

**MINUTES OF THE SELECTMEN'S MEETING
SEPTEMBER 23, 2013**

PRESENT: Willard J. Boulter, Jr. (Chairman), Arthur P. Boyle, Jr. (Vice-Chairman), Lewis W. Stone (Clerk), Daniel W. Trabucco (Selectman), Arthur Egerton, Kyle Harney, Bill Hart (Animal Control Officer), Walter Hawkes, John Morgan, Ryan Sullivan, Deborah Werra, Sabrina Chilcott (Executive Assistant), Erika Christianson (PACTV Cable), Mark Burridge (Pembroke Mariner Express), Jessica (Patriot Ledger), Charlie Mathewson (WATD) and others.

ANNOUNCEMENTS

Boy Scout Troop 43 will be holding their annual Pumpkin Patch and Yard Sale Fundraiser on Saturday, September 28, 2013 from 8:00 am to 4:00 pm.

7:00 HERRING SUPERINTENDENT MARK AMORELLO: UPDATE AND RECOMMENDATIONS

Herring Superintendent Mark Amorello was present before the Board to provide an update on his initial tour of the river and run. He will provide the BOS with a copy of a report on the status of the new fish ladder when complete. Mr. Amorello is planning a November river cleanup with local and state volunteers. It is Mr. Amorello's plan to hold quarterly meetings of the Commission and then report to the BOS. Mr. Amorello is in receipt of the Commission's equipment from the DPW and he plans to inventory and catalogue the items and their operating condition and issue a report. Mr. Amorello stated his long range plans include literature distribution to abutters to coincide with the Commission's activities; they will handle the run in sections. Finally, he summarized with plans to repair the town's relationship with the state and a meeting of the River Herring Network in Bourne on October 24th from 2:00 pm to 5:00 pm. Mr. Egerton inquired about the fish ladder near Cranberry Lane stating it is "broken" and whether it required repairs prior to this migration season; Mr. Amorello explained that this coming fish migration moves in the other direction. Mr. Boulter stated that there are six applicants requesting appointment to the Herring Fisheries Commission. Mr. Boyle moved the appointment to the Herring Fisheries Commission of Rick Madden of 15 Cynthia Ave to a term to expire in 2016; of Janet Fahey of 104 Wampatuck Street to a term to expire in 2016; of Walter Hawkes of 34 Fairway Lane to a term to expire in 2015; to Kyle Harney of 413 Center Street to a term to expire in 2014 and of Arthur Egerton of 413 Center Street to a term to expire in 2014. Mr. Stone seconded the motion; the vote was unanimously in favor. Mr. Boyle moved to appoint Willard J. Boulter, Jr. as an alternate to the Herring Fisheries Commission, term to expire 2015. Mr. Stone seconded the motion. The vote was three votes in favor, none opposed with Mr. Boulter abstaining from the vote (3-0-1). Mr. Amorello stated that the first preliminary meeting of the Commission will be in October.

CONSIDER ONE DAY LIQUOR LICENSE REQUEST: KEN CORTI, LARRY DEROCHE AND THE BRYANTVILLE MEETING HOUSE, INC. FUNDRAISER OCTOBER 19TH

Mr. Boyle moved to grant a One Day all alcohol license to Ken Corti and the Bryantville Meeting House, Inc. to be exercised at 116 Center Street on Saturday, October 19, 2013 from 7:00 pm to 11:00 pm. Mr. Stone seconded the motion. The vote was unanimously in favor.

CONSIDER REQUEST FOR APPOINTMENT: CABLE ADVISORY COMMITTEE, DAVID SULLIVAN, 50 LITTLES AVENUE

Mr. Sullivan was present before the Board on his application for appointment to the Cable Advisory Committee; he stated that he works for a consulting firm in the telecommunications industry and wants to volunteer and help the Town. Mr. Boyle moved to appoint David Sullivan of 50 Littles Avenue to the vacancy on the Cable Advisory Committee. Mr. Stone seconded the motion; the vote was unanimously in favor.

CONSIDER THE RESIGNATION OF DEBORAH WALL FROM THE COMMUNITY CENTER TASK FORCE

Mr. Boyle moved to accept Ms. Deborah Wall's letter of resignation from the Community Center Task Force with regret; Mr. Stone seconded the motion. The vote was unanimously in favor.

CONSIDER THE MINUTES OF SEPTEMBER 16, 2013

Mr. Stone moved to accept the minutes of September 16, 2013 as presented. Mr. Boyle seconded the motion. The vote was unanimously in favor.

CONSIDER ARTICLES FOR INCLUSION, SPECIAL TOWN MEETING WARRANT

Mr. Thorne recommended inclusion of Article 1; Mr. Trabucco moved the Town Administrator's recommendation. Mr. Stone seconded the motion; the vote was unanimously in favor. Article 2 transfers to balance the budget; Mr. Trabucco asked what the projected amount of the article is; Mr. Thorne stated \$750,000. Mr. Trabucco asked from where the money will come and Mr. Thorne stated that the Town Accountant is working on that now. Mr. Thorne advised that Articles 2, 3 & 4 are related. Consensus was reached by the Board for inclusion of all three. Mr. Thorne stated that it is doubtful that Articles 5, 6 and 7 can be funded but he recommends leaving them on; separation pay benefits, stabilization fund and OPEB fund transfers, respectively. Consensus was reached by the BOS to leave these three on. Article 8 addresses the snow and ice deficit and is needed; Article 9 is recommended by the Treasurer regarding uncashed check retention and Article 10 is the collective bargaining agreement article. Consensus was reached by the BOS to leave these three on. Article 11 is recommended by the Town Administrator as are the two land transfer articles, 12 and 13. Consensus was reached by the BOS to leave these three articles on the warrant. Article 14 generated discussion whereby the consensus was to hear from the DPW Commissioners and the Town Accountant but to leave the article on the warrant. Consensus was reached to leave Articles 15, 16, 17 and 18 on the warrant. Discussion ensued on Article 19, the Medical Marijuana Zoning By-Law. Mr. Stone stated that the town enacted a moratorium at the April 2013 town meeting to be in effect until June 30, 2014 and this article does not require submission in the fall town meeting warrant. Mr. Stone voiced concerns about being an early town that zones this issue. Mr. Stone moved to remove this article from the special town meeting warrant. Mr. Boyle seconded the motion; the vote was two in favor and two opposed with Mr. Stone and Mr. Boulter in favor, Mr. Boyle and Mr. Trabucco opposed. The motion to remove lost and the article remains on the special town meeting warrant. Consensus was reached on Article 20, the proposed solar panel project by-law. Discussion was suspended.

7:30 CHA CONSULTING, INC. PRESENTATION; ROUTE 53 & PLEASANT STREET TRAFFIC SIGNAL PROJECT DESIGN

Mr. John Morgan of CHA Consulting appeared before the Board to present the preliminary design for the Pleasant Street and Route 53 intersection, requesting feedback and comment from the Board. CHA is working toward 25% design at this time and provided historical brief. Mr. Morgan stated this intersection has been considered for signalization for many years, or since the Route 53 Corridor Study. Pembroke applied for TIP funding through MassDOT in September of 2011 and the project was accepted into the TIP in September of 2011. This first phase of design will be submitted to MassDOT for approval as well. Mr. Morgan outlined safety concerns such as the high crash rate, 37 accidents between 2008-2011 or 1.12 per million entering vehicles which is twice the average rate for MassDOT district 5 standards. Additionally, the intersection operates at a level "F" (between A-F) Service Level with delays up to several minutes, no provision for bicycles or pedestrians with no sidewalk and narrow, two foot wide shoulders. Mr. Morgan confirmed that this intersection meets all of the requirements for the eight hour warrant, four hour warrant and peak warrant with high volume, or 700+ vehicles heading north in the morning and 300+ vehicles going south in the evening. Mr. Morgan explained that the best configuration is to add a left turn lane from Route 53 onto Pleasant Street but there is not enough room to add a right turn lane onto Pleasant Street without a land taking of seven feet wide by a couple of hundred feet long. Mr. Morgan stated that without the right turn lane, service levels would still improve to a "C" in the morning peak hour and a "B" in the evening peak hour; with the turn lane levels would achieve an "A" rating. Mr. Trabucco inquired as to how many cars can queue in the right turn lane before the lane is blocked; Mr. Morgan stated the queue lane is 300' long, or

approximately 12 cars. Mr. Trabucco cited reasons supporting a right turn lane onto Pleasant Street and stated that the Town should take the time necessary to get the design right. Mr. Boulter and Mr. Stone agreed. Mr. Morgan stated that CHA will incorporate a right turn lane into the 25% design. Discussion ensued on the logistical reasons behind single lanes proposed on Pleasant Street, including the wall and tree impact within the town layout on resident's properties. Mr. Morgan additionally stated that the left turning lane of vehicles would block any right turn lane. Mr. Stone stressed the importance of a right turn option on Pleasant Street; Mr. Morgan stated it could only be 50 feet and would be easily blocked. Consensus was reached that there would be a single lane but they will review the option. Consensus was reached that Pleasant Street must remain "no right turn on red" onto Route 53 for safety reasons. Mr. Trabucco inquired as to the length of time each light would remain green; Mr. Morgan stated that they project a sixty-second cycle with the Pleasant Street green time of 18 seconds, which would clear a dozen cars turning left onto Route 53. The remaining green time would be for Washington Street. Discussion ensued on the challenges that currently face the intersection. Mr. Morgan confirmed the addition of a sidewalk and 5' bicycle lane on Washington Street from Water Street to Pleasant Street, with a crosswalk across Washington Street from the right lane of Pleasant Street to the horse farm. Mr. Trabucco inquired as to how many cars will fit into the slip lane for left hand turns onto Pleasant from Route 53; Mr. Morgan advised it is a 100 foot lane to hold approximately four cars, which will service the 70 vehicles observed at peak rush hour. Mr. Morgan stated that lane could be extended, but five will fit before through lane becomes blocked. Arthur Egerton of Center Street asked about the impact of this light on the existing traffic signal at Barker and Washington Streets; Mr. Morgan stated that they are 1500' apart and there should be no conflict.

8:00 PUBLIC HEARING, DOG COMPLAINT: KYLE SULLIVAN OF 87 OAK STREET/LAYLA

Pursuant to the provisions of G.L. c.140, sec. 157, the Town held a hearing At 8:00 pm. Chairman Boulter opened the formal public hearing in the matter of the boxer (shar pay) mix at 87 Oak Street in which the complainant claims ran out of the yard and attacked and bit his dog and which the Animal Control Officer feels may have the potential to endanger the public. The Chairman read the notice of public hearing and the complainant, dog owner and witnesses were sworn in under oath by MaryAnn Smith, Notary Public. Present for the hearing were Animal Control Officer Bill Hart, Kyle Sullivan (dog owner) and Deborah Werra (Mr. Sullivan's mother). Animal Control Officer Hart reminded the Board that there is a standing order voted by the Board of Selectmen in place for this animal to be seized and quarantined should there be a repeat offense. Mr. Hart noted that he was not present at the time of the incident and was notified of it by the police. Mr. Hart went to 87 Oak Street and observed the dog off the owners property; he took the statement of Joe Breault of 124 Pleasant Street whereby it was reported that Mr. Sullivan's animal, Layla, had left the owners property, confronted Mr. Breault and his two dogs, attacked his dogs and left puncture wounds in the neck of one of them. Mr. Hart went to 87 Oak Street to speak with owner Kyle Sullivan; Mr. Sullivan was not on the property at the time. Mr. Hart spoke with Mr. Sullivan's mother, Deborah Werra, who reported letting the animal out. Mr. Boulter inquired as to the dates of the other unleashed animal attacks reported to the police; Mr. Hart confirmed that the first was July 2, 2012, the second on June 3, 2013 and this incident was on September 19, 2013. Mr. Boyle asked for confirmation of the animal's license and vaccination status; Mr. Hart stated that the animal is both unlicensed and unvaccinated. Mr. Boyle inquired as to the balance of fines due from Mr. Sullivan to date; Mr. Hart stated that the two tickets total approximately \$325.00 and the boarding fees from quarantine at \$20/day for ten days will total an additional \$200. Mr. Hart also advised that a vet will have to come to the pound to administer a rabies vaccination before Layla may be released. Mr. Hart recommended that Mr. Sullivan will have to pay all associated fees and vaccinate Layla before she can be released with notification to the town to which Mr. Sullivan is moving for their approval of Layla's moving to town; or he can surrender her to the Town for adoption to an owner who understands her issues and will ensure she is not loose. Mr. Hart stated that Layla interacts well with people but is territorial-dominant with other animals, and her owner is not responsible or able to control her ability to get loose. Mr. Kyle Sullivan stated that the details of the dog complaint are true and he is moving out of state to New Hampshire. He confirmed that Layla is protective and territorial; Mr. Sullivan stated he is moving to New Hampshire to live with his father who has a fenced in yard. Mr. Sullivan stated that he would need a payment plan to pay Layla's fines. Consensus of the Board was that a payment plan would be unacceptable and that

they support Mr. Hart's recommendations. Ms. Werra wanted to confirm that Layla's quarantine ends Monday, September 30 and indicated a preference to get the dog back. Mr. Boyle moved to authorize the Animal Control Officer to surrender Layla into Mr. Sullivan's custody only upon three conditions; that the Animal Control Officer in the town in New Hampshire where Mr. Sullivan is moving must accept Layla into the town upon request of Bill Hart, that she has had a rabies vaccine administered prior to her release and that all fines must be paid in full by a deadline 5:00 pm on Monday, September 30th, 2013. Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boyle moved to continue the public hearing until Monday, September 30th. Mr. Stone seconded the motion. The vote was unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne advised that the Plymouth County Retirement Board has increased Pembroke's FY15 assessment from 4% to 8% on an annual basis; however, this will avoid the 22% increase that was previously scheduled. Instead of a \$500,000 increase for FY15, this will result in a \$230,000 increase instead.

CONSIDER ARTICLES FOR INCLUSION, STM WARRANT (continued)

Mr. Boyle moved to leave Article 20 proposed solar zoning by-law; Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boulter read Article 21 from the School Committee regarding four school roofs and inquired as to whether a dollar amount has been determined yet; Mr. Thorne stated it has not. Mr. Boyle moved to leave Article 21 on the warrant; Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boulter explained that Article 22 will allow for water wheel site engineering, but it is possible that funds from the 300th Anniversary Committee could be allocated. Mr. Boyle moved to leave Article 22 on the warrant; Mr. Stone seconded the motion. The vote was unanimously in favor. Article 23 would address the zoning by-law referred to as the sign by-law. Mr. Boyle moved to leave Article 23 on the warrant; Mr. Stone seconded the motion. The vote was unanimously in favor. Article 24 would fund hydrilla treatment in Hobomock Pond. Mr. Boyle moved to leave Article 24 on the warrant; Mr. Stone seconded the motion. The vote was unanimously in favor. Article 25 would reimburse the Conservation Commission for a land purchase; Mr. Boyle moved to leave Article 25 on the warrant; Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Thorne advised that Articles 26 through 28 are Community Preservation Committee articles; Mr. Stone moved to keep Articles 26 through 28 on the warrant. Mr. Boyle seconded the motion; the vote was unanimously in favor.

ASK THE SELECTMEN

Mr. Boulter wanted to update the residents who have concerns regarding a right of way off of Stetson Heights regarding an easement on Kenholm Road; the Board has a sketch of the proposed easement. Mr. Boulter stated that Kenholm Road is predominantly staked out in wooded areas; most of the old paper road is in the woods and inaccessible for cars. Mr. Boulter stated he is still working on this and will update further.

UPCOMING ISSUES

Mr. Boulter advised that September 30th at 7:00 pm, Jeff Mathias will present a Hill Bog project update and at 7:30 there will be a public hearing regarding the street acceptance of Summer Path Way. On October 7th at 7:30 there will be a regarding the street acceptance of Kallio Path and on October 23rd there will be a public hearing by MassDOT for public comment on the Route 36 project and a Water Wheel Committee meeting on a date to be determined.

At 8:05 pm, Mr. Stone moved to enter executive session 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. Mr. Boulter so declared and Mr. Boyle seconded the motion.

By roll call vote: Mr. Trabucco - yes, Mr. Stone - yes, Mr. Boyle - yes, Mr. Boulter - yes.