

MINUTES OF THE SELECTMAN'S MEETING

MONDAY, JULY 26, 2010

PRESENT: Williard J. Boulter, Jr. [Chairman], Daniel W. Trabucco [Vice Chairman], Lewis W. Stone [Clerk], Arthur P. Boyle [Selectman], Gregory M. Hanley [Selectman], Edwin J. Thorne [Town Administrator], John Mattinson [PEMBTV], Becca Manning [Pembroke Express], Frank Hackett [Superintendent of Schools], Jim Muldoon, Linda Muldoon, Ken Girten, Chet Drown, Tom Driscoll, Ben Bastianelli, Ken Girten, Matt Norton

The meeting was called to order by the Chairman at 7pm in the Town Hall Veteran's Hall. The Pledge of Allegiance was recited.

ANNOUNCEMENTS:

Absentee ballots for the fall primary election are available at the Town Clerk's office Mon-Fri 9am-4pm and 7-9pm Monday evening. The last day to vote or to change your party affiliation is Wednesday, August 25th and the office will be open until 8pm.

Dog licences must be obtained before September 1st or a fine of \$25 will be added to the fee.

If you are having trouble with the sound quality of the Selectman's telecast, call John Mattinson at the Pembroke Cable office, 781-294-1820, and John will assist you.

SCHEDULED APPOINTMENTS and PUBLIC HEARINGS:

John Tedeschi requests an earth removal permit to remove an estimated 5800 cubic yards of material from the property located at 242 Washington Street. Mr. Tedeschi has a Special Permit from the Planning Board that requires extensive landscaping. He estimates 200 truck loads, 15-20 a day over a 3 week period will be required. If the material can be used in the town, he is willing to move it there. Mr. Hanley is interested in using the material at the Mattakeesett ball field. Mr. Tedeschi is planning to erect several buildings on the site now used for selling used cars. Mr. Boyle stated that a police detail may be required by the Police Chief for public safety reasons. Also, some local streets do not allow truck access and Rte 139 and 53 are recommended. Days and hours of operation and street cleaning are some other concerns. Mr. Tedeschi needs to file an application with the Selectman's office to schedule a public hearing.

GATRA CONTRACT:

Mr. Boyle moved that no action be taken tonight. Second by Mr. Hanley. Mr. Stone noted that the contract was fully executed. Motion voted 5-0

SUPERINTENDENT HACKETT:

Mr. Frank Hackett announced that the Pembroke School Committee has voted to return \$199,887.83 to the Town from their school budget of 2010. This savings is the result of careful planning of resources by the Committee. This is the second year in a row they have returned funds to the Town. Mr. Hanley complemented the Superintendent and School Committee on their

planning efforts. The Superintendent is optimistic that the 2011 budget will not be cut during the year making the transfer possible. The working relationship the School Committee has with the Selectmen and Town Administrator has benefitted both parties in recent years. Mr. Boyle asked if the school buildings were in good condition and maintenance plans followed. Mr. Hackett responded that they are. Mr. Boyle suggested to the Selectmen that the money be transferred to the Stabilization Fund at Town Meeting. Mr. Boyle noted that other towns are cutting school athletic programs and raising bus fees while Pembroke is operating within their budget and able to return money to the Town. Mr. Trabucco asked the Superintendent to explain to the public how the money was available to be transferred to the Town and encouraged the School Committee to continue to work with the Cash Management Committee as they have been doing with positive results. Mr. Hackett explained that funds were saved by not replacing positions after a careful review of alternatives and resources available. Mr. Trabucco congratulated the Superintendent and the School Committee on the job that they are doing for the schools and the Town.

BAY CIRCUIT TRAIL:

Mr. Chuck Lathrop representing Bay Circuit Trail, showed maps on his proposal to allow access across Town owned land off Plain Street. Hikers could then cross land under the jurisdiction of the Conservation Committee to the Kingston town line and not walk Rte 27. The Selectmen raised questions concerning what action would be required to grant the request. Mr. Trabucco asked if an easement would effect the land's value for development or sale. Mr. Thorne responded that the property had been offered for sale and no bid was received. Mr. Boulter suggested that the land be transferred to Conservation as other parcels have been, adjacent to the parcel in question. Jurisdiction would then come under the Conservation Committee for all of the property involved. Mr. Hanley moved the issue be referred to Legal for a decision. Second by Mr. Stone. Mr. Trabucco recommended not spending money for a legal opinion when the parcel can be transferred to Conservation. Mr. Hanley withdrew his motion in order to get the opinion of the Conservation Committee who meets next Monday evening. The Selectmen are in favor of the Bay Circuit Trail's proposal, but will postpone their decision until Conservation meets to discuss the request and if they will accept the transfer of the parcel.

WAGE AND PERSONNEL APPOINTMENT:

Mr. Matt Norton has asked to be appointed to the Wage and Personnel Board and reviewed his application with the Selectmen. Mr. Hanley spoke of his working with Mr. ~~Norris~~^{Norton} on the Recreation Committee and of his involvement with creating the Birch Street playground. Mr. Hanley moved to appoint Mr. Norton to the Board. Mr. Boyle seconded and discussed past issues concerning the previous Board and union contract negotiations. Mr. Boulter pointed out that the Board consists of 3 members and currently there are none. Mr. Stone read from the town by law giving the Board duties approved at a Town Meeting held in the 60's. One major duty is the review of job descriptions that have not been updated in years. Mr. Trabucco stated he needs more time to study the issue in order to vote. Mr. Hanley said that this Committee operates under a town by law and not under the direction of the Selectmen. Any change in their duties must be voted at Town Meeting and cannot be not made by the Selectmen. Also, the Board is not an active board until 3 members have been appointed. Mr. Boyle stated that he is not in favor of

changing the current method of union contract negotiations being done by the Town Administrator under the direction of the Selectmen. Mr. Boulter agrees with Mr. Boyle and the unions have asked that Wage and Personnel not be involved, but the Town needs more qualified people to volunteer for the benefit of the Town. Mr. Stone stated that the Selectmen need to support the Town by law and re-establish the Wage and Personnel Board.

Voted 5-0 to appoint Mr. ~~Norris~~ Norton

TRASH COMMITTEE UPDATE:

Mr. Boyle requested an update from the Committee Chairman, Ben Bastianelli on what progress was being made. Mr. Bastianelli said that the Committee has met since February and interviewed over 50 communities and their methods of handling solid waste and what was the cost. The Committee plans to bring recommendations to the Selectmen in late September. Mr. Boyle is concerned that sooner rather than later is necessary to meet Town Meeting schedules for Articles. Mr. Bastianelli agrees that time is an issue, but the Committee has gathered so much data to analyze that he needs more than 2 weeks. Late September is a more realistic date. A new SEMASS contract maybe necessary if changes to our current method of waste handling are to be made. Mr. Thorne is working on that issue with Mr. Valenti. The Committee's goal is to increase recycling, reducing solid waste tonnage and not increase the Trash Fee of \$270 a year. Pay As You Throw, curbside single stream recycling, a transfer station option and reduced hours at the Recycling Center are being examined for consideration.

OLD BUSINESS:

A moorings discussion was postponed at the previous Selectman's meeting and rescheduled in order for all of the Selectmen to be present. Mr. Boulter feels that the Town needs an enforcement officer to investigate complaints of by law infractions. He suggested that function be handled by the Police Chief and asked Mr. Thorne to communicate that to the Chief and report his response to the Selectmen. Mr. Thorne stated that the Town has no authority over moorings. Mr. Boulter disagrees and points to a by law that covers moorings, floats and docks, but the Town needs enforcement of that by law. He suggests appointing a "Harbormaster" at Town Meeting to fill that void if funding is available.

Mr. And Mrs. Muldoon were present to ask why some complaints are investigated within 7 days and others are not. They cited Mr. Carlson's mooring that he requested permission to install and later withdrew his request. He then installed it anyway without the Selectman's approval. They filed a complaint that has not been investigated within the 7 day window required.

Mr. Hanley moved to appoint the Police Chief to enforce the current Town by law. Second by Mr. Boyle. Voted 5-0. Mr. Boulter stated that if the Police Chief cannot enforce the by law then the Town will get DEP to do it. Mr. Thorne commented that all moorings in all the ponds be included and not just Mr. Carlson's. The Selectmen will wait to hear from the Police Chief.

ASK THE SELECTMEN:

Mr. Boyle reports receiving telephone calls inquiring about the availability of Verizon FIOS cable service. When calls are made to Verizon, people are told that the installation of the required cable service is being held up by the Selectmen. This is not true. The Selectmen have met with Verizon's executive in charge of this area on 2 separate occasions. Each time the answer is that it will not be available before 2012 due to cutbacks in funding. The Selectmen support competition in offering cable service to Pembroke residents and would support Verizon if offered. Mr. Stone reports he has received similar calls from residents and has also called Verizon. He agrees with Mr. Boyle's opinion and comments stated above.

UPCOMING ISSUES:

Mr. Stone suggests the following invitations be issued:

1. Ask the Energy Committee to meet with and update the Selectmen on their progress and plans to make Pembroke's buildings more energy efficient.
2. Ask Mr. Valenti to update the Selectmen of the planning and status of capping the landfill.
3. Ask the Community Preservation Committee to update the Selectmen on the projects voted and funded at Town Meeting.

EXECUTIVE SESSION:

Motion to go into Executive Session made by Mr. Boyle to discuss contract negotiations, pending litigation and a 111f request. No public business will be discussed following the conclusion of the Executive Session. Second by Mr. Hanley

Roll call vote: Mr. Boulter-yes, Mr. Trabucco-yes, Mr. Stone-yes, Mr. Boyle-yes, Mr. Hanley-yes

Public meeting adjourned at 8:50 pm

Minutes prepared by Lewis W. Stone, Clerk, Pembroke Board of Selectmen