

**MINUTES OF THE SELECTMEN'S MEETING  
JANUARY 27, 2014**

**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), Stephen Showstead, Richard Wall (Police Chief), Tem Ferrara, Margie McNally, Robert DeMarzo, Vicky Gillard (Principle Clerk), Stephen Kallenberg, Matthew Dovell, James Sweeney, Alan Caparella, Ben Bastianelli (DPW Commissioner), Len Rusczyzk, Gordon Martin, Thomas Driscoll, Art Egerton, Charlie Matthewson (WATD), Sabrina Chilcott (Executive Assistant), and others.

**ANNOUNCEMENTS**

Town Clerk MaryAnn Smith announced that nomination papers are now available for the April 26<sup>th</sup> Town Election; the last day to obtain them is March 6<sup>th</sup>. All papers must be returned to the Clerk's office by March 10<sup>th</sup>. The last day to register to vote at Town Meeting and the Town Election is April 2<sup>nd</sup>. Dog licenses are now available in the Town Clerk's office. Please call 781-293-7211 with any questions. Mr. Boulter congratulated the Pembroke Public Schools on a successful Special Election for the School Roof Project with a vote of 1171-214 in favor. Ms. Burt thanked the Conservation Commission for approval to seek engineering in the permanent location of the water wheel. Mr. Stone congratulated Selectman Arthur Boyle on having a sportsmanship award named in his honor and for the receipt of the Sherman A. Kinney Award from the Massachusetts Interscholastic Athletic Association for his efforts to foster good sportsmanship both as a legislator and a sportscaster. Mr. Stone read a letter from Representative Cutler.

**7:00 CVAA CHANGE OF MANAGER: 99 RESTAURANT & PUB FROM LYNN MARCEL TO STEPHEN SHOWSTEAD**

Mr. Showstead was present before the Board in regards to this request; he stated he has been employed as a general manager by the 99 Restaurants for six and a half years, managing their Falmouth location for the last three and a half years. Mr. Stone moved to approve a Change of Manager of the 99 Restaurant and Pub at 166 Church Street from Lynne Marcel to Stephen Showstead. Mr. Boyle seconded the motion; the vote was unanimously in favor.

**7:05 TEM FERRARA & MARGIE MCNALLY, NEXT STEP LIVING: DOOR-TO-DOOR SOLICITATION PERMIT APPLICATION**

Mr. Ferrara is the Regional Outreach Manager and Ms. McNally is the Outreach Coordinator for Next Step Living. They seek to have representatives go door to door in Pembroke to help Pembroke residents tap into MassSave funding for free home energy and solar assessments; the representatives will only schedule future appointments for these assessments if desired; they will not enter residents homes. Mr. Boyle asked if they were affiliated with any utility companies; Mr. Ferrara confirmed that they are affiliated with NSTAR, National Grid, Columbia Gas and others. Ms. McNally explained that residents pay into the home energy assessment fund through their current utility bills; this service is at no additional cost to the customer. Mr. Boulter asked if this was a residential service; Mr. Ferrara confirmed it is. Chief Wall stated that the process for a door to door solicitation permit begins with the Board of Selectmen's approval; if it is approved, the Police Department will put it through their enhanced permit process with the goal being photo identification for all solicitors. Mr. Boyle asked what hours they plan to solicit residents; Mr. Ferrara stated they generally work from 2:00pm to sundown, or 7:00pm. Mr. Stone stated he supports their solar assessment goals but does not support this door to door solicitation permit. Mr. Trabucco confirmed that residents can call their utility company for this free service and asked if Next Step Living is one of the utilities contracted vendors; Ms. McNally confirmed they are but that a door to door approach is more convenient for residents to schedule their appointments. Mr. Boulter confirmed their website: [www.nextstepliving.com](http://www.nextstepliving.com). Mr. Boyle moved the approval of a Door-to-Door Solicitation Permit for Next Step Living for six months on Monday through Friday from 2:00 pm to dusk and on Saturdays from 10:00 am to dusk pending the approval of the Chief of Police with identification to be issued by the Police Department. Mr. Trabucco seconded the motion. Ms. Burt stated she is not in favor of this door to door solicitation permit. Mr. DeMarzo spoke in favor of the applicant stating that he has a family member who used this service and appreciated their professionalism.

Mr. Boulter stated that he was not in favor of this application but he would like Pembroke residents to have an opportunity to be more energy efficient. He cautioned that any permit issued that results in negative feedback will not be reissued. Vote of the Board: 3/2 in favor with Mr. Stone and Ms. Burt opposed.

**7:20 CONSIDER VOTE FOR REFINANCE OF 40B PROPERTY AT 14 CHAMPION WAY, MR. STEPEHEN KALLENBERG**

Vicky Gillard was present before the Board with applicant Stephen Kellenberg of 14 Champion Way; Mr. Kellenberg is requesting that the BOS vote to approve his refinancing of this 40B property so he may pay off the first mortgage and perform improvements to the property. Mr. Boyle moved to approve Mr. Kellenberg's request to refinance 14 Champion Way; Mr. Stone seconded the motion. The vote was unanimously in favor.

**CONSIDER OPENING THE ATM WARRANT FOR APRIL 22, 2014 ATM; CONSIDERING CLOSING ATM WARRANT ON FEBRUARY 13<sup>TH</sup> AT 4:30PM**

Mr. Boyle moved to open the Annual Town Meeting warrant tonight and close the Annual Town Meeting warrant on February 13<sup>th</sup> at 4:30pm; Mr. Stone seconded the motion. The vote was unanimously in favor.

**CONSIDER REQUEST OF THE TOWN CLERK: VOTE TO ASSIGN THE SCHOOL COMMITTEE THE DESIGNATION OF SPECIAL MUNICIPAL EMPLOYEE**

Mr. Boyle moved to ass the Pembroke School Committee to the list of boards or committees with Special Municipal Employee designated status at the request of the Town Clerk; Ms. Burt seconded the motion. The vote was unanimously in favor.

**CONSIDER THE MINUTES OF JANUARY 13, 2014**

Mr. Stone moved to accept the minutes of January 6<sup>th</sup> as written; Mr. Boyle seconded the motion. The vote was unanimously in favor.

**CONSIDER APPLICATION FOR APPOINTMENT AS MAPC REPRESENTATIVE: MATTHEW DOVELL, 25 FOUR WINDS DRIVE**

Mr. Thorne has met several times with Mr. Dovell as a graduate student in government studies and he recommends Mr. Dovell to serve as the BOS Representative to the MAPC. Mr. Boyle moved the Town Administrator's recommendation to appoint Matthew Dovell as the MAPC Representative for the Town. Mr. Stone seconded the motion. Discussion ensued; Mr. Boulter stated that he wants to hold off on appointments until the research on the formation, composition, meeting schedules and minutes of the Town's boards, committees, and commissions is complete. Mr. Trabucco pointed out that MAPC minutes are emailed monthly to the BOS. Vote of the Board: 4/1 with Mr. Boulter abstaining from the vote.

**7:30 PUBLIC HEARING, CVAA APPLICATION: CAP RESTAURANT GROUP, LLC D/B/A MOTHER ANNA'S RISTORANTE AND BAR, 46 COLUMBIA ROAD**

Mr. Boulter declared the public hearing open. Mr. Boyle moved to recess the public hearing until 8:00 pm; Mr. Stone seconded the motion. The vote was unanimously in favor.

**CONSIDER TOPIC FOR FEBRUARY 25<sup>TH</sup> BUSINESS COUNCIL MEETING**

Mr. Stone moved to table this item for one week; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

**OLD BUSINESS**

Len Rusczyzk was present before the Board to update three items; he stated that the committee has a vacancy and three members are up for reappointment in June; if any resident is interested in volunteering on the Pembroke Recycling Committee, please submit an application to the Selectmen's office. Additionally, he stated that the committee is having difficulty achieving quorum; he was advised that the committee has one alternate available now and room for another alternate to be appointed by the PRC Chairman. Finally, he asked if the Selectmen had an opportunity to review his draft minutes from the PRC meeting December 18<sup>th</sup> as he has submitted them to the Town Administrator. The Committee has not voted to accept them yet. Mr.

Stone inquired as to when the meeting minutes would be voted for acceptance by the PRC; Mr. Rusczyzk stated their next meeting is February 19<sup>th</sup>. Mr. Stone requested that the PRC be scheduled for a follow up of the DEP report at the BOS meeting on February 24<sup>th</sup> to allow for the PRC to meet and consider their recommendations to the BOS. Mr. Bastianelli stated he would like the Board of Selectmen to review the DEP report and give the Recycling Committee direction. Mr. Thorne stated that the Recycling Committee was formed as an advisory body to the BOS and charged with making recommendations to the BOS; the Recycling Committee is tasked with reviewing the materials and making recommendations, not asking for the BOS recommendations. Mr. Martin agreed. Mr. Driscoll stated that the initial recommendations that the Recycling Committee made regarding the Recycling Center were not adopted; to summarize the DEP report, Mr. Driscoll stated that further action would require the town to spend money which it does not have. Mr. Boulter advised the Committee that the DEP report provides a new opportunity for the PRC to consider further and different options provided by an independent entity. Mr. Trabucco stated that it is not the BOS intention to reduce hours at the Recycling Center, and the BOS actually increased hours to residents in the fall. Mr. Thorne addressed one of the PRC concerns concerning money handling; monies collected on Saturday at the Recycling Center are deposited in a lockbox at Rockland Trust on Saturday afternoons. Mr. Thorne recommended that the Recycling Committee meet as scheduled on February 19<sup>th</sup>, develop recommendations to the BOS using the DEP report and presentation, and advise the Selectmen of their recommendations. Discussion ensued on the PRC ability to meet and make new recommendations. Mr. Stone stated that the current Recycling Committee is neither functional nor operating as a working committee. He further stated that the Board of Selectmen has been awaiting the Committee's recommendations to improve recycling results, educational outreach and positive ways of impacting Pembroke's recycling statistics. Mr. Stone stated that, without the participation of the Recycling Committee, the Town Administrator, the School Superintendent and Mr. Stone himself have seen textile recycling implemented in Pembroke since May, with 37,000 pounds of recycling being removed from the waste stream. This generated \$2600 in funds to the Pembroke PTOs and saved \$2100 in solid waste disposal. Mr. Stone stated that the BOS need to review the Recycling Committee's expectations. Mr. Martin agreed with Mr. Stone, but stated that the PRC is not meeting regularly; in fact, he stated they have met once in the last year. Mr. Rusczyzk agreed that the Committee is divided. Mr. Trabucco voiced his disappointment with the Committee failing to meet with the school department or the library trustees; he stated he has not seen a good faith effort, but instead bickering amongst the Committee that is not conducive to developing a functional committee or benefitting the Town of Pembroke. Mr. Boulter explained that it is the responsibility of the chairman to hold scheduled meetings, contact members and confirm their attendance and post an agenda of such meetings. Mr. Boulter read an excerpt from the February 14, 2011 meeting:

*Town Administrator Thorne offered the following mission statement for this committee which was approved by the Selectmen:*

*The Recycling Committee is created as an advisory board to the Town Administrator and the Board of Selectmen for the purpose of improving the Town's recycling programs. The committee is charged with making recommendations to the operations of the Town's Recycling Center, to increase participation and awareness of recycling in the town by educating the public through local school programs, public outreach, and community cable access. The committee shall make periodic progress reports to the Selectmen at their regularly scheduled meetings. Also, Town Counsel advised that Alternate Members who are appointed to this committee should have terms of one, two and three years respectively, and that the chairman of the recycling committee may designate any alternate member to sit on the committee in case of absence, inability to act, or conflict of interest on the part of a permanent member or in the event of a vacancy on the permanent committee until the vacancy is filled.*

Mr. Boyle moved to table this conversation until February 24<sup>th</sup>; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

## **PUBLIC HEARING, CVAA APPLICATION: CAP RESTAURANT GROUP, LLC D/B/A MOTHER ANNA'S RISTORANTE AND BAR, 46 COLUMBIA ROAD**

At 8:20 pm, Mr. Trabucco moved to re-open the public hearing; the applicant returned to the Veteran's Hall with approval from the Zoning Board of Appeals for a Special Permit to operate a restaurant with 116 seats inside and 24 seats on the 420 square foot exterior porch. They further received approval for hours of operation Sunday through Thursday 11:00 am to 12:00 am and Friday and Saturday from 11:00 am to 1:00 am. Mr. James Sweeney, attorney for applicant Alan Caparella was present to advise that Mother Anna's intends to keep the take out section but the hours are as yet unknown. Mr. Caparella was present to explain that he is the fifth generation to manage as executive chef and general manager family-owned Mother Anna's in the North End. His family is now located on the South Shore and he looks to bring the same traditional recipes to this restaurant in Pembroke. Mr. Sweeney discussed renovations taking place and stated that the goal is to open the restaurant in April. Discussion ensued on the porch; Mr. Caparella stated that he sees this area as an overflow area for customers waiting to dine, not as an eating area although he will maintain tables. Mr. Boyle moved to approve the application for a new Common Victualer All Alcohol license to CAP Restaurant Group, LLC d/b/a Mother Anna's Ristorante and Bar to be exercised at 46 Columbia Road consisting of a 2903 square foot first floor with additional square footage of approximately 420 square feet outside unit #4, fenced in with seating for 24 plus indoor seating of 116, take out area included in square footage; six exits with 3 in front and 3 in rear; access to the outside seating area from within the café only, Sunday through Thursday from 11:00 am to 12:00 am, Friday and Saturday 11:00 am to 1:00 pm. Mr. Stone seconded the motion. The vote was unanimously in favor.

## **TOWN ADMINSTRATOR'S REPORT**

Mr. Thorne thanked Hobomock sixth grade students from Kelly Valeri's class who created artwork and thank you cards for Mr. Thorne; he spoke to the sixth grade classes in preparation for the MMA essay regarding government and answered their questions regarding town government. The artwork is on display in the lobby of the Town Hall. Mr. Thorne suggested a topic for future conversation regarding available Town Hall hours and the feedback received from residents. Currently, the Town Hall is open Mondays from 8:30am to 4:30pm, closing until 7:00pm. Then the Town Hall reopens from 7:00pm to 9:00pm. Many requests have been received to consider that Town Hall stay open on Mondays from 8:30 am to 6:30-7pm to accommodate commuting residents after work. Mr. Thorne explained that boards meeting begin at 7:00pm and recommended future discussion regarding the matter.

## **ASK THE SELECTMEN**

Mr. Stone wanted to respond to residents inquiries after the last snow storm; he spoke with the DPW Director and confirmed the following information: Pembroke contains 290 streets for a total of 107 miles; it used to take the DPW three hours to treat all of the streets in town and now it takes five hours to complete as Pembroke has grown. Mr. Stone commended the DPW and stated that he is convinced they are doing a great job.

## **UPCOMING ISSUES**

Mr. Boulter advised that the DOR Financial Management Review will be presented on February 3<sup>rd</sup> at 7:00 pm. February 10<sup>th</sup> will begin with a brief presentation from two Girl Scout Gold Award candidates, the DEP report review will be scheduled for February 24<sup>th</sup> and there will be a joint meeting with the Energy Committee to discuss future solar projects at a date to be determined. Mr. Stone volunteered to update the BOS as he plans to attend the Energy Committee meeting on January 28<sup>th</sup>.

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