

MINUTES OF THE SELECTMEN'S MEETING JANUARY 23, 2017

PRESENT: Lewis W. Stone (Chairman), Willard J. Boulter, Jr. (Vice-Chairman), Arthur P. Boyle, Jr. (Clerk), Daniel Trabucco (Selectman), Matthew J. Furlong (Selectman), Kathleen McCarthy (Treasurer), J. Michael Hill (Fire Chief), MaryBeth Courtwright (Library Trustee), Donna Badger, Timothy Brennan, John Brown, Jr., Stephen Curley, James McCollum, Richard McManus, Elizabeth Monks, Linda Peterson, Stephen Walsh, David Shea, Sabrina Chilcott (Executive Assistant), and others.

At 7:00 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.

7:00 TREASURER KATHLEEN MCCARTHY: REQUEST FOR A VOTE TO EXTEND THE USEFUL LIFE OF BORROWING ITEMS

Mr. Boyle moved that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the borrowing authorized by votes of the Town passed April 18th, 2015 (Article 18, Action 19) is hereby determined pursuant to G.L. c.44, s7(9) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
10 Wheel Dump Truck, Sander and Attachments	\$312,750	10 Years
Snow Blower and Blades for the Backhoe	\$110,500	10 Years
Front Loader and Attachments	\$350,300	10 Years
Trackless multipurpose Tractor and Attachments	\$176,450	10 Years

and further, that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the borrowing authorized by votes of the Town passed May 10th, 2016 (Article 4, Action 2 is hereby determined pursuant to G.L. c.44, s7(9) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
64 Gallon Trash Receptacles	\$325,000	6 Years

and further, that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the borrowing authorized by votes of the Town passed October 18th, 2016 (Article 1, Action 13 is hereby determined pursuant to G.L. c.44, s7(9) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Mini Pumper Fire Engine	\$220,000	10 Years;

Mr. Boulter seconded the motion. The vote was unanimously in favor.

7:05 ANDREW GOODMAN, PAN MASS CHALLENGE PMC KIDS RIDE JUNE 11, 2017 REQUEST FOR THE USE OF THE TOWN'S ROADS

Mr. Goodman has requested permission for the use of the towns roads on the Learning Lane Route (Hobomock, Lake, Standish, Pleasant, Valley and Plain Streets) as approved by Chief Wall. This is the third year that this event has been held; the PMC donates 100% of every rider-raised dollar to Dana Farber Cancer Institute through its Jimmy Fund. Mr. Boyle moved to approve the request of Any Goodman for PMC Kids Ride for the use of the towns roads as specified on June 11, 2017 conditionally upon approval of the Police Chief; Mr. Boulter seconded the motion. The vote was unanimously in favor.

VOTE TO AWARD CONTRACT FOR DESIGN SERVICES AND SITE EVALUATION: POLICER AND FIRE STATIONS

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Mr. Thorne presented the agreement drafted by town counsel for engineering services between the Town of Pembroke and Kaestle Boos Associates, Inc., and stated that the recommendation of the group who reviewed the RFP submissions is to execute this contract. Mr. Boulter stated that he was a member of this subcommittee and was present for these presentations, and further stated that this organization excelled in their presentation to the town. Mr. Boulter moved to enter into a contract with Kaestle Boos Associates, Inc. for Design Services and Site Evaluation as presented; Mr. Boyle seconded the motion. Mr. Trabucco stated that he also sat on the subcommittee and this firm is up to the task and was the best candidate who applied. The vote was unanimously in favor. Mr. Thorne confirmed that the appropriation voted at Town Meeting was \$50,000 and this contract is for \$44,000; however, there may be small add ons to the agreement.

At 7:08 pm, Donna Badger, Timothy Brennan, John Brown, Jr., Stephen Curley, James McCollum, Richard McManus, Elizabeth Monks, Linda Peterson, and Stephen Walsh entered the meeting.

7:10 ADVISORY COMMITTEE REQUEST FOR DISCUSSION: HEALTHCARE COSTS, EMPLOYEE SALARY & BENEFITS COMPARISON, ADVISORY REVIEW OF SNOW & ICE STATEMENTS, CHANGING TOWN SURPLUS VEHICLE AUCTION PROCEDURES, COLLECTIVE BARGAINING, TOWN VEHICLE MAINTENANCE

Advisory Committee Chairman Linda Peterson addressed the Board in regards to their letter of request for a meeting to discuss healthcare costs, employee salary & benefits comparison, the advisory review of snow & ice statements, the changing of the town surplus vehicle auction procedures, whether Advisory should make recommendations on collective bargaining issues and town vehicle maintenance service options as stated in their letter to the Board on November 29, 2016. Mrs. Peterson addressed the Board, stating that they have asked for this meeting to discuss issues of mutual interest and hope to establish a dialogue. Ms. Peterson stated that they will limit their agenda to allow Tim Brennan to address the OPEB issue facing the town. Ms. Peterson stated that there are two things that she would like to bring up, one of which is the memorandum that Advisory sent to the Board of Selectmen regarding collective bargaining agreements as discussed in the Board's executive sessions. Ms. Peterson stated that the Advisory Committee received the minutes, however they were less than thrilled with the information contained in the minutes. Ms. Peterson stated that they then referred the matter of the contents of the executive session minutes to town counsel who affirmed the content of the minutes comply with the Open Meeting Law's requirements pursuant to G.L. c. 30A, §22.

At 7:11 pm, Sabrina Chilcott exited the meeting.

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Ms. Peterson stated that Advisory should know what the Town is offering and what the unions are asking in collective bargaining agreements. She stated when contracts are brought to Town Meeting to be voted on the Town's people should know what they are voting for. Ms. Peterson then asked if the Board had any comment on the issue. Mr. Stone responded, stating that he has not seen the exact minutes Ms. Peterson was referring to. Ms. Peterson responded that if the minutes were made available to Advisory then they should have been available to the Board. Mr. Stone explained that the Board does not approve executive session minutes until the issue is closed. Mrs. Peterson replied by stating the issue had been closed and the minutes were approved by the Board before they were released to Advisory. Mr. Boulter added comment in regard to contract negotiations between the unions and the Town. Ms. Peterson stated that she believed after a contract has been signed, the negotiations should be made public. Mr. Trabucco added comment that negotiations are not made public and requested that the Town's people trust the Board to negotiate to the very rock bottom of what the Town can afford to give in each contract negotiation that is finalized. Ms. Peterson asked for more transparency. Mr. Stone recognized Steve Curley. Mr. Curley addressed to the board that Advisory is not implying that an employee is not doing their job but that they would like to push for more openness within the executive session minutes when it involves spending tax payer money. Mr. Stone then recognized Mr. McCollum. Mr. McCollum stated that he did not find the executive session minutes to be appropriate. He went on to say that the Open Meeting Law requires the minutes of executive session to include the topics that were discussed. Mr. Boulter added comment about establishing ground rules during the first meeting upon entering into a contract negotiation. Mr. Curley stated Advisory's concern was with a specific set of executive session minutes, not union or contract negotiations, as negotiations are not public document. Mr. Boulter confirmed that Mr. Curley was asking specifically for executive session minutes. Mr. Curley replied

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that Advisory was looking for executive session minutes that have been approved. Mr. Stone stated that he thought this request was fair and the Board will look into this matter. Mr. Boulter stated that the minutes have already been before town counsel and they were determined to be appropriate. Mrs. Peterson stated that Advisory determines the decision of town counsel to be unfair, their next step will be to go to the Secretary of State. Ms. Peterson went on to say that there was one more topic she would like to discuss before Tim Brennon addressed the Board. Ms. Peterson stated that Advisory had concerns about the proposed 40b project River Marsh Village on Water St. She stated that the town is currently below the State's affordable unit standard of 10% and as a result, the town has virtually no control over the project. She explained that she believes it would be in the town's best interest to negotiate with the developer to include more affordable housing units than the originally proposed 17 units. Mr. Stone added that this could be a negotiable issue but the law states the standard is 25% of the proposed project must be affordable units. Ms. Peterson stated that Advisory believes it would be in the best interest of the town to negotiate with the developer that more units be designated to affordable housing than the proposed 17. Mr. Stone replied that the developer is holding an informational public meeting on January 30, 2017 at 7:00 PM in the Veterans Hall to go over the details with the public. Mr. Stone added that Pembroke residents interested in this project should attend to have their questions answered or looked into by the developer. Ms. Peterson stated that if the project is approved, the additional vehicular traffic on Water Street would have costly effects to the Town. Ms. Peterson added that she believed the Town had lost affordable housing inventory. Mr. Trabucco answered that the town lost inventory in the past but it is not an ongoing issue. Mr. Trabucco stated that for the past 4 years there has been a dedicated staff member in the Selectmen's Office who handles the affordable housing inventory and they have been able to turn that around. Mr. McCollum asked the board how many affordable housing units has the town lost in the past 15 years. Mr. Stone replied that he would look into this. McCollum stated that he used to be a member of the affordable housing committee and he remembers the town being over the 10% threshold. Ms. Peterson added that the exact number was 10.65%. Mr. Thorne stated the reason the town is now below 10% is because the 2010 census showed the base number of housing units in the town grew and therefore the percentage of affordable units fell. Mr. Thorne stated the Birch St. 40b project has brought the percentage of affordable units to 9.79% and if the proposed water street project is approved the affordable unit percentage will be over 10% by 3 units. Mr. Stone stated affordable units have restrictions when an owner of an affordable unit wants to sell the unit and these restrictions can make it difficult for a property to remain an affordable unit under 40b. Mr. Boyle added that if an affordable unit cannot sell to an eligible buyer the owner of the affordable unit may sell at market rate but the profitable difference is paid to the Town. Ms. Peterson asked how a unit would sell at market rate but not at affordable rate. Mr. Boyle stated that the buyer must meet all qualifications necessary to purchase unit at affordable rate. Mr. Boyle stated that the proposed 40b project was not a forgone conclusion. Ms. Peterson stated that it would be in the best interest of the town to be as proactive as possible. Mr. Brennan took the podium to address the Board.

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Mr. Brennan stated that he feels the Advisory Committee is more effective reviewing the larger budgetary concerns facing the town versus micromanaging smaller concerns. Mr. Brennan pointed out that healthcare and pension costs, combined with OPEB liability affect the budget significantly each year, and their annual increases have grown to completely consume the annual tax levy increase. The long term projections of these costs was under 10%, and are now projected to be 25% of the budget in 2025 and a third of the total budget by 2030. The tax base is not growing fast enough to support them and the Town needs to plan for this impact. Regarding unfunded liabilities, Mr. Brennan stated that Plymouth County Retirement valued pension liability on a lofty return rate of 8% and has not met those return rate expectations in 15 years. Valued at a reasonable expectation of 6%, Pembroke's unfunded liability would be \$40million. Mr. Brennan pointed out that the Plymouth Country Retirement Board is not accountable to the Pembroke taxpayers, and feels Advisory should recommend that Pembroke secure a defensible position on unfunded liabilities. Mr. Brennan suggested that the town bring in their own actuaries to determine the town's unfunded liability. Regarding health insurance costs, Mr. Brennan recommended discussion regarding premium contributions from both active employees and retirees. Mr. Brennan stated that 75-85% of the retiree healthcare costs are paid by the taxpayers, where other towns pay 50% and this would be a simple adjustment to help course correct the expense increase outside of collective bargaining. Mr. Brennan stated that the Advisory Committee wants to be involved in some way in the collective bargaining process. Mr. Boulter stated that the contracts stipulate

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that negotiations are with the Selectmen. Discussion ensued on the use of town counsel and general challenges faced during negotiations. Mr. Trabucco asked where Pembroke is in relation to other towns regarding unfunded liabilities, and asked what proactive steps other towns are taking. Mr. Brennan stated that less than half of the state's communities have boosted retirees' healthcare contributions to 50% and many have grandfathered surviving spouses eligibility to receive the benefit to those retiring prior to now, and ending the practice in the future. Mr. Brennan stated that Hingham and Andover have been proactive and Advisory Committee will be speaking with them to determine their methodology and current path.

At 7:55 pm, Donna Badger, Timothy Brennan, John Brown, Jr., Stephen Curley, James McCollum, Richard McManus, Elizabeth Monks, Linda Peterson and Stephen Walsh exited the meeting.

7:55 (7:30) LIBRARY TRUSTEES REQUEST TO ACCEPT RESIGNATION OF ELAINE SPAULDING AND REQUEST TO APPOINT CAROL WATCHES TO INTERIM APPOINTMENT TO ELECTED POSITION

Chairman of the Library Trustees MaryBeth Courtwright was present to update the Board as to Elaine Spaulding's resignation from her elected position due to health reasons, and the Trustee's request for the Board to Appoint an interim to serve until the spring election on May 13, 2017. Mr. Boulter moved to accept the resignation of Elaine Spaulding from her elected position of Library Trustee with regret; Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boulter moved to appoint Carol Watches of 19 Maple Avenue to the interim vacancy of Library Trustee from January 23, 2017 to the next scheduled town election on May 13, 2017; Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Furlong inquired of Ms. Watches' qualifications for the position, and Ms. Courtwright listed many of Ms. Watches' accomplishments and experiences for the role.

8:00 (7:10) DAVID SHEA, PEMBROKE CHAMBER OF COMMERCE: UPDATE ON PROPOSED LOCAL BUSINESS SERIES

Mr. Shea was present before the Board to discuss the proposed series of local business updates at upcoming Selectmen's meetings. Mr. Shea stated that he joined the Chamber in 2008 and became chairman in 2010. The Chamber's mission includes encouraging members to become involved in the community and he thanked the Board for proposing this opportunity for local businesses to regularly appear at meetings with an update of their services to residents. Mr. Boyle concurred and stated that it will be a valuable service to residents to have local businesses in regularly to explain to them what services are offered in town. Mr. Shea announced the date of the Pembroke Chamber of Commerce's Legislative Breakfast on Friday, March 24th at which Representative Cutler, Senator DeMacedo and Congressman Keating will appear. Additionally, the Chamber has scheduled their second annual Pembroke Day on August 19th.

REQUEST FOR APPOINTMENT TO THE RECREATION COMMISSION: COREY PENTO

The Recreation Commission has requested that the Board consider a vote to appoint Corey Pento of 87 Bluejay Way to the Commission to fill the vacant term expiring in 2017. Mr. Pento has submitted an application and attended the Commissioner's meetings. Mr. Boyle moved to appoint Corey Pento of 87 Bluejay Way to the Recreation Commission for a term to expire June 30, 2017; Mr. Boulter seconded the motion. The vote was unanimously in favor.

CONSIDER RESIGNATION OF THOMAS DRISCOLL FROM RECREATION COMMISSION

Mr. Boulter moved to accept the resignation of Thomas Driscoll from the Recreation Commission effective immediately and with regret. Mr. Boyle seconded the motion. The vote was unanimously in favor.

CONSIDER RESIGNATION OF DIANA JULIAN FROM COMMISSION ON DISABILITIES

Mr. Weinreich, Chairman of the Commission, has submitted an email requesting that the Board accept Ms. Julian's resignation as she has moved out of town permanently. Mr. Boulter moved to accept the resignation of Diana Julian from the Commission on Disabilities effective immediately and with regret. Mr. Boyle seconded the motion. The vote was unanimously in favor.

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APPOINT SELECTMAN TO BQ4 STUDY COMMITTEE

On November 21st the Board voted to form a subcommittee at the request of the Police Chief to review the local control options outlined in Ballot Question 4, the Legalization of Marijuana, that is comprised of the Police Chief, the Town Administrator, a member of the Board of Health, a member of the Planning Board and one Selectman. Mr. Furlong volunteered to serve on this committee; Mr. Boyle moved to appoint Selectman Matthew Furlong to the open position; Mr. Boulter seconded the motion. The vote was unanimously in favor.

VOTE TO NOTIFY RESIDENTS IN CPD OF PUBLIC HEARING FEBRUARY 6TH

Mr. Stone advised the Board that the Planning Board is holding two public hearings on February 6th regarding two separate proposed Zoning By-Law amendments for the ATM warrant that pertain to the Center Protection District. Mr. Stone stated that that district is primarily residential, and the required legal notice placed in the newspaper may be overlooked by some. Mr. Stone proposed that the Board send out a notification to the affected residents as an additional courtesy, and he advised that he has spoken with the Planning Board chairman who was amenable to this notice being sent. Mr. Trabucco stated that he has reviewed the notification; it is informative and a mailer would be beneficial. Mr. Trabucco moved to send the mailer as presented and send to affected residents; Mr. Boulter seconded the motion. The vote was unanimously in favor.

VOTE TO APPROVE MINUTES OF JANUARY 9, 2017

Mr. Boyle moved to approve the minutes of January 9, 2017 as written; Mr. Boulter seconded the motion. The vote was unanimously in favor.

OLD BUSINESS

Mr. Stone presented the record of approved bills and payrolls for January 18, 2017.

Mr. Furlong stated that the results of the survey distributed by the Board on November 30th yielded results that indicate that the committees seem to full understand the Open Meeting Law and the Town By-Law requiring the posting of minutes to the town website. Additionally, the results indicate that the survey respondents feel that they are in compliance, but the percentage of posted minutes indicates that this is not happening. Discussion ensued on audio recordings and the transcriptions thereof. Mr. Stone stated that each committee should have an appointed clerk to take the minutes in lieu of a paid staff member, and Mr. Trabucco cited the downloading, storing, filing and transcription cost and labor impact if another department were to attempt to absorb the load. Mr. Boyle suggested that the Chair contact the few boards that are not in compliance and remind them of their obligation under the by-law; Mr. Stone stated that he will review this information closer and report back next week.

Mr. Boulter requested that designees of the Board of Selectmen meet with Conservation and town counsel to address issues with inappropriate referenced contained in past minutes; Mr. Stone and Mr. Boulter volunteered to assist.

NEW BUSINESS

Mr. Thorne stated that he and Mr. Boyle and Mr. Trabucco Stone attended the MMA annual business meeting and trade event over the weekend and heard Representative Markey, Senator Warren and Governor Baker speak. Governor Baker gave a positive message about Chapter 70 funding, guaranteeing an increase of \$20 per pupil to each community. He was optimistic discussing the upcoming budget and held fast to distribution of local aid back to the towns.

Mr. Stone read the upcoming issues from the agenda.

At 8:50 pm, Mr. Boulter moved 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: Clerical/DPW/Police/Fire Unions; Mr. Stone declared it so and stated that the Board will not return to open session. Mr. Boyle seconded the motion. By roll call vote: Boyle – yes, Boulter – yes, Trabucco – yes, Furlong – yes, Stone – yes.

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At 9:30 pm, Mr. Boulter moved to adjourn; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

MATERIALS & EXHIBITS

Bond Motion to Extend Useful Life of Borrowing Items (Treasurer/BOS/TA Office)
Email, A. Goodman for PMC Kids Ride Application for Use of Town's Roads (BOS/TA Office)
Draft Agreement, Town Counsel, Engineering Services (BOS/TA Office)
Letter, D. Wall for Library Trustees re: Interim Appointment (Lib/BOS/TA Office)
Email, D. Wall for E. Spaulding, Resignation (Lib/BOS/TA Office)
Application for Appointment: C. Pento (BOS/TA Office)
Email, S. Roche for Recreation Commission re: Appointment (Rec/BOS/TA Office)
Email, T. Driscoll re: Resignation (BOS/TA Office)
Email, T. Weinreich re: Resignation of D. Julian (CoD/BOS/TA Office)
Notice of Public Hearing, Planning Board (CPD) (Plan/BOS/TA Office)
Draft Letter, Resident Notification of Planning Board Public Hearings (BOS/TA Office)
Draft Minutes January 9, 2017 (BOS/TA Office)
Survey Results re: Posting of Minutes to Website (BOS/TA Office)
Record of Approved Bills and Payrolls for January 18, 2017 (BOS/TA Office)