

**MINUTES OF THE SELECTMEN'S MEETING  
SEPTEMBER 30, 2013**

**PRESENT:** Willard J. Boulter, Jr. (Chairman), Arthur P. Boyle, Jr. (Vice-Chairman), Lewis W. Stone (Clerk), Michelle Burt (Selectman), Daniel W. Trabucco (Selectman), Matthew Dovell, Bill Hart (Animal Control Officer), Jeff Mathias, Sabrina Chilcott (Executive Assistant), Erika Christianson (PACTV Cable), and others.

**ANNOUNCEMENTS**

There is a vacancy on the Council on Aging Board of Directors. For more information, contact chairman Linda Osborne or the Selectmen's office. Household Hazardous Waste Day will be held October 12<sup>th</sup> from 9:00am to 1:00pm at the Recycling Center. Acceptable items are listed on the town website and available at Town Hall.

**7:00 JEFF MATHIAS: HILL BOG PROJECT UPDATE, SITE #2**

Mr. Mathias was present before the Board to request permission to continue his project at site two whereby he will clean and dredge the upper reservoir known as Hill Pond. Mr. Mathias explained that water drains down from upstream and the area is too shallow; the goal is to capture and store more rainwater. Mr. Thorne clarified that this project is much larger than his last; previously he moved 40,000 cu yards and seeks to move 12 acres dredged to an average of twenty feet or 387,200 cu yards over the course of several years. He requests operation Monday through Friday 7:00 to 4:30 with off-site trucking from 7:30 to 4:30, Saturdays as needed. Additionally, trucks will enter and exit on Valley Street from the direction of Route 53 only without using the four way intersection at Valley and Forest Streets; streets and surrounding areas will be kept clean to the DPW's satisfaction and appropriate signage will be posted. Discussion ensued on the number of trucks; Mr. Mathias stated six eighteen wheelers will haul out six loads each at the height of the project, or thirty-six trips per day. Mr. Thorne inquired as to when the project will begin; Mr. Mathias stated in late fall and they will start by clearing out the stumps and doing survey work. The goal is to finish the prep work by the winter. Mr. Stone clarified that the Chief of Police had no complaints or issues and very few phone calls were received by the BOS relating to traffic during a specific period. Mr. Stone requested Mr. Mathias follow up with the BOS to provide an update every six months. Mr. Mathias agreed. Mr. Trabucco inquired as to whether an earth removal permit had been obtained; Mr. Thorne advised one is not needed as this is an agricultural project. Mr. Boyle moved to approve the Hill Bog Project at site two with the same restrictions as previously defined. Mr. Stone seconded the motion. The vote was unanimously in favor.

**CONSIDER TRANSFER FROM CAMP PEMBROKE**

Ms Burt moved to transfer the amount of \$3,172 from the Camp Pembroke Fund to purchase a trailer for the Herring Fisheries Commission for the purposes of equipment storage. Mr. Boyle seconded the motion. The vote was unanimously in favor.

**CONSIDER VOTE TO AUTHORIZE BORROWING OF SRF, \$340,000 FOR STORMWATER MANAGEMENT PLAN VOTED AT ATM**

Mr. Thorne explained that originally, the DPW Commissioners were requesting that these funds be borrowed with repayment coming from the general fund; now, they are requesting the BOS vote to borrow the SRF \$340,000 with repayment coming from water revenue. Mr. Trabucco stated he would like the DPW Director to come to the next meeting for more information. Mr. Stone inquired about the cost of borrowing, previously determined to be \$47,000 and how this would be funded; Mr. Trabucco questioned whether or not water rates would need to be raised. Mr. Boyle moved to table this for one week; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

**ACKNOWLEDGE THE NEW MEMBERS OF TOWN MEMORIAL COMMITTEE**

Mr. Boyle moved to acknowledge American Legion Commander Don Kernan and President of the American Legion Auxilliary Anne Nicklas. Mr. Boyle moved to support Michael Hurney remaining on the committee as a member. Ms. Burt seconded the motion. The vote was unanimously in favor.

**CONSIDER ADDITIONAL INFORMATION ON TWO ARTICLES ON SPECIAL TOWN MEETING WARRANT**

Treasurer/Collector Kathleen McCarthy submitted further information on Article 9 regarding uncashed check retention. Ms. McCarthy explained that approval of this article will allow the Town's uncashed payroll checks and uncashed accounts payable checks to be returned to the Town's general fund instead of the funds being turned over as abandoned property to the Commonwealth of Massachusetts. Mr. Thorne asked if there were further questions; there were not. DPW Director Eugene Fulmine, Jr. submitted information relating to the repairs to the drainage structures at Elm Street and Harvard Street, including a project understanding, scope of services, project cost estimates and resource maps. Mr. Thorne asked if there were further questions; there were not.

Mr. Thorne requested that the Board reopen the warrant to include a new Article 11 "to see if the town will vote to authorize the Board of Selectmen to enter into a contract for the disposal of the Town's solid waste for a period not to exceed twenty (20) years commencing on July 1, 2014, on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town, which contract may include a provision that the Town shall not be exempt from liability for the payment of contract sums in future fiscal years; or take any other action relative thereto". Mr. Boyle moved to open the Special Town Meeting warrant to allow for the insertion of the solid waste article; Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boyle moved to include new Article 11 as read; Mr. Stone seconded the motion. Mr. Thorne advised that this does not affect curbside pickup of trash or recycling; this addresses where the trash is hauled and it is currently the SEMASS plant in Rochester. The vote was unanimously in favor. Mr. Boyle moved to close the Special Town Meeting warrant; Mr. Stone seconded the motion. The vote was unanimously in favor.

**CONSIDER THE MINUTES OF SEPTEMBER 23, 2013**

Mr. Stone moved to accept the minutes of September 23, 2013 as written. Mr. Boyle seconded the motion. The vote was unanimously in favor.

**7:30 PUBLIC HEARING: STREET ACCEPTANCE, SUMMER PATH WAY**

Mr. Boulter opened the public hearing to see if the town would accept as a Town Way, Summer Path Way as shown on the street layout plan entitled Meadowview Farm Dated June 12, 2013 prepared by SITEC, Inc., and to see if the Town will further vote to authorize the Board of Selectmen to accept any and all property interests and appurtenances to use said street for all purposes for which public ways are used in the Town, or take any other action relative thereto. Mr. Boulter directed the Board's attention to the street layout plan as provided by the Planning Board. Mr. Boulter opened the floor for people to oppose the plan; there were none. Mr. Boulter opened the floor for people to speak in favor of the plan; there were none. Mr. Trabucco stated that this new subdivision is off of West Elm Street and he confirmed that the Planning Board has approved this layout plan under the Subdivision Control Law. Mr. Trabucco moved to support this layout plan, accept Summer Path Way as a town way and speak on behalf of it at Town Meeting. Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boulter closed the public hearing at 7:35 pm.

**OLD BUSINESS**

Mr. Trabucco advised that his two year term as Pembroke's representative to the Old Colony Planning Council's Metropolitan Planning Organization (MPO) is expiring and he requested the Board's nomination for re-election by the OCPC. Mr. Boyle moved to nominate Daniel Trabucco as the Pembroke representative for election to a two year term to the OCPC's MPO; Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boyle advised that the Pembroke Watershed Association held their annual meeting at the Library on Thursday night; there was a speaker from Aquatic Controls who updated the PWA on the progress at Hobomock Pond and Furnace Pond. Improvement at the Furnace Pond was measured in visibility from six inches to a foot previously measured to a new depth of three feet. Little Sandy shows visibility down to seventeen feet. Mr. Boyle stated that the new Hanson Town Administrator is now a resident of Oldham Pond.

## **UPCOMING ISSUES**

Mr. Boulter advised that on October 7<sup>th</sup> at 7:30 there will be a public hearing regarding the street acceptance of Kallio Path, October 14<sup>th</sup> is the observation of Columbus Day and there will be no BOS meeting that night; October 15<sup>th</sup> is the Planning Board Public Hearing on a proposed solar project; October 21<sup>st</sup> the Selectmen will give recommendations on the STM warrant articles and the Surplus Property – Vehicle bids that are due on October 18<sup>th</sup> will be opened; and on October 23<sup>rd</sup> 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. Mr. Thorne advised that the Town Treasurer/Collector will be present before the Board next week to outline the details of the Town's future real property surplus auction.

At 7:25 pm, Mr. Boyle moved to take a five minute recess. Mr. Stones seconded the motion. The vote was unanimously in favor. The meeting stood in recess at 7:25 pm.

### **7:30 PUBLIC HEARING, DOG COMPLAINT: KYLE SULLIVAN OF 87 OAK STREET/LAYLA (continued from September 23, 2013 at 8:00 pm)**

Pursuant to the provisions of G.L. c.140, sec. 157, the Town held a hearing that began on September 23, 2013 at 8:00 pm, and was continued to this evening. Present for the hearing was Animal Control Officer Bill Hart. Animal Control Officer Hart advised the Board that on Saturday he, Kyle Sullivan, Debra Werra and others spent time at the pound with a Braintree resident who expressed interest in adopting Layla. When Mr. Hart spoke with the Animal Control officer in Braintree, however, he refused to accept her in Braintree on disclosure of her animal complaint history. Mr. Hart advised that the financial issue of fees, fines and vaccinations are not the sole issue; residents have come forward to offer to assist Mr. Sullivan financially. Mr. Hart advised that Mr. Sullivan did not meet the deadline of any of the conditions to regain custody of Layla and, if the BOS order Mr. Hart to keep the dog, Mr. Hart will find a new mature and responsible owner after fully disclosing her issues. Mr. Boyle moved that the Town take care and custody of the dog and allow Animal Control Officer Bill Hart to find a new home for her; Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Hart further stated that this new owner will need references and that it must be the right situation for Layla. Mr. Boyle commended Mr. Hart on his actions in this matter. Mr. Boulter declared the public hearing closed.

At 8:50 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.