

**MINUTES OF THE SELECTMEN'S MEETING  
FEBRUARY 24, 2014**

**PRESENT:** Arthur P. Boyle, Jr. (Vice-Chairman, Acting Chair), Lewis W. Stone (Clerk), Michelle Burt (Selectman), Daniel Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Daniel A. Pallotta (Plymouth County Commissioner), Ben Bastianelli (DPW Commissioner), Paul Whitman (DPW Commissioner), Robert DeMarzo (Wage & Personnel Board), Gordon Martin, Len Rusczyk, Mike Virta, Vicky Gillard, Sabrina Chilcott (Executive Assistant), and others.

Mr. Boyle called the meeting to order at 7:00pm.

**ANNOUNCEMENTS**

Town Clerk MaryAnn Smith announced that dog licenses are now available in the Town Clerk's office. Please call 781-293-7211 with any questions. Additionally, the census has been mailed; the Town Clerk requests that residents return their completed census promptly. Please contact the Town Clerk if you have not received your census at 781-293-7211. Maggie's Crew MS Walking Team is holding the following fundraisers to support the April 6 MS Walk: March 2<sup>nd</sup> Line Dancing at First Church, March 12 Beer & Wine Tasting at Oliveira's and March 29 5p-7p Pasta Pep Rally at First Church. 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>.

**7:00 PLYMOUTH COUNTY COMMISSIONERS PRESENTATION: CHAIRMAN DANIEL A. PALLOTTA**

Chairman Pallotta explained that the Plymouth County Commissioners are travelling to each of the twenty-seven communities to update them on the County's current role, initiatives and future plans. Mr. Pallotta explained that County government costs each resident approximately \$2.66 per year and the main function is the Registry of Deeds. All of the land from the 1620's forward is registered with the Registry of Deed. The original land records from 1620-1630 are located at the County. The County Commission also maintains the finances and administration of the County health group, Mayflower Municipal Health Group, and for the third year in a row rates have gone up 0%. The County additionally serves on the retirement board who returned 17% this year. The County operates three county courthouses; Wareham, Hingham and Brockton Superior. All three are currently being updated. Mr. Hanley is working on a trash initiative bringing together communities and he has eleven municipalities signed up at present. A draft RFP has been distributed to the Commissioners and has been sent to legal counsel; the expectation is distribution within one to two weeks. The County is also considering power initiatives and county land management and repurposing. The County faces a large amount of debt through the Commonwealth's taking of the Sheriff in 2009. There were 600 employees of the Sheriff's department contributing towards retirement; the Commonwealth took the Sheriff and the employees, the \$140million jail and 200 acres of land, leaving behind retirees totaling approximately \$64million. The County Commissioners have filed bills with the legislature; the first being the Maintenance of Effort Bill will transfer the Sheriff liability back to the state. A second bill addresses deeds excise; the County receives \$.1075/dollar of transfer tax paid on real estate. The remainder goes to the state. The County is requesting more of the fee be transferred back to the County. Mr. Pallotta stated that the County received a grant to purchase a dredge and, once purchase, they plan to start with the ten salt water harbors; a countywide initiative will be developed to allow all communities to share it. Mr. Pallotta summarized by stating that the Commissioners have improved the financial outlook of the County to the point where they no longer need to sell off assets to maintain the debt but more work is needed. Mr. Trabucco asked Mr. Pallotta to address the relevance of County government; Mr. Pallotta explained the many factors; he explained that the County used to handle the roads before Mass Highway; the County used to have County hospitals, County jail, the District Attorneys and the court officers but the state took these assets. Mr. Pallotta explained the challenge with the FEMA maps; nationwide, the majority of counties in other states are larger and more powerful than in Massachusetts so grant funding is more likely to be awarded elsewhere. Mr. Pallotta states the Commissioners are working hard toward County needs such as combined seawalls, combined transportation

and many other projects. Ms. Burt asked if Barnstable County still has separate stamp tax that goes to the state with a separate county tax; Mr. Pallotta explained that Barnstable County has a special charter allowing them to charge a different tax rate than the rest of the counties. Mr. Pallotta explained that the Commissioners formed a Charter Study Committee who collected data for two years and then wrote a new Charter; part of the provision of the Charter was changing the tax structure. The Charter did not make it out of the legislature so residents could vote on it. Mr. Boyle inquired about the transfer station on South Street that is partly County property and asked if the twenty issues have been resolved. Mr. Pallotta explained that the County has always been generous to its shire town, Plymouth; in 1942 the County allowed Plymouth to landfill on eight acres of the county farm with a burning dump until 1968. They stopped landfilling in 1983 and requested that the County allow it to become a transfer station in the late 1980s. The lease is now due to expire and Plymouth has stated they will not renew the lease or cap the landfill. The County's position is that the other communities in the County will not pay to cap Plymouth's landfill. Discussions are ongoing. Methane migration is now hitting the Police Station and Plymouth is going to resolve that issue at their Town Meeting. Mr. Pallotta stated that this long term problem will be resolved within a year. Mr. Stone commended the Commissioners on maintaining the Mayflower Health Group county insurance rates at a 0% increase for the last three years. Mr. Thorne additionally thanked Plymouth County Treasurer Tom O'Brien and the Mayflower Health Group steering committee for the job well done to increase the size of the reserve fund substantially; it allows the twenty-seven communities to enjoy a 0% rate increase for three years.

**CONSIDER THE USE OF THE TOWNS ROADS: SOUTH SHORE RACE MANAGEMENT/USA HEALTH & FITNESS: ROAD RACE, SATURDAY, AUGUST 2<sup>ND</sup>**

Mr. Trabucco moved to table this item one week to hear input from the Police Chief; Mr. Stone seconded the motion. The vote was unanimously in favor.

**CONSIDER ONE DAY LIQUOR LICENSE REQUEST: PEMBROKE HISTORICAL SOCIETY, MARCH 15<sup>TH</sup> FROM 7:00 PM TO 11:00 PM**

Mr. Stone moved to grant the One Day Liquor License request of the Pembroke Historical Society to serve beer and wine at the Historical Society Building at 116 Center Street on Saturday, March 15<sup>th</sup> from 7:00 pm to 11:00 pm. Ms. Burt seconded the motion; the vote was unanimously in favor.

**CONSIDER RIGHT OF FIRST REFUSAL OF 40B: 5 JENNA LANE**

Vicky Gillard was present before the Board to state that both CHAPA and the owner's attorney have requested that the BOS vote not to execute their first right of refusal. CHAPA has provided a letter stating that if the Town votes to exercise their right of first refusal, the Town would have to buy the property or be responsible for trying to sell the property for the first 120 days which is different that working with the other monitoring agent DHCD. The letter further states that if the BOS vote not to exercise, CHAPA will immediately begin marketing the property for sale through the 40B program and the property will stay in the Town's 40B inventory. Ms. Burt moved not to exercise the Town's right of first refusal on the 40B affordable unit known as 5 Jenna Lane and allow CHAPA to market the property. Mr. Stone seconded the motion; the vote was unanimously in favor.

**7:30 PUBLIC HEARING: JOINT POLE HEARING: VERIZON, NATIONAL GRID: OLD WASHINGTON STREET POLE 21-84**

National Grid representative TJ was present before the Board on marked plan# 14868496 to put in a pole to support a guy wire that is currently supported by a tree. Mr. Boyle requested public comment in support of the petition; there was none. Mr. Boyle asked for public comment in opposition; there was none. Mr. Boyle declared that portion of the public hearing closed at 7:35pm. Mr. Trabucco asked if the proper easements were procured; TJ explained that the pole will be located within the ten foot street layout. Ms. Burt moved to grant the petition of Massachusetts Electric/National Grid and Verizon New England, Inc. for a joint relocation whereby National Grid will install 35 class 4 Joint Owned pole and anchor at pole 21-84 on Old Washington Street beginning at a point approximately 700+/- feet northwest of the centerline of the intersection of Congress Street in accordance with the plan filed and marked Plan #14868496. Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boyle declared the public hearing closed at 7:40pm.

**DEP REPORT REVIEW**

Mr. Bastianelli, Chairman of the Recycling Committee, was present before the Board to provide the Recycling Committee's recommendations as relates to the DEP Report Evaluation of Recycling Drop-Off Facility. The Recycling Committee recommends further reduction of hours at the facility to 1<sup>st</sup> and 3<sup>rd</sup> Saturdays of the month, staffed by one manager and one attendant; Town and School Department contract together under one hauler and one disposal site; make Solid Waste an Enterprise Fund account and place it in the control of the DPW; Rebate to the residents and funds that are currently being held in the Solid Waste account. Mr. Bastianelli advised a state mandate that will go into effect July 1<sup>st</sup> require that food waste must be diverted from the waste stream; he stated Mr. Thorne is looking into whether or not this applies to the Pembroke School Department. Mr. Bastianelli summarized the Committee's desire to review these recommendations for potential new and further enhancements at the Recycling Center should the BOS vote to appropriate more funding. Mr. Bastianelli stated that 60% of the revenues from the Recycling Center are spent on hauling alone. Mr. Gordon Martin stated that the DEP is regulating commercial businesses, hospitals, restaurants and colleges and universities at one ton per week; if one ton of food waste is produced per week, the regulations would apply and the food waste must be recycled, removing it from the waste stream. Mr. Thorne stated that the Pembroke Public School System is currently determining whether or not this mandate applies to them. Mr. Thorne advised that the School Department has entered into a contract with DelPrete for hauling and is working with the town on entering into an agreement with the same disposal site. Mr. Martin stressed the importance of diversion of items easily handled such as textiles, oils and bulky plastic to reduce tonnage and increase recycling percentages. Mr. Rusczyzk stated the Recycling Committee feels that Solid Waste is spread among different departments and believe it should be considered with Recycling and the Committee voted unanimously that they belong with the Department of Public Works. Mr. Trabucco explained that Solid Waste is managed by the Town Administrator on behalf of the Board of Selectmen; there were issues when it was managed by the Board of Health and the BOS has managed to cap the landfill, implement curbside single stream recycling and keep management costs down. Mr. Trabucco stated that the BOS is trying to work with the Recycling Committee to improve the current Recycling program. Mr. Trabucco further stated that this was originally a temporary solution but perhaps Solid Waste needs a permanent home. Mr. Stone agreed but clarified that the DPW would need to present a defined system of how the program would work and the costs associated with changing the current system; the BOS are controlling the costs very well and a new solid waste contract will further reduce costs. Mr. Stone asked how the DPW would handle these costs and requested a formal proposal. Mr. Bastianelli requested that the DPW Commissioners be placed on an upcoming agenda to present a formal proposal. Discussion ensued on the merits and detriments of pay-as-you-throw; Mr. Trabucco stated he is opposed to this option as Pembroke is not a transient community. Younger families generate more trash which is dramatically reduced as they age and Pembroke supports families. Mr. Stone explained that Pembroke is on a fee based system that doesn't support pay-as-you-throw and asked how the billing structure would work. Mr. Martine cited Wellesley as a community that has a 66% diversion rate without pay-as-you-throw; while the program will improve recycling, the Town can be successful without it.

**CONSIDER ATM ARTICLE SUBMISSION FOR INCLUSION IN THE WARRANT**

Mr. Stone moved to table discussion on Article 8 and consult with the Town Accountant as the DOR report recommends excluding it; Mr. Trabucco seconded the motion. The vote was unanimously in favor. Mr. Stone moved to include the remaining eleven articles contained within articles 1-12; Mr. Trabucco seconded the motion. The vote was unanimously in favor. Mr. Stone moved to table Article 13, the revolving fund article, and consult with the Town Accountant as the DOR report addresses several of the accounts. Mr. Trabucco seconded the motion. The vote was unanimously in favor. Discussion ensued on the DPW excise tax article #16. Mr. Stone moved to include articles 14-32; Ms. Burt seconded the motion. The vote was unanimously in favor.

**OPEN THE SPECIAL WITHIN THE ANNUAL TOWN MEETING WARRANT**

Ms. Burt moved to declare the Special within the Annual Town Meeting warrant open and to close it on Friday, February 28 at 4:30pm. Mr. Stone seconded the motion; the vote was unanimously in favor.

**TOWN ADMINISTRATOR'S REPORT**

Mr. Thorne advised that the new schedule for Monday evenings would begin Monday, March 3<sup>rd</sup> as a six month trial period. The Town Hall will now be open Mondays from 8:30 am to 6:30 pm.

**ASK THE SELECTMEN**

Mr. Stone stated that the Board has received many complaints regarding potholes; he spoke with the Assistant DPW Commissioner and determined that the DPW has a plan by street for repairs but they are having issues obtaining the repair materials. He requested that the DPW use the town website to get this information out to residents. Mr. Boyle requested that the DPW Director update the Board at their next meeting. Mr. Trabucco stated that the DPW is working diligently in between storms to fill potholes from the hotbox at the asphalt plant on a rotating basis; every town is being adversely affected by the freeze-thaw cycle we are currently experiencing and the DPW is doing the best that they can.

At 8:25 pm, Mr. Stone moved to enter executive session to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel and 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. Boyle so declared and Mr. Trabucco seconded the motion.

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