

MINUTES OF THE SELECTMEN'S MEETING

MONDAY, MAY 17, 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 (PEMBTV), Becca Manning (Pembroke Express), and others.

The meeting was called to order by the Chairman at 6:30 p.m. in the Town Hall Veteran's Hall. The Pledge of Allegiance was recited.

MINUTES: The Selectmen voted to accept the minutes of May 10, 2010 as written.

AFFORDABLE PROPERTIES: The Selectmen announced the advertisement of the sale of two affordable properties in Pembroke in the Pine Grove Condominiums on School Street. Applications are available in the Town Administrator's Office and the deadline for submission is June 15, 2010.

TOWN MEMORIAL COMMITTEE: Linda Osborne, Betty Berry, Josephine Hatch, David McPhillips and Kathleen Keegan were present to announce plans for the plans for the Memorial Day Parade on Monday, May 31. All veterans are invited to march or ride the trolley in the parade. Step off will be from Lucky Dawg Tavern on Mattakeesett Street at 1:30 p.m. Sgt. At Arms Keegan read the Governor's Proclamation. Veterans Agent David McPhillips gave a summary tour of the Veterans Memorial Hall.

AMERICAN FLAG BANNERS: The Selectmen voted unanimously to approve the request of the Pembroke Military Support Group to spend \$800 from the Camp Pembroke Fund to purchase American Flag Banners to display on the utility poles in the Center of Town for all patriotic holidays. The banners will remain the property of the Town.

DPW JOINT APPOINTMENT: Two applications were received to fill the vacant seat on the DPW Board of Commissioners vacated by the resignation of Kevin Crowley. The appointee will serve until the next annual election and then can run for the remainder of the term to 2012. The applicants are Thomas Irving, current member of the Planning Board, and Benjamin Bastienelli, current member of the Advisory Committee.

DPW Commissioner Jim Kilcommons expressed his concerns about having a member who serves on two elected boards, despite Town Counsel's opinion that it is not prohibited. Mr. Bastianelli stated that if appointed as a DPW Commissioner he would step down from the Advisory Board.

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Mr. Trabucco motioned, seconded for discussion by Mr. Boyle, that Ben Bastianelli be chosen for this seat. Discussion ensued regarding the qualifications and intentions of the applicants relative to their current appointments. Mr. Hanley suggested that the nomination process be observed. Mr. Trabucco's motion and Mr. Boyle's second were withdrawn.

Mr. Trabucco moved, to open nominations to fill the DPW seat vacated by Kevin Crowley. Mr. Boyle seconded.

Mr. Trabucco moved, to nominate Ben Bastianelli for the vacant DPW Commissioner's seat. Seconded by Mr. Hanley.

Mr. Whitman moved, to nominate Thomas Irving for the vacant DPW Commissioner's seat. Seconded by Mr. Hanley.

Mr. Hanley moved to close the nominations, seconded by Mr. Boyle.

ROLL CALL VOTE: J. Kilcommons - Bastianelli

P. Whitman - Irving

L. Stone - Bastianelli

D. Trabucco - Bastianelli

A. Boyle - Irving

G. Hanley - Irving

W. Boulter - Bastianelli

Tally: 4-3 in favor of Ben Bastianelli.

BRYANTVILLE LIQUORS: The Chairman read the public hearing notice of a hearing to consider the application for a transfer of the Retail Package All Alcoholic Beverages License from Bryantville Food & Spirit, Inc. at 15 School Street to Hena N Deeya Corporation d/b/a Bryantville Liquors. Present at the hearing were the current owner, Mark Shanahan, Jitendra and Alpa Patel. The applicants stated that they have owned another business in Malden since 2002. The new owner intends to also sell lottery

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tickets. The store will be open from 8 a.m. to 10 p.m. There was no one in opposition of this request.

Mr. Boyle moved, seconded by Mr. Hanley, to grant the transfer of the Retail Package All Alcoholic Beverages License from Bryantville Food & Spirit, Inc. at 15 School Street to Hena N Deeya Corporation d/b/a Bryantville Liquors, Jitendra Patel, Manager and to allow the pledge of the license and inventory to South Shore Savings Bank. Voted unanimously in favor.

DOG COMPLAINT HEARING – 109 WASHINGTON ST: A hearing was held by the Selectmen at 7:15 p.m. in response to the repeated complaints of John and Mary Boucher from 14 River Point Rd relative to the constant barking of the dogs owned by Lori Bowes at 109 Washington Street. In attendance were Lori Bowes, Lee Johnson, John and Mary Boucher, Chrissy Rinkus. All present to give testimony were sworn in by the Executive Assistant.

Mr. Boucher complained that the dogs bark day and night and it is a loud, piercing bark. He said he has called the Dog Officer several times over the years but does not always get a response, so he has called the police. He noted that the dog got loose once and ripped the screens at his house trying to get at his daughter's dog. Another neighbor, Chrissy Rinkus, testified that the dog is constantly barking.

Animal Control Officer, Bill Hart, said that he sat for a while every time a complaint call was received and he only heard the dog bark when the children got off the school bus. He said he does not consider this excessive barking. He said the dog wears a bark collar but it has caused burns on his neck.

Ms. Bowes exhibited the dog bark collars which she explained will shock the dogs when they bark. She said she moved there in 2004 and has heard several complaints were filed but whenever the police responded the complaints were logged as unfounded. She submitted copies of these police reports to the Selectmen. Ms. Bowes also submitted a map of the lots showing the proximity of the neighbors. She said other abutters do not complain and feels this is a personal thing with Mary Boucher. She also noted there was a three year period of no calls and only one call each year for three years. She said that when the Boucher's daughter's beagle comes over it gets her dog riled up.

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Chairman Boulter acknowledged that he understands that by the time the Dog Officer or the Police Officer arrives the dog may no longer be barking. But he noted that everyone has the right to have peace and quiet in their own home. He also reminded that it is up to the dog owner to control the dogs. Ms. Bowes said there are other neighborhood dogs that bark but the complaints are only called in about her dogs. Mr. Boulter asked Mr. Hart why the Selectmen have been hearing complaints about his response to dog calls. Mr. Hart responded that he did write a report on March 16th about a complaint he received. He noted that after the investigation he had no recommendation on how to resolve the issue. He believed that Ms. Bowes had made attempts to stop the barking.

The Selectmen noted that the owner of the offending dogs provided some back up for this hearing but the complaining party had none. Selectman Hanley said that if the complain is against the Dog Officer they should bring their argument against him.

Selectman Boyle suggested that the Dog Officer monitor the situation for a 30-day period. Chairman Boulter told Mr. Hart that he should start to keep a log of every call he receives and his response so the Selectmen can see that the job is being done. Selectman Stone asked how many times Mr. Hart had responded to the Boucher's complaints. Mr. Hart said he responded the same day or the next day after receiving the calls and would sit for a while at different times of the day to observe any barking. He noted that when he got the first problem call in 2004, he actually tracked down Ms. Bowes who was in the delivery room.

For the record, Ms. Bowes has two dogs. One is a shepherd mix and the other is a black lab.

Mr. Lee Johnson said that Mr. Rinkus told him that he never hears the dogs but Mrs. Rinkus said that's because he is hardly ever home. Selectman Trabucco asked for the neighbors to try to work this out amicably and asked Ms. Bowes to think of anything else she can do to stop the dogs from barking such as putting up a fence so the dogs can't see thing that might get them riled up. Chairman Boulter suggested that the dogs only be taken outside on a leash and not allowed to stay outside and bark. Mr. Johnson offered his personal cell phone number for the neighbors to call if they have a problem with the dogs.

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Selectman Boyle motioned, seconded by Selectman Hanley, that the Dog Officer monitor the situation for 30 days and report back to the Selectmen by July 1st with his findings. The hearing will be continued to the next weekly Selectmen's meeting after July 1st.

VOTE: 5-0 Unanimously in favor

SOLID WASTE/RECYCLING STUDY COMMITTEE: Selectman Stone reported that at the last meeting of this committee, the membership was established with the following members: Anne Marie Stanton, Gary Fine, Michael Virta, Jim McCollum, Tom Driscoll, Elizabeth Cytrynowski, Lew Stone, Ben Bastianelli (Chairman), and Lisa Cullity (Secretary). Their goal is to investigate ways to improve recycling practices, reduce trash tonnage and costs by evaluating various methods of waste disposal used by other towns. They plan to have an article for the Fall Town Meeting.

MINUTES: The Selectmen voted to approve the minutes of May 10, 2010 as prepared.

COUNTRY CORNER STORE: An application for KENO was received by the state and the Selectmen were asked if they have any objections. The Selectmen have 21 days to respond. Mr. Boyle moved, seconded by Mr. Stone, to table this item until the next Selectmen's meeting to see if there are any neighbor concerns. So voted unanimously in favor.

FOREST STREET LAND SWAP: A Form A application needs a vote of the Board and their signatures to allow the Planning board to entertain a request for a land swap with the Old Colony Sportsmen's Club. Mr. Thorne explained that an RFP will still need to be done. Mr. Trabucco moved, seconded by Mr. Boyle, that the Selectmen endorse the Form A application for Lot A (2.9 acre parcel from D6-9) off land off Forest Street. So voted unanimously in favor.

COMMUNITY PRESERVATION COMMITTEE: Mr. Hanley moved, seconded by Mr. Boyle, to accept with regret the resignation of Dottie McInnes from the Community Preservation Committee. So voted unanimously in favor.

Ms. McInnes was one of the Selectmen's appointees to this committee and the Selectmen greatly appreciate her generous donation of time to serve on this and several other town committees.

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CUB SCOUT GRADUATION: The Selectmen and Conservation Commission have granted permission to the request of Suzanne Burke, Pack 43 Secretary, to allow the use of Luddam's Ford Park for Cub Scout Graduation on Friday, June 18th from 6 – 9 p.m. They will also have a cook fire at this function.

Cub Scout Pack 43 was also granted permission to hold a Fishing Derby on Saturday, June 26th from 8a.m to Noon at Tubb's Meadow.

TOWN ADMINISTRATOR'S REPORT: Mr. Thorne reported that he attended a meeting at the Plymouth Public Library with the Emergency Management Director and the DPW Director regarding the requesting of disaster assistance from MEMA and FEMA. They will visit to review the needs and then Mr. Thorne will need to submit a list of projects. The minimum request for projects is \$1,000.

OLD BUSINESS:

300th Anniversary Celebration: The next meeting will be at the Pembroke Country Club on Tuesday evening. Help is still needed for the parade. Patches will be available for purchase.

School Street Surplus Property: The time for response to bid on this property has been extended to mid-June.

Town Meeting Accommodations: Mr. Thorne placed calls to neighboring towns for information on the types of devices they may use for their town meetings. Information was received from the Pembroke School Dept. relative to people who can sign the meeting. John Mattinson talked to someone about closed captioning and advised that hardware would need to be purchased and it could go out live over the cable or he could send them a copy of the tape and they would send it back with the closed captioning for re-broadcast. It would be an expense of about \$3,500 - \$8,000.

Town Planner: After some discussion, it was decided to invite the Planning Board to come in for a meeting in July to talk about this issue again.

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SELECTMEN'S MEETING SCHEDULE: The Chairman suggested that the meetings begin at 7:00 p.m. on Mondays. Mr. Trabucco moved, seconded by Mr. Stone, to change the meeting time of the Selectmen's meetings from 6:30 to 7:00 p.m. So voted unanimously in favor.

Chairman Boulter suggested that issues to be scheduled on future agendas be given to the Selectmen ahead of time so they can do preliminary research in order to have a little more cerebral discussion of the subject. There will be a new agenda heading to denote these "Upcoming Issues".

Selectman Hanley suggested the idea of creating subcommittees of the board to meet twice a month. Selectman Boyle expressed concern about a subcommittee creating a quorum of the Board of Selectmen and the danger of violating the open meeting law. Chairman Boulter feels it works better having one selectman looking into a particular issue and bring it back to a regular meeting of the board to discuss.

Town Administrator Thorne will give the Selectmen a suggested schedule for meetings during the summer months.

The meeting was adjourned at 9:05 p.m.