### MINUTES OF THE SELECTMEN'S MEETING OCTOBER 21, 2020

### HYBRID IN-PERSON MEETING, ALSO HOSTED BY PACTV ON ZOOM PLATFORM

**PRESENT**: Daniel Trabucco (Chairman), John G. Brown, Jr. (Clerk), Tracy Marino (Selectman),

Kathleen McCarthy (Treasurer/Collector), Catherine Salmon (Chief Assessor), Michael Buckley (Town Accountant), Sabrina Chilcott (Assistant Town Manager) Video: Jessica M. Rushing (Vice Chairman), Rebecca Coletta (Selectman), William Chenard (Town Manager), Kenneth McCormick (Interim Fire Chief), Matt West,

Carly Levy, Kairyn Rainer

At 7:00 pm, Mr. Trabucco advised that Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, s.18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Pembroke Board of Selectmen will be conducted in person in the Town Hall's Veterans Hall and via remote participation of board members via Zoom. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Pembroke website, at <a href="https://www.pembroke-ma.gov/home/news/governors-order-suspending-certain-provisions-open-meeting-law">https://www.pembroke-ma.gov/home/news/governors-order-suspending-certain-provisions-open-meeting-law</a>. Members of the public who want to attend in person may come to Town Hall, or may view the meeting on television, Comcast Government channel 15 live or via livestream at <a href="https://www.pactv.org/watch/prime">www.pactv.org/watch/prime</a>. All votes taken during this meeting will be roll call votes.

## VOTE TO ACCEPT THE RESIGNATION OF JAMES GALLAGHER, ZONING BOARD OF APPEALS

Ms. Marino moved to accept the resignation of James Gallagher from the Zoning Board of Appeals; Mr. Brown seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

# VOTE RECOMMENDATION OF ZONING BOARD CHAIRMAN: APPOINT CHRISTOPHER MCGRAIL (18 JUNIPER LN) TO VACANCY

Ms. Marino moved to approve the request for the appointment of Christopher McGrail of 18 Juniper Lane to the Zoning Board of Appeals, term to expire 2022. Mr. Brown seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

## TREASURER/COLLECTOR K. MCCARTHY: REQUEST FOR VOTE TO AWARD BOND ISSUANCE FOR 10/29/2020

Mr. Brown moved that the sale of the \$2,500,000 General Obligation Municipal Purpose Loan of 2020 Bonds of the Town dated October 29, 2020 (the "Bonds"), to Robert W. Baird & Co. Inc. at the price of \$2,768,204.09 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on August 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

Year	Amount	Interest Rate	<u>Year</u>	Amount	Interest Rate
2021 2022	\$160,000 155,000	5.00% 5.00	2028 2029	\$135,000 130,000	5.00% 5.00
2023	155,000	5.00	2030	105,000	5.00

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2024	155,000	5.00	2033	315,000	2.00			
2025	155,000	5.00	2036	315,000	2.00			
2026	150,000	5.00	2040	420,000	2.00			
2027	150,000	5.00						

And further moved\_that the Bonds maturing on August 1, 2033, August 1, 2036 and August 1, 2040 (each, a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due August 1, 2033

	<u>Year</u>	<u>Amount</u>
	2031	\$105,000
	2032	105,000
	2033*	105,000
*Final Maturity		
Term Bond due Aug	ust 1, 2036	
_	Year	<u>Amount</u>
	2034	\$105,000
	2035	105,000
	2036*	105,000
*Final Maturity		
Term Bond due Aug	ust 1, 2040	
	Year	<u>Amount</u>
	2037	\$105,000
	2038	105,000
	2039	105,000
	2040*	105,000

<sup>\*</sup>Final Maturity

And further moved that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 1, 2020, and a final Official Statement dated October 8, 2020 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. And further moved that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

And further moved that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time. And further moved that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

And further moved that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto,

having the same legal effect as original signatures.

And further moved that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Ms. Rushing seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

## TREASURER/COLLECTOR K. MCCARTHY: REQUEST FOR VOTE FOR SEPTIC MANAGEMENT LOAN PROGRAM (TOWN MEETING 7/28/2020)

Mr. Brown moved that the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$200,000 (the "Bonds") pursuant to Chapters 29C and 111 of the General Laws and a vote of the Town passed July 28, 2020 (Article 9, Action 4), which authorized a total borrowing of \$200,000, for a community septic management loan program (the "Project"); that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$200,000; that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the "Trust") at a price determined pursuant to the Financing Agreement; that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Financing Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes; that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Financing Agreement or Agreements and the Project Regulatory Agreement or Agreements relating to the Project. Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

## COMMON VICTUALER'S LICENSE APPLICATION: MASS SUBS 4, LLC D/B/A JERSEY MIKE'S SUBS, 124 CHURCH STREET, MATTHEW WEST, MANAGER

Matthew West, owner and operator of Mass Subs 4 d/b/a Jersy Mike's subs was present before the Board on his application to operator a restaurant, a Common Victualer's license, at 124 Church Street. Mr. West advised that all ingredients are fresh with bread baked every day at the location and he seeks to prepare and serve food to the public from 10:00 am to 9:00 pm Monday through Sunday. He has completed his hearing without appeal through the ZBA and received his Special Permit to Operate a Restaurant; he is awaiting his Certificate of Occupancy from the Building Inspector and Fire Chief. His has scheduled his health inspection and has received food permits and submitted his required certification to the Board of Health, and has filed a business certificate with the Town Clerk. Mr. Brown moved to approve the application for Common Victualer's license CV-79 to Mass Subs 4, LLC d/b/a Jersey Mike's Subs 124 Church Street. Ms. Rushing seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

# VOTE TO ACCEPT THE RESIGNATION OF KELLY SEIFERT, ADVISORY COMMITTEE

Ms. Rushing moved to accept the resignation of Kelly Seifert from the Advisory Committee with regret; Mr. Brown seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

# VOTE RECOMMENDATION OF HERRING FISHERIES: APPOINT TERESA HARLING, 23 KILEY WAY

Ms. Marino moved to appoint Teresa Harling to the vacancy on the Herring Fisheries Commission, term to expire 2023. Mr. Brown seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

# CONSIDER VOTE: APPOINT RECYCLING COMM. CANDIDATES CARLY LEVY (88 SPRING ST), KAIRYN RAINER (15 SELTSAM WAY)

Ms. Rushing moved to approve the request for appointment of Carly Levy to the Recycling Committee, term to expire 2023. Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining. Ms. Rushing moved to approve the request for appointment of Kairyn Rainer of 15 Seltsam Way to the Recycling Committee, term to expire 2023. Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

### VOTE EMERGENCY MANAGEMENT RECOMMENDATION: EXTEND RESTAURANT TEMPORARY ALTERATION OF PREMISES TO 12/31/20

Chief McCormick was present before the Board on behalf of the Emergency Management Permitting Team stating that local area restaurants will require more time outside than previously permitted, and the recommendation is to extend the permit through to the end of the year. Chief McCormick stated that there would be no alteration of the current plans in place and any sides added to the tents must be approved by the Building Department, any electrical additions will require Wiring Inspector's approval and any heaters must be approved through the Fore Department. Mr. Brown moved to Move to extend the Temporary Alteration of Premises Licenses in effect on October 21, 2020 to December 31, 2020 for the slate of Pembroke Restaurants as presented, subject to the approval of the Police Chief and Fire Chief, and to Inspection by the Health Agent and Building Inspector. Ms. Rushing seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining. Chief McCormick advised that the COVID positive case numbers have crept up over the last two weeks to 22-24 cases, but no clusters of cases have been observed to date, the cases are spread out. Discussion ensued on metrics analytics and how the statistics are calculated.

## DISCUSSION AND VOTE REGARDING MMA'S BEST PRACTICE "CONDUCT AND CIVILITY OF PUBLIC OFFICIALS"

Ms. Rushing moved to table this item to the next meeting; Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

#### VOTE TO ENACT PUBLIC COMMENT POLICY

Ms. Marino moved to table this item to the next meeting; Ms. Rushing seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

### TOWN MANAGER, TOWN ACCOUNTANT FIRST QUARTER FY21 REVENUE AND EXPENSE OVERVIEW

Mr. Chenard advised that FY21 expenses are tracking as expected; general fund totals are at 37% for reasons detailed later at \$11,017,926 expended of the \$29,733,053 budget. Solid Waste Fund totals are at 16% with \$349,303 expended of the budgeted \$2,125,573. Water Fund totals are at 18% with \$409,080 expended of \$2,251,957. Mr. Chenard provided revenue overviews; 26% of the 44,193,742 tax levy has been collected, or \$11,372,844. He stated that 26% of the \$15,129,090 state aid has been received, or \$4,008,674 and 17% of the estimated local receipts amount of \$4,382,000 has been collected, or \$743,671. Mr. Chenard stated that he is looking into the Water Enterprise Fund more carefully as it is trending behind and he will report back; however, the Solid Waste Enterprise Fund has collected 78% of the total \$2,045,573 or \$1,594,532. Mr. Chenard concluded with a review of individual expense trends, and drew the board's attention to the Elections appropriations, the Town Landing seasonal (summer) cost centers, and finally maturing debt P and I, retirement and property and liability insurance, all expenses in which obligations are due or reduced for payment in Q1.

#### TOWN MANAGER BUDGET PROCESS PRESENTATION

Mr. Chenard presented his budget process manual with critical dates and details; he stated that this process is the key to allow everyone to be familiar with the process that the town goes through to craft the town's budget for presentation at town meeting. He advised that the process started last week and will end at town meeting May 11, 2021. Department heads and staff are working to prepare detailed, level services budgets; level services are not level funded and can result in increases or decreases to line items. Regarding the process, he began by defining the role that the Town Manager Act prescribes, holding the Town Manager responsible for making budget recommendations for all town programs. Mr. Chenard stated that his plan is to present his FY22 budget to a joint meeting of the Board of Selectmen and Advisory Committee on February 8, 2021. The Board will then review the budget with the Town Manager and Department Heads, and Advisory will review the budget and provide recommendations to town meeting within the timeline as defined in the process manual, hitting the critical dates as printed. Departmental budget submissions will contain five parts; the budget template that departments are used to seeing; narrative of the budget line items (one or two sentences that explain what is funded from the appropriation); missions or goals of the fiscal year for the department; an organizational chart of the department and staffing sheets, the sheet that drives the salary section of the budget. Mr. Chenard introduced the Departmental Improvement Form as a way to propose increases to the budget that enhances or adds efficiencies to the services currently provided. Mr. Chenard concluded by stating that the successful budgeting process is one that is collaborative with feedback sought from staff.

### **TOWN MANAGER'S REPORT**

Mr. Chenard stated that the Monroe Street property will be open for brush disposal only on Tuesday and Thursday from 8:00 am to 2:00 m with attendants on site. He congratulated the Assessors as they have had new growth certified at \$532,847 by finding new ways to unlock data, yielding great results in a challenging time.

# SELECTMEN'S LIAISON, WORKING GROUP AND SUBCOMMITTEE UPDATES Public Comment Policy Working Group

Mr. Brown advised that he and Ms. Marino have put together a final draft suing the Town Manager's draft and tailoring it to fit the needs of Pembroke. Ms. Marino stated that the board

received an email from a resident who was concerned that the Board would remove Ask the Selectmen from the Board's agenda and further requested that the members not talk over each other as viewers struggle to hear the remote participants.

### Code of Conduct Working Group

Ms. Rushing stated that there is no new update but the group will have more information for the next meeting.

#### Racial Justice Subcommittee

Ms. Coletta stated that they are gathering research and developing criteria for members to consider when applying.

#### School Committee Liaison

Ms. Marino advised that the School Committee met last night and held further discussion on reopening strategies which would include younger students returning first; their next meeting is October 27 wherein the budget process will begin.

### Council on Aging

Mr. Brown advised that the Board met last Wednesday, announcing that over 1,000 meals had been delivered by volunteers in September; programming has been placed on hold with higher risk statistics. The Director announced that the transportation grant was awarded to the CoA and 70 iPads have been procured, 50 for seniors and 20 for veterans.

At 8:30 pm, Mr. Trabucco read the upcoming issues from the agenda. Mr. Brown moved to enter executive Session under M.G.L. c.30A, Sec. 21(6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; Hobomock Street (D1-6) proposed solar farm (c.61B); Mr. Trabucco declared it so, and stated that the Board would not return to open session. Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

At 8:50 pm, Mr. Brown moved to adjourn with Ms. Marino seconding the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

#### **MATERIALS & EXHIBITS**

MMA Best Practice Series, January 2020, Volume 5, Number 3 (BOS/TM Office) Draft Public Comment Policy, W. Chenard (BOS/TM Office) Draft Minutes of Meeting of September 23, 2020 (BOS/TM Office)