

MINUTES OF THE SELECTMEN'S MEETING

JANUARY 28, 2020

PRESENT: Willard J. Boulter, Jr. (Chairman), Arthur P. Boyle, Jr. (Vice-Chairman), John G. Brown, Jr. (Clerk), Jessica M. Rushing (Selectman), Daniel W. Trabucco (Selectman), Edwin J. Thorne (Town Manager), Matthew Rushing, Stephen Curley, Brooke Young, Sabrina Chilcott (Assistant Town Manager), and others.

At 7:30 pm Mr. Boulter opened the meeting and advised that this meeting is being made available to the public through a live video and audio broadcast on Comcast Government Access channel 15 and is being recorded for broadcast at future dates. Comments made in open session will be recorded.

VOTE TO OPEN THE SPECIAL WITHIN THE ANNUAL WARRANT FEBRUARY 3, 2020

Mr. Boyle moved to open the special within the annual town meeting warrant on Monday, February 3, 2020 and to close it on February 7, 2020 at 4:00 pm; Mr. Brown seconded the motion. The vote was unanimously in favor.

VOTE RECOMMENDATION OF COUNCIL ON AGING TO APPOINT MICHELE CAMPBELL OF 105 FURNACE LANE TO VACANCY

Mr. Brown moved to appoint Michele Campbell to the member vacancy on the Council on Aging, term to expire 2022. Mr. Trabucco seconded the motion. The vote was unanimously in favor.

REVIEW THREE ARTICLES FOR SELECTMEN'S INCLUSION IN THE WARRANT

Propose Bylaw to Create Agricultural Commission

Mr. Boyle moved to take no action on the proposed Agricultural Commission. Ms. Rushing and Mr. Boulter stated that they wanted to hear from the Board of Health. Ms. Rushing moved to table this item until the Board of Health weighs in; Mr. Trabucco seconded the motion. The vote was 4/1 with Mr. Boyle opposed.

Amend Police Regulations Article XX, Section 7 (aka Leash Law) to reflect statutory changes

Massachusetts Department of Agricultural Resources, Division of Animal Health in conjunction with the Acts of the Commonwealth in 2018 as signed by the Governor require local towns to adhere to statutory penalties defined by the state, requiring an update of the General Bylaws. Mr. Trabucco inquired as to whether the town is required to mirror state penalties or can Pembroke increase fines as needed; the state minimum threshold is established in MGL c. 140 §137-174F. Mr. Trabucco moved to include this article in the town meeting warrant as presented; Mr. Boyle seconded the motion; the vote was unanimously in favor.

Amend Right to Farm Bylaw 'Resolution of Disputes'

Discussion ensued on the vagary of the current language and the need to amend it. Mr. Trabucco encouraged the Board of Health to look into better language to amend the bylaw to clarify the section.

TOWN MANAGER'S REPORT

Mr. Thorne advised that next week Colonial Power will hosting a presentation to revisit the Municipal Aggregation Program.

ASK THE SELECTMEN

Ms. Rushing asked where the town is in the Animal Control Officer recruitment process; Mr. Thorne advised that the Police Chief is working with the Hanover Police Chief and ACO for temporary coverage as well as the exploration of a long term partnership, with the ACO role reporting to the Police Department.

NEW BUSINESS

Ms. Rushing stated that the town is preparing for the Town Manager's budget presentation and the Selectmen have not yet seen the planning or preparation steps that were defined as best practices by the Division of Local Services and the MMA. Additionally, the town bylaws identify process steps to submit Capital funding requests and projects such as the proposed Community Center project have not undergone these steps. Ms. Rushing stated that the DOR Financial Management Review of Pembroke from 2013 recommended a wholesale review and update of the town bylaws, which has not been attempted. Discussion ensued. Mr. Thorne advised that he will take the points raised this evening and expound on them next week. Further

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discussion ensued on the role of the Selectmen as process and policy makers and the role of the Town Manager as the budget creator. Mr. Thorne posited considering appropriate funding to hire a consultant to do a complete review of the bylaws for outdated and conflicting information as well as reorganization and revision. Mr. Boulter instructed an agenda item be added entitled "Town Bylaws".

At 8:35 pm, Mr. Boulter read the upcoming issues from the agenda. Mr. Boyle moved to enter executive session under M.G.L. c.30A, Sec. 21(3) to discuss strategy with respect to collective bargaining if an open meeting will have a detrimental effect on the bargaining position of the public body and the chair so declares regarding the ratification of the Pembroke Patrolman's Union Memorandum of Agreement; Mr. Boulter declared it to be so and stated that the Board will not return to open session. Mr. Brown seconded the motion. By roll call vote: Brown – yes, Rushing – yes, Trabucco – yes, Boyle – yes, Boulter – yes.

At 9:05, the Board re-entered public session. Mr. Trabucco moved to adjourn; Mr. Brown seconded the motion. The vote was unanimously in favor.

MATERIALS & EXHIBITS

Email, J. Ryan of COA RE: Appointment of M. Campbell; Vacancy Application (COA/BOS/TM Office)
Draft Articles 12, 13, 14 (BOS/TM Office)