

**MINUTES OF THE SELECTMEN'S MEETING
JULY 10, 2017**

PRESENT: Willard J. Boulter, Jr. (Chairman), Matthew J. Furlong (Vice-Chairman), Lewis W. Stone (Clerk), Arthur P. Boyle, Jr. (Selectman), Daniel Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Donald Perry, Antonio Rego, Ana Rego, Steve Dymont, Joel Bard, Nicole Costanzo, Chris Graham, Michele Dowling (ZBA Secretary), Matthew Heins (Planning Board Assistant), Christine Griffin (ZBA), Rebecca Coletta (Planning Board Chairman), Tom Irving (Planning Board), Dan Taylor (Planning Board), Andy Wandell (Planning Board), Paul Whitman (Planning Board), Charles Mathewson, Bonnie Pajick, Sabrina Chilcott (Executive Assistant), and others.

REMOTELY PARTICIPATING VIA SPEAKERPHONE (6:30 pm – 7:00 pm): Matthew J. Furlong, (Selectman), geographic distance.

At 6:30 pm Mr. Boulter opened the meeting and advised that Selectmen Furlong is participating via remote participation in accordance with the requirements of 940 CMR 29.10 via speakerphone due to geographic distance. All votes will be made via roll call. Mr. Boulter further 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.

6:30 CVWM TRANSFER: 264A WASHINGTON STREET: Z&M CORP d/b/a BIG Z'S PIZZERIA TO AR PIZZA, INC. D/B/A A SLICE ABOVE PIZZERIA

Attorney Donald Perry was present before the Board on behalf of his client's applications for a transfer of a common victualer's license and CV wine and malt (liquor) license that are currently exercised at 264A Washington Street by Z & M Corp d/b/a Big Z's Pizzeria. Mr. Perry stated that the terms, conditions, hours and operations will remain the same; AR Pizza Inc. has obtained their ZBA Special Permit, their Building Department and Fire Department Occupancy permit, and they have received their food licensure and inspection from the Board of Health. Manager Antonio Rego was introduced to the Board; discussion ensued. Mr. Boulter confirmed that the advertisement is in order and there are no abutters present to speak in regards to these applications. Mr. Boyle moved to grant the application of AR Pizza, Inc. d/b/a A Slice Above Pizzeria for a Transfer of Common Victualer Wine & Malt license # 00053-RS-0960 from Z&M Corp d/b/a Big Z's Pizzeria as exercised at 264A Washington Street and described as "consisting of the center unit of a three unit, single-story commercial building; one entrance in front and one in rear." Mr. Stone seconded the motion. By roll call: Boyle – yes, Furlong – yes, Stone – yes, Boulter – yes. Mr. Stone moved to grant the application of AR Pizza, Inc. d/b/a A Slice Above Pizzeria for a transfer of Common Victualer's License # CV-43 as exercised at 264 A Washington Street. Mr. Boyle seconded the motion. By roll call: Boyle – yes, Furlong – yes, Stone – yes, Boulter – yes.

VOTE TO DECLARE 2007 FORD ELDORADO E350 VAN SURPLUS PROPERTY AT THE RECOMMENDATION OF COA DIRECTOR

Mr. Stone moved to declare 2007 Ford Eldorado E350 bus, VIN# 1FDWE35L47DA51418 surplus property at the request of the Council on Aging Director. Mr. Boyle seconded the motion. By roll call: Boyle – yes, Furlong – yes, Stone – yes, Boulter – yes.

VOTE TO ACCEPT PARCEL AS TAX POSSESSION PROPERTY AT RECOMMENDATION OF TREASURER: A4-2, 71 PLYMOUTH ST

Mr. Boyle moved to accept 71 Plymouth Street, Assessor's Parcel A4-2, as a tax possession property at the recommendation of the Town Treasurer. Mr. Stone seconded the motion. By roll call: Boyle – yes, Furlong – yes, Stone – yes, Boulter – yes.

VOTE TO ACCEPT THE MINUTES OF JUNE 26, 2017

Mr. Stone moved to accept the minutes of June 26, 2017 as written; Mr. Boyle seconded the motion. By roll call: Boyle – yes, Furlong – yes, Stone – yes, Boulter – yes.

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VOTE TO RE-APPOINT DANIEL TAYLOR (PLANNING BOARD) AS ALTERNATE REP TO THE OLD COLONY PLANNING COUNCIL

Mr. Boyle moved to re-appoint Daniel Taylor to a one year term as Pembroke's alternate representative to the Old Colony Planning Council, term to expire June 30, 2018. Mr. Stone seconded the motion. By roll call: Boyle – yes, Furlong – yes, Stone – yes, Boulter – yes.

At 6:50 pm, Mr. Trabucco entered the meeting.

OLD BUSINESS

On August 9, 2016, Governor Charles Baker signed An Act to Modernize Municipal Finance and Government whereby the Board of Selectmen may designate any one of its members for the purpose of approving bills or payrolls provided, however, that the member shall make available to the board, at its next meeting, a record of such actions. Mr. Stone reported that on June 28th he personally reviewed one accounts payable warrant for \$3,135,629. Mr. Boyle moved to accept Mr. Stone's report and Mr. Furlong seconded the motion. By roll call: Boyle – yes, Furlong – yes, Stone – yes, Trabucco – yes, Boulter – yes. Mr. Boulter reported that on July 5th he personally reviewed twenty accounts payable warrants for \$2,377,130.19 and three payroll warrants for \$330,696.74. Mr. Trabucco moved to accept Mr. Boulter's report and Mr. Furlong seconded the motion. By roll call: Boyle – yes, Furlong – yes, Stone – yes, Trabucco – yes, Boulter – yes.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne updated the Board with information and his recommendation as the Director of the Department of Municipal Inspections. The Police Chief has re-purposed a vehicle for the use of the Health Agent, and in turn, the Health Agent's vehicle is being re-purposed for the Town Hall custodians. Mr. Thorne requested that the Board vote the inter-departmental transfer of the vehicle. Mr. Trabucco moved to transfer the care and custody of the 2013 Ford Explorer K8A, VIN# 1FM5K8AR2DGC070739 from the Pembroke Police Department to the Pembroke Department of Municipal Inspections; Mr. Stone seconded the motion. By roll call: Boyle – yes, Furlong – yes, Stone – yes, Trabucco – yes, Boulter – yes.

At 6:55 pm, Steve Dymont, Chris Graham, Joel Bard and Nicole Costanzo entered the meeting.

6:50 STEVE DYMENT, VIVINT SOLAR: DOOR-TO-DOOR SOLICITATION PERMIT APPLICATION

Mr. Dymont was present regarding his new application to solicit door-to-door with a different company; he was approved for a permit on behalf of Trinity Solar on May 22, 2017. Mr. Dymont stated that he lives in Pembroke and has previously held two permits, but has begun working for Vivint Solar. Discussion ensued. Mr. Trabucco moved to vacate Trinity Solar's door-to-door solicitation permit as granted on May 22, 2017 effective immediately; Mr. Boyle seconded the motion. By roll call: Boyle – yes, Furlong – yes, Stone – yes, Trabucco – yes, Boulter – yes. Mr. Trabucco moved to the application of Steve Dymont on behalf of Vivint Solar for a door-to-door solicitation permit authorizing sales from (11:00 am to 7:30 pm, Monday through Friday) and from 9:00 am to 3:00 pm on Saturday (and Sunday), license eligible for renewal on its expiration on October 10, 2017, subject to approval and permit card issuance by the Chief of Police. Mr. Boyle seconded the motion. By roll call: Boyle – yes, Furlong – yes, Stone – no, Trabucco – yes, Boulter – yes.

ASK THE SELECTMEN

Mr. Trabucco stated that the Board has received an update from the Town Administrator stating that the Hobomock sidewalk project is due to begin shortly. Mr. Thorne advised that the survey was done today, and construction will begin tomorrow, weather permitting. Mr. Thorne also advised that the Route 14 project continues from the center of town to the Hanson town line, widening the road and placing the berm. Mr. Thorne stated that work will begin on the east side, from the center to Route 53, once that portion is completed. Mr. Thorne updated the Board on his request for an appearance before the Historic District Commission; he is waiting to hear from them for an appointment as required by MassDOT regarding the Route 53 and Pleasant Street traffic signal project. Mr. Boulter stated that he heard from numerous residents over the holiday weekend about speeding on the ponds; the Police Chief is responding accordingly.

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At 7:00 pm, Mr. Furlong entered the meeting.

Mr. Thorne advised the Board that the traffic signals in the center fall under the jurisdiction of the town, and it is a discretionary function of the town to set the signal if needed. Mr. Thorne advised that the light situated in front of the fire station, as well as the light at Elliot Avenue is now set to flashing yellow and is under the control of the Police Chief.

7:00 RESCHEDULED: DAVID BABB, COMCAST: DOOR-TO-DOOR SOLICITATION PERMIT APPLICATION

No one was present to speak to this application. Mr. Boyle moved to table this item. Mr. Stone seconded the motion. The vote was unanimously in favor.

CHRIS GRAHAM, GRAHAM BUILT CORP

Mr. Graham was present before the Board, and thanked them for the opportunity for the Chamber of Commerce's local businesses to address the public in this forum. Mr. Graham stated that his company works with MassSave to assist residents in obtaining a home energy audit, and the company specializes in air sealing. Mr. Graham explained the process of a home energy audit, and further provided detail on the process of air sealing a home. Mr. Graham explained that the funding for this audit is through MassSave, which utility users pay for through their energy bills. He stated that residents may obtain up to 75% off the insulating of their home, and receive low interest loans for items such as a hot water heater and related items. Mr. Graham stated that his company is located at 22 Church Street in Pembroke and their telephone number is (781) 924-5229.

7:15 JOINT MEETING OF THE BOS, ZBA AND PLANNING BOARD

Board of Selectmen, Planning Board, Zoning Board of Appeals: an inter-board discussion facilitated by Joel Bard, KP Law, P.C.

Town counsel Joel Bard was present to outline best practices in inter-board communications with the Planning Board and ZBA. Mr. Bard detailed specifics of the Open Meeting Law interpretations that are enforced vigorously, with the central concept being deliberations by a public body. Discussion ensued on deliberation as an oral or written communication, through any medium including electronic mail, between or among a quorum of a body. Meeting notices and minutes were addressed. Mr. Bard stated that the newest interpretations mandate that all licenses up for renewal annually must be listed individually; additionally, the executive session header should be removed from an agenda if no executive session will be held. Mr. Bard discussed Conflict of Interest Law and prohibited acts, and stated that recent changes include that the State Ethics Commission may rescind an action taken by a municipality if it determines, after a hearing, that violation of the Conflict of Interest Law "substantially influenced the action taken" by the municipality. Mr. Bard explained recent changes to Public Records Law and stated that towns must designate Records Authorization Officers (RAO). Mr. Thorne confirmed that the four RAOs in Pembroke are the Police Chief, Fire Chief, School Superintendent and Town Administrator. Mr. Bard led the discussion of the Comprehensive Permitting process, and stated that Chapter 40B sections 20-23 subsume and override other local permits, bylaws, regulations and approvals by all boards with jurisdiction. Mr. Bard will forward a template for a Comprehensive Permit application and regulation to the town, and the fees collected need to be updated. Mr. Bard defined the Safe Harbor criteria; Mr. Trabucco inquired as to who is the final arbiter of a town's assertion of 1.5% of affordable housing land area, and Mr. Bard stated that it is the DHCD who review a town's calculations with engineers. Mr. Bard explained that once a comprehensive permit application is received, the ZBA shall notify each local board of the filing of a 40B application and shall hold a public hearing within 30 days. Mr. Bard stressed that this includes input from the Planning Board, who should meet to prepare a recommendation to the ZBA; these recommendations often become incorporated into the permit as conditions. Discussion ensued on the types of Planning Board concerns that make sound recommendations in a 40B application.

Mr. Bard then presented a segment concerning the interaction between boards, stating that a delegation of the Planning Board can and should attend ZBA public hearings, and stated that this is an important interaction. Discussion ensued on the coordination of permitting within jurisdictions, and site plan approval challenges.

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Planning Board Chairman Coletta inquired as to site plan approvals that require variances, as well as residential/commercial permitting that require both board's approvals; she asked which board should go first, and could the boards meet together. Mr. Bard stated that the answer is yes; the statute has been clarified to stipulate that the hearing can be a joint hearing of both boards. Discussion ensued on the logistics of how both boards work separately. Dialogue ensued on the struggle of specific issues. Concerns were expressed about the logistics for applications with site plan approval and variances, and the order of those events. Consensus was achieved on improving communication and providing constructive feedback. Mr. Furlong inquired whether the two boards could be combined into one; Mr. Bard stated that this would be problematic as each has a defined role by statute.

At 8:55 pm, Michele Dowling, Matthew Heins, Christine Griffin, Rebecca Coletta, Tom Irving, Dan Taylor, Andy Wandell, and Paul Whitman exited the meeting.

Further discussion ensued regarding possible communications improvements that could be implemented. Mr. Trabucco asked Mr. Bard if the ZBA hears a request for two variances, and ultimately grants more than two, have they overreached. Mr. Bard stated that he does not believe so in the project in question; he believes that the outcome was reached in an organic fashion due to the response and input from the abutters.

Mr. Boulter read the upcoming issues from the agenda.

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

MATERIALS & EXHIBITS

Common Victualer Wine and Malt License Transfer Application (ABCC), all Addenda Required

And Common Victualer' License Application, A. Rego for AR Pizza, Inc. (BOS/TA Office)

Application, S. Dymont RE: Door-to-Door Solicitation Permit (BOS/TA Office)

Application, D. Babb RE: Door-to-Door Solicitation Permit (BOS/TA Office)

Letter, A. Seery, Copy of Vehicle Title, Letter GATRA (COA/BOS/TA Office)

Letter, K. McCarthy, RE: Tax Possession A4-2 (Treasurer/BOS/TA Office)

Draft Minutes of June 26, 2017 (BOS/TA Office)

Record of Approved Bills & Payrolls, L. Stone, 6/28/17 and W. Boulter 7/5/2017 (BOS/TA Office)

PowerPoint, "Planning Board/Zoning Board, Municipal Law Basics and Coordination Between Boards" KP Law, P.C. (BOS/TA Office)