

**MINUTES OF THE SELECT BOARD MEETING
DECEMBER 16, 2020
REMOTE MEETING HOSTED BY PACTV ON ZOOM PLATFORM**

PRESENT: Daniel Trabucco (Chairman), Jessica M. Rushing (Vice Chairman), John G. Brown, Jr. (Clerk), Rebecca Coletta (Selectman), Tracy Marino (Selectman), William Chenard (Town Manager), Lisa Cullity (Health Agent), Thomas Truex, Zakaria Abdelmalak, Samantha Woods (NSRWA), Sabrina Chilcott (Assistant Town Manager)

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, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Pembroke Select Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can view this meeting while in progress on Comcast Government Access channel 15, and for those without cable, on their PRIME streaming channel by visiting www.pactv.org/prime. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the meeting designated for public comment, by registering to login to this webinar at <https://www.pembroke-ma.gov/select-board/meetings>. All votes taken during this meeting will be roll call votes.

7:00 AVA KASTOUR, INC. D/B/A ANGEL PIZZA: NEW OFFICER/SHAREHOLDER, CHANGE OF MANAGER AT 254 CHURCH ST, LICENSE # 05429-RS-0960

Mr. Trabucco opened the public hearing; this public hearing is to hear public comment regarding the Common Victualer All Alcohol Liquor License Change Application of Ava Kastour, Inc. to remove two officers and two shareholders and add one officer and one shareholder, and to change the manager of record. Thomas T. Truax, Esq of Kalikow, Kalikow & Truax of Salem was present at the meeting and stated that this license is exercised at 254 Church Street with Farid Deeb remaining the President with new officer, shareholder and manager Zakaria Abdelmalak. Mr. Truex confirmed that the complete application, stock purchase and sale agreement, identification and related financial documents are in order. There were no abutters or members of the public logged in to speak in favor or in opposition. Ms. Rushing moved to approve the application for the requested ABCC Liquor License Change of New Officer, New Shareholder and Change of Manager on Common Victualer All Alcohol license #05429-RS-0960, Ava Kastor, Inc. d/b/a Angel Pizza exercised at 254 Church Street from Montaser Kamel to Zakaria Abdelmalak; Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

7:15 CAMERON MEHR D/B/A WASHINGTON STREET MOTORS: TRANSFER OF LICENSE, KINGS HIGHWAY MOTORS AT 239 WASHINGTON ST, LICENSE # CII-70

Mr. Mehr was not logged in to the webinar at the scheduled time of the hearing. There were no abutters or members of the public logged in to speak in favor or in opposition. Mr. Trabucco stated that the Board would give Mr. Mehr more time to log in and revisit this item when he was present.

VOTE RECOMMENDATION OF AFFORDABLE HOUSING COMMITTEE TO APPOINT SUSAN RUNNE OF 340 PLEASANT ST TO VACANCY

Ms. Rushing moved to appoint Susan Runne of 340 Pleasant Street to the Pembroke Affordable Housing Committee. Ms. Marino seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, with Trabucco abstaining.

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VOTE TO DECLARE COVID-19 “EXTENUATING CIRCUMSTANCE” RE: LICENSE RENEWALS UNDER TOWN BYLAWS, ARTICLE XXXII

Mr. Chenard requested that the Board consider a vote to declare COVID-19 an extenuating circumstance for the purposes of license renewal for 2021 as the town is working with several property owners of licenses businesses to bring their slightly overdue bills into a current status so that the affected business tenants may renew their licenses and continue their business operation uninterrupted. Mr. Chenard advised that licenses cannot be renewed under Article XXXII of the By-Laws of the Town of Pembroke, Article XXXII entitled “Denial, Revocation or Suspension of Licenses and Permits for Failure to Pay Taxes” in the event that they have unpaid charges to the Town, defined as “local taxes, fees, assessments, betterments, or other municipal charges” without consideration of extenuating circumstances. Ms. Rushing moved to declare COVID-19 an extenuating circumstance for the purposes of license and permit renewal for the calendar year 2021 under Article XXXII of the By-Laws of the Town of Pembroke. Ms. Marino seconded the motion. By roll call vote: 5/0: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

VOTE TO ACCEPT THE MINUTES OF NOVEMBER 18, 2020

Mr. Chenard advised that the minutes are under review and will be brought forward at an upcoming meeting.

VOTE TO RENEW ELIGIBLE LIQUOR LICENSES FOR 2021

Ms. Rushing moved to approve the renewal of the eligible liquor licenses as listed on the public agenda for the year 2021 except Somewhere Else Tavern, subject to the approval of the Health Agent and Treasurer as required by the Alcoholic Beverages Control Commission. Mr. Brown 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 renewal of the eligible liquor license for Somewhere Else Tavern for the year 2021 subject to the approval of the Health Agent and Treasurer as required by the Alcoholic Beverages Control Commission. Mr. Brown seconded the motion. By roll call vote: 4/0/2: Brown – yes; Marino – yes; Rushing – yes with Coletta and Trabucco abstaining.

SAMANTHA WOODS, NSRWA: PRESENTATION ON STATE DAM REMOVAL PROGRAM, CURTIS CROSSING DAM AT LUDDAM’S FORD

Samantha Woods of the North South Rivers Watershed Association was present before the board to expound on the association’s three-pronged approach to river protection including education, outdoor engagement programming and on the ground restoration projects. Ms. Woods stated that her presentation will include dam removal basics and current conditions at the Luddam’s Ford dam site. Ms. Woods stated that the impact of dams on rivers includes blocking fish passage, warm temperatures, trap of sediment and nutrients and degradation of water quality. Ms. Woods pointed out that there is overall trouble in the herring population and Pembroke works hard to help the herring migrate each year. There are over 3,000 dams in the state with only 200 of them serving a usable purpose with the remainder legacy dams from days when the river was used as a source of power. There are 112 Dams remaining on the south shore since 22 dams were removed restoring 16 miles of rivers with 60 dams within the NSRWA area. River restoration projects eliminate a liability to towns and private owners as they are not built to today’s engineering standards and are vulnerable to failure due to over tapping, and help with climate change resilience reducing flooding and water temperature. Ms. Woods pointed out that dam removal is a one time expense versus an ongoing maintenance issue for communities, and there are partnership resources for funding. Ms. Woods provided local examples of dam removal including Third Herring Brook in Norwell and

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Hanover and Bound Brook in Cohasset and Scituate. Ms. Woods provided specifics on the Curtis Crossing Dam at Luddam's Ford; it was built in 1908 for industrial purposes and is jointly owned by Pembroke and Hanover. The 2016 dam inspection revealed that the dam is in poor condition, requiring many costly repairs. The fish ladder is located in the center of the spillway making access problematic and potentially dangerous, and Ms. Woods stated that the water is hot as a result of impoundment by the dam. Ms. Woods stated that there is no streamflow release plan to lower the flows downstream during low water, and this dam represents the first obstruction from the ocean on the North River/Indian Head River system since the removal of Third Herring Brook Dam. Ms. Woods presented partnership options for the Board to explore, including the Division of Ecological Restoration and the Natural Resource Damages Trust Fund whereby Pembroke and Hanover would be the applicants with NSRWA and MassBays assisting in the process. Ms. Woods recommended considering the implementation of an evaluation and engineering study and concluded by advising that there is a New Years Day Dam Removal Tour from 1pm to 4pm of three different dam removal sites, with registration to attend at: NSRWA.org under events. Ms. Woods stated that the Luddam's Ford pond sediment testing indicate that there is some mercury as in most water bodies in Massachusetts but no contaminants in early testing, however, a full feasibility study is required. Discussion ensued on funding opportunities and leverage positions. Mr. Trabucco recommended that the Board consider a small subcommittee to determine Pembroke's appetite for proceeding, then join a small subcommittee of members from Pembroke and Hanover to begin the process. Consensus was achieved on scheduling further discussion on this topic for additional exploration.

OLD BUSINESS

Mr. Brown advised that the Council on Aging Board did not meet in December but their update includes a suspension of programming with the hope that they can resume on January 11th, the new Council on Aging van arrives Monday which will allow seniors to be transported into the city for medical appointments and a partnership with Supplemental Nutrition Assistance Program (SNAP) to allow residents to apply through the town for nutritional aid needs. The Singing Trooper will air on channel 13 on New Years Eve courtesy of a partnership between Pembroke, Kingston and Duxbury. The Hope Fund is accepting donations as well as applications for assistance through the Council on Aging office.

At 8:30 pm, Mr. Brown moved to enter executive Session under M.G.L. c.30A, Sec. 21(3) to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares: AFSCME Council 93 Local 1700 Clerical, Public Works and Water Divisions and 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, Ms. Marino moved to re-enter public session; Mr. Brown seconded the motion. By roll call vote: 4/0/1: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes with Trabucco abstaining.

MATERIALS & EXHIBITS

CVAA Change ABCC Application and Addenda, T. Truex for Angel Pizza (TM Office)
Class II Application and Addenda, C.. Mehr for Washington Street Motors (TM Office)
Vacancy Application, S. Runne and Email, J. Parks RE: AHC Appointment (TM Office)
Draft Minutes of November 18, 2020