

**MINUTES OF THE SELECTMEN'S MEETING  
JANUARY 14, 2013**

**PRESENT:** Gregory M. Hanley (Chairman), Lewis W. Stone (Vice Chair), Willard J. Boulter, Jr. (Clerk), Arthur P. Boyle, Jr. (Selectman), Daniel Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Richard Wall (Police Chief), Stephen Curley (Advisory Chairman), Ben Bastianelli (Recycling Committee), Thomas Driscoll (Recycling Committee), Linda Peterson (Advisory Committee), Matthew McNeilly (Advisory Committee), Michael Virta (Recycling Committee), Stephen Walsh, Art Edgerton, Sabrina Chilcott (Executive Assistant), Erika Christianson (PACTV Cable), Mike Melanson (Pembroke Mariner Express), and others.

**ANNOUNCEMENTS**

The Conservation Commission would like to reform the Open Space Committee. The goal of the Open Space Committee will be to update the Open Space plan which will allow the town to apply and receive various self-help loans and grants. They would like to have between five and seven members; for an application please contact the Selectmen's office. Girl Scout Troop 80074 of Pembroke proudly announces that Jessica Annette Merritt has earned the rank of Gold Award; this award requires 80 hours of planning and implementing a large scale leadership project which must be innovative, engage others, and have a lasting impact on the community. The Selectmen joined in congratulating Ms. Merritt for her outstanding achievement. Police Chief Richard Wall appeared before the Board to announce that the drug drop off box has been installed in the lobby of the police station. Chief Wall informed residents that they may bring any unwanted or unused prescription or over the counter drugs to the lobby of the police station 24 hours a day for disposal. Additionally, the top of the box has a SHARPS container for needle disposal.

**7:00 LORI COOK, LCM HOLDINGS. INC. D/B/A A FORK IN THE ROAD COMMON  
VICTUALER'S LICENSE APPLICATION**

Ms. Lori Cook of 9 Fairview Avenue was present before the Board on her application for a Common Victualer's license for her business at 6 Union Street, Bryantville formerly known as The Bryantville Deli. Her company is LCM Holdings, LLC d/b/a A Fork in the Road and she has current permits in the name of Bryantville Deli from the Building Department and the Board of Health. Mr. Boulter moved to grant the application of Lori Cook of LCM Holdings, Inc. d/b/a A Fork in the Road for a Common Victualer's license to be exercised at 6 Union Street with the approval of the Board of Health. Mr. Boyle seconded the motion. The vote was unanimously in favor.

**CONSIDER THE DATE FOR SPECIAL TOWN MEETING**

Mr. Thorne requested that the Board consider the date of February 12, 2013 at the Pembroke Community Middle School for Special Town Meeting. Mr. Thorne stated that the general purpose of this STM is the appropriation of the sum of \$125,000 for engineering of the Route 53 and Pleasant Street traffic signal; the \$1.3 million set aside for this project through the transportation bond bill is for construction only. Mr. Thorne stated that there is a possibility that the engineering funds could be reimbursed if construction costs stay under the \$1.3m. Additionally, Mr. Thorne stated this is new information and would have been on the November STM warrant had the town known the engineering funds were excluded. Mr. Thorne stated that PHS is unavailable; therefore the meeting will be at PCMS. Mr. Stone asked if the plan is to borrow the money; Mr. Thorne said yes. Mr. Thorne advised the Board that the plan is to open and close the warrant at a Special BOS meeting on February 22 and there may be additional items included such as the Medical Marijuana Proposed Zoning By-Law. The Planning Board is holding a public hearing on this issue on Monday, February 11, 2013. Mr. Boyle moved to confirm the date for Special Town Meeting of February 12, 2013. Mr. Stone seconded the motion. The vote was unanimously in favor.

**7:15 (7:30) ADVISORY CHAIRMAN, TOWN MODERATOR: JOINT APPOINTMENTS,  
ADVISORY COMMITTEE, ANTHONY O'BRIEN AND STEPHEN WALSH**

Advisory Chairman Stephen Curley was present before the Board to advise that the Advisory Committee has given positive recommendations on both candidates. Mr. Hanley read email correspondence from Stephen Dodge, Town Moderator. His email read "Due to a scheduling conflict, I may not be able to attend tonight's discussion and appointments to the Advisory Committee. If I am not able to attend in person, please accept my vote and recommendation that Anthony O'Brien and Stephen Walsh be appointed to fill two full term vacancies. I have discussed the appointments with both candidates, and I believe both are valuable appointees, who bring a wealth of experience and knowledge to Committee deliberations. I appreciate their desire to serve and their willingness to make the substantial time commitment needed for the position." Mr. Curley moved to grant the appointment of Anthony O'Brien to the Advisory Committee vacancy, term to expire June 30, 2015. Mr. Hanley seconded the motion citing the rule of necessity; the vote was two in favor, Mr. Curley and Mr. Hanley. Mr. Curley moved to grant the appointment of Stephen Walsh to the Advisory Committee vacancy, term to expire June 30, 2015. Mr. Hanley seconded the motion citing the rule of necessity; the vote was two in favor, Mr. Curley and Mr. Hanley.

### **CONSIDER ROADSIDE STAND PERMIT APPLICATION OF KIWANIS' FOR NOV-DEC TREE SALES**

Mr. Boyle moved to grant the request for a Roadside Stand Permit for the Kiwanis Christmas Tree sale at Reed Hollow Farm from Nov. 30 to Dec. 25 and at the Herring Run from Sunday, Dec. 1 to Sunday, Dec. 15, hours daily from 9a-8pm, the Herring Run approval being conditional upon the approval of the Conservation Commission. Mr. Stone seconded the motion; the vote was unanimously in favor.

### **CONSIDER THE MINUTES OF JANUARY 7, 2013**

Mr. Boyle moved to accept the minutes of January 7, 2013 as submitted; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

### **CONSIDER PROPOSED MEDICAL MARIJUANA BY-LAW**

Mr. Boyle stated that there is a public hearing scheduled to consider amending the Zoning Bylaw under a new Article IV, "Special Provisions, Standards and Procedures" as set forth in Table of Contents insert "11. Medical Marijuana Treatment Centers" and it is lengthy. Mr. Boyle stated that the town needs something in place and this is a step in the right direction; he would support it as written, submitted and approved by Kopelman and Paige and further recommend to the Planning Board that the BOS is in favor of having a new Zoning By-Law for Medical Marijuana Treatment Centers. Mr. Boulter seconded the motion. Mr. Stone asked if this is a proposed by-law or a request for more time or moratorium while a town by-law is determined. Mr. Hanley stated that legal counsel's recommendation is to proceed with the Zoning By-Law as the most effective means of addressing the situation. Mr. Boyle pointed out that these establishments will have the ability to locate their business anywhere if they aren't zoned; this isn't support for medical marijuana treatment centers, it is support for locating them in the least disturbing area. Mr. Trabucco concurred. Mr. Stone would prefer the BOS to consider prohibiting Medical Marijuana Treatment Centers as other towns have done. Mr. Boulter stated that the businesses need to be zoned lest they be able to locate their establishments anywhere in town in the absence of zoning regulations. Mr. Hanley requested a roll call vote; by roll call vote: Boyle, yes - Trabucco, yes - Boulter, yes - Stone, yes - Hanley, yes.

### **7:30 (7:15) BEN BASTIANELLI, TOM DRISCOLL: RECYCLING COMMITTEE UPDATE**

Mr. Bastianelli stated that the Committee was awarded some grant money that should have been awarded previously and Ed Thorne and Lisa Cullity designed a recycling brochure and posters for the residents to promote recycling and inform residents of their means of recycling items. Additionally, Mr. Driscoll reported on the Recycling Committees recommendations regarding the Recycling Center; they have noted some specific issues and solutions. The committee feels the manpower at the Center needs to be addressed; a proposed cost saving solution to the five employee staff is two regular staff with a supervisor, Mike Valenti, during the hours of operation. Additionally, an hourly employee currently collects the money and paperwork on Saturdays and transports them to Town Hall during the week for an

additional compensation. The committee's proposed solution is to request that Mike Valenti transport the money and paperwork at no charge as supervisor and a salaried employee. Mr. Driscoll stressed there have been no issues with the money collection at the Recycling Center. The committee feels that hours of operation need to be revisited; when the committee first proposed this to the BOS, the committee proposed twelve days per year. The committee has revised this number to 18 days, allowing for additional opportunity for leaves and yard waste seasonally on a flexible basis. The committee feels this will save the town money and allow for promotion of consistent hours; then website and radio promotion can handle the changes. Finally, the committee has discussed how to handle the Recycling Center when Mike Valenti decides to retire. The DPW Commissioners and the BOH took independent votes and voted to approve the motion to incorporate the Health Agent and one member of the DPW into the running of the Recycling Center, allowing for a seamless transition. Mr. Driscoll stated there are a number of area businesses that will remove unwanted things from resident's homes for the same price that the Recycling Center charges, so there will be no cause for concern that debris will be disposed of improperly. Mr. Boulter asked how many employees are working at the Recycling Center now; Mr. Driscoll stated there are five or six. Mr. Boulter inquired about money transport to Town Hall; Mr. Driscoll stated that the money is transported on Monday morning. Mr. Bastianelli stated that an employee gets paid for that Monday transport. Mr. Bastianelli stated that the Recycling Center runs at a deficit; it costs \$3 for every \$1 in revenue that the center takes in. Mr. Thorne reminded the Committee that the cost to monitor the wells there is \$25,000/year. Mr. Bastianelli agreed but stated the issue needs to be addressed eventually. Mr. Hanley referred the points raised to the Town Administrator for discussion with Mike Valenti. Mr. Thorne stated that he will project the costs associated with the committee's proposals. Mr. Boyle moved to take the matter under advisement with the Town Administrator and the BOS will report back in two to four weeks on the Recycling Committee's recommendations. Mr. Boulter seconded the motion. The vote was unanimously in favor.

#### **TOWN ADMINISTRATOR'S REPORT**

Mr. Thorne stated that the MMA Conference will be held next week.

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 and to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

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