

**MINUTES OF THE SELECTMEN'S MEETING
NOVEMBER 2, 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), Kathleen McCarthy (Treasurer/Collector), J. Michael Hill (Fire Chief), Susan Roche (Recreation Director), Matt Norton, Maryann Freeman, Eric Frisbee, Richard DeFusco, Erich Hasselbacher, Diana Julian, Sabrina Chilcott (Executive Assistant), and others.

At 7:00 pm Mr. Boyle opened the meeting and introduced Boy Scout Troop 105 Eagle Scout candidate Eric Frisbee who led the Pledge of Allegiance.

7:00 ERIC FRISBEE: EAGLE SCOUT PROJECT REQUEST, PETER'S WELL

Eric Frisbee was present before the Board to request permission from the town to proceed on his proposed restoration of Peter's Well. The site is located off of Fairwood Drive near the Herring Run. He plans to construct an informational kiosk to be located to the left of the well and then erect stanchions surrounding the site for safety. He has not yet determined what type of barrier material will be used joining the stanchions. He has already begun the work of clearing the 25' path that leads to the site, and has lined the trail with the recovered stone. Mr. Boyle asked how he chose this project; Mr. Frisbee indicated that his great-grandmother used to own a nearby house and wanted the history of the site shared, so he took on the project with the hope that the site will be added to the historical site tour taken annually by the elementary school. Mr. Trabucco inquired into the sites history; Mr. Frisbee stated that the well was established in 1756 on the Wallis Orchard and named "Peter's Well" by the orchard's owner after tenant Peter Pelerin upon Peter's death. Mr. Boulter asked if this was one of the first homes constructed in Pembroke; Mr. Frisbee stated he is still working to research that fact. Mr. Stone asked about his fundraising requirements; Mr. Frisbee stated that he has begun to raise the \$500 necessary to complete the project. Mr. Boulter moved to approve Eric Frisbee's project as presented; Mr. Stone seconded the motion. The vote was unanimously in favor.

7:15 RECREATION DIRECTOR SUSAN ROCHE: PROJECT UPDATE, COMMUNITY CENTER REAR FIELD

Recreation Chairman Matt Norton explained that this is an informational sharing meeting and no funding is requested. The Recreation Commission has identified a long standing deficiency in the rear fields at 128 Center Street; the current configuration allows for two softball fields, and in recent years the analysis shows a growing trend of usage by lacrosse and flag football. Both leagues are growing and field modification is required, but the Recreation Commission needs to know the town's immediate plans for the Community Center building in the event that the rear fields may be affected by the design needs. Mr. Trabucco stated that there is no plan to upgrade the Community Center building in the foreseeable future. Mr. Norton stated that the plan is to build three flag football fields and a lacrosse field by eliminating the right softball field. Future consideration will be given to updating the left softball field. The Recreation Commission is working with Environmental Partners who is performing the engineering services and studying drainage issues. Mr. Trabucco asked if the Commission is addressing handicap accessibility issues; Ms. Roche explained that the lower parking area will contain handicapped parking and a ramp will be installed from the driveway to the field. Mr. Norton stated that funding will be through the Recreation revolving fund and the Commission will seek CPC funds to supplement if necessary. Mr. Norton stated that they will return with an update once they receive plans from Environmental Partners.

RECOMMENDATION OF TOWN TREASURER: VOTE TO ACCEPT TWO (2) PARCELS AS TAX POSSESSION PROPERTIES

Mr. Trabucco moved the Treasurer's recommendation to accept 103 Tool Trail, parcel id# B5-94, and 16 Fairview Avenue, parcel id# A6-99, as tax possession properties. Ms. Burt seconded the motion. The vote was unanimously in favor.

RECOMMENDATION OF POLICE CHIEF: APPOINT SPECIAL POLICE OFFICERS, SEMLEC

Mr. Boulter moved the Police Chief's recommendation to appoint Plymouth County Deputy Sheriffs Michael Knight and David Wohler as Special Police Officers for the Town of Pembroke for the limited and express purpose of serving as crisis negotiators for SEMLEC.

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Ms. Burt seconded the motion. The vote was unanimously in favor.

ACCEPT THE RESIGNATION OF JAMES HANNON FROM THE NORTH RIVER COMMISSION

Mr. Stone moved to accept the resignation of James Hannon from the North River Commission with regret. Mr. Boulter seconded the motion; the vote was unanimously in favor.

CONSIDER REQUEST FOR APPOINTMENT: PATRICIA DEVORE OF 60 ALLEN STREET TO THE CONSERVATION COMMISSION

Mr. Boulter moved to appoint Patricia DeVore to the Conservation Commission vacancy, term to expire June 30, 2016. Mr. Stone seconded the motion. The vote was unanimously in favor.

CONSIDER PERMIT APPLICATION: FISHING TOURNAMENT, DANIEL ROSE OF RAYN-WATER BASS CLUB FOR OCTOBER 2, 2016

Mr. Boulter moved to grant the application of the Rayn-Water Bass Club for a catch and release fishing tournament to be held on Oldham Pond on October 2, 2016 subject to the approval of the Conservation Commission. Mr. Trabucco seconded the motion. The vote was unanimously in favor.

VOTE TO ACCEPT MINUTES OF OCTOBER 19 AND OCTOBER 27, 2015

Mr. Stone moved to accept the minutes of October 19, 2015 as written; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Stone moved to accept the minutes of October 27, 2015 as written; Mr. Boulter seconded the motion. The vote was unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne stated that Saturday, October 31st was Household Hazardous Waste Day at the Pembroke Recycling Center and Mr. Valenti reports that 140 vehicles, representing 154 households brought 2,000 gallons/pounds worth of hazardous waste for disposal by Clean Harbors. This represents 14 gal/lbs per vehicle; further, a combined 4,700 was collected this year between both HHW events. Fifty-three packets of latex paint hardener were distributed, and were well received by the residents. Mr. Thorne presented the Police Department's report on their Halloween Safety program; bicycle patrols were deployed in the Queensbrook neighborhood and other highly trafficked areas. Over 1000 glow sticks, wristbands and assorted related items were distributed in different sections of town.

7:30 PUBLIC HEARING: UNDERGROUND STORAGE TANK PERMIT AT 223 CHURCH STREET, MAP G-15 PARCEL 32 BY COLBEA ENTERPRISES, LLC (SHELL)

Mr. Boyle declared the public hearing opened at 7:30 pm. Richard DeFusco of Ayoub Engineering was present with plans approved by the Fire Chief and Fire Marshall, Special Permit issued by the ZBA and Site Plan Approval from the Planning Board. Mr. DeFusco stated that Colbea Enterprises is rebuilding the station and as such are replacing the UST with new tanks of equal storage volume that allow for more regular gasoline and less diesel gasoline totaling 30,000 gallons as before. Mr. Boyle requested comment from those in favor of the petition; there was none. Mr. Boyle closed that portion of the hearing. Mr. Boyle requested comment from those in in opposition to the petition; there was none. Mr. Boyle closed that portion of the hearing. Fire Chief Mike Hill was present to state that the submitted plans are met with approval. Mr. Stone moved to approve the request of Colbea Enterprises, LLC for an Underground Storage Tank Permit to store 30,000 gallons of gasoline underground at 223 Church Street, Map G15 Lot 32 by replacing the existing tanks and installing new tanks. Mr. Boulter seconded the motion. The vote was unanimously in favor.

ASK THE SELECTMEN

Ms. Burt confirmed that the Route 14 Project will resurface Route 14 to the Hanson town line and inquired as to why the Route 36 project did not extend to the Halifax town line. Mr. Thorne will inquire of the DPW Director and follow up.

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7:40 REQUEST FOR PROPERTY REDEMPTION: 9 JOHNSON STREET, MARC & JACQUELINE WEBER

Erich Hasselbacher appeared before the Board on behalf of the mortgage lender, MTGLQ Investors, LLC to request redemption of the property in foreclosure with the town as tax possession located at 9 Johnson Street, parcel id# B2-41. Treasurer Kathleen McCarthy reviewed the parcel history, stating that 9 Johnson Street was conveyed to the Town of Pembroke by virtue of a final judgment #14TL149237 entered by the Land Court on September 8, 2015. Ms. McCarthy stated that the town's policy is not to oppose redemption of property if all arears are paid in full within the one year right of redemption period, and Mr. Hasselbacher has brought certified funds to satisfy the amount owed. Mr. Stone moved to accept 9 Johnson Street, parcel B2-41 as a tax possession property at the Treasurer's recommendation. Ms. Burt seconded the motion. The vote was unanimously in favor. Mr. Stone moved to vacate judgement in Land Court case number #14TL149237 and additionally release the Town of Pembroke of any interest in 9 Johnston Street, parcel B2-41 with the understanding that Marc and Jacqueline Weber will maintain a current status on all bills due to the Town of Pembroke with regard to the above mentioned property. Ms. Burt seconded the motion. The vote was unanimously in favor.

LANDFILL SOLAR DISCUSSION: WINTHROP SARGENT

Mr. Winthrop Sargent was present before the Board with concerns regarding the power purchase agreement between the town and Power Options; their partner in the project is SunEdison. Mr. Sargent stated that there is a \$400million margin call for SunEdison who has recently announced layoffs. Mr. Sargent asked if the town can get out of the agreement and put the project out to bid. Discussion ensued on the project management and debt servicing. Mr. Sargent stated that the town would be protected if there is a 'material event' clause in the contract. Mr. Thorne stated he is awaiting town counsels response as they drafted the agreement. Mr. Boyle agreed that the town needs to be protected. Mr. Sargent opined that the right partner would offer a personal guarantee on the project. Mr. Stone stated that he spoke with the Energy Committee chairman today who spoke to Power Options and confirmed that they have broken ground on the Foxboro solar project and no breach of financial obligation has occurred thus far. Mr. Stone explained that the project awaits legislative approval to increase the net metering cap for the project to commence. Mr. Sargent stated that the town requires a working model by the end of the year to realize ITC tax credits. Mr. Trabucco stated that feedback from residents such as Mr. Sargent led to the Board taking the time to undergo further negotiations; additionally he stated that while the financial status of SunEdison is disconcerting, the town is engaged in a contract with them and they have not yet failed to perform. Mr. Sargent stated that he anticipates that SunEdison will not perform and the net metering cap will not be increased. Mr. Trabucco disagreed, stating that he feels confident that the net metering cap will increase. Discussion ensued on possible scenarios during construction of a solar project. The Board thanked Mr. Sargent for his time, feedback and concerns.

OLD BUSINESS

Mr. Stone asked if a new meeting date has been set by the CPCWDA Board; Mr. Boulter confirmed that it has not. Mr. Stone stated that he read an article regarding Town Government Study Committees in surrounding towns and requested an update of Pembroke's committee. Mr. Trabucco stated that they are having difficulty achieving quorum; further he questioned whether the lack of volunteers for the committee represents satisfaction in how government is currently working or apathy. Discussion ensued on possible motivations of communities with active Town Government Study Committees. Mr. Boulter asked if the BOS should take on the role and recommend actions to be taken at Town Meeting for residents to cast a vote. Mr. Trabucco stated that action would not be perceived as being the actions and recommendation of Pembroke's residents.

Mr. Boyle 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. Mr. Boyle read the upcoming issues from the agenda.

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At 8:30 pm, Mr. Stone moved to adjourn; Mr. Boulter seconded the motion. The vote was unanimously in favor.

MATERIALS & EXHIBITS

Letters (three), K. McCarthy, Judgments in Tax Lien Cases 14TL149237, 14TL149234, 14TL149233
(Treasurer/Collector/BOS/TA Office)

Permit Application FP-002 Colbea Enterprises, LLC (BOS/TA Office)

Engineering/Site Plan Drawings/Plans Ayoub Engineering (BOS/TA Office)

Letter, Sovereign Consulting, Inc. (Phase V Remedy Operating Status/Monitoring Rept.) (BOS/TA Office)

Letter, R. Wall (Police/BOS/TA Office)

Letter, J. Hannon (BOS/TA Office)

Application, Patricia Devore; Letter, Robert Clarke (ConCom/BOS/TA Office)

Permit Application Special Events 2016, Email from D. Rose (BOS/TA Office)

Draft: Minutes of Meeting of October 19 and Special Meeting October 27, 2015 (BOS/TA Office)