pump and the Camp's summer concerts. Ms. Breen stated she contacts the Pembroke Police Department when the noise gets too loud; she stated her windows rattle with the bass tones. Mr. Stone stated on June 15th he requested Mr. Thorne send a letter to Camp Pembroke requesting a meeting at Town Hall; at that meeting, Mr. Stone, the Town Administrator, the Police Chief, the Fire Chief, the Building Inspector, as well as the Camp Director Ellen Felcher and the owner, Jonathan Cohen were also in attendance. Past issues and problems were discussed in depth; some of the noise issues were narrowed down to the music volume and the dj's use of the microphone. Mr. Stone stated that the dj company needed to be told to stop using the microphone as part of the performance, and only use them in case of necessary announcements. It was agreed at that time that the Building Inspector would step aside and the Police Department would handle the issue as excessive noise under the Town's bylaws. Chief Ohrenberger stated that the Pembroke bylaws allow for the Police Department to charge criminally for excessive noise from amplified sound; the zoning bylaws allow for the Building Inspector to asses fines for a business with excessive noise issuing from it. Town Counsel advised that the zoning bylaw was not the appropriate enforcement in this case. Chief Ohrenberger stated that they reached an agreement early in the season to work something out for this year; the 4p-12a shift was directed to address any noise complaints by going to the Camp, assess whether there was in fact excessive noise, then require that the people in charge turn the music or microphones down. If there was a second complaint, then the Director would be notified and compliance would be reviewed. Chief Ohrenberger stated they started the year with a list of events; he spoke directly with the contractors and told them exactly what they could and could not do. Additionally he stated that anything he asked Camp Pembroke to do, they did their best to accommodate. The Chief stated that the few miscommunications that occurred were with the contractors and once the complaint was reacted to, there were no additional problems. The Chief stated that the Camp does a good job with 300+ kids running events for short periods of time; all events end by 9:00 pm and every time they are asked to turn

down the sound, they do. The Chief stated that every time the Camp has been asked to do something, they do it. The Chief does state that Ms. Breen's home is directly next to this large entertainment hall and is directly affected by the sound. The Chief advised that Camp Pembroke has informed him that they are bringing in a contractor to do an assessment of what it would take to additionally protect the building. The Chief suggested that this could resolve the problem, or restrictions would need to be established. Mr. Hanley asked if the events were over for the summer; Ms. Felcher stated they were. Mr. Hanley inquired as to how many campers attend these events; Ms. Felcher stated approximately 300 campers. Mr. Hanley advised that Recreation is required to have a police detail for all dances for children, including less than 100; this is a possible and simple solution. Discussion ensued. Chief Ohrenberger stated he didn't feel a police detail was necessary in the past but is a consideration for next year as an order of conditions for concerts. Attorney Richard M. Serkey of Whittaker, Serkey and Rosenberg, 81 Samoset Street, Plymouth was present to represent Camp Pembroke; he advised the Board that the Camp has engaged a noise consultant named Brian Coning who is coming to the Camp to review the premises to determine whether there are physical improvements or modifications that can be made to the property, either to the interior or exterior of the building or any other suggestions that may alleviate Ms. Breen's concerns.

7:30 PUBLIC HEARING: REPUBLIC LEASING TRUST, LLC d/b/a TURNER'S YARD, 615 WASHINGTON STREET: CVAA LICENSE APPLICATION, LIVE /SUNDAY ENT, CV

Mr. Hanley opened the public hearing at 7:30 pm. Mr. Boyle moved to recess the public hearing; Mr. Stone seconded the motion. The vote was unanimously in favor.

DEBBIE BREEN: CAMP PEMBROKE REMARKS (continued)

Mr. Serkey states that the Camp intends to respond in a respectful way to Ms. Breen's concerns and appreciate the report from Chief Ohrenberger. The Camp will wait to receive the report from the consultant and keep the Chief informed of their proposed solutions. Mr. Hanley requested that Ms. Breen be invited to attend the meeting wherein the solutions are proposed by the consultant; Mr. Serkey stated that he will notify Ms. Breen when that information is available.

7:30 PUBLIC HEARING: REPUBLIC LEASING TRUST, LLC d/b/a TURNER'S YARD, 615 WASHINGTON STREET: CVAA LICENSE APPLICATION, LIVE /SUNDAY ENT, CV

Mr. Hanley reopened the public hearing at 7:40 pm. Attorney Eric Brainsky of 100 N. Main Street, Providence appeared before the Board with applicant Brian O'Donnell of 88 Wharf Street, Milton. Republic Leasing, LLC seeks a new Common Victualer All Alcohol license to be exercised at 615 Washington Street for the restaurant Turner's Yard at the site of the former Bobby Hackett's/Brimstone. Colleen Haggerty is the acting General Manager and the chef is Eric Bogaris of Petit Robert in Downtown Crossing. Mr. Hanley inquired as to whether Mr. O'Donnell has addressed parking issues; he suggested the possibility of contracting with the Animal Hospital for overflow parking rights. Mr. Trabucco agreed and stated that the Planning Board had a Special Order of Conditions with site plan approval from the Winery to the Brimstone; he recommended Mr. O'Donnell review it. Mr. Hanley inquired if any present would speak in favor of the application; there were none. Mr. Hanley inquired if any present would speak in opposition of the application; there were none. Mr. Boyle moved to grant the application of Republic Leasing and Trust, LLC d/b/a Turner's Yard for a new Common Victualer All Alcohol license to be exercised at 615 Washington Street; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved to grant Republic Leasing and Trust, LLC d/b/a Turner's Yard for a Live Entertainment and Sunday Entertainment license to be exercised at 615 Washington Street and a common victualer's license pending approval of the Board of Health and Occupancy permitting from the Building Department. Mr. Boulter seconded the motion; the vote was unanimously in favor. Mr. Hanley declared the public hearing closed.

CONSIDER PEMBROKE HISTORICAL SOCIETY'S REQUEST: ONE DAY LIQUOR LICENSE

Mr. Boyle moved to grant the request of the Pembroke Historical Society for a One Day Liquor License to serve beer and wine at a barbeque following their Golf Tournament on September 7, 2012 from 4:00 pm to 8:00 pm. Mr. Stone seconded the motion; the vote was unanimously in favor.

CONSIDER REAPPOINTMENT OF BEN BASTIANELLI TO RECYCLING COMMITTEE

Mr. Boyle moved the reappointment of Ben Bastianelli to the Recycling Committee for a three year term; Mr. Stone seconded the motion. The vote was unanimously in favor.

CONSIDER THE USE OF TOWN ROADS: PEF ROAD RACE OCTOBER 27TH

Mr. Boyle moved to grant the Pembroke Education Foundation a permit for a 5k road race on October 27, 2012 subject to the approval of the Police Chief, Fire Chief and DPW Director. Mr. Stone seconded the motion; the vote was unanimously in favor.

CONSIDER LIVE BAND REQUEST BY RICHARD CARRARA, 210 BARKER ST AUGUST 18

Mr. Boulter stated that Margaret and Richard Carrara will host a dinner with a live band for the pilots after the Aviation Show on Saturday, August 18th and they seek permission for a live band.

CONSIDER ADOPTION OF POLICY REGARDING RECYCLING BINS

Mr. Thorne explained that the following language has been inserted in the trash bills: "All Town disbursed Toter recycling bins are the property of the Town of Pembroke and must remain at the property when sold. Failure to do so will result in a replacement fee of \$100.00 per occurrence" and the toter serial number for each residence will be added to their trash bills. Additionally, the following language has been inserted in the Municipal Lien Certificate: "Sale of the property requires that green Toter recycling bin serial number ___ to remain on premises as it is the property of the Town of Pembroke. Failure to do so will result in a replacement fee of \$100.00". Mr. Boyle moved that Board accept the recommendation of the Town Administrator; Mr. Stone seconded the motion. The vote was unanimously in favor.

Mr. Boulter updated the BOS on the 300th Committee Aviation Weekend at 210 Barker Street at the Sherman Airfield from 11:00 am to 1:00 pm. Antique airplanes will be on display and food will be available at this free event. Helicopter rides will be available from Ryan Roters and Mass DOT Aeronautics Division will bring in a small flight simulator as well.

TOWN ADMINISTRATORS REPORT

Mr. Thorne updated the Board on Community Center events: Body to Soul Fitness is holding a fundraiser on August 23 on the Town Green from 6:30 pm to 8:30 pm to raise money for the Jonathan Lally Scholarship fund and there will be two Sunday carwashes; Pilgrim Skating Club on August 26th from 9:00 am to 1:00 pm and A Dancer's World on September 16th from 10:00 am to 1:00 pm. Mr. Thorne updated the Board on the eighth annual Family Fun Day at the Town Landing last Saturday; it was a fantastic event and well attended. Mr. Thorne also advised that Tuesday, August 14 will see the Chamber of Commerce Police vs. Fire baseball night. Mr. Trabucco thanked the Pembroke Arts Festival Committee and the Cultural Council for hosting the Pembroke Arts Festival with the challenges of the weather. Mr. Hanley announced that Earl Turnbull, Jr. will receive his Eagle Scout Award at his Eagle Court of Honor on Sunday, August 26th at 3:00 pm.

Mr. Stone moved, seconded by Mr. Boulter, to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

Roll call vote: Boyle, yes - Trabucco, yes - Boulter, yes - Stone, yes – Hanley, yes.