

MINUTES OF THE SELECTMEN'S MEETING  
MONDAY, MARCH 1, 2010

PRESENT: Arthur P. Boyle, Jr. (Chairman), Donal P. Anderson (Vice-Chairman), Willard J. Boulter, Jr. (Clerk), Lewis W. Stone (Selectman), Daniel W. Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Diane M. Tobin (Executive Assistant), John Mattinson (Pembroke Media Broadcast), Becca Manning (Pembroke Express), Steve Annear (Pembroke Mariner/Reporter), Ben Bastianelli, Mary Willis, John Belden and other residents of Furnace Colony, Bill Hart (Animal Control Officer), Mr. and Mrs. Robert Langella, and others.

The meeting was called to order by the Chairman at 6:30 p.m. in the Veteran's Memorial Hall, Town Hall, 100 Center Street, Pembroke, MA, and the Pledge of Allegiance was recited.

COUNCIL ON AGING: Mr. Anderson moved, seconded by Mr. Boulter, to approve the request of Mary Willis to allow the Council on Aging Director to advertise to hire a replacement for the part-time position of Senior Aide for the COA. So voted unanimously in favor.

FURNACE COLONY: In response to the request of the Dept. of Public Works to borrow \$325,000 for a project to begin in the spring an summer of 2010 to make some drainage improvements and hot mix asphalt installation to the roads in the Furnace Colony area, the Board of Selectmen had asked the Town Administrator to investigate the total cost amount to borrow the money. Mr. Thorne learned that the Town could borrow this money as a legal expenditure and it would cost \$46,000 for the first year to pay the bond. He noted that this would be included in next year's FY'11 budget.

Mr. Anderson reminded that the Town Meeting voted a \$1.8 million expenditure at the Special Town Meeting in October of 2008, and the Selectmen voted that this money could only be borrowed for emergencies. He does not feel this is an emergency situation. Many residents were in attendance to pleaded with the Selectmen to understand their concerns about the safety issues as a result of the poor road conditions. Mr. Trabucco noted that these are private ways used and maintained as public ways. Mr. Boyle commented that the proposed improvements to the drainage on these roads would help in the efforts of saving Furnace Pond.

Mr. Anderson motioned to table this until the budget can be examined. Motion died for lack of a second. Chairman Boyle turned the Chair over to Mr. Anderson.

Mr. Boyle moved, seconded by Mr. Stone, that the DPW be granted the authorization to borrow \$325,000 for the Furnace Colony road Improvement Project and the paperwork should be done with Town Administrator Ed Thorne's office.

VOTE: 4-1-0 In favor: Boyle, Boulter, Trabucco, Stone Opposed: Anderson

OLD COLONY SPORTS CLUB: Fred Briggs was present to ask that the Town agree to swap a 2.9 acre portion of a parcel of town-owned land for a 6.8 acre portion of land owned by the Old Colony Sportsmen's Assoc. The reason for the request is that there is an area in conflict with safety concerns. Selectman Trabucco questioned the need for an

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RFP and Mr. Thorne will check on this. It will still need to be an article at town meeting. According to a letter received from the Chief Assessor, the 6.8 acre section of land is assessed at \$68,000 and in return the Town would be giving Old Colony Sportsmen's Association a 2.9 section of land assessed at \$29,000.

Mr. Boulter moved, seconded by Mr. Anderson, to put this article on the Annual Town Meeting Warrant. Voted unanimously in favor.

**DOG COMPLAINT HEARING-66 DWELLEY ST** – The public hearing was continued relative to the loose dogs from 66 Dwelley Street. Mr. and Mrs. Richard Langella were present at this hearing. Animal Control Officer Bill Hart was also present. The complaining party, John Finocchi, was not in attendance. Mr. Hart explained that the dogs get out of the yard and terrorize the chickens next door. The Langellas apologized for not being present at the first hearing but had not picked up their certified letter from the post office.

Mr. Hart noted that the hidden fence is not working and he recommended that a kennel be built and that the dogs be lead to and from the house on a leash. Both dogs have now been licensed. Mr. Langella said the dogs are only out when they walk the dogs to do their business. They said this is the first they heard about the dogs bothering chickens. They claimed the neighbor has never talked to them about it. Mr. Hart reminded them that he chased the dogs repeatedly in the past and has had them in the shelter. Mr. Hart stated that he is concerned for the safety of the dogs because the neighbor could hurt or kill them if they end up killing any of his chickens. The owner said they have leashes set up now and the dogs will be restrained.

Mr. Hart requested permission from the Selectmen to pick up the dogs if they are found loose again and hold them until another hearing can be conducted. No action was taken by the Selectmen at this time. Mr. Boulter stated that the owners should take notice as being in violation of the town bylaws and any future complaints will be considered a criminal action requiring further action. Mr. Stone suggested the lines of communication should be improved between the owners and the dog officer. Mr. Hart told the Selectmen that every owner who is called before the Board for a hearing claims it is the first time they heard of the complaint but Bill has visited the owners several times before a hearing is scheduled. Often there is no one home when he goes to the house but he leaves a message of his visit and the complaint on their door.

**TOWN GOVERNMENT STUDY COMMITTEE:** Tony Marino, George Emanuel, Peter Isham, Brian Krause, members of the Town Government Study Committee presented their article to the Selectmen regarding a change from Town Administrator to a Town Manager. They reported that they met with other boards and would like to respond to any concerns of the Board of Selectmen regarding their proposal, or to hear any comments they may have.

Selectman Trabucco asked what their intent was and how they formed their thoughts on this article. Mr. Marino explained that the group was formed in July 2009 by

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appointment of the Selectmen and they met with other town officials and the Mass. Municipal Manager's Association, as well as other town administrators and managers to get their input. They feel this action would streamline the authority in town government and would bring all staff under one authority instead of separate elected boards. It was a unanimous vote of the committee to prepare and present this article which was modeled from the state but customized for Pembroke. Town Counsel is reviewing the article and the salary is to be determined by the Board of Selectmen with a contract. If the article passes at town meeting it will go for approval at the state level. Or the state may say we need a ballot vote.

Ben Bastianelli from the Advisory Committee asked if this will increase the Town's budget. It will increase the Town's budget at first but will be a savings over time. Selectman Stone noted that 5 other towns in the area with similar statistics have a town manager. Pembroke has a population of 19,000 plus and a \$53 million budget. Selectman Trabucco pointed out that appointed people to boards could prove more productive than by elected officials. But the study committee found from their feedback on this that people want to be able to exercise their right to elect. The Town Manager would oversee that departments would be running well and would be developing long range plans for departments.

MINUTES: Mr. Anderson moved to accept the minutes of February 22 with amendments, seconded by Mr. Boulter. Voted 3-0-2 with Mr. Stone and Mr. Boyle abstaining since they were not present at that meeting.

DOCK AND RAFT PERMITS: Selectman Boyle announced that the DEP representative will be at the Selectmen's meeting on March 15<sup>th</sup> to talk about permitting docks and rafts. An article will be prepared for the town meeting warrant.

TOWN ADMINISTRATOR'S REPORT:

Solid Waste/Recycle Study Committee: Mr. Thorne reported that he had his first Solid Waste/Recycle Study Committee meeting and they will be meeting every other Wednesday at 6:30 pm. Mr. Thorne asked to increase the membership of the committee from 9-11 members.

Selectman Anderson moved, seconded by Selectman Stone, to increase the membership of the Solid Waste/Recycle Study Committee from nine to eleven members. So voted unanimously in favor. This creates three openings for membership.

Selectman Anderson moved, seconded by Selectmen Stone, to nominate Thomas Driscoll to serve on the Solid Waste/Recycle Study Committee. Vote: 4-0-1 with Mr. Boyle abstaining.

Cash Management Meeting: Mr. Thorne will talk to Advisory Chairman Matt McNeilly about setting up a cash management meeting.

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**TRUCK TRAFFIC ISSUE:** Selectman Stone reported that there was a meeting with Old Colony Planning Council to discuss the study results. After a 7 day traffic study in December, it was found that the speed limit is often exceeded. Signs to ban truck traffic are to be addressed by Town Administrator Thorne, Chief Ohrenberger and Mr. Stone. They will work with Duxbury and Marshfield as well.

Mr. Trabucco asked about the letter from Ms. King on Elm Street regarding her request for a 4-way stop sign at the intersection of Elm and Spring Streets. Mr. Stone said that the data does not substantiate the need for a 4-way stop at this intersection but Mr. Trabucco is concerned that this is a safety issue and asked if there is another way to pursue this stop sign. Old Colony Planning said to work with the DPW and Mr. Stone will talk to the Director about this concern. It was OCPC and not the Dept. of Transportation who decided there was not enough information to justify the stop sign. Mr. Stone will follow up with the DPW and see if he has to go to the state on this.

**EXPRESSION OF SYMPATHY:** Condolences were extended to the family of David Cutler who was the founder of the Pembroke Mariner and Pembroke Express.

**ONE-DAY LIQUOR LICENSE:** Mr. Anderson moved, seconded by Mr. Boulter, to accept and approve the application of Fasano's Catering for a one day liquor license to be exercised at the Pembroke Country Club on March 6, 2010 from 7-12 p.m. for a 65th birthday party.

**ANNUAL TOWN MEETING WARRANT ARTICLES:** The Selectmen reviewed the articles that have been submitted for action at the Annual Town Meeting on Tuesday, April 27, 2010. The Selectmen voted to eliminate a duplicate article from the DPW and to remove an article seeking funds for equipment and decorations for the center submitted by the Chamber of Commerce. They feel this should be deferred to the fall town meeting.

An Article to address the permitting of docks and rafts on the ponds will be inserted where the duplicate article was removed and an article from the DPW regarding Rte 14 work will be inserted where the Chamber article was removed. The Rte. 14 article was submitted during the designated time for submission of articles but was inadvertently omitted from the assembling of articles for the draft of the warrant.

**EXECUTIVE SESSION:** Selectman Boulter moved, seconded by Selectman Stone, to go into executive session to discuss collective bargaining and litigation strategy, and upon conclusion no further public business to be discussed.

Roll call vote: Stone, yes – Trabucco, yes – Anderson, yes – Boulter, yes – Boyle, yes

The meeting was adjourned at 8:35 p.m.