

**MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 25, 2013**

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), Catherine Salmon (Chief Assessor), Mary Quill (Assessor), Mark Amorello (Herring Superintendent), Ben Bastianelli (DPW Commissioner), Stephen Curley (Advisory Chairman), Carol Dodge, Art Egerton, Patricia Elsner, Kyle Harney, James McCollum, Matt McNeilly, Rachel Michael, Colin Mulhern, Anthony O'Brien, Linda Peterson, Peg Struzik, Richard Wall (Police Chief), Steve Walsh, Sabrina Chilcott (Executive Assistant), Jessica Trifleti (Patriot Ledger), Mark Burrige (Pembroke Mariner Express) and others.

Herring Superintendent Mark Amorello was present to acknowledge the efforts of resident Theodore Wiede for reporting distressed herring, alerting the Commissioners so they could react by clearing the stream and opening the dam to allow fish to pass. Commissioner Kyle Harney acknowledged Colin Mulhern for this acts in assisting the annual herring migration from below to above the fish ladder. Mr. Harney further explained a new program that the Herring Fisheries Commission is working to implement called "Junior Commissioners Program" and they are working with Samantha Wood of the NSRWA to develop a best practices document; they hope to be ready prior to the spring run.

7:00 PUBLIC HEARING: TAX CLASSIFICATION HEARING FY2014, BOARD OF ASSESSORS

Mr. Boulter opened the Public Hearing at 7:00 pm.

Chief Assessor Cathy Salmon appeared before the Board to request they vote on whether to keep a uniform tax rate or split the rate between residential property and commercial/industrial/personal property. She also requested the Board vote on a small commercial property exemption. Ms. Salmon provided the current finalized value of the Town at just under \$2,292,580,802. The estimated levy based on the votes from Town Meeting will be \$33,678,012 resulting in a uniform tax rate of \$14.69 per thousand dollars of assessed value. This is an average of \$4,743.40 per residential taxpayer on an average single family assessment of \$322,900; \$13,949.62 per commercial tax payer on an average assessment of \$949,600. Pembroke is 87% residential, 9% commercial, 3% industrial and 1% personal property. Mr. Boyle asked if such a small percentage could bear the shift with such a high residential population. Ms. Salmon stated that, in order for the residential taxpayers to save \$72.09 per year, the shifting burden to commercial taxpayers would result in an increase of \$1394.96. Surrounding communities such as Brockton, Braintree and Hanover that utilize the split rate have an excess of 25% of commercial and industrial properties resulting in a 75/25 split. The Board of Assessors recommends staying with the single rate. Ms. Salmon introduced the small commercial exemption; few towns adopt it. This shifts the tax burden from small commercial to large commercial. To qualify the business must have less than ten employees in a property worth less than \$1million. The problem is, the owner of the property then gets the exemption, not the qualifying business owner. The Board of Assessors does not recommend this exemption. Discussion ensued. Ms. Salmon reiterated that the estimated levy amount of \$33,678,012 is money voted on, spent, by voters at Town Meeting. Mr. Boyle moved to accept a uniform tax rate for the Town of Pembroke for FY14 for the Town of Pembroke and that the Town of Pembroke not adopt the small commercial exemption. Mr. Trabucco seconded the motion; the vote was unanimously in favor. Mr. Boyle then moved to recess the Tax Classification Hearing and that it remain open until the call of the chairman; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

ANNOUNCEMENTS

Mr. Stone reported that several residents took advantage of the Sunday hours at the Pembroke Recycling Center for leaf disposal last week. He further announced that the Pembroke Recycling Center will also be open Sunday, December 1st from 9:00 am to 3:00 pm in addition to the regular Saturday hours. Town Clerk MaryAnn Smith has announced the date for the Special Election for the school roofs on January 25, 2014. The last day to vote will be January 6th and the Clerks office will be open that evening until 8:00 pm for that purpose. Please call 781-293-7211 with any questions. Columbia Gas expects to complete their project on Center, Oldham and Barker Streets by the end of this week. A parking ban remains in effect at this time.

CONSIDER THE MINUTES OF NOVEMBER 4, 2013

Mr. Stone moved to accept the minutes of November 4, 2013 as written; Ms. Burt seconded the motion. The vote was unanimously in favor.

CONSIDER A REQUEST TO SUPPORT THE RESTORATION OF WEEKEND AND HOLIDAY COMMUTER RAIL SERVICE

The Board has been requested to support the request of Duxbury Commuter Rail Activist Richard Prone as the surrounding towns have voted. He requests that Pembroke join in sending a letter to State Representative Josh Cutler to support the restoration of weekend and holiday rail service to the South Shore. Mr. Stone stated that he feels that the rail service to the South Shore should be available when needed; he pointed out that the trains sit idle on the weekends and could be put to better use to raise revenue on weekends. Mr. Stone suggested that the MBTA could try a thirty day restoration period and study the economics of the process. Mr. Boulter concurred, stating that this time of year particularly has a negative impact on heavy traffic that could be alleviated by utilizing public transportation. Mr. Stone moved to send a letter from the Pembroke Board of Selectmen to Representative Cutler requesting support from the legislature in restoring weekend and holiday commuter rail service to the South Shore as requested by Mr. Richard Prone. Advisory member Steve Walsh interjected that the Board request a roll back of rates to South Shore residents who don't have access to their service or request that Pembroke's assessment be reduced. Mr. Stone amended his motion to include the request that, in the absence of weekend service restoration, the MBTA consider an assessment reduction. Ms. Burt seconded the motion. The vote was unanimously in favor.

7:30 ADVISORY COMMITTEE: SPECIAL TOWN MEETING REVIEW

Advisory Chairman Stephen Curley was present to advise that money set aside for potential future raises has not been mentioned in the past; he stated that it will be mentioned in the future if the BOS want them to do so. Mr. Curley referenced previous Cash Management meetings where the amounts were discussed in detail with over forty people present. Mr. Boulter recapped by stated that there was \$500,000 in free cash that had been set aside to cover future amounts that might be encumbered in negotiations of past years contracts; this was not mentioned directly at Special Town Meeting. Mr. Curley stated that three to four months of discussion were had prior to reaching a consensus on the utilization of free cash to balance the budget and the funds available in free cash with all union contracts in negotiation. Mr. Curley stated that there will be no new source of free cash until the next fiscal year ends, the Town Accountant closes the books and sends the figures into the Department of Revenue for certification; this will be approximately October when the new amount of free cash is identified. Mr. Stone confirmed that the BOS and others were aware of the full picture as the subject had been extensively covered at other meetings; he further stated his preference to disclose all information at Town Meeting. Ms. Carol Dodge commended Advisory for the fine job they have done. Mr. Bastianelli stated he feels Town Meeting has become chaotic and the bylaws specifically address the responsibilities of the Board of Selectmen and Advisory Committee and how Town Meeting is to run. He further stated that the Town doesn't follow the protocol prescribed; he stated that the Advisory Committee should disclose all financial information on Town Meeting floor as the residents are entitled to know the full budgetary picture or it could affect their vote. Mr. Boulter inquired as to his proposal; Mr. Bastianelli stated that he feels that the Town should return to the prescribed process as stated in the bylaws and allow the residents to decide. Mr. Boulter suggested that the BOS request a certain allocation be considered "set aside" on Town Meeting Floor in the future. Mr. McCollum asked who enforces the town bylaws and he cited Section 12 and Section 13. Mr. McCollum stated that the clerical contract was settled twenty-three days before, although he did state that there was sufficient time for Advisory to review the contract terms prior to Town Meeting. Mr. McCollum stated that the language in Section 13 states that there should be only one article on a fall STM. Mr. Stone stated that the BOS are mindful of the current bylaws, but some older ones may need to be reviewed and updated. Ms. Peterson asked what aspects of a negotiated contract may be disclosed to residents; Mr. Thorne stated that the Memorandum of Understanding, once ratified, becomes public information. He further stated that the BOS and Clerical Union worked diligently to resolve and settle issues in a timely fashion although the mediator postponed the meeting for six weeks. Mr. McNeilly stated conversation on town meeting floor should only concern funding or not funding a contract. Mr. Walsh requested that contracts be posted publicly on the town website. Ms. Struzik stated that the clerical contract

represented less than \$40,000, and was for three years and twenty-two members. She further stated that she feels Advisory is misleading the public with a \$500,000 figure when clerical members will receive thirty cents over the life of the three year contract. Mr. Bastianelli requested that information be complete, clear and concise with all sources of revenue and account balances disclosed. Mr. Curley concurred with Mr. Boulter's recommendation that an early motion at Town Meeting should be to announce a total and request a possible appropriation amount be set aside for pending contractual obligations. Mr. Boyle agreed.

CONSIDER AWARD OF WEST ELM STREET CELL TOWER LEASE AGREEMENT

Mr. Boyle moved to award the West Elm Street cell tower lease to AT&T for ten years, with two five year extensions with rent starting at \$24,000 annually with a 4% annual escalator. Mr. Trabucco seconded the motion. The vote was unanimously in favor.

CONSIDER THE ACCEPTANCE OF DONATED LAND PARCEL E9-50, 66 PUDDING BROOK DRIVE, FROM SETH BEETON

Mr. Boyle moved the Treasurer's recommendation to accept from Seth D. Beeton a donated land parcel E9-50 at 66 Pudding Brook Drive. Ms. Burt seconded the motion. The vote was unanimously in favor.

DISCUSSION REGARDING THE RE-ESTABLISHMENT OF THE TOWN GOVERNMENT STUDY COMMITTEE

Mr. Trabucco would like the town to look into how our government is working, what is working and what can be improved, and determine if the town is ready for a Town Charter and a Town Manager form of government. Mr. Trabucco requested that the Board reform the Town Government Study Committee; Mr. Boulter stated that anyone interested in volunteering should obtain an application from the Selectmen's office to be added to the list; there will be further discussion at future meetings. There was unanimous agreement to reform this committee.

CONSIDER COUNCIL ON AGING BYLAW REVISIONS

Mr. Stone moved to accept the Council on Aging bylaw revisions as voted by the COA Board; Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boulter requested that the COA bylaws be put on the Town website.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne announced the surplus property auction results and advised that the highest bidders on each parcel have thirty days to complete their transactions. The current results of this auction stand at \$836,000. The final number will be available in thirty days; proceeds of the auction will go into free cash. The auction was very well attended and a great success; Treasurer Kathleen McCarthy was commended.

UPCOMING ISSUES

Mr. Boulter advised that there will be two Class II license public hearings on December 2nd at 7:30pm and 7:45pm; the Board will also vote on 2014 liquor license renewals. On December 9th there will be solid waste disposal presentations and on December 15th, Emergency Management Co-Directors Rick Wall and Mike Hill will present an EM briefing.

At 8:20 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: Ms. Burt - yes, Mr. Trabucco - yes, Mr. Stone - yes, Mr. Boyle - yes, Mr. Boulter - yes.