

**MINUTES OF THE SELECTMEN'S MEETING
OCTOBER 21, 2013 (as amended)**

PRESENT: Willard J. Boulter, Jr. (Chairman), Arthur P. Boyle, Jr. (Vice-Chairman), Lewis W. Stone (Clerk), Michelle Burt (Selectman), Daniel Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Michael Buckley (Town Accountant), Kathleen McCarthy (Treasurer), Alan Gigliotti, James Kinkade, Catherine Salmon (Chief Assessor), Elizabeth Bates (Assessor), Scott DeSantis (Assessor), Mary Quill (Assessor), Robert Hebert, Christopher Leblanc, Robert DeMarzo, Matt Dovell, Art Egerton, Stephen Curley (Advisory Chairman), Stephen Dodge (Town Moderator), Linda Peterson (Advisory Clerk), Patricia Elsner, James McCollum, Matthew McNeilly, Rachel Michael, Anthony O'Brien, Stephen Walsh, Miriam MacInnes, Sabrina Chilcott (Executive Assistant), and others.

At 7:00 pm, Mr. Boulter called the meeting to order.

ANNOUNCEMENTS

The DPW announces that Lakeshore Drive and Pine Street will be closed tomorrow, October 22nd from 7:00 am to 5:00 pm for paving. Please call the DPW at (781) 709-1426 with any questions. The Planning Board will hold two televised public hearings concerning the proposed Solar Photovoltaic zoning bylaw at 7:30 pm and the Medical Marijuana zoning bylaw at 8:00 pm on October 29th in the Veteran's Hall at Town Hall. A message from Town Clerk MaryAnn Smith: Special Town Meeting will be held on November 12th at 7:30 pm at Pembroke High School at 80 Learning Lane. The last day to register to vote is October 23rd and the clerk's office will be open until 8:00 pm for that purpose only. Please call the clerk's office at (781) 709-1403 with any questions. The Board of Health is holding a flu shot clinic tonight at Town Hall from 7:00 to 8:15 pm; there is a limit of 100 doses. The MassDOT will be holding a design public hearing on Wednesday, October 23rd at 7:00 pm in the Veteran's Hall at Town Hall for the proposed Route 36 Roadway Rehabilitation project. For more information, the MassDOT handout is available on the Town website at www.pembroke-ma.gov.

7:00 TREASURER KATHLEEN MCCARTHY: REAL PROPERTY AUCTION INFORMATION AND REQUEST FOR VOTE ON STORMWATER PROJECT MWPAT INTERIM LOAN

Mr. Stone moved that the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$340,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed April 24, 2012 (Article 15), which authorized a total borrowing of \$340,000 for the planning and construction of sewers and other water pollution control facilities identified in such vote (the "Project"); that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$340,000; that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined pursuant to the Financing Agreement; that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Financing Agreement (or Agreements) with the Trust with respect to the sale of Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes; that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and that the Treasurer and other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Financing Agreement(s) and the Project Regulatory Agreement(s) relating to the Project. Mr. Boyle seconded the motion; the vote was unanimously in favor. Ms. McCarthy stated that the Town's Auctioneer Zekos Group, on behalf of the town, will be holding a live tax possession property auction on November 21st at 1:00 pm in the Veteran's Hall at Town Hall. There will be open house viewing hours to be determined. The Town website has a link to the auctioneer's website with all related documents for the properties; Zekos contact 508-842-6400.

CONSIDER THE MINUTES OF OCTOBER 7, 2013

Mr. Stone moved to accept the minutes of October 7, 2013 as presented. Mr. Boyle seconded the motion; the vote was unanimously in favor.

CONSIDER APPOINTMENT REQUEST, CONSERVATION COMMISSION: ALAN GIGLIOTTI

Mr. Alan Gigliotti of 20 Mountain Avenue was present before the Board on his application for appointment to the Conservation Commission. The Conservation Commission submitted a letter supporting Mr. Gigliotti's appointment. Mr. Boyle moved to appoint Alan Gigliotti to the Conservation Commission to fill the vacant term expiring in 2016. Ms. Burt seconded the motion. The vote was unanimously in favor.

CONFIRM APPOINTMENT OF EUGENE FULMINE, JR. AS REP TO CENTRAL PLYMOUTH COUNTY WATER DISTRICT

DPW Director Eugene Fulmine, Jr. was reappointed as the representative to the CPCWD in July, 2013. Mr. Boyle moved to confirm Eugene Fulmine, Jr. as the representative to the CPCWD; Mr. Stone seconded the motion. The vote was unanimously in favor.

CONSIDER APPOINTMENT REQUEST, COUNCIL ON AGING BOARD: JAMES KINKADE

Mr. James Kinkade of 69 Spring Street was present before the Board on his application for appointment to the Council on Aging Board. The COA Board has submitted a letter supporting Mr. Kinkade's appointment. Mr. Stone moved the appointment of James Kinkade to the Council on Aging Board to fill the vacant term expiring in 2015. Mr. Boyle seconded the motion. The vote was unanimously in favor.

7:15 BOARD OF ASSESSORS: PRESENTATION OF BUDGET IMPACT ON TAX RECERTIFICATION

Chief Assessor Cathy Salmon and the Board of Assessors were present before the Board to present an update on the impact of a balanced budget at Town Meeting on the tax recertification process. The Assessors are finalizing their values, FY2014 new assessment values on \$2.2billion of property, and expect to receive the state's approval of those values by November 8th; then they wait to receive the certified tax rate. Since Special Town Meeting is November 12th, Ms. Salmon will meet with the Town Accountant on November 13th to submit all of the tax recap data to the DOR, provided the town comes out of STM with a balanced budget. This recap data includes all budget information including all revenue receipts, local aid and growth figures; the approval can take up to four weeks and approval comes in the form of a certified tax rate. During these four weeks, the Assessor's hold a tax certification public hearing and submit that to the DOR as well. With the current dates in place, the anticipated date of receiving the certified tax rate is December 13th. The Assessors then submit the previously approved values along with the certified tax rate and commit these to the Tax Collector so that property tax bills can be sent. With the administrative processes involved, this would put tax bills in the mail on December 30th. Property taxes fund 55-60% of the town's budget, and must be in the mail prior to January 1. If they are not, then the collection of FY2014 Actual Property Tax bills will not be due until May 1, 2014 and force the town to borrow money to fund the town budget. Ms. Salmon explained all of the factors that could result in a delayed billing, such as STM going to a second night, if the budget is not balanced coming out of STM, etc. Discussion ensued. Mr. Stone asked when the tax bills would be due if billed properly before Jan 1; Ms. Salmon stated they would be due February 1. Mr. DeMarzo asked what the interest rate would be if the town had to borrow to fund the budget. Mr. Buckley stated that the town would need to borrow \$6m for 120 days which would cost approximately \$20-30,000, but the impact would be to the bond rating of the town. Further discussion ensued on the negatives of holding STM in November as has been done in past years. Mr. Trabucco asked when the Assessors plan to hold the tax classification hearing; Ms. Salmon stated early in December. Ms. Bates explained that the tax classification public hearing is left open until the tax rate is certified.

7:30 PUBLIC HEARING: CHANGE OF MANAGER, PORTA BELLA BEVERAGE, INC. d/b/a WINE AND SPIRITS DEPOT

Mr. Boulter opened the public hearing. Robert Hebert and Christopher Leblanc were present before the Board on their application to change the manager of Porta Bella Beverage, Inc. d/b/a Wine and Spirits Depot

from Mr. Hebert to Mr. Leblanc. Mr. Leblanc has satisfied CORI requirements and has performed alcohol education training through ServSafe. Mr. [Stone] moved to grant the change of manager request of Porta Bella Beverage, Inc. d/b/a Wine and Spirits Depot, license number 0960 00023 being exercised at 125 Church Street from Robert Hebert to Christopher Leblanc. [Mr. Trabucco seconded the motion; the vote was unanimously in favor.]

SURPLUS PROPERTY – VEHICLE AUCTION BID OPENING

Vehicle #1 - 1997 Ford F250

VIN# 1FTEF2768VND00857

Item #1

\$639.79	MORRISETTE
\$387.00	HORNER
\$221.00	CORKERY

Vehicle #2 -2008 Ford Crown Victoria

VIN# 2FAFP71V98X179280

Item #2

\$444.00	CORKERY
\$388.00	HORNER
\$232.00	G A S

Vehicle #3 - 2005 Ford Crown Victoria

VIN# 2FAFP71W05X118789

Item #3

\$444.00	CORKERY
\$388.00	HORNER
\$332.00	G A S

Vehicle #4 - 1991 Chev 1 Ton Dump

VIN# 1GBHK34K7ME202423

Item #4

\$588.00	HORNER
\$232.00	G A S
\$200.00	SCOLEGE
\$151.00	MADDEN

Vehicle #5 - 1995 Ford F150

VIN# 1FTEF15Y6SLA54977

Item #11

\$211.00	CORKERY
\$140.00	SCOLEGE
\$99.99	GLAUBEN

Equipment #1 - 500 Gallon SPRAYER

Item #5

\$49.00	G A S
\$30.00	SCOLEGE

Equipment #2 - GENERATOR - Kohler

Item #6

\$503.00	CORKERY TRACTOR
\$327.00	KASZOWSKI
\$295.50	HORNER
\$287.00	BASINSKI
\$232.00	G A S MOTORS
\$151.00	MADDEN

Equipment #3 - GENERATOR

Item #7

\$287.00	HORNER
\$178.50	BASINSKY
\$151.00	MADDEN
\$87.00	CORKERY TRACTOR
\$49.00	G A S MOTORS

Equipment #4 - SULLAIR AIR COMPRESSOR

Item #8

\$391.00	CORKERY
\$312.50	BASINSKY
\$288.00	KASZOWSKI
\$188.00	HORNER
\$175.00	MADDEN
\$132.00	G A S MOTORS
\$26.00	D GLAUBEN

Equipment #5 - FLATBED TRUCK BODY - 8 ft

Item #9

\$228.00	KASZOWSKI
\$128.00	HORNER
\$76.50	S GLAUBEN
\$51.00	MADDEN
\$30.00	SCOLEGE

Equipment #6 - FLATBED TRUCK BODY - 11 ft

Item #10

\$677.00	KASZOWSKI
\$229.00	HORNER
\$188.50	BASINSKY
\$126.00	MADDEN
\$50.49	S GLAUBEN

Mr. Boyle moved to award vehicles and equipment to the highest bidder in each item; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

8:00 ADVISORY COMMITTEE: FY14 BUDGET PROPOSAL

Mr. Stephen Curley, Advisory chairman, stated the goal of this presentation is to share the figures that the Advisory Committee has developed for proposed budget cuts. The total deficit is approximately \$774,000. This is comprised of the state aid variance of \$534,000, the fire contracts that came in at a ten percent funding increase of over \$200,000 and the police lieutenant differential of \$40,000. Once revenue increases from motor vehicle excise tax, ambulance fund, COA transportation fund, new growth and local receipts from rentals are added in, there is net deficit of \$448,000 which needs to be cut from the budget. The resulting cuts are being compiled into article three for the Special Town Meeting warrant, published for the public, posted and distributed on Tuesday, October 29th. Mr. Thorne thanked the individual departments for working so closely to identify these cuts. Mr. Boyle asked Mr. Curley about the last time Pembroke sustained similar government cuts midyear; Mr. Curley stated they were 9C cuts and evaluations were performed mid year. Mr. Thorne confirmed that one of those cuts resulted in layoffs. Mr. Boulter asked about FY15; Mr. Curley stated that the pension increase of \$400,000, if not reduced, will take half of the revenue increase next year and could result in layoffs next year. Ms. Burt asked if the meals tax would help; Mr. Curley stated that the meals tax would generate a projected \$250,000 in revenue which, while helpful, would not cover the cost. Mr. Curley pointed out to the board that over the last five years, our state aid has increased at 0.25% per year and this is a large funding source of the town's budget. While the town is allowed to increase taxes by 2½%, between the taxes, state aid, new growth and local revenue our increases have been 2.2% per year as a result of inflation, health care or insurance costs, pension costs, etc. Mr. Curley stated that, when the labor costs on a mediated contract with benefits come in at 10% of the overall labor costs with a 2.2% revenue increase, the town can expect layoffs. Mr. Curley reiterated that the budget must be balanced at the end of the Special Town Meeting or the town cannot certify the tax rate.

VOTE WARRANT ARTICLE RECOMMENDATIONS

Mr. Boulter read the summary of article one capital expenditures; Mr. Trabucco moved Town Meeting Floor. Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article two, department supplemental transfer; Mr. Trabucco moved Favorable Action. Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article three, FY14 budget reductions; Mr. Boyle moved Town Meeting Floor. Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article four, fund separation pay benefits; Mr. Boyle moved Town Meeting Floor. Mr. Trabucco seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article five, stabilization fund transfer; Mr. Trabucco moved Town Meeting Floor. Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article six, fund OPEB liability; Mr. Boyle moved Favorable Action. Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article seven, snow and ice deficit; Mr. Boyle moved Favorable Action. Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article eight, uncashed check return; Mr. Trabucco moved Favorable Action. Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article nine, fund Collective Bargaining Agreements; Mr. Trabucco moved Town Meeting Floor. Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article ten, solid waste contract; Mr. Boyle moved Favorable Action. Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article eleven, meals tax; Mr. Stone moved Favorable Action. Ms. Burt seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article twelve, land transfer BOS; Mr. Trabucco moved Favorable Action. Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article thirteen, land transfer Conservation; Mr. Stone moved Favorable Action. Mr. Trabucco seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article fourteen, culvert repair; Mr. Stone moved Favorable Action. Mr. Trabucco seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article fifteen, police station repairs; Mr. Trabucco moved Town Meeting Floor. Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article sixteen, purchase 2 fire vehicles; Mr. Boyle moved Town Meeting Floor. Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article seventeen, Kallio Path street acceptance; Mr. Boyle moved Favorable Action. Mr. Stone seconded the motion. The vote was unanimously in favor.

Mr. Boulter read the summary of article eighteen, Summer Path Way street acceptance; Mr. Stone moved Favorable Action. Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article nineteen, Medical Marijuana Zoning By-Law; Mr. Boyle moved Favorable Action. Mr. Trabucco seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article twenty, Solar Zoning By-Law; Mr. Boyle moved Favorable Action. Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article twenty-one, school roofs repair; Mr. Boyle moved Favorable Action. Mr. Trabucco seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article twenty-two, Hobomock Pond hydrilla treatment; Mr. Boyle moved Favorable Action. Mr. Trabucco seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article twenty-three, reimbursement to Conservation for Thorpe purchase; Mr. Boyle moved Town Meeting Floor. Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article twenty-four, CPC Transfer from project account; Mr. Stone moved Favorable Action. Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article twenty-five, second CPC Transfer from project account; Mr. Trabucco moved Favorable Action. Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boulter read the summary of article twenty-six, CPC recommended projects; Mr. Stone moved Town Meeting Floor. Mr. Boyle seconded the motion. The vote was unanimously in favor.

ASK THE SELECTMEN

Mr. Stone stated that a resident called about a light that was replaced by National Grid resulting from damaged pole replacement; the resident requests that the light be moved from its current pole to a nearby pole or be shutoff. Mr. Stone stated that the Police will be reviewing the site and making a recommendation. Additionally, Mr. Stone wanted to let residents know that, while the trash regulations have changed to prevent trash from being put out sooner than 7:00 am on collection day, the Board will work with residents who go on vacation.

Mr. Boyle thanked the Advisory Committee, Town Accountant, Treasurer, Town Administrator and everyone who worked toward addressing the budget. Mr. Thorne stated that the legislature needs to take some responsibility; in the past, they have taken up the matter of local aid as a priority and have met in March to adopt a local aid resolution. This allows local towns and communities to know what is going to happen with the allocations and their own budgets. Mr. Thorne stated that Pembroke needs to ask our legislators next year to act on the local aid resolution as soon as possible so we have real numbers in March. Mr. Trabucco asked what the percentage was that the Town received; Mr. Thorne stated the dollar difference was \$434,000 less.

UPCOMING ISSUES

Mr. Boulter advised that on October 23rd there will be a public hearing by MassDOT for public comment on the Route 36 project in the Veteran's Hall at 7:00; October 28th the BOS will sign the STM warrant, October 29th there will be Public Hearings by the Planning Board on the proposed Solar Zoning By-Law at 7:30 pm and the proposed Medical Marijuana Zoning By-Law at 8:00 pm in the Veteran's Hall.

At 8:45 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. Trabucco seconded the motion.

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