

**MINUTES OF THE SELECTMEN'S MEETING
JANUARY 12, 2015**

PRESENT: Daniel W. Trabucco (Chairman), Arthur P. Boyle, Jr. (Vice-Chairman), Lewis W. Stone (Clerk), Willard J. Boulter, Jr. (Selectman), Michelle L. Burt (Selectman), Kathleen McCarthy (Treasurer/Collector), George Verry (Building Commissioner), James Coppola (Town Counsel), John Wyman, Antonio Pereira, Robert Zahara, Matt Dovell, Mark Burrige (Pembroke Mariner Express), Sabrina Chilcott (Executive Assistant), and others.

At 7:00 pm, Mr. Trabucco called the meeting to order.

7:00 JOHN WYMAN REQUEST TO REDEEM TAX POSSESSION PROPERTY: 326 W ELM ST

Mr. John Wyman was present before the Board to request that they vote to allow him to redeem a parcel taken by the town as a tax possession property by judgment in Land Court on June 12, 2013; once the one year redemption period has passed, Land Court no longer has jurisdiction and redemption would require a Board vote. Mr. Wyman stated that he is in possession of \$120,000 in certified funds toward the \$120,482.19 owed. Treasurer/Collector Kathleen McCarthy advised that town's policy is to allow the redemption of property during the one year right of redemption period but no further. Mr. Wyman had until June 12, 2014 to appear and request the vacating of the judgment; to override policy would require a BOS vote. Town's counsel concerning tax possession property, Mr. James Coppola, summarized the land court case. The lien goes to unpaid taxes from 2006 forward for four properties, and a land court case was filed in 2009 whereby Mr. Wyman was allowed to make payments that he didn't make. Mr. Wyman filed an appeal of the June 12, 2013 judgment entered by the land court but the appeal was dismissed. Mr. Wyman's only recourse is a BOS vote. Discussion ensued; Ms. Burt asked if the town has ever reversed a foreclosure past the one year right of redemption period in the past. Mr. Thorne advised that they have not. Mr. Boyle stated that he does not support Mr. Wyman's request as it would be precedent setting and a violation of the current policy of the town; he then moved to take no action on the request of Mr. Wyman to redeem the tax possession property 326 West Elm Street. Mr. Stone seconded the motion; the vote was three votes in favor, two opposed with Ms. Burt and Mr. Boulter voting in opposition.

7:10 COMMON VICTUALER'S LICENSE APPLICATION: ANTONIO PEREIRA, A PEREIRA SUBWAY, LLC D/B/A SUBWAY 29930 AT 125 CHURCH ST UNIT #190

Mr. Pereira was present before the Board stating that he runs the Subway at Hanover Mall now and is expanding to the North River Plaza. He plans to be open from 7:00 am to 10:00 pm Monday through Saturday and Sunday 8:00 am to 9:00 pm. Boyle moved to grant the approval of a common victualer's license to A Pereira, LLC d/b/a Subway to be exercised at 125 Church Street Unit #190 subject to the approval of the Board of Health. Mr. Stone seconded the motion. The vote was unanimously in favor.

7:10 COMMON VICTUALER'S LICENSE APPLICATION: PANERA, LLC D/B/A PANERA BREAD #1759 AT 152 CHURCH STREET

Mr. Bob Zahara, the general manager, was present before the Board stating that they plan to open on Thursday and will be open from 6:00 am to 10:00 pm Monday through Saturday and Sunday 7:00 am to 9:00 pm. They have received all inspections and permits required. Mr. Boyle moved to grant the approval of a common victualer's license to Panera, LLC d/b/a Panera Bread #1759 to be exercised at 152 Church Street. Mr. Stone seconded the motion. The vote was unanimously in favor.

BUILDING COMMISSIONER GEORGE VERRY; ADA UPDATE ON BIRCH STREET PARK

Mr. George Verry was present before the Board to review the updates at Birch Street Park; he explained that there have been many setbacks but progress has been made. The DPW made the handicap space in the parking lot despite delays surrounding gas lines. Remaining to be complete is the delineation of the space with landscaping and signage. The surface material in the surrounding area is a hard material; the interior is wood chips which is compliant as the depression is less than one-half inch. The stairway railings will be completed once a new contractor is procured. Discussion ensued on the Herring Run Park's lack of ADA compliance in specific areas. Mr. Verry agreed to produce a

report with town locations and their needs for compliance. Mr. Trabucco stated that ADA is a federal law and compliance is not optional.

CONSIDER VOTE TO ACCEPT STREETLIGHT INTO TOWN INVENTORY AT PLANNING BOARD'S REQUEST: THE CROSSROADS SUBDIVISION

Mr. Trabucco clarified that, in accordance with the Zoning Bylaws of the town, the builder is responsible for maintaining the light at the corner of a new subdivision for two years at which time the town must add the corner light to the town's inventory. The Planning Board has collected the two years of fees and deposited them with the Treasurer. Mr. Trabucco further clarified that this does not include streetlights contained within the development itself. Mr. Boyle moved to accept the streetlight on Forest Street and the streetlight on Valley Street at the entrances to the Crossroads subdivision into the inventory of the Town of Pembroke. Mr. Stone seconded the motion. The vote was unanimously in favor.

CONSIDER AMUSEMENT DEVICE APPLICATION: OLDE SCHOOL CAFÉ, 65 SCHOOL ST

Mr. Boyle moved to grant the request of the Olde School Café for an Amusement Device Permit at 65 School Street for a coin operated video game amusement device. Mr. Boulter seconded the motion. The vote was unanimously in favor.

CONSIDER ONE DAY LIQUOR LICENSE REQUEST: PEMBROKE HISTORICAL SOCIETY MARCH 122 9:00 AM TO 2:00 PM

Mr. Boyle moved to grant a one day all alcohol liquor license request to the Pembroke Historical Society for their annual Pancake Breakfast to be held at the Historical Society Building at 166 Center Street on March 22 from 9:00 am to 2:00 pm. Mr. Boulter seconded the motion. The vote was unanimously in favor.

CONSIDER THE MINUTES OF JANUARY 5, 2015

Mr. Stone move to accept the minutes of January 5, 2015 as written; Mr. Boyle seconded the motion. The vote was unanimously in favor.

OLD BUSINESS

Mr. Thorne stated that town counsel has answered the Boards question regarding the validity of signing and filing a quitclaim deed without a vote of the BOS. Town counsel has confirmed that the Conservation Commission is authorized under GL c.40, s.8C to acquire property in the name of Pembroke, *subject to the approval of the selectmen in Pembroke*. Discussion ensued. Mr. Boyle moved that the Town of Pembroke notify in writing by certified return receipt requested US mail, Plymouth County Register of Deeds John Buckley that the quitclaim deed for this parcel be nullified effective immediately. Mr. Stone seconded the motion. The vote was unanimously in favor. Ms. Burt moved that the chairman of the Conservation Commission be invited to attend the next Board of Selectmen's meeting to explain the action of the land purchase. Mr. Stone seconded the motion. The vote was unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne recommended that the Board table the discussion on Town Hall hours until the next meeting. Mr. Boyle so moved; Ms. Burt seconded the motion. The vote was unanimously in favor. Mr. Stone stated that he received correspondence from a resident who would like the speed limit on West Elm Street reduced from 30 to 25 mph. Chief Wall has assigned this issue to the safety officer and will follow up when more information is available. Mr. Boulter explained that speed limits are calculated by the state using specific data and formulas and set using guidelines issued by the state

UPCOMING ISSUES

On January 26th the Board will consider a change of manager for the British Beer Company and hear from Power Options and Sun Edison. On February 2nd the Board will consider opening the ATM warrant.

At 7:45 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. Trabucco so declared and Mr. Boyle seconded the motion. By roll call vote: Mr. Boyle – yes, Ms. Burt – yes, Mr. Stone – yes, Mr. Boulter – yes, Mr. Trabucco – yes.