

**MINUTES OF THE SELECTMEN'S MEETING
JULY 11, 2016**

PRESENT: Lewis W. Stone (Chairman), Willard J. Boulter, Jr. (Vice-Chairman), Arthur P. Boyle, Jr. (Clerk), Daniel W. Trabucco (Selectman), Matthew J. Furlong (Selectman), Daniel Taylor (Planning Board Chairman), Richard Wall (Police Chief), Steve Dymont, William Hart (ACO), Gregory Quill, Victoria Rossi, Robert Schnibbe, Bob Carp, Ryan Winmill, Charlie Matthews (WATD), Rob Adams, Sabrina Chilcott (Executive Assistant), and others.

At 6:30 pm Mr. Stone opened the meeting and advised that this 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. Boyle moved to enter executive session under M.G.L. c.30A, Sec. 21 (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares regarding a Police Union grievance; Mr. Trabucco seconded the motion. By roll call: Boyle – yes, Boulter – yes, Furlong – yes, Trabucco – yes, and Stone – yes.

At 6:50 pm, Mr. Trabucco moved to re-enter public session; Mr. Boulter seconded the motion. By roll call: Boyle – yes, Boulter – yes, Furlong – yes, Trabucco – yes, and Stone – yes. Mr. Trabucco moved to recess until 7:00 pm; Mr. Boyle seconded the motion. The vote was unanimously in favor.

At 7:00 pm, Mr. Stone declared the meeting back in session.

7:00 JOINT RE-APPOINTMENT WITH BOH, PLANNING BOARD; DRAINAGE COMMISSION (BEN BASTIANELLI)

Mr. Stone stated that he has received a letter from the Board of Health reflecting a vote to re-appoint Ben Bastianelli as Drainage Commissioner. Planning Board Chairman Dan Taylor was present to move the reappointment of Ben Bastianelli as Drainage Commissioner for a term to expire June 30, 2019; Mr. Stone seconded the motion. The vote was 2/0 in favor (Stone, Taylor).

ANNOUNCEMENTS

Mr. Stone stated that the Town Clerk has distributed the State Ethics Commission's conflict of interest law handouts and all ethics exam certifications must be returned promptly to the Town Clerk. Mr. Stone announced that Baystate Textile Recycling reports \$283 paid out in recycling collections for the month of June. Mr. Stone announced the following upcoming meetings: Tuesday July 12, Comcast Cable Contract Negotiation Committee; Wednesday, July 13, Central Plymouth County Water District Advisory Commission; Wednesday, July 13, Town Government Study Committee and Thursday, July 14, Old Colony Planning Council Joint Transportation Committee meeting. Mr. Stone updated the Board on the pending road projects. Route 53 and Pleasant Street Traffic Signal Project is at 75% design and on track for 2017; Route 36 Reconstruction Project is at 75% design and will soon be sent in to the state as a \$6million project; and the Route 53 Resurfacing Project awaits funding.

CONSIDER A VOTE TO APPROVE THE MUNICIPAL AGGREGATION PROGRAM

Mr. Thorne stated that the Community Choice Power Supply Program prepared by Colonial Power Group, Inc. has been on the town website for three plus weeks as required; the public comment period ended today and the town received no comments. Mr. Trabucco moved to approve the Municipal Aggregation Plan for the Town of Pembroke; Mr. Boyle seconded the motion. The vote was unanimously in favor.

VOTE SPECIAL MUNICIPAL EMPLOYEE DESIGNATION LIST

Mr. Stone read the list of positions designated as having Special municipal employee status; Mr. Trabucco moved to approve the list as submitted for Special ME designation; Mr. Boyle seconded the motion. The vote was unanimously in favor.

MINUTES OF THE SELECTMEN'S MEETING

CONSIDER RECOMMENDATION OF PRTC TO APPOINT VIRGINIA WANDELL TO VACANCY, BOARD OF REGISTRARS

Mr. Boyle moved to appoint Virginia Wandell to the vacancy on the Board of Registrars as recommended by the Pembroke Republican Town Committee; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

VOTE THE MINUTES OF JUNE 27, 2016

Mr. Boyle moved to accept the minutes of June 27, 2016 as presented; Mr. Boulter seconded the motion. The vote was unanimously in favor.

7:15 STEVE DYMENT, TRINITY SOLAR: DOOR-TO-DOOR SOLICITATION PERMIT APPLICATION

Mr. Dymont was present before the board on Trinity Solar's application to solicit door-to-door; he is the district manager and sole group member. Discussion ensued on company and products; Mr. Furlong asked what qualifies a homeowner, and Mr. Dymont stated they must have sunlight exposure to a roof in good repair, a 100 amp breaker box, and be the homeowner with an acceptable credit score. Mr. Trabucco stated that the Board has been divided in the past on door-to-door solicitation permit and he plans to abstain in the absence of a defined policy. Mr. Stone and Mr. Boulter agreed a policy is needed. Mr. Boyle moved to approve the application of Steve Dymont of Trinity Solar for a door-to-door solicitation permit authorizing sales seven days per week from 10:00 am to 6:00 pm for a period of three months with final approval and permit to be issued by the Chief of Police; Mr. Furlong seconded the motion. The vote was 2/2/1 with Boulter and Stone opposed and Trabucco abstaining. Mr. Boulter moved to reconsider this application in two weeks; Mr. Furlong seconded the motion. The vote was unanimously in favor.

7:30 DOG HEARING – 24 GURNEY DRIVE (QUILL) INCIDENT ON JUNE 17, 2016

At 7:30 pm, Chairman Lew Stone opened the public dog hearing pursuant to MGL C. 140 s. 157 and Sabrina Chilcott swore in the following people to give testimony in the hearing: ACO William Hart, Gregory Quill and Victoria Rossi.

Mr. Stone stated that the Pembroke Police Department responded to a report of a dog attack on another dog on June 17, 2016 at 5:57 pm at 24 Gurney Drive.

Mr. Quill stated that his four year old American bulldog "Zeus" has had beginning and intermediate training and is a licensed service dog. Mr. Quill stated that he had an incident six months ago when he was off leash in Mr. Quill's mothers neighborhood when he bit a small dog, and has been on leash ever since. He resolved the issue with the pet owner by paying the vet bills, and the owner was very understanding. On the day of the incident, Mr. Quill was again visiting his mother, sitting with a neighbor talking. Zeus was on a twenty-foot training leash, playing with the neighbors children. A gentleman walked his dog past the house, and the dogs began interacting, and Zeus bit the other dog. Mr. Quill stated that he has kept Zeus home with him in Carver since, and has not brought him out in public. Zeus has been examined by a vet and has been diagnosed with a chronic eye problem that could have affected his temperament; he has enrolled Zeus in additional training and procured a portable electric fence to supplement his chain link fence. Mr. Quill finished by stating that Zeus has spent a lot of time with other dogs and has never had a problem, and Mr. Quill does not know the reason for his new behavior and has no excuses. Ms. Rossi stated that they are willing to cooperate fully with the Board to comply with the by-laws, and agreed that she does not know the reason for his new behavior and offers no excuse. Mr. Boulter asked if Mr. Quill's mother's yard, where they were visiting from Carver, is fenced; Mr. Quill stated that he has purchased a portable electric fence and has kept Zeus on-leash for the last few visits, but does not plan to bring him back to Pembroke to visit. Animal Control Officer Bill Hart told the Board that this is the second incident and he wants to ensure that the dog is not loose in Pembroke now or in the future. He does not want the neighborhood at risk; he requested that the Board order that the dog be restrained at all times and, if not, issue a pickup order of the animal until a hearing can be convened. Discussion ensued on Zeus' place of residence in Carver and his unlikelihood of visiting Pembroke in the future. Mr. Boulter moved that the four year old American bulldog know as Zeus, owner Gregory Quill, must be restrained while in Pembroke by a dog collar and leash with a portable electric fence and be licensed in

MINUTES OF THE SELECTMEN'S MEETING

his home town of Carver, and if he is discovered unrestrained he will be picked up by the Animal Control Officer until a hearing can take place. Mr. Trabucco seconded the motion. The vote was unanimously in favor.

At 7:45 pm, Mr. Stone declared the public dog hearing to be closed.

7:45 ROBERT SCHNIBBE, GREEN HARBOR DISPENSARY: REQUEST FOR BOARD OF SELECTMEN VOTE TO SUPPORT AND SIGN LETTER OF NON-OPPOSITION/SUPPORT (MEDICAL MARIJUANA DISPENSARY)

Mr. Schnibbe stated that the third step of procuring a Medical Marijuana Dispensary or Cultivation facility License through the Commonwealth (DPH) is to secure letters from prospective communities of either non-opposition or support to submit with the application, and that is why he is before the Board today. He introduced his partners COO Bob Carp and his security partner, CEO and Chair of the Winmill Group, Ryan Winmill. Mr. Schnibbe wanted to expound on benefits to the town from a community partnership/hosting agreement with Green Harbor Dispensary, and the employment opportunities to residents in town. Mr. Carp explained that there are 27,000 medical marijuana cardholders right now with six open dispensaries in Massachusetts, and the Commonwealth anticipates that 2% of the 6million residents, or 120,000 total cardholders, will be in the program once the full complement of dispensaries are open. Discussion ensued on the needs of a cultivation facility with high overhead a need for a 100,000sf footprint, which is not available in Pembroke. Mr. Winmill explained that his group works with the town contacts including police and fire chiefs, health agents and Selectmen to establish relationships, set up security protocols and systems. In phase one, a risk assessment is performed with the town to learn and create a report; in phase two, a customized plan solution is designed; and in the third phase, a full security design plan is created. Mr. Winmill cited examples of successful facility programs that he has implemented, including Quincy. Discussion ensued on the home delivery provision contained within the law; Mr. Winmill stated that the service would be a very difficult and challenging service to offer with the industry in such a young state. Mr. Schnibbe stated that of the six open facilities, none deliver and there are no working models that successfully address the program's concerns. Mr. Boulter expressed his concerns and reluctance to support the request. Police Chief Wall was present to express his concerns, stating that drug resistance programs are coming in through the efforts of PTAD but they are not in place yet and the town is not ready for a dispensary; support would be premature based on the town's progress on drug related issues. Mr. Trabucco asked if Green Harbor has a mechanism to come to Pembroke and open a facility if the Board refuses to sign a letter of non-opposition; Mr. Schnibbe stated they do, but they prefer to work only in a town that supports them. Mr. Boyle stressed that the town is seeking additional sources of revenue and these funds could support resources officers, etc. Mr. Stone stated that he is not in favor and is concerned about physicians abusing the system. Mr. Boulter stated that he is not in favor. Mr. Furlong asked how many jobs could come to Pembroke and asked what kind of wage would be paid; Mr. Schnibbe stated a dispensary hires between 8 and 20 people and would pay a competitive wage to draw the best people. Discussion ensued on packaging, process and possible legalization vote in the fall. Mr. Boyle moved to issue Green Harbor Dispensaries a letter of non-opposition; Mr. Furlong seconded the motion. The vote was 2/3 with Boulter, Stone and Trabucco opposing. Motion failed.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne stated that the Board has a request from the Fire Chief and the Firehouse Food Pantry to declare a condenser from the Bryantville Fire Station as surplus equipment. Mr. Boyle moved to declare the condenser from the Bryantville Fire Station as surplus property; Mr. Boulter seconded the motion. Mr. Boulter explained that the condenser used to blow the horn/siren at the station long ago, and its removal will allow for the food pantry to expand through a small addition. Mr. Thorne updated the Board on the roll out of the trash program; today would have been the day full automation started but there were unexpected delays in completing the delivery of Toters. This week only, a manual truck will follow the automated trucks to complete curbside pickup, and full automation begins July 18th. EZ Disposal will pick up and unwanted barrels curbside on Saturday, July 23rd beginning at 7:00 am. Mr. Thorne advised that the town will close on the acquisition of 190 Barker Street on July 29th.

MINUTES OF THE SELECTMEN'S MEETING

ASK THE SELECTMEN

Mr. Boyle met with Chief Wall and Mr. Thorne regarding the concerns of the Windswept Bogs residents; they are experiencing excessive loose dogs, alcohol use and litter as well as late night use and traffic. Chief Wall will increase patrols using ATVs and mountain bikes in the area.

NEW BUSINESS

Mr. Stone stated that the town passed Article 12 at the Annual Town Meeting April 28, 2015 requiring the posting of agendas and minutes by all town boards, committees and commissions; he reviewed the 2016 data from the town website and he has compiled the results. He will bring the data before the board for discussion at the next meeting.

Mr. Stone read the upcoming issues from the agenda.

At 9:10 pm, Mr. Boulter moved to adjourn; Mr. Boyle seconded the motion. The vote was unanimously in favor.

MATERIALS & EXHIBITS

Letter, D. Bagni, Board of Health RE: Drainage Comm. Re-Appointment (BOH/BOS/TA Office)
Community Choice Power Supply Program (Colonial Power Group) (BOS/TA Office)
BOS Letter to State Ethics Commission Re: Special ME Designation (BOS/TA Office)
Letter, PRTC Chair J. Brown, Jr. RE: Wandell Appointment as Registrar (BOS/TA Office)
Application for Door-to-Door Solicitation Permit: Trinity Solar (BOS/TA Office)
Pembroke Police Report of Incident 6/17/16 (PD/BOS/TA Office)
BOS Letter to G. Quill, Rabies Certificate from G. Quill "Zeus" (BOS/TA Office)
Memo from SC: List of Candidates for Annual Reappointment (BOS/TA Office)
Power Point Presentation Printout: Green Harbor Dispensaries (BOS/TA Office)
Draft Minutes of Meeting of June 27, 2016 (BOS/TA Office)