

**MAY 18, 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), Tom Weinreich (Commission on Disabilities), David McPhillips (Veterans Agent), Linda Osborne (Town Memorial Chairman), Brittany Boudreau, MaryAnn Smith (Town Clerk), Richard Iacobucci, James McCollum, Patrick Chilcott, Julie Bosworth, Rachel Kilnapp, Julie Morris, John Brown, Deborah Jacobsen, Sheila Landy, Tim Landy, Kim McKenna, Mike McKenna, Brendan Duane, George Verry (Zoning Enforcement Officer), Josephine Hatch, Diana Julian, 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.

#### **ANNOUNCEMENTS**

Household Hazardous Waste Collection Day will be May 30<sup>th</sup> from 9:00 am to 1:00 pm at the Recycling Center for residents with current recycling stickers; acceptable and unacceptable items are listed on the Town website.

#### **7:00 TOM WEINREICH, CO-CHAIRMAN COMMISSION ON DISABILITIES: 25<sup>TH</sup> ANNIVERSARY**

Mr. Weinreich was present before the Board and received the Board congratulations on the occasion of the Commissions twenty-fifth anniversary. Mr. Weinreich explained that the Commission coordinates transportation for all disabled individuals under the age of 60, runs a free medical recycling program, and is responsible for ensuring that all town buildings and properties are ADA accessible. The Commission can be reached at 781-293-9484.

#### **7:05 LINDA OSBORNE, CHAIRMAN TOWN MEMORIAL COMMITTEE: MEMORIAL DAY ACTIVITIES**

Ms. Osborne and Veteran's Agent David McPhillips were present before the Board with an update of events planned for Memorial Day weekend. Ms. Osborne stated that the school programs this year will be held on Wednesday at Bryantville at 9:00 and at Hobomock 10:00 and at North Pembroke Elementary at 1:45 pm. On Monday, May 25<sup>th</sup> the Memorial Day parade will step off from the Lucky Dawg at 1:00 pm and proceed to Town Memorial Park at First Church by 1:30 pm. Ms. Osborne advised that any Veteran or public official who meets the trolley at 12:15 pm at First Church can obtain a ride to the Lucky Dawg start; Veterans are welcome to ride in the Trolley on the parade route. Mr. David McPhillips read the Memorial Day Proclamation from Governor Charles Baker.

#### **7:10 BRITTNEY BOUDREAU, ABBONDANZA PIZZERIA, LLC: COMMON VICTUALER LICENSE REQUEST AT 808 WASHINGTON STREET**

Ms. Boudreau was present before the Board with her ZBA decision, Board of Health food permits and certificates; she stated her lease begins June 1 and will receive final inspection and occupancy permitting at that time. Mr. Trabucco moved to grant Brittney Boudreau of Abbondanza Pizzeria, LLC a Common Victualer's License in accordance with the provisions of MGL c140 s2 to be exercised at 808 Washington Street pending approval of the Building Inspector and Fire Chief with submission of a new occupancy permit. Mr. Boulter seconded the motion. The vote was unanimously in favor.

#### **7:15 RICHARD IACOBUCCI, JAMES MCCOLLUM: TOWN ELECTION PETITION ARTICLE AND BALLOT QUESTION**

Mr. Iacobucci was present before the Board to ask why the warrant article (number 27) was not inclusive of a dollar figure. Mr. Thorne explained that a qualified petition article must be submitted as written under statute. Mr. Iacobucci read ballot question one aloud and stated he felt the question could have been clearer. Mr. Thorne advised that the question is in the form allowable under MGL c59 s21(c) and written by the Massachusetts Department of Revenue and reviewed prior to the BOS vote by town counsel. School Committee member Patrick Chilcott explained that the School

Department held ten public hearings with PowerPoint budget presentations that have been available on the school website at [www.pembrokek12.org](http://www.pembrokek12.org). Mr. Iacobucci stated that he did not see an article in the newspaper regarding the subject; Rachel Kilnapp advised she was interviewed for articles in both the Pembroke Mariner Express, the Patriot Ledger and the Boston Globe South and all three articles were printed. Mr. Iacobucci re-stated that he felt the question could have been clearer. Julie Bosworth advised that seniors spoke to the article on Town Meeting Floor and further stated that it is the job of every individual to educate themselves on the issues at hand as all voting citizens are required to do. Ms. Bosworth summarized that it is not the responsibility of government to seek out these individuals. Mr. Iacobucci stated that he was impressed with how thoroughly prepared the petitioners were before Town Meeting and this evening.

**CONSIDER ROAD CLOSURE: STANLEY KOVALSKI BLOCK PARTY, AVIS AVE JULY 11**

Mr. Trabucco moved to approve the closure of Avis Avenue on July 11, 2015 from 12:00 pm to 10:00 pm subject to the approval of the Police Department, Fire Department and DPW. Ms. Burt seconded the motion; the vote was unanimously in favor.

**CONSIDER COA BOARD'S RECOMMENDATION: VOTE TO APPOINT ANNA SEERY OCES REPRESENTATIVE**

Mr. Stone moved to appoint Council on Aging Director Anna Seery as the Town of Pembroke's representative to the Old Colony Elder Services Board. Mr. Boulter seconded the motion. The vote was unanimously in favor.

**CONSIDER ZBA CHAIRMAN RECOMMENDATION: VOTE TO APPOINT FREDERICK CASAVANT IV TO THE ZBA AS ALTERNATE**

Mr. Trabucco moved to appoint Frederick Casavant IV of 89 Phillips Road to the Zoning Board of Law Appeals to fill the alternate vacancy; Mr. Boulter seconded the motion. The vote was unanimously in favor.

**VOTE TO ADOPT RECREATION COMMISSION'S SUBMITTED PLAYING FIELDS AND FACILITIES POLICY**

Mr. Thorne advised that the Recreation Director has stated that all effected parties have been notified of the proposed changes to these policies, and the Mattakeesett ball fields are excluded from the policy as policies are addressed in the lease between the Town and Pembroke Youth baseball. Mr. Boulter moved to adopt the Playing Fields and Facilities Policy as submitted by the Recreation Commission; Mr. Stone seconded the motion. The vote was unanimously in favor.

**VOTE TO RENEW LEASE, MATTAKEESETT STREET PLAYING FIELDS TO PEMBROKE YOUTH BASEBALL**

Mr. Thorne advised that the lease before them contains the same terms as the previous lease and is for a three year period. Mr. Trabucco moved the recommendation of the Town Administrator to renew the lease for the Mattakeesett Street playing fields to Pembroke Youth Baseball, LLC.

**VOTE TO ACCEPT LAND DONATION FROM THE TOWN OF MARSHFIELD, ASSESSORS MAP AS PARCEL F16-6**

Treasurer Kathleen McCarthy has recommended that the Town accept a donation from the Town of Marshfield of a four acre parcel known as Assessor's Map and Parcel F16-6. Mr. Trabucco moved to accept this land donation at the recommendation of the Town Treasurer; Ms. Burt seconded the motion. The vote was unanimously in favor.

**CONSIDER THE BOARD OF SELECTMEN'S SUMMER SCHEDULE**

A proposed summer schedule beginning June 22 was considered; regularly scheduled meetings would occur June 15 and 29, July 13 and 27, August 10, 24 and 31. The chairman would reserve the right to call a special meeting should the need arise. Mr. Stone moved to adopt the summer schedule as submitted. Mr. Trabucco seconded the motion. The vote was unanimously in favor.

## **VOTE THE MINUTES OF THE MEETING OF MAY 11, 2015**

Mr. Stone moved to accept the minutes of May 11, 2015 as written; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

## **OLD BUSINESS**

Mr. Trabucco advised that MassHousing has given a positive determination on the proposed Birch Street 40B project and the process will continue through ZBA. Mr. Thorne stated that the BOS will work with town counsel to appeal MassHousing's decision to disregard the criteria concerning town land ratios and instead only consider the 10% criteria.

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Thorne advised that the town will be contracting with Virtual Town Hall to create a new website for the town. Mr. Thorne stated that the Town of Hanover won the MMA best website award and they also contract with Virtual Town Hall. The annual cost of the project fits within the existing IT budget and the product is improved; anticipated date will be in July. Mr. Thorne updated the Board to the fact that there is increased number of residents using the Recycling Center; over 600 residents used the Recycling Center between May 1 and May 17. Mike Valenti reports that 353 or 52% were there for recycling items and 323 or 48% were there for leaf and grass clipping disposal. Mr. Thorne reported that the HVCE signs for the High Street and Mountain Avenue area are being erected next week as Digsafe has been out and marked the locations. Installation between Duxbury and Pembroke is being coordinated for simultaneous erection. Mr. Boulter reminded residents that the exclusion is for commercially licensed vehicles only, not for all trucks or school buses. Mr. Thorne reported to the Board that the town has received some language from town counsel regarding the Special Act of the legislature as voted at Town Meeting; the package will be ready to submit to Representative Cutler and Senator DeMacedo. Discussion ensued on the submission of the package and consensus was achieved to start in the House of Representatives. Mr. Stone inquired as the update from town counsel on the Appointed Committee handbook; Mr. Thorne will follow up with town counsel. Mr. Stone voiced a concern with the potholes on Barker Street leading to Washington Street. Discussion ensued on road repair funding and communication issues related to these road repairs. Mr. Trabucco stated that he addressed the DPW Commissioners concerning the repair needs of Elm Street and learned that all FY15 Chapter 90 money is being held back for Route 14 easements as the only way to secure the \$8.8million in federal and state funding requires that the project go out to bid in September. They are working diligently within a time line and all easements have not yet been secured. DPW Commissioners have stated that they will use limited funds to repair serious potholes, and the additional \$80,000 Chapter 90 money made available from the Governor will be used to resurface three designated streets. Mr. Boulter moved that the BOS send a letter to the DPW Commissioners a letter requesting that they prioritize pothole repair and report back to the BOS and the public at large; Mr. Stone seconded the motion. The vote was unanimously in favor.

## **NEW BUSINESS**

Mr. Boyle stated that the Town planned to spend \$13,000 for an assessment center to hire a new fire chief. Mr. Boyle proposed to the Selectmen the consideration of a five member panel consisting of two Selectmen, the Town Administrator and two members of the public to screen applications and bring the Board of Selectmen two or three names for interview for the position. Mr. Boyle recommended Mr. Boulter and Mr. Stone. Mr. Trabucco moved to form a five member panel consisting of two Selectmen, the Town Administrator and two members of the public for the purposes of screening applicants for the position of Fire Chief. Ms. Burt seconded the motion. The vote was unanimously in favor. A resident in the audience indicated interest in serving and was asked to leave his contact information.

At 8:10pm, Mr. Stone 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. Mr. Boyle declared it so. Mr. Trabucco seconded the motion. By roll call vote: Ms. Burt – yes, Mr. Stone – yes, Mr. Trabucco – yes, Mr. Boulter – yes, Mr. Boyle – yes.

Executive Session was adjourned at 8:35 pm with a unanimous, roll call vote. The Board re-entered open session and Mr. Trabucco moved to adjourn; Mr. Stone seconded the motion. The vote was unanimously in favor. The meeting was adjourned at 8:35 pm.

#### MATERIALS & EXHIBITS

Abbondanza Pizzeria, LLC Common Victualer's License Application, Related Docs (BOS/TA Office)

DOR "Proposition 2 ½ Ballot Questions Requirements and Procedures" October 2008 (Mass DOR)

ATM Warrant Article 27, Motion Article 27, Town Election Ballot Questions 1 & 2 (BOS/TA Office)

Letter – Stanley Kovalski (BOS/TA Office)

Emails, Anna Seery, COA Director (BOS/TA)

Application & Letter, Frederick Casavant; Email Frank Baldassini (BOS/TA Office)

Draft Playing Fields and Facilities Policy (Recreation Commission)

Lease: TOP and PYB, LLC: Mattakesett Street Playing Fields (BOS/TA Office)

Quitclaim Deed: Town of Marshfield Land Donation (town counsel to BOS/TA Office)

Draft Summer Schedule (BOS/TA Office)

Draft Minutes of 5/11 Meeting (BOS/TA)