

MINUTES OF THE SELECTMEN'S MEETING

MONDAY, NOVEMBER 8, 2010

PRESENT: Willard J. Boulter, Jr. (Chairman), Daniel W. Trabucco (Vice-Chairman), Lewis W. Stone (Clerk), Arthur P. Boyle, Jr. (Selectman), Gregory M. Hanley (Selectman), Edwin J. Thorne (Town Administrator), Diane M. Tobin (Executive Assistant), John Mattinson (Pembroke Media Broadcast), Becca Manning (Pembroke Express), and others.

The meeting was called to order by the Chairman at 7:00 pm in the Veterans Hall and the Pledge of Allegiance was recited.

BOARD OF HEALTH VACANCY: There were three applicants for the seat on the Board of Health vacated by Lisa Cullity. They were Donna Bagni, Vincent Flaherty and Gary Fine. This is a joint appointment by the Board of Selectmen and remaining members of the Board of Health.

Mr. Driscoll moved, seconded by Mr. Boyle to nominate and appoint Donna Bagni to fill the vacant position until the Spring 2011 Annual Town Elections. Roll call vote: 6-0-1 Driscoll, yes – Cytronowski, yes – Boyle, yes – Hanley, yes – Trabucco, yes – Boulter, yes – Stone, abstained.

MUTUAL FIRE AID AGREEMENT: Fire Chief Jim Neenan explained that this agreement seems to have been an oversight in not having been passed before. He believed it had been passed and has been responding to mutual aid calls to other towns in the past. He says this agreement would protect the Chief and Firefighters from liability when assisting in an event in another town.

Mr. Hanley inquired about the staffing and Chief Neenan explained that all goes through Plymouth County and run cards are filed. Chief Neenan always uses his firefighters before calling in another town. There are 14 of the 26 member communities signed on to this mutual aid agreement. If a member community chooses not to staff, then Pembroke would only respond to a working fire not to cover a closed fire station. The Operational Plan is on file.

Mr. Hanley questioned Sec. 4 with regard to employment benefits. He was concerned about a change in working conditions if we sign the agreement. Chief Neenan responded that the men work for him and he will continue to give them what they have had in the past so he sees no change in working conditions. The Chief noted that he does not feel comfortable discussing contract issues without the other party being present. Mr. Hanley would like Town Counsel to weigh in on this.

MINUTES OF THE SELECTMEN'S MEETING

NOVEMBER 8, 2010 – PAGE TWO

Chief Neenan stated that if the Selectmen choose not to sign the agreement, he would have to call the other towns to say that Pembroke will not be able to answer mutual aid nor will we ask for it.

Mr. Stone would not want to jeopardize the town by not signing a reciprocal agreement but would also like to have the benefit of Counsel's review of the agreement. Mr. Trabucco suggested that Counsel's review should have been requested before tonight's meeting since we have had the agreement for a couple weeks now.

Mr. Boulter noted that we have a mutual aid agreement with the police and detectives which were reviewed by Counsel. He agrees that the Firefighters need to be protected but he is not happy with the length of the agreement. He feels it should be changed to until such time the parties decide to dissolve the agreement. Chief Neenan assured him that the Operational Plan filed with Plymouth County is updated every 6 months to one year. Mr. Boulter is also uncomfortable with the use of the word "shall" instead of "may". He asked for Counsel's review of this. He wants to be sure the County is not taking control over the Fire Chief.

Mr. Hanley noted that by signing this agreement it may make the town eligible for grants. He asked the Town Administrator to also look in to accidental disability liability. Chief Neenan said he will continue to operate as he has in the past until Town Counsel's review is received.

MULTIPLE SCLEROSIS BIKE RIDE: The Board voted unanimously to approve the request for the use of town roads by the National Multiple Sclerosis Society for their annual bike ride on June 25 and 26, 2011. The Police and Fire Chiefs are in accord with this permission.

GATRA: Discussion was postponed by the applicant until Nov. 22nd.

MINUTES: The Board voted unanimously in favor to accept the minutes of the meeting of Nov. 1, 2010 as written.

CONSERVATION COMMISSION: Mr. Stone moved, seconded by Mr. Hanley, to appoint Daniel Smith of Mayflower Road to fill the vacant seat on the Conservation Commission for a term to expire in June 2012. Voted unanimously in favor.

MINUTES OF THE SELECTMEN'S MEETING

NOVEMBER 8, 2010 – PAGE THREE

HIGH AVE – DAVID SPALDING: Resident David Spalding came to the Board representing the Stetson Heights Pond Improvement Association. They are requesting that speed limit signs be installed to indicate 5mph especially at the intersection where the road ascends and then descends a steep hill. He said there is a problem with contractors travelling at excessive speeds on this street. Mr. Boulter has discussed this with the Police Chief who advised that this speed limit would have to be approved by the Registry. The Chief could work with the DPW on this. Even though this is a private way and the Selectmen have the authority to issue the speed limit, in order for it to be enforceable, it needs Registry approval. They will come down to look at this roadway. The OCPC will not get involved in traffic studies because it is not an accepted way.

Mr. Stone also spoke to Chief Ohrenberger and they agreed that 10-15 mph would be justified but the Registry may only allow a limit of 25 mph in that zone.

COMMUNITY PRESERVATION COMMITTEE: Brian VanRiper was requested to explain to the Selectmen why the articles being presented to town meeting were going to be pulled, since the issue was not understood by the applicants. Mr. VanRiper noted that he was not the Chairman at the time those articles were submitted, but he will review all applications for completion in the future. Those applications will be corrected to be sure the Historical Commission review has been completed when funding is being requested for historical projects. The DOR recommends that the Secretary of the Interior's guidelines should be incorporated when applications are filed for historical funding. Mr. Van Riper explained that four of the six articles would have had to be amended on the town meeting floor because of the language for funding and the Historic Commission review came to the CPC's attention only just a couple days ago. The Lydia Drake request maintained that since they had gone before Historic for Phase I they didn't feel they needed to go back for Phase II of the same project. Mr. VanRiper feels they should have HDC oversight to insure proper restoration of historic buildings.

OLD BUSINESS:

Tubbs Meadow: Relative to the ATV activity complaint, Chief Ohrenberger spoke with the DPW and set fines will be posted on the property with the warning that use of motor vehicles is prohibited. The police will patrol during times that were indicated in the letter from Reed Hollow Farm.

MINUTES OF THE SELECTMEN'S MEETING

NOVEMBER 8, 2010 – PAGE FOUR

Trailer Permit: Mr. Boulter talked to the attorney for the homeowner who advised him that she expects the appeal to go in favor of the homeowner and hopes to get new construction underway promptly. The Selectmen had voted to extend the trailer permit until June with the condition that the property is cleaned up. Mr. Boulter appealed to neighbors and interested persons to volunteer to help with the cleanup.

Dog Boarding Service in Furnace Colony: There has been a complaint of a problem with the violation of the town bylaws by a resident in the Furnace colony area. It is being investigated for a possible dog boarding service by the Dog Officer and the Building Dept.

RECYCLING ISSUES: Jim McCollum had questions about the accounting and reporting in the Board of Health relative to the Recycling Center. The Town Administrator and the Selectmen are looking in to the questions and will schedule discussion for a future agenda.

TOWN ADMINISTRATOR'S REPORT:

Solid Waste: Mr. Thorne advised there will be a presentation on Solid Waste Disposal at the Upper Cape Regional School on Wed., Nov. 17th which Mr. Stone will attend.

Surplus Property Sale: Mr. Thorne will give the Selectmen a list of surplus vehicles and surplus real estate after the first of the year for consideration for sale by auction or sealed bid.

BROCKTON POWER PLANT: Mr. Trabucco advised that there is a meeting at 10:00 am on Nov. 19th that he will try to attend to present the Pembroke Selectmen's concerns about the proposal by the Brockton Power Plant to use water from Silver Lake to cool the plant. He contacted Gerry Dempsey to assist by writing to the meeting conductor.

The meeting was adjourned at 9:20 p.m.

