

**AUGUST 10, 2015**

**PRESENT:** Arthur P. Boyle, Jr. (Chairman), Lewis W. Stone (Vice-Chairman), Willard J. Boulter, Jr. (Clerk), Michelle L. Burt (Selectman), Daniel W. Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Richard Wall (Police Chief), J. Michael Hill (Interim Fire Chief), Michael Buckley (Town Accountant), George Verry (Zoning Enforcement Officer), Robert DeMarzo, Richard Carrara, Margaret Carrara, Bruce Gilmore, Beth Dwyer, Michael Craig, Art Egerton, Rick Madden, Andrew Stephenson, Brian Van Riper, Debbie Van Riper, Joan O'Donoghue, Susan Roche, Sabrina Chilcott (Executive Assistant), and others.

At 7:00 pm Mr. Boyle opened the meeting and advised that the meeting is being made available to the public through a live video and audio broadcast on Comcast Government Access Channel 15 and is also being recorded for airing on the channel at future dates. Comments made in open session will be recorded.

**ANNOUNCEMENT: RICHARD CARRARA, UPCOMING AIR SHOW/AIR MEET**

Mr. Carrara was present before the Board to announce the date of his upcoming air meet on Sunday, August 16<sup>th</sup>. He has notified the Police and Fire Chief and has obtained a sign permit from the Building Department. Mr. Carrara advised that this is a cookout for his friends who fly in and the airstrip will be open to the public to view the planes. He plans all parking on his property with no on-street parking allowed. Mr. Stone asked if he had a permit from the MassDOT Division of Aeronautics and Mr. Carrara advised that a permit is not required, but notification was given to the DoA and they were invited to attend as well. Ms. Burt stated that she confirmed with the Town's Zoning Enforcement Officer prior to the beginning of the meeting that no local permitting is required or available to Mr. Carrara. Mr. Trabucco thanked Mr. Carrara for notifying the Board and the Town in advance of the meet, as abutting residents have requested this notice. Discussion ensued on the airstrip, its history and function. Ms. O'Donoghue stated that two years ago tricks were performed that she requested be investigated by the DoA rep Andrew Milhaney but he was unable to reach a finding. She requested further discussion to ensure public safety. Mr. Boulter explained that flight rules and guidelines are set forth by federal and state divisions of aeronautics and not by the town. Mr. Boyle recommended a citizens petition article for town meeting. Mr. Brian Van Riper stated that the airfield was largely dormant for many years and is now seeing use; he recommended speaking with the Division of Aeronautics and determining what role the town may have, if any. Ms. Debbie Van Riper complained about the noise on Sunday mornings at 6:30 am. Discussion ensued on helicopter rides and if there is a charge associated with them, and by whom the charge is assessed. Ms. Van Riper stated that the Town may need a noise ordinance by-law placing time restrictions on excessive noise. Mr. DeMarzo stated that he defends Mr. Carrara's right to operate his airstrip, but abutters have concerns and do not know the correct regulations and he also suggested inviting the Division of Aeronautics to attend a future meeting. Mr. Stone thanked Mr. Carrara for attending and agreed that more information is required. He also thanked Mr. Carrara for properly obtaining sign permits and notifying the Police Chief about potential traffic concerns. Ms. O'Donoghue requested that planes only take off on a north to south pattern and achieve a lift height before banking; Mr. Boulter explained that certain conditions of flying an airplane are dependent upon the wind and the weather and cannot be pre-determined. Mr. Boulter further stated that he has done extensive research on this subject over the years investigating complaints and attempting to resolve them, and Mr. Carrara has rights under federal laws; he recommended that residents seeking a change in these statutes approach the MassDOT and inquire as to the procedure. Attorney Bruce Gilmore was present to explain that he practices municipal law and represent various different airports in the Commonwealth. He cautioned that, under Home Rule Amendment Chapter 90, Section 51 the towns are severely limited in regulating airfields. Mr. Gilmore recommended that the Town seek the opinion of Town Counsel for the parameters available for municipal regulation. Mr. Gilmore concluded with the fact that there are detailed federal and state schemes in existence to closely regulate airfields.

**(7:00) 7:50 POLICE CHIEF RICHARD WALL: 2 PERMANENT INTERMITTENT OFFICERS**

Chief Wall was present to announce that two more officers are pending retirement and the need has arisen to begin training replacement officers; candidates placed into the academy in September would be on the road in June of 2016. Mr. Stone moved to make conditional offers of full-time employment through Civil Service to two Permanent Intermittent Police Officers; Ms. Burt seconded the motion. The vote was unanimously in favor.

**(7:10) 7:55 REQUEST OF TREASURER: VOTE TO EXTEND USEFUL LIFE OF BORROWING ITEMS**

Town Accountant Mike Buckley was present to explain that residents voted \$950,000 worth of equipment for the DPW; prior to borrowing to fund these items, the BOS must vote to determine their useful life. Mr. Boulter moved that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of borrowing authorized by votes of the Town passed April 28, 2015 (Article 18, Action 19) is hereby determined pursuant to G.L. c.44, s7(9) as follows: 10 wheel dump truck with sander and plow, borrowing amount \$312,750, maximum useful life of 10 years; trackless multi-purpose tractor, borrowing amount \$176,450, maximum useful life of 10 years; front loader with attachments, borrowing amount \$350,300, maximum useful life of 10 years; snow blower attachment and power blade, borrowing amount \$110,500, maximum useful life of 10 years. Ms. Burt seconded the motion. The vote was unanimously in favor.

**(7:15) 8:00 DOOR-TO-DOOR SOLICITATION PERMIT REQUEST: MICHAEL CRAIG FOR RENEWAL BY ANDERSON**

Mr. Craig was present before the Board on his application to request that his five member group go door-to-door on Saturdays and Sundays from 10:00 am to 3:00 pm for the purpose of arranging free estimates for homeowners on their door and window replacement needs. Ms. Burt stated that residents have approached her and expressed a lack of interest in this manner of solicitation; Mr. Stone concurred. Mr. Craig stated that he has sought and received approvals in Scituate, Marshfield, Hingham and Weymouth and he anticipates no issues in Pembroke. Mr. Stone moved to deny the application of Michael Craig on behalf of Renewal by Anderson for a door-to-door solicitation permit. Ms. Burt seconded the motion. The vote was 3/2 in favor of the motion to deny, with Mr. Trabucco and Mr. Boyle opposed.

**CONSIDER REQUEST FOR APPOINTMENT: ARTHUR EGERTON, 413 CENTER ST; ANDREW STEPHENSON, 145 INDIAN TRAIL; RICHARD MADDEN, 193 MATTAKEESETT STREET**

Mr. Boulter moved to appoint Andrew Stephenson to the vacant term expiring in 2018, Arthur Egerton to the vacant term expiring in 2017 and Rick Madden to the vacant term expiring in 2018; Ms. Burt seconded the motion. The vote was unanimously in favor.

**CONSIDER FALL SPECIAL TOWN MEETING DATE**

Mr. Trabucco moved to set the date for fall Special Town Meeting on October 27, 2015 and further to open the warrant for this STM on August 24, 2015 and close the warrant on September 4, 2015. Mr. Stone seconded the motion. The vote was unanimously in favor.

**UPDATE ON ROUTE 14 PROJECT**

Mr. Thorne stated that the Conservation Commission had their final public hearing and voted to close the public hearings on the project and issue the order of conditions, which have been filed with MassDOT and MassDEP. Ms. Beth Dwyer was present to inquire about an easement packet for the Pembroke Historical Society; Mr. Thorne advised that the Town will set aside the appraisal offer for PHS until their next meeting for a vote on September 16<sup>th</sup>.

**CONSIDER VOTE TO SUPPORT PAINT STEWARDSHIP PROGRAM**

Mr. Trabucco questioned that the paint manufacturers will pass along the additional costs to the consumers of \$.75/gal - \$1.60/five-gal per can; he pointed out that the Town has a mechanism in place for paint collection now without unduly burdening the consumer. Mr. Stone concurred. Mr. Trabucco move not to support the Act Establishing the Massachusetts Paint Stewardship Program; Mr. Stone seconded the motion. The vote was 4/1 in favor of the motion with Ms. Burt in opposition.

**ACCEPT RESIGNATION OF SELECTMEN'S APPOINTEE TO CPC**

Mr. Boulter moved to accept Mark Ames' resignation as the Selectmen's appointee to the Community Preservation Commission; Ms. Burt seconded the motion. The vote was unanimously in favor.

**CONSIDER APPOINTMENT: LISA CULLITY, ELMER STREET, AS SELECTMEN’S APPOINTEE TO COMMUNITY PRESERVATION COMMITTEE**

Mr. Boulter moved to appoint Lisa Cullity as the Selectmen’s appointee to the Community Preservation Commission; Mr. Stone seconded the motion. The vote was unanimously in favor.

**CONSIDER THE RESIGNATION OF FRANK HACKETT FROM THE TOWN GOVERNMENT STUDY COMMITTEE AND PEMBROKE DRUG PREVENTION COALITION**

Mr. Boulter moved to accept Frank Hackett’s resignation from the TGSC and the Pembroke DPC; Ms. Burt seconded the motion. The vote was unanimously in favor.

**VOTE TO ACCEPT MINUTES OF JULY 27, 2015**

Mr. Stone moved to accept the minutes of July 27, 2015 as written; Mr. Boulter seconded the motion. The vote was unanimously in favor.

**OLD BUSINESS**

Mr. Stone confirmed the next meeting date of the Central Plymouth County Water District Advisory Board for Wednesday, August 12 at 7:00 pm at the Plympton Town House.

**TOWN ADMINISTRATOR’S REPORT**

Mr. Thorne requested that the Board of Selectmen appropriate \$1000 to allow the DPW to perform improvements to the Veterans island in the center of town; Mr. Boulter moved to transfer the sum of \$1000 from the Camp Pembroke Fund to the DPW to perform improvements on the veterans islands; Mr. Stone seconded the motion. The vote was unanimously in favor.

At 8:15 pm, Mr. Boulter moved to enter executive session to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and to comply with, or act under the authority, of any general or special law or federal grant-in-aid requirement - Health Insurance Portability and Accountability Act (HIPAA), Pub.L. 104-191, 110 Stat. 1936; Mr. Boyle so declared. Mr. Stone seconded the motion and by roll call vote: Stone – yes, Burt – yes, Boulter – yes, Trabucco – yes, Boyle – yes.

**MATERIALS & EXHIBITS**

- Letter of Request from Police Chief (PD/BOS/TA Office)
- Letter of Request from Treasurer, Borrowing Vote of BOS for Certification (Treasurer/BOS/TA Office)
- Application for Door-to-Door Solicitation Permit (BOS/TA Office)
- Proposed Timeline of STM, Warrant (BOS/TA Office)
- Email Janine Delaney, s408 Bill Explanation (BOS/TA Office)
- Email Forwarded from Rachel Michael, Mark Ames (CPC/BOS/TA Office)
- Applications for Appointment (L.Cullity, A.Egerton, R.Madden, A.Stephenson) (BOS/TA Office)
- Email(s) – two, Frank Hackett (BOS/TA)
- Draft: Minutes of Meeting of July 27, 2015 (BOS/TA Office)