

**MINUTES OF THE SELECTMEN'S MEETING
JANUARY 28, 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), Eugene Fulmine (DPW Director), Ben Bastianelli (DPW Commissioner), Tom Irving (DPW Commissioner), Paul Whitman (DPW Commissioner), Conrad Ledger, Marilyn Christmann, Janet Fahey (DPW Secretary), Sabrina Chilcott (Executive Assistant), Erika Christianson (PACTV Cable), and others.

ANNOUNCEMENTS

Message from Town Clerk MaryAnn Smith: Special Town Meeting is Tuesday, February 12, 2013 at 7:30 pm at the Pembroke Community Middle School at 559 School Street. The last day to register to vote for the STM is Friday, February 1, 2013 and the Town Clerk's office will be open until 8 pm for that purpose only. Please call (781) 709-1403 with any questions. The Friends of the Public Library is presenting Trivia Bowl 2013 on Saturday, February 2 at 7:00 pm at the Knights of Columbus Hall. Tickets are \$20 each or \$150 for a table of ten; please call (781) 293-6771 or visit the library.

7:00 DPW DEPARTMENT HEAD PRESENTATION, BETA GROUP

Conrad Ledger of BETA Group in Norwood was present before the Board to present the Pavement Management Program of the Pembroke Department of Public Works. He presented an overview and summary of findings with the intended goal of rehabilitating the Town's roads before they need to be reconstructed. Pembroke's Road Inventory contains 133.92 miles of road; 93.14 are accepted roads, 17.78 are unaccepted, 12.44 are private and 10.56 are State roads. Mr. Ledger explained that the current budget allocation used by the town for pavement management is the Chapter 90 money from the State, which can only be used on accepted roads, or \$546,406. Mr. Ledger stated that the DPW needs a Five Year Capital Improvement Plan moving forward to address the declining rate of existing roadway conditions; if the Town invests \$650,000 annually they will maintain the current Roadway Surface Rating of 75%; these figures do not include drainage, sidewalks or ramps. Mr. Ledger stated with an \$800,000 annual investment in pavement management there will be a slight increase in RSR, with \$1.2m annual investment resulting in a great improvement to a 77% RSR by 2018. Mr. Ledger stated that the DPW's current FY2013-2015 Improvement Plan with Ch90 allocation of \$546,406 allows for 23.08 miles of Crack Seal repairs, 5.09 miles of Hot In Place repairs and 3.68 miles of Mill and Overlay for a total of 31.85 miles of roadway repair over 2-3 years or 34.6% of the accepted roads. Additionally, Mr. Ledger stated the Town has 42.67 miles of Sidewalk; approximately 40 miles is asphalt or 93.4%; they range in condition from 10.4 miles rated Poor, 15.66 miles rated Fair and 16.61 rated Good. Mr. Trabucco inquired into the condition of the Planning Board's Sidewalk Fund; Mr. Whitman explained that the funds are only used for engineering of sidewalks when needed and so few subdivisions are being built now that contributions are nonexistent. Discussion ensued on the qualities of concrete versus asphalt sidewalk material. Mr. Ledger stated that the next steps for the DPW are to determine target funding levels and identify funding sources, then develop a five year capital plan for FY14-FY18. He stated that data needs to be updated through System Maintenance screens in MS Access as repairs are completed while monitoring and updating the actual repair costs. He recommended that the roadways be re-inspected every three to five years and stated that the Town will be adding new roadways and accepted roads during this time. Mr. Hanley inquired into the status of the department's capital equipment; does the department plan to purchase a Crack Sealer. Mr. Fulmine stated that this function is subcontracted out through a consortium; cost benefit analysis showed it was more cost effective and the sub can cover many miles per day. Discussion ensued on water main projects covering the street repairs they generate. Mr. Hanley asked if the MS Access software allows for fields to be added so it can be used as a central collection database for other departments; Mr. Ledger said it can. Mr. Whitman advised the Selectmen that the DPW Commissioners have considered requesting 25% of excise tax revenue as a possible funding source; he stated that Pembroke took in \$2m in excise tax revenue last year. The additional \$500,000 added to the Ch90 allocation would allow the DPW to repair roads and sidewalks with ADA compliance.

Mr. Whitman additionally stated that Ch90 money cannot be used on unaccepted roads, so the DPW needs a better way to fund pavement management. Mr. Trabucco asked if the DPW's budget increased annually with the property tax increases; Mr. Fulmine stated it has been level funded for the past two years at \$1.3m. Mr. Bastianelli stated that the department is undermanned and the equipment they are using is seriously outdated. He also stated that the Town's roads have seen more usage as surrounding communities have improved their roads, causing more traffic on Pembroke's roads as a cut through. Mr. Bastianelli indicated that the two sources of funding that the DPW Commissioners are considering is seeking the Town to bond the funding of \$10,207,077 to repair to 100% RSR the 91.94 miles of accepted roads or to obtain the \$500,000 annually from excise tax to bring the roads to 77% RSR in 5-7 years. Mr. Hanley asked which course of action they have chosen and have they decided to hold Public Hearings or had a study done by the Town Treasurer; Mr. Bastianelli said the Commissioners are still considering their options but they are requesting that the BOS consider the funding for the equipment approved in 2008. Mr. Thorne advised that the budget of \$54m had a \$692 surplus; he will be presenting the budget next Monday evening before the Advisory Committee. Mr. Thorne updated the Board to the fact that excise tax revenue goes into the general fund. Mr. Boyle suggested the Commissioners consider a line item as opposed to a percentage as excise tax fluctuates and goes toward the operating budget. Mr. Thorne updated the BOS on the budget submitted by Mr. Fulmine for FY14 with an additional \$90,000 to supplement Ch90 contribution which would fund pavement management to keep RSR at a maintenance level. Mr. Boulter suggested that the DPW receive an allocation of a certain amount of money annually and unused amounts can roll into pavement management ie: snow removal. Mr. Whitman stated that snow removal is budgeted at \$100,000 as this is a budget item that can be overspent if necessary. Mr. Stone explained that, while he is in favor of increasing allocations for taxpayer's unaccepted roads, the excise tax revenue is used for other things. Mr. Boyle asked Mr. Fulmine about the borrowing for the Furnace Colony project; Mr. Fulmine stated the money was borrowed for ten years and there are approximately five years left. Mr. Boyle asked if that amount could be rewritten into a new loan to bring the amount expended toward roads close to \$300,000 to slightly increase RSR. Mr. Boyle asked Mr. Fulmine to explain the difference between private and unaccepted roads. Mr. Fulmine stated that unaccepted roads are plowed and sanded regarding maintenance, whereas private roads are not. Mr. Fulmine stated that the Planning Board always defines the status to the residents or owners ie: commercial properties and condominiums. Mr. Whitman stated that unaccepted roads do not meet the forty foot width standards or the drainage standards; additionally he stated that the 17 miles of unaccepted roads would cost the Town \$25m+ to bring up to standard should they be accepted. Mr. Whitman stated that unaccepted roads additionally would have to meet the standards set forth by the Clean Water Act and none of them would, but they can still be maintained by the town. Mr. Hanley asked if Pembroke accepts private roads. Mr. Whitman stated we do; they are inspected over the summer, have to meet certain conditions and are then voted at fall Special Town Meeting.

CONSIDER USE OF OLDHAM POND FOR BASS FISHING CLUB TOURNAMENT JULY 21

Mr. Boyle moved to grant a Special Use, Summer Events Permit to Neil Dootson, MAFishfinder.com, to hold a catch and release fishing tournament on Oldham Pond on July 21, 2013 with an alternate location of Stetson Pond as needed, with the approval of the Conservation Commission. Mr. Stone seconded the motion. The vote was unanimously in favor.

CONSIDER USE OF THE BANDSTAND FOR MATTAKEESETT GARDEN CLUB ANNUAL PLANT SALE MAY 18

Mr. Stone moved to approve the use of the Bandstand at the Town Green on May 18, 2013 from 9:00 am to 1:00 pm for the use of the Mattakeesett Garden Club's annual plant sale; Mr. Boyle seconded the motion. The vote was unanimously in favor.

CONSIDER USE OF THE TOWNS ROADS BY USA HEALTH & FITNESS, 5K ROAD RACE

Mr. Boulter moved to approve the application of South Shore Management LLC and USA Health & Fitness for the use of the Town's roads to hold their first annual "Beat the Heat 5k Road Race" to be held on Saturday, August 3, 2013 at 7:00 am. Mr. Stone seconded the motion. Mr. Boyle recommended that

the BOS require USA Health & Fitness to pay for the required police details as this is a corporate event, not a fundraising event. The Board was in agreement.

OPEN THE ANNUAL TOWN MEETING WARRANT FOR ATM ON APRIL 23, 2013

Mr. Boulter moved to declare the Annual Town Meeting warrant open and to close the Annual Town Meeting warrant on February 14, 2013 at noon. Mr. Boyle seconded the motion. The vote was unanimously in favor.

CONSIDER THE MINUTES OF JANUARY 14, 2013

Mr. Stone moved to accept the minutes of January 14, 2013 as presented; Mr. Boyle seconded the motion. The vote was unanimously in favor.

The Special Town Meeting warrant was signed.

OLD BUSINESS

Mr. Boulter updated the Board on the MMA Conference he attended over the weekend with the Town Administrator; among several different workshops and panels he attended, he received valuable information at a seminar on the new Medical Marijuana law. The key speaker was the Deputy Chief of the Walpole Police Department and Mr. Boulter will be discussing his notes with Chief Wall to share at the Public Hearing regarding the proposed by-law amendment February 11th at 7:30pm.

Mr. Boulter additionally wanted to thank Animal Control Officer Bill Hart for responding to a call for assistance with frozen swans on Sunday; when other state and local agencies did not respond, Mr. Hart did and the swans were saved.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne announced that he will be presenting the Town Administrator's recommended budget to the Advisory Committee next Monday night.

Mr. Trabucco wanted to congratulate Lieutenant Clauss, Sergeant MacDonald, Sergeant Cain and Sergeant LaPierre on their promotions.

Mr. Hanley announced that the Planning Board is holding a Public Hearing on Monday, February 11th at 7:30 pm concerning the proposed Medical Marijuana By-Law in the Veteran's Hall.

Mr. Stone moved, seconded by Mr. Boyle, 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: Stone, yes - Boyle, yes - Trabucco, yes – Boulter, yes - Hanley, yes.