

## TOWN OF PEMBROKE

### MINUTES OF THE SELECTMEN'S MEETING VETERAN'S MEMORIAL HALL

MONDAY, JANUARY 10, 2011

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], William Hart [Animal Control Officer], Becca Manning [Pembroke Express], John Mattinson [Pembroke Media Broadcast], Jim McCollum, Steve Dodge [Moderator], members of Advisory Board and others.

The meeting was called to order by the Chairman at 7 pm.

#### ANNOUNCEMENTS/ APPOINTMENTS

Hilary Wilson reported that 6 people used the GATRA shuttle bus in the first week of operation. The bad weather may have held down rider ship. One change has been made to the bus route. The bus will travel down Center Street to West Street, turn around and travel back to Liberty Drive as the first stop. Passengers will be picked up along this route by waving to the driver. The bus will not park within the Center Commons development and wait for passengers.

DPW Commissioner Bastianelli reported that the grinding and removal of material on Monroe Street has been completed. The material has been transported to the DPW garage property and stored for future use. Material remaining will be used in capping of the landfill under the direction of M. Valenti. The future of the lot, owned by the Town, will be determined at a later date.

#### LICENSE TRANSFER:

A Class 2 license was transferred from George Brown at 765 Washington Street to Leonard Taylor, the property owner, with the following restriction. "No storage and no display of vehicles on the premises". Mr. Taylor also holds a Class 2 license at 749 Washington Street. Motion to approve by Selectman Boyle, second by Selectman Hanley. Voted 5-0

#### ADVISORY BOARD APPOINTMENT

James Mc Collum was nominated by Advisory Chairman McNeilly to fill the opening. 2 of 3 votes are required to appoint as follows: Advisory Board- 1 vote, Moderator- 1 vote, Selectmen- 1 vote. Vote as follows: Advisory -yes, Moderator -yes, Selectman - yes. Appointment is approved. Vote by Selectmen was 4-1 in favor with Selectman Boyle voting no. Mr. Mc Collum submitted a letter of resignation from the Open Space Committee which was accepted. Motion made by Selectman Trabucco, second by Selectman Boyle. Voted 5-0.

## PUBLIC HEARING/ DOG COMPLAINT 66 DWELLEY STREET

Mr. Hart, the Animal Control Officer, called for the hearing in response to a dog bite complaint made by Mr. Finnochio of 66 Dwelley Street. The dog owner, Mr. Langella, also of Dwelley Street was present as well. The Chairman of the Selectmen swore in all three people. Mr. Hart testified Mr. Langella owned 2 dogs not licensed. Many complaints have been called in that the dogs were not leashed and on Mr. Finnochio's property. In November of 2010 one of the dogs bite Mr. Finnochio. As a result, the dog was quarantined for ten days. Mr. Finnochio produced a picture of the bite and also a picture of Mr. Langella's dog going through his trash. Mr. Finnochio testified that a deer hanging in his yard was partially eaten by one of Mr. Langella's dogs.

Mr. Langella testified that none of these complaints have merit, they did not happen and the wound is not a dog bite. Mrs. Langella said that the dog in the picture looked like theirs. Mr. Langella testified that these complaints are the result of a feud that has been going on due to complaints he has made concerning the condition of Mr. Finnochio's property and what is stored there.

The Chairman asked Mr. Hart how many times he has visited the two parties to discuss the situation. Mr. Hart had no specific answer due to a lack of record keeping but said there were many phone calls received over a period of months. Only these two complaints were documented. All of the Selectmen expressed concern over the lack of record keeping which is part of Mr. Hart's job description. The Chairman then asked the status of the reports he asked Mr. Hart to submit to him concerning his hours, use of the Town vehicle and record keeping. Mr. Hart responded that he did not complete the report as yet.

Selectman Hanley asked Mr. Finnochio if was satisfied with the response he received from Mr. Hart and is that why he wrote a letter to the Selectmen. Mr. Finnochio replied that he was not satisfied and has stated why in his letter. Selectman Hanley then asked Mr. Hart if he would wave his right of 48 hours notice to go into Executive Session to further discuss his performance and job description. Mr. Hart said that he would wave that right.

Chairman Boulter recommended a two week continuance of the hearing and directed Mr. Hart to monitor the dogs and if in violation of the leash law, take them into custody. Motion to continue the hearing in two weeks by Selectman Stone, second by Selectman Trabucco. Voted 5-0

## PUBLIC HEARING /DOG COMPLAINT 14 GLENWOOD DRIVE

Mr. Hart called for the hearing to discuss a complaint by Mr. Cady that Mrs. McCarthy's dogs were not leashed and causing damage to his landscaping.

Mr. James Cady, Mrs. Cheryl McCarthy and Mr. William Hart were sworn in by Chairman Boulter. Mr. Cady testified that Mrs. McCarthy's 3 dogs were not leashed and are causing damage to his landscaping. Mrs. McCarthy testified that the 3 dogs were not leashed and have always been loose and welcomed by her neighbors. She was not aware of the leash law. Mr. Cady is new in the neighborhood and is landscaping his yard and does not want dogs on his property. Mrs. McCarthy has leashed her dogs, put up a fence and will comply with the Towns By Laws. Mr. Cady stated that he is satisfied with Mrs. McCarthy's actions in response to his complaint. Selectman Boyle moved the hearing be closed, second by Selectman Trabucco. Voted 5-0

## NEW POLICE OFFICER

Police Chief Ohernberger requested that he be allowed to hire a part time police officer. The department is operating two officers short due to retirements. Public safety is being maintained using overtime hours and efficiencies implemented by the Chief. Additional manpower will be discussed during the 2012 budget process. All Civil Service policies will be followed, as required. The Selectmen agreed that the department is short officers as stated by the Chief and commended his maintaining public safety while being shorthanded.

Motion by Selectman Boyle to allow the Chief to hire a part time police officer as requested.

Second by Selectman Hanley. Voted 5-0

## MINUTES OF DECEMBER 20, 2010

Motion to accept the Minutes of December 20, 2010 as presented, by Selectman Boyle, second by Selectman Stone. Voted 5-0

## BROCKTON POWER PLANT

Selectman Trabucco stated that no new meetings have been held to discuss this issue, but may be scheduled later this month. Town Administrator Thorne commented that Hanson and Halifax want to be included in any updates Pembroke receives on this issue. Selectman Trabucco will continue to monitor this situation and keep the Board informed.

## FIRE DEPARTMENT MUTUAL AID AGREEMENT

Town Administrator Thorne reported the lawyer reviewing the agreement needs more time to complete it. Chairman Boulter stated the reasons why it must be completed ASAP. Mr. Thorne will follow up with the legal department.

## TOWN ADMINISTRATOR'S REPORT

Mr. Thorne reported that DEP has until March 31 to review and accept the Landfill Capping plan submitted to them by the Town.

## ASK THE SELECTMEN

Selectman Stone stated he has no issues to report this week

## EXECUTIVE SESSION

Selectman Hanley moved to go into Executive Session and read reason 1 of the Massachusetts General Laws governing reasons to go into Executive Session. Second by Selectman Boyle. Roll call vote- Stone-yes, Trabucco-yes, Boyle-yes, Hanley-yes, Boulter-yes Voted 5-0

No further business will be discussed and no votes taken at the conclusion of Executive Session.

*Louis M Stone, Clerk*