

**MINUTES OF THE SELECTMEN'S MEETING
DECEMBER 7, 2015**

PRESENT: Arthur P. Boyle, Jr. (Chairman), Lewis W. Stone (Vice-Chairman), Willard J. Boulter, Jr. (Clerk), Michelle L. Burt (Selectman), Daniel W. Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Diana Julian, Joe Chinzi, Arthur Terceira, Sabrina Chilcott (Executive Assistant), and others.

At 7:00 pm Mr. Boyle opened the meeting and advised that the meeting is being made available to the public through a live video and audio broadcast on Comcast Government Access Channel 15 and is also being recorded for airing on the channel at future dates. Comments made in open session will be recorded.

Mr. Stone noted that today marks the 74th anniversary of the attack on Pearl Harbor, where over 2400 lives were lost, 1000 people injured, 20 ships and 300 planes lost. Mr. Stone described the attack on the USS Arizona and the lives lost.

ANNOUNCEMENTS

Ms. Burt congratulated and thanked the members of the Pembroke Tree Lighting Committee for the fabulous job they did hosting the annual tree lighting event. Mr. Boulter concurred and thanked the DPW for all of their hard work in supporting the event. Mr. Stone called the Board's attention to correspondence received from Plymouth County Register John Buckley concerning the budget of the Registry of Deeds. The Town Administrator's office was instructed to invite Mr. Buckley to attend the next meeting to present his memorandum sent to the members of the Plymouth County Advisory Board.

VOTE TO ACCEPT MINUTES OF NOVEMBER 30, 2015

Mr. Stone moved to accept the minutes of November 30, 2015 as written; Mr. Boulter seconded the motion. The vote was unanimously in favor.

VOTE TO RENEW THE 2016 LICENSES FOR THE TOWN'S LIQUOR LICENSE HOLDING ESTABLISHMENTS (ABCC)

Mr. Stone moved to approve the renewal of the 2016 list of liquor licenses as submitted subject to the approval of the ABCC. Mr. Trabucco seconded the motion. The vote was unanimously in favor.

VACANCIES ON TOWN BOARDS, COMMITTEES AND COMMISSIONS

Mr. Stone read the list of board, committee and commission vacancies for the Town as of December 1, 2015.

Mr. Boyle read the upcoming issues from the agenda.

ASK THE SELECTMEN

Mr. Stone stated that he received a call from a resident who had concerns that the hauler's trash truck and recycling truck were the same; the Selectmen's office was able to verify through photographs that they are two different trucks, one with an extended engine block and one without, and each has a different number which is located in three separate areas of the truck. Mr. Stone also received a question from a resident concerned with emergency vehicles passage across town during the construction phase of the Route 14 restoration project. Mr. Stone stated that detour plans will be forthcoming at a date closer to the beginning of the project and he will share them with residents once they are published.

At 7:20 pm, Mr. Boyle declared the meeting in brief recess pending the published public hearing.

At 7:30 pm, Mr. Boyle declared the meeting resumed.

7:30 PUBLIC HEARING: NEW CLASS II LICENSE, ARTHUR TERCEIRA, JAY'S AUTOMOTIVE CONSULTANT AT 246R WASHINGTON STREET UNIT# 4

Mr. Boyle opened the Public Hearing at 7:30 pm on the new Class II Used Car Dealer's license application of Arthur P. Terceira d/b/a Jay's Automotive Consultant at 256R Washington Street, Unit#4. Mr. Terceira was present to speak to the board about his business. He explained that he was working with Dave Delaney at the location for several years and is now taking the location over since Mr. Delaney relocated to Hanover.

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Business operations will remain the same, the request is for licensing of the office including storage room, bathroom and parking for customers only and indoor storage of vehicles with no outside display. Discussion ensued. Mr. Boyle asked if there was anyone present to speak in favor of the petition; there was none. Mr. Boyle closed that portion of the public hearing. Mr. Boyle asked if there was anyone present to speak in opposition to the petition; there was none. Mr. Boyle closed that portion of the public hearing. Mr. Boulter moved to grant the application for a new Class II license to Arthur P. Terceira d/b/a Jay's Automotive Consultants to be exercised at 246 Washington Street and defined as office including storage room, bathroom and parking for customers only and indoor storage of vehicles with no outside display. Ms. Burt seconded the motion. The vote was unanimously in favor. Mr. Boyle declared the public hearing closed.

VOTE TO EXECUTE AFFIDAVIT, INVALID RESTRICTION: CR RECORDED AUGUST 11, 2015

Mr. Boyle advised the Town Administrator has reviewed the meeting minutes and the action taken by the Conservation Commission on August 6, 2015 wherein a Conservation Restriction was voted and executed by them on "The Herring Run Park" stating that "no improvements to the park be made that would take away from the park's natural and historic character..." The Town Administrator requested and received the opinion of Town Counsel that the Conservation Restriction voted by the Commission is invalid. There are three lots that comprise Herring Run Park; they are identified as Map D10 Lot 1A, Lot 15 and Lot 2. Lot 2 consists of approximately 35 acres of land deeded to "the inhabitants of the Town of Pembroke" in 1941, and lots 1A and 15 consists of approximately 16 acres of land and is in the care and custody of the Conservation Commission and is subject to the protections of Article 97 of the Massachusetts Constitution. As no restriction was voted by Town Meeting, this is invalid. The affidavit of invalid restriction of deed is attached, as is the memorandum sent by the Town Administrator to the Conservation Commission with town counsel's opinion and Assessor's map. Mr. Stone moved to execute the affidavit prepared by town counsel to certify to the Registry of Deeds that the Deed Restriction recorded with them on August 11, 2015 by the Pembroke Conservation Commission contains various errors and is invalid. Mr. Boulter seconded the motion. By roll call, the vote of Mr. Stone – yes, the vote of Mr. Boulter – yes, the vote of Ms. Burt – yes, the vote of Mr. Trabucco – yes, and the vote of Mr. Boyle – yes.

At 7:40 pm, Mr. Trabucco moved to enter executive session pursuant to G.L. Chapter 30A, Section 21(a)(2), to conduct collective bargaining session with the Firefighters, and specifically, to hear a grievance filed by the Firefighters Union, as the hearing of a grievance is an extension of collective bargaining. Mr. Boulter seconded the motion. The vote by roll call: Mr. Trabucco – yes, Ms. Burt – yes, Mr. Boulter – yes, Mr. Stone – yes, Mr. Boyle – yes.

At 7:50 pm, Mr. Trabucco moved to adjourn; Mr. Boulter seconded the motion. The vote was unanimously in favor.

MATERIALS & EXHIBITS

List of Eligible 2016 Liquor License Holder Renewals (BOS/TA Office)
List of Board, Committee, Commission Vacancies (BOS/TA Office)
Application packet with form 53 RMV: Class II License (new) (BOS/TA Office)
Draft Affidavit of Erroneous/Invalid Conservation Restriction (BOS/TA Office)
Draft: Minutes of Meeting of November 30, 2015 (BOS/TA Office)