

**MINUTES OF THE SELECT BOARD MEETING
MARCH 17, 2021
REMOTE MEETING HOSTED BY PACTV ON ZOOM PLATFORM**

PRESENT: **Panelists:** Daniel Trabucco (Chairman), Jessica M. Rushing (Vice Chairwoman), John G. Brown, Jr. (Clerk), Rebecca Coletta (Selectwoman), Tracy Marino (Selectwoman), William Chenard (Town Manager), Kenneth McCormick (Fire Chief), Richard MacDonald (Interim Police Chief), Stephen Dodge (Moderator), Lisa Cullity (PEMA/Health Agent)
Attendees: Linda Peterson, Thomas Driscoll, Vincent Coyle, Sabrina Chilcott (Assistant Town Manager)

At 7:00 pm, Mr. Trabucco advised that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Pembroke Select Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can view this meeting while in progress on Comcast Government Access channel 15, and for those without cable, via livestream at: <https://www.pactv.org/pactv/towns/pembroke>. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the meeting designated for public comment, by registering to login to this webinar at <https://www.pembroke-ma.gov/select-board/meetings>. While no in-person attendance of members of the public will be permitted, every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Pembroke website an audio or video recording, transcript or other comprehensive record of proceedings as soon as possible after the meeting. All votes taken will be roll call votes. Mr. Trabucco stated that he will be seeking re-election and thanked all who have supported him.

DISCUSSION, POSSIBLE VOTE: SUPPORT AN ACT RELATIVE TO A STREAMING ENTERTAINMENT OPERATOR'S USE OF PUBLIC RIGHTS OF WAY

Ms. Coletta stated that the information provided by Ms. Thompson and a review of the proposed legislation has resolved her concerns. Mr. Brown stated that he would be more comfortable waiting for a first read in the House Ways and Means before voting on anything as the bill could change in a way that is not beneficial to the town. He stated that it is a good idea to update the 1984 law, and the way the bill is currently written, HD1440 and SD834, the proceeds would be divided as 40% to the town, 40% to PACTV and 20% to the state to administer the program. Mr. Brown voiced concerns that this formula could easily change in a way not beneficial to the town similarly to Chapter 70 and Chapter 90 formulas have changed to benefit larger communities and not Pembroke. Therefore, he would feel more comfortable voting to recommend once the bill has been reviewed. Discussion ensued use of the public rights of way and the benefit of supporting the legislation while monitoring the bill as it moves through the legislature. Ms. Coletta moved to support An Act Relative to Streaming Entertainment Operators Use of Public Rights of Way as previously presented to the Select Board. Ms. Rushing seconded the motion. By roll call vote: 5/0: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

DISCUSSION OF TOWN MEETING OPTIONS: DATES, LOCATION/VENUE OPTIONS

Mr. Chenard stated that several discussions to date have resulted in a plan that would involve use of the High School or the High School field; other venues are either out of town or inadequate for

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other reasons. Indoors will involve using three rooms with audio visual support or the rear filed, both have pros and cons with technology and costs. The outside option is available with certain restrictions. The ground would be very wet, flooring, tents and protective equipment for the technology would be required. Town meeting could be held on its scheduled date, it could also be postponed, occurring after the town election ballot vote at the local election on May 25 for a debt exclusion override. It is legal and appropriate within the statute, but uncommon. Moderator Steve Dodge stated that they key is when does the town meeting occur. Weather would be fairer if outdoors, more people will be vaccinated and feel more comfortable being at the meeting even if indoor by waiting. The indoor meeting in July of 2020 was safe and went well, and he stated he is in favor of postponing the date and in favor of an indoor town meeting. Mr. Dodge stated that he is favor of reducing the quorum as well. Ms. Cullity stated that PEMA has reviewed the plans at length, but each option is problematic. Outdoors is safest from a public health standpoint but has its own set of pitfalls including weather, and groups congregating outside are not guaranteed to be safe from COVID spread. PEMA tends to concur with Mr. Dodge's assessment of utilizing the High School but adding the gymnasium to allow for 225 additional people socially distanced. Ms. Cullity confirmed that delays will increase the number of residents who are fully vaccinated. The Housing Authority clinics are ongoing this week and at their conclusion there will be few to no residents over 75 in Pembroke who remain unvaccinated unless by choice. Chief MacDonald concurred with Ms. Cullity stating that the officers will be present at the meeting to assist. Chief McCormick also concurred, stating that his preference from a public safety standpoint would be to hold the meeting indoors. Ms. Rushing asked what capacity change is yielded in the indoor plan by adding the gymnasium. Ms. Cullity stated that the gym accommodates and additional 225 persons and the lobby can accommodate an additional 30 persons. The prior plan with the auditorium and cafeteria held a low figure of 325 without maximizing the options allowing a combined 580. Discussion ensued on how far along the vaccination rate estimate will be by May 11th. Ms. Cullity stated that the state is just over 10% vaccination rate now but could be as high as 20-22% by May with many unknown variables that could affect that estimate. Discussion ensued on other town locations that cannot support a town meeting. Mr. Brown asked Ms. Cullity if it is easy to execute the protocols if the numbers are significantly higher. Ms. Cullity stated that town meeting must be open to any residents who choose to come, and there are more than 11,000 registered voters so the possibility exists that town meeting could exceed the number that can be accommodated under the plan. The protocol would require the Moderator, if it is no longer safe, to call an end to the meeting and gavel it to another time and place. The outdoor option will have an enormous cost associated with it, so all options are equally challenging. The question was asked what the comparison of last August's case numbers were versus the case numbers today; Ms. Cullity stated last August was a very light case month with many days reflecting no cases, whereas we are at 6-7 cases per day now. Mr. Dodge stated that he always favors increasing participation, and the community center article will prove controversial; the longer the town waits, the more comfortable people will be and the higher the participation rate will be, which is his primary focus. Ms. Cullity advised that the Board of Health deliberated and voted to support an outdoor town meeting. Discussion ensued on options for holding an outdoor town meeting prior to the May 15 election. Ms. Coletta stated that her goal is to proceed to a town meeting and ballot vote to build a community center and save \$4million due to market conditions. Mr. Trabucco stated that he would prefer to stick to the schedule that we have in place for town meeting and election; an outdoor town meeting would have to have outdoor surface installations on the majority of the track and field to protect it and for ADA Accessibility and many other costly technological improvements that could make it prohibitive. Discussion ensued on daytime outdoor options including Saturdays as well as the cost of holding a special election. Mr. Trabucco wanted the Board to consider two questions; should the meeting be on a Saturday versus

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the Tuesday, and should the meeting be before or after town meeting. Ms. Rushing stated that she would prefer an outdoor meeting and she would be amenable to a Saturday, outdoor meeting either before or after the election. Ms. Marino stated she would prefer an outdoor, Saturday meeting before the election, or on May 8th. Mr. Brown stated he prefers to proceed with an indoor town meeting on May 11th as planned. Ms. Coletta would prefer outdoors on May 8th with her second choice indoors on May 11th. Discussion ensued on the mechanics of posting the warrant on April 27th and the Moderator opening and declaring the meeting in recess until May 8. Mr. Trabucco recommended that the discussion be continued to the Board's next meeting, March 24, 2021.

BUDGET REVIEW: FIRE DEPARTMENT, POLICE DEPARTMENT, ANIMAL CONTROL AND EMERGENCY MANAGEMENT

Chief McCormick was present before the Board with detail of Fire Department operations in Pembroke. Pembroke Fire is a dual role service providing fire protection and EMS. These services include fire protection, property conservation, rescue and hazard mitigation and emergency medical services and first aid. Other non-emergent Fire Department functions include new construction building plan reviews, fire data reporting, medical data reporting, OEMS compliance reporting, ambulance billing, fire prevention, residential fire inspections, code enforcement, school code compliance inspections, ABCC Liquor license compliance inspections, and annual commercial inspections. Current staffing levels include one Chief, one Administrative Assistant, one Deputy Chief, four captains and twenty-four firefighters; the goal is to add a Deputy Fire Chief to improve function and performance. Current equipment includes three ALS ambulances (2016, 2018, 2019), three forest trucks (all 2010), four fire engines (1998, 2009, 2020 and 2020), one ladder truck (2008), one squad vehicle (RRV, 2017) one boat (2016), one hovercraft (1998), one dive trailer (2019), three command cars (2014, 2014, 2020), one ORV (Gator, 2018), one service truck (2016) and one ballistic inflatable boat (2004). The work schedule for the twenty-four hour per day, seven days per week, 365 days a year station coverage with a station dispatcher, shift commander and five firefighter – paramedics. Firefighters work 2,196 hours per year. Administrative office coverage is from 8am to 4pm Monday through Friday, the Fire Chief, Deputy and Administrative Assistant, with the Chief on call 24 hours per day. Run totals in 2015 were 2862; in 2016 were 3073; in 2017 were 3011; in 2018 were 3183; in 2019 were 3131; in 2020 were 3114 and thus far in 2021 are 588. There are also 780 inspections annually not factored into those numbers. Busiest hours of the day include 4am-5am on Mondays, 3am-4am on Fridays, 10am-11am on Tuesdays and nightly from 9pm-10:30pm. The Department's service area in Pembroke encompasses 21.5 square miles, a nighttime population of 20,000, daytime population of 28,000, six state routes, seven border towns, eight border occupied bodies of water, a large, highly traveled commercial zone, 380+ streets, 1000+ businesses, five schools, multiple day care facilities, five medical facilities, one memory care facility, one psychiatric hospital, twenty-five liquor licensed premises, ten gas stations, multiple gateway/halfway homes, New England Village complex, 240 unit apartment complex and an industrial park with 300+ units. The Department averages 1900-2000 medical transports to either SSH, BID Plymouth, Brockton, Good Samaritan or Boston Hospitals. Under MGL c.44 §53 ½ the Ambulance account is to maintain the operation of the ambulance service and all associated costs; estimated in FY22 to be \$850,000. The Chief reviewed increases to the departmental budget that have been submitted, predominantly contractual increases, some COVID-19 related with the addition of one Deputy and requested increases for vehicle maintenance.

Interim Chief MacDonald was present before the Board with detail of Police Department operations in Pembroke. Pembroke Police Department is comprised of one Chief, two lieutenants (operational and administrative), six patrol sergeants, two detectives, one court prosecutor sergeant, an E911 dispatcher, one school resource officer, twenty patrol officers, a vacant safety officer, matrons,

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reserve/special officers, emergency management, the animal control officer, one administrative assistant and one secretary to the Chief. Patrol coverage is led by the Shift Commander and includes on north side patrol, one south side patrol and one backup patrol town wide with a station officer at the desk; the Department has had 47,355 calls for service over the last three years, averaging 16,000 calls per year. In addition to their primary duties, the police force are domestic violence officers, SEMLEC's (CISM/SWAT/Motorcycle/Search & Rescue and Dive Team), sex offender registry officer, business relations officer, outreach Hub officers, school liaison officers, license to carry issuing officers, elderly affairs officers, firearms instructors, honor guard, community relations officers, safety officer, sexual assault investigators, property evidence officers, and traffic enforcement officers. Chief MacDonald detailed overtime coverage costs and explained that in addition to ensuring adequate coverage for shifts, overtime can be incurred for storm coverage, court/prosecutor, witness either criminal or civil, school resource officers, investigations, callouts for SEMLECs, call ins during major incidents, and specialized unit deployment. Annual training costs and resulting overtime costs were discussed at length; veteran officer in-service training is 40+ hours, and more is anticipated with the Police Reform Bill. Additional trainings required include 911 training (16 hours), firearms qualifications twice per year, use of force training twice per year, additional training for SEMLEC branches and additional miscellaneous trainings as needed. Chief MacDonald detailed community policing initiatives that the department is particularly proud of, including Plymouth County Outreach-HUB, Prom Angels, Domestic Violence Outreach, Cops for Kids with Cancer, Station Tours for school children and all scouting units, Boat Safety courses, Stericycle Med Drop Box, Backpack drives for the homeless, Halloween Glow Stick program, charity road races, Jimmy Fund Walk, Citizens Police Academy, Christmas Toy Drive, Veterans Coat Drive, Birthday Parades during COVID, Fingerprints, VIN verification, SafetyNET (autistic and elderly), PTAD, Pembroke Chamber of Commerce, and more. Chief MacDonald listed detail on the sixteen fleet cars and their age and mileage and stressed that the heavy use exceeding 100k miles per year on patrol cars depreciates the vehicles very quickly and they need extraordinary maintenance and require a solid replacement schedule to be maintained to maximize the taxpayers value in the assets. Chief MacDonald expounded at length on the outreach performed by officers daily on each call. Mr. Chenard shared the budgets for each Department, stating that he is recommending the department budget requests, which can be viewed at https://www.pembroke-ma.gov/sites/g/files/vyhlf3666/f/uploads/fy2022_proposed_budget_02252021.pdf.

PRESENTATION OF THE FISCAL 2022 CAPITAL BUDGET (ARTICLE 5)

Mr. Chenard stated that the presentation this evening is in support of departmental requests that have been examined and recommended; he advised that he is performing a detailed capital analysis to develop a successful long range capital plan, and the recommendations this evening in the capital budget are items that cannot or should not be deferred. The overview of funding sources used to fund the capital budget include \$338,100 from free cash, \$3,708,500 general fund borrowing, \$1,200,000 water borrowing and \$37,500 solid waste borrowing for a total of \$5,284,100. Mr. Chenard presented historical general fund debt amounts and enterprise fund debt data, focusing on debt changes over the last twelve years. Items included in this year's capital budget include five requests from the Police Department, five from the Fire Department, eleven between Public Works, Water and Town Manager, six for the School Department, two for the Library, two for Recreation, one for the Animal Control Officer and two items recommended by the Town Manager, a public safety assessment center funded from free cash and a borrowing for Public Safety Building Design of \$1.8million. Discussion ensued on general practice to prepare a building project with design costs including engineering, elevations and plans versus preparing the project with a space and needs with architecture renderings and estimations. Ms. Rushing asked for more information and

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more detail to review this item in more depth. Mr. Chenard stated he will review the past practice of space and needs and re-evaluate the item and report back to the Board.

TOWN MANAGER'S REPORT

Valley Street Paving

The final pavement layer will be completed this season; any gas or water upgrades must be completed prior to the paving as there will be a five-year moratorium on the road once paved.

Center Street Construction

The town will be upgrading water mains from Elliot Ave to School St this season for paving to occur next year. Any gas or water upgrades must be completed prior to the paving as there will be a five-year moratorium on the road once paved.

COVID-19 Update

Mr. Chenard advised that cases in March to date are 101, please continue to wear masks, socially distance and wash hands. Mr. Chenard detailed the five vaccination events that the town has been able to host for seniors, housing authority residents and teachers. Mr. Chenard reminded the residents that the vaccination link set up by the state is: www.vaxfinder.mass.gov.

Community Comment

Ms. Marino stated that Liz Bailey, the new Chair of the 501(c)(3) Pembroke Historical Society, has asked if the Select Board would like to appoint a Board Liaison to the PHS. Mr. Trabucco requested that this item be placed on the next agenda for discussion.

New Business

Discussion of Expectations for 2021 Temporary Alteration of Premises/Outdoor Dining Permitting

Mr. Chenard requested that the Board discuss how to approach permitting for 2021 temporary alterations of premises licenses; consensus was achieved on using the same ambient noise and acoustic music only, outdoor dining, same regulations in place as last year. Mr. Trabucco recommended November 1st as an expiration date for permits; this will be on next weeks agenda for further action.

At 10:22 pm, Ms. Rushing moved to adjourn; Mr. Brown seconded the motion. By roll call vote: 5/0: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

MATERIALS & EXHIBITS

Email including Legislation Draft, J. Thompson (TM Office)

Proposed Streaming Bill Resolution (PACTV/TM Office)

Fire Chief, Police Chief PP re: FY22 Budget

Town Manager PP re: FY22 Budget, Capital Budget (TM Office)