

**MINUTES OF THE SELECTMEN'S MEETING
MAY 12, 2014 (as amended)**

PRESENT: Daniel Trabucco (Chairman), Arthur P. Boyle, Jr. (Vice-Chairman), Lewis W. Stone (Clerk), Michelle Burt (Selectman), Edwin J. Thorne (Town Administrator), George Verry (Building Inspector/Zoning Enforcement Officer), Lisa Cullity (Health Agent), Greg Ferris, Robert Pimentel, Diane Etheridge, Rich Ludwig, Jennifer Dunn, Matthew Logan, Michael Camara, Dan Balboni, Sabrina Chilcott (Executive Assistant), and many others.

At 7:00 pm, Mr. Trabucco called the meeting to order.

ANNOUNCEMENTS

Mr. Stone announced that the Mattakeesett Garden Club will be holding their annual plant sale this Saturday at the bandstand on the Green from 9:00 am to 1:00 pm.

7:00 EXPIRED TRAILER PERMIT: 1 BONNEY STREET

Mr. Trabucco opened discussion by advising that the Board is in receipt of a citizen's petition requesting that the Board authorize the Zoning Enforcement Officer to make an emergency visit for public safety concerns. George Verry, Building Inspector and Zoning Enforcement Officer, was present to explain that the Town has worked for several years with the homeowner at 1 Bonney Street; she was taken advantage of by her contractor and fell behind on her trailer permit extensions. While she ultimately won the court case, the contractor was insolvent and attorneys could not collect the funds. Mr. Verry stated the options remain to wait until she recovers funds to rebuild or pursue the removal of the trailer in Housing Court. Health Agent Lisa Cullity was present to advise the Board that she has been out to the property many times over the years, most recently Tuesday, and there are no state sanitary code violations at the property at this time; however, there are borderline areas that the homeowner has agreed to address. Ms. Cullity confirmed that the homeowner is living at the premises and not renting out the trailer as stated in the citizen's petition. Mr. Trabucco confirmed that temporary trailer permit #TR-01 was originally issued October 1, 2007; four extensions have been granted. A one year extension was granted May 4, 2009; a thirty-day extension was granted May 4, 2010; a six month extension was granted November 1, 2010 and a sixty day extension was granted on July 20, 2011, causing the permit to expire on September 21, 2011. Mr. Trabucco opened the discussion to the petitioners in attendance. Mr. Greg Ferris of Overbrook Rd was present to inquire as to the extension process on a temporary trailer permit and asked if the exposed foundation was within state code. Mr. Verry stated that there is no code directly addressing this issue; however, if an excavation area has a five foot drop, a fence is required. Mr. Ferris stated that the neighborhood can only be entered by driving by this property. Ms. Cullity cautioned the petitioners to avoid applying a neighborhood standard as other home in the area would not meet it. Mr. Robert Pimentel of 22 Bonney Street stated that the trailer has holes in it in which birds are nesting. Ms. Diane Etheridge of Wampatuck Street stated that the extension process on this temporary permit has been unfair to the neighbors and surrounding community and she requested a final answer from the Board this evening. Mr. Rich Ludwig of 26 Pinecrest stated that garbage is left outside until a neighboring resident calls the Board of Health for its removal. Mr. Ludwig stated that the Town bylaws indicate that trailer permits are temporary and seven years is not temporary. Ms. Jennifer Dunn of 52 Wampatuck Street stated that she lives across the street and had to put up a fence to block the view; she added that she is also a single mother raising two children and improves her situation to make a better life for her children. Mr. Matthew Logan of 26 Bonney Street voiced sympathy for the homeowner's situation but he is also a single parent who is currently unable to sell his home with the conditions at the property, according to his realtor. Mr. Boyle asked Mr. Verry if there was a short term remedy for the foundation situation. Discussion ensued on the foundation. Mr. Verry advised that any procedure for removal of the trailer will be with a court order and will take time to resolve. Ms. Burt stated that there needs to be a legal opinion from town counsel and a dialogue between town counsel and the homeowner's attorney. Mr. Ferris inquired as to the owner of the trailer and the tax status of the homeowner. Mr. Stone stated that he is not in favor of a further extension on this permit; he is in favor of pursuing a legal avenue for its removal. Mr. Boyle requested that the neighboring residents remain patient through the process. Ms. Burt moved to table the

discussion for two weeks while a legal opinion is sought from town counsel; Mr. Boyle seconded the motion. The vote was 2/2 with Mr. Boyle and Ms. Burt in favor, Mr. Stone and Mr. Trabucco opposed. Mr. Stone moved to vote to not renew the temporary trailer permit at 1 Bonney Street and further to take whatever action is necessary to remove the trailer and evict the tenant if necessary.

At 7:35pm, Mr. Trabucco relinquished the Chair to Mr. Boyle. Mr. Boyle accepted the Chair.

Mr. Trabucco seconded Mr. Stone's motion. The vote, by roll call, was Mr. Stone, yes; Mr. Trabucco, yes; Ms. Burt, no; Mr. Boyle, yes. The vote was 3/1 in favor of the motion with Ms. Burt opposed.

At 7:37 pm, Mr. Boyle relinquished the Chair to Mr. Trabucco.

CONSIDER THE MINUTES OF APRIL 22, 2014

Mr. Stone moved to accept the minutes of April 22, 2014 as written. Mr. Boyle seconded the motion; the vote was unanimously in favor.

CONSIDER THE MINUTES OF APRIL 28, 2014

Mr. Stone moved to accept the minutes of April 28, 2014 as written. Mr. Boyle seconded the motion; the vote was unanimously in favor.

CONSIDER THE MINUTES OF MAY 5, 2014

Mr. Stone moved to accept the minutes of May 5, 2014 as written. Mr. Boyle seconded the motion; the vote was unanimously in favor.

DISCUSSION AND VOTE: SOLID WASTE DISPOSAL CONTRACT

Mr. Thorne recommended that the Board enter into negotiations with ABC Disposal/New Bedford Waste Services, LLC to develop an agreement for solid waste disposal for the Town of Pembroke. Discussion ensued. Mr. Stone stated that it is a better financial offer for the Town and a five year agreement is optimal. Discussion ensued on the benefits of a ten year term versus a five year term. Mr. Stone confirmed that the Town would save \$175,000 with this vendor over five years. Mr. Thorne advised that dollars have been discussed and the term is up for negotiation. Mr. Camara from New Bedford Waste Services was present to advise that a ten year contract could offer beneficial clauses for Pembroke and he will work in the best interests of the Town. Mr. Stone moved to have the Board enter into a contract with New Bedford Waste Services for the disposal of trash with terms of the contract to be further negotiated. Mr. Boyle seconded the motion. The vote was unanimously in favor.

OLD BUSINESS

Mr. Stone presented an update from the first year of the textile recycling program at the schools. In the first year, there were 25 tons of textiles recycled at \$100 per ton, earning the PTOs \$3,246.75 (**or \$2,500 plus an additional \$846.75 from a special contest**). Additionally, the 49,000 lbs of recycled textiles were not hauled for a tipping fee, saving \$2,817.50. The net gain on this new program was \$6,064.25. Textile recycling bins are located at every school and are accessible twenty-four hours a day, seven days a week. Mr. Trabucco stated that the Board received correspondence from the Advisory Committee requesting monthly reports; Mr. Trabucco stated they are in receipt of the report and will continue to do so.

UPCOMING ISSUES

On May 19 the Town Memorial Committee will be present to review planned Memorial Day activities at 7:00 pm and a Comcast representative will be in at 7:05 to discuss the closing of the local offices.

At 8:00 pm, Mr. Stone moved to enter executive session 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. Mr. Trabucco so declared and Mr. Boyle seconded the motion.

By roll call vote: Mr. Boyle - yes, Ms. Burt - yes, Mr. Stone – yes, Mr. Trabucco – yes.