

**MINUTES OF THE SELECT BOARD MEETING
JULY 21, 2021**

PRESENT: Jessica Rushing (Chairwoman), John G. Brown, Jr. (Vice-Chairman), Rebecca Coletta (Clerk), Daniel W. Trabucco (Selectman), Tracy Marino (Selectwoman), William Chenard (Town Manager), Willard Boulter, David Clauss, Robert DeMarzo, Ian Murphy, Vincent Cogliano, Alicia Azulay, Melissa Killham, Dana Bean, Lisa Drennan, Don Bryant, Karen Ames, Susan Runne, David Norman, Mike Quinn, Dale Harrison, Donna Cannone, Sarah MacDonald, Rick MacDonald, Linda MacDonald, Arthur Edgerton, Sabrina Chilcott (Assistant Town Manager), and others.

At 7:00 pm Ms. Rushing opened the meeting and advised that this meeting is being made available to the public through an audio recording which will be used to ensure an accurate record of proceedings produced in the minutes of the meeting. All comments made in open session will be recorded. Ms. Rushing expressed areas in which she would like the Board to focus in the coming year that would begin with a discussion about the setting of priorities and goals. Ms. Rushing stated that three initiatives on which she would like the Board to focus include the center district revitalization, affordable housing creation and modernizing communications by auditing the town website content and managing social media channels.

ANNOUNCEMENTS

Ms. Rushing announced the current board vacancies including Advisory Committee's one vacancy, Commission on Disabilities' two vacancies, Recycling Committee's one vacancy, the Board of Registrars' one vacancy, Wage and Personnel Board's three vacancies and the Zoning Board of Appeals' two vacancies.

VOTE ANNUAL SPECIAL MUNICIPAL EMPLOYEE DESIGNATION ASSIGNMENTS

Mr. Chenard advised that the prior lists as voted in the past are before the Board with one addition, that of the role of Certified General Appraiser as requested by the Board of Assessors. Ms. Coletta moved to assign the designation of special municipal employee status to the list as presented to the Select Board. Mr. Brown seconded the motion. The vote was unanimously in favor.

VOTE TO AUTHORIZE THE TOWN MANAGER TO PERMIT PRIVATE SPECIAL EVENTS IN BETWEEN REGULARLY SCHEDULED MEETINGS

Mr. Chenard advised that three times last week there was not enough time between the request and the event to get a Board vote of a posted meeting, and the town requires needs a mechanism to review the events information and transfer it to the Police Department, thereby shifting any further requirements that may be necessary to the Police Department to determine. If there is not a regularly scheduled Select Board meeting between the time of application and the event, it is requested that the Board vote to authorize the Town Manager to consider these events for approval on a case by case basis and report any permissions granted to the Board at their next regularly scheduled meeting. Mr. Chenard concluded that this is the same protocol that is in effect as voted by the (BOS) in 2018 for Temporary Trailer Permits, another occasionally time-sensitive permit. Ms. Coletta moved to authorize the Town Manager to consider for approval requested special events on private property on a case-by-case basis and report any permissions granted to the Board by email, SMS text and at the next regularly scheduled meeting. Ms. Marino seconded the motion. The vote was unanimously in favor.

VOTE TO RE-APPOINT ELIZABETH BATES TO THE HISTORIC DISTRICT COMMISSION

Ms. Marino moved to reappoint Elizabeth Bates to the Historic District Commission, term to expire 2024. Mr. Brown seconded the motion. The vote was unanimously in favor.

APPOINT CURRENT ALTERNATE ROBERT MCCARTHY, JR. TO MEMBER VACANCY, APPOINT DAVID CLAUSS TO VACANCY AS ALTERNATE, TERM TO EXPIRE 2023

Ms. Marino moved to appoint current alternate Robert McCarthy, Jr. to the full member vacancy, term to expire in 2024. Mr. Brown seconded the motion. The vote was unanimously in favor. Ms. Marino moved to appoint David Clauss to the alternate vacancy, term to expire 2023; Mr. Brown seconded the motion. The vote was unanimously in favor.

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VOTE RECOMMENDATION OF RECREATION COMMISSION: APPOINT GEORGE GREY OF 146 MONROE ST, TERM TO EXPIRE 2022

Mr. Brown moved to appoint Move to appoint George Grey of 146 Monroe Street to the Pembroke Recreation Commission for a term to expire June 30, 2022. Ms. Marino seconded the motion. The vote was unanimously in favor.

REVIEW, VOTE TO RE-APPOINT SELECT BOARD LIAISON AND REPRESENTATIVE ROLES

Current roles were reviewed; Ms. Coletta agreed to expand her Planning Board liaison role to cover the ZBA as well. Discussion ensued on benefits reaped through association with OCPC and TIP projects that have resulted. Ms. Marino moved to reappoint Rebecca Coletta as Pembroke's representative to the Plymouth County Advisory Board, term to expire 2022. Mr. Brown seconded the motion. The vote was unanimously in favor.

VOTE TO RE-APPOINT K.P. LAW, P.C. AS TOWN COUNSEL FOR FY22

Mr. Chenard recommended that the Board reappoint KP law and consider looking at options for the next fiscal year. Mr. Brown moved to re-appoint KP Law, P.C. as town counsel for the Town of Pembroke for a term to expire June 30, 2022. Ms. Marino seconded the motion. The vote was unanimously in favor.

VOTE TO SUPPORT NSRWA'S MASSDEP'S NRD PROGRAM APPLICATION FOR FUNDING RELATED TO LUDDAMS FORD DAM

Ms. Marino stated that the North South River Watershed Association has applied for funding through a MassDEP NRD program to staff one full time person and an engineering firm to investigate the feasibility of bringing down the dam. Discussion ensued. Ms. Marino moved to support the NSRWA's application to MassDEP's Natural Resources Damages Assessment and Restoration Program ("NRD Program") to support efforts at Luddam's Ford. Mr. brown seconded the motion. The vote was unanimously in favor.

DISCUSSION AND POSSIBLE VOTE TO CREATE A NO PLACE FOR HATE COMMITTEE

Ms. Rushing advised that the Board formed a working group August 5, 2020, to create a No Place for Hate Committee and the working group has presented a draft of a mission statement for a new Diversity, Equity and Inclusion Committee for the Boards review and approval. Ms. Coletta stated that the working group started off calling the group a No Place for Hate Committee, but the Anti-Defamation League has changed their mission when it comes to this designation, with focus on the schools and not towns; the working group has changed the titling to the Diversity, Equity and Inclusion Committee. Ms. Coletta stated that she and Ms. Marino looked at the DEI committees that were formed other towns in Massachusetts and distilled what they thought were the strongest points from those committees in terms of trying to celebrate diversity, focused on how the town can move forward in terms of equity to create a more inclusive environment. Ms. Marino stated that there may be a misconception in the community that this Committee would be an authority committee instead of a guidance committee and she likened the role of the DEI Committee to that of SEPAC in the schools whereby they act as an advisory committee for special education families and parents working with the School Department and School Committee with recommendations and advice on better ways to support families. Ms. Marino shared examples of enrichment opportunities brought to the community by PTAD. Discussion ensued on additional benefits that could be contributed by the DEI Committee. Mr. Trabucco stated that residents have expressed concern that the national progressive movement is coming to Pembroke with the definition of equity being subjective. He stated that residents have also voiced concerns that the composition of the Committee will not be balanced. Ms. Rushing stated that this is not being created as a political committee and appointments will not be based on political party; she stated that it is important that this start with basic definitions on which everyone can agree. Ms. Rushing stated that this discussion is focused on the creation of a Committee and she opened the floor to comment. Robert DeMarzo stated that the statement is broad and allows room for differing interpretations of terms such as marginalized and equity and he asked if the group would set up rules and regulations for the community. Ms. Rushing advised that this groups is not being established to punish people, rather it is going to look at how we handle diversity, equity and inclusion across the town and make suggestions and provide advice and guidance to local

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governing bodies and municipal organizations. Ian Murphy spoke about similar concerns expressed in his workplace when a DEI Committee was introduced and the positive and favorable experiences and feedback he has experienced. Vincent Cogliano stated that the mission seems favorable but expressed concern that the group will start out as positive and advisory only with no authority and he asked how they can ensure that the Committee never does have authority. Mr. Cogliano stated that he feels the Committee should be created at town meeting and requested clarification of the way the word equity is being defined. Alicia Azulay stated that she sees a lot of privileged people in the room who might not feel marginalized but the terms liberty and justice for all is about providing a level playing field for those who do. Melissa Killham stated that she supports the formation of this committee defined as educational and advisory, who will review policies and practices and make suggestions. Dana Bean agreed with Mr. Cogliano in that the statement sounds positive, but he asked that the Board rewrite the statement to include definitions of the things that are not clear enough and include that the board would not be authoritative in nature now or in the future. Lisa Drennan stated that she is both a resident and an inclusion consultant primarily at the recreation and educational level, but her experiences show that inclusion works, being open and welcoming to everyone and it is not intended to be punishing or punitive. She stated that the focus should not be solely on race, but inclusion of all people with all abilities. Don Bryant stated that he feels this is an open statement and it should not be so; he requested that the Board rework it before the next meeting so that the next discussion will clear on meaning and expectation. He stated that he feels this to be a value statement normally associated with non-governmental groups and organizations. Ms. Coletta stated that the working group intentionally left room in the statement, designed so the Committee can bring issues back to the Select Board that may be relevant months or years from now; it allows the Committee to have a stake in their own mission and allows them to define what they do and do not take up as orders of business. Ms. Coletta pointed to the Civil Rights Act as a governmental value statement. Karen Ames stated that she has been a resident for over fifty years and has worked for three different businesses during that time and has not witnessed any incident of racial hatred, lack of diversity, equity, or inclusion in that time. She expressed concern regarding what qualifications the Committee members will have and who will monitor their decisions as they propose to educate and guide the town. Ms. Rushing advised that the appointment process is clearly defined and will remain the same for this Committee as it is for others. She reinforced that this advisory body could bring forward educational enrichment offerings that residents, boards, and staff can voluntarily attend but the DEI Committee does not have the authority to mandate that anyone partake. Susan Runne stated that diversity, equity, and inclusion are vital in the community and in schools and she is glad to see the Board create this Committee. David Norman thanked the Board for exploring this issue and he expressed satisfaction at seeing the turnout of residents and the civility of the discussion versus the divisiveness of social media. Mike Quinn stated that the goals of the Committee are admirable, but he is concerned that the mission relates to thoughts and feelings, and that the Board will appoint people with the same opinions and frame of mind who will then bring policy back to the Board to enact. Dale Harrison voiced the concern that these policies are divisive and her observations of Pembroke in thirty-eight years do not align with the social media characterization of Pembroke as a hateful or racist town. Ms. Harrison stated that she is concerned that this Committee will have no accountability to the residents as they are appointed by the Select Board. Donna Cannone stated that she has concerns that Board members are part of a closed Facebook group related to this topic which is not an inclusive group, and she is concerned that dialogue and decisions made by this group cannot be seen by others. Discussion ensued on Facebook group types and permissions. Ms. Rushing thanked all participants and took comment from the Board. Ms. Marino stated that she would like to review the statement and take the feedback received tonight into consideration to present this at the next meeting. Mr. Brown agreed with Ms. Marino, saying that the dialogue is valuable, and these are important concerns to discuss. Ms. Coletta stated that she would be ready to vote this evening and she thinks the Committee should refine the statement themselves. Mr. Trabucco stated that he agrees with tightening up the language before a vote, and he would like this Committee to have diversity of thought in its members. Ms. Rushing stated that she would have liked to move forward tonight but the words should be well defined so that everyone is working from the same starting point. Ms. Rushing stated that she would like to table this until the next meeting while the working group provides definitions for specific terms that may be confusing and makes any other changes that they feel necessary.

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VOTE MINUTES OF JUNE 9, 2021 AND JULY 7, 2021

Ms. Marino moved to accept the minutes of June 9th and July 7th; Mr. Brown seconded the motion. The vote was unanimously in favor.

BOARD LIAISON UPDATES

Mr. Brown advised that the CoA Board meets once a month on Wednesdays prior to the Select Board meeting. The Director's report included 987 meals delivered in June and the fact that seniors are back in the Center without restrictions. Adult education classes begin September 8th and September 13th for eight classes. Registration has begun and is limited to twelve per class. The Swing into Summer event was a success. Marie Vitel has been hired as the full time Outreach Coordinator. There will be an Open House at the Senior Center on November 10, 2021 from 4p-7p and the Friends of the Council on Aging are seeking a Treasurer and a Secretary.

Ms. Marino advised that the Open Space Committee has begun the trail stewardship program and there has been a huge response. The program includes a one-year commitment cleaning the trails twice per month. More information can be seen at Pembroke Open Space on Facebook and by emailing openspace02359@gmail.com. The Lage Preserve property is going to have work done in August, potentially the removal of the house and preparation for the parking area.

TOWN MANAGER'S REPORT

Summer Paving

Mr. Chenard advised that paving is occurring and asked for residents to proceed carefully through work zones.

Route 36 Project Update - Water

Mr. Chenard stated that the parallel water main replacement phase one has begun with work conducted between the hours of 7:00 am and 4:00 pm. New service lines are being installed and they will then be connected to a new water main, the old main will be properly abandoned. Residents should expect delays and seek alternate routes.

Route 36 Project Update - Roadway

Mr. Chenard advised that this Federal Aid Project (600380) is anticipated to bid in the fall of 2021 with preparations for the project work beginning in the late winter and early spring of 2022 and paving in the summer of 2022. Any gas or water upgrades should be completed prior to the final paving as there will be a five (5) year street opening moratorium after the final work is complete.

Town Landing Project

Mr. Chenard advised that the building, poured in place rubber and accessibility aspects are ongoing. A portion of the beach remains open for swim lessons and residents. The roof is nearly complete to enclose the building with the doors being installed shortly. The walkways have been delayed due to a shortage of poured in place rubber with the expectation that they will be installed in the next two weeks.

Mattakeesett Street Playground

Mr. Chenard advised that the base for the poured in place rubber is in place, new playground equipment will be installed, the fence will be going back up and a new handicapped parking space will be installed.

Public Safety Building Project

Mr. Chenard advised that the town had a Public Safety Building Committee in the past and he recommends that a new committee be formed. This will be scheduled for the meeting August 4th to form a new committee and set the composition.

Community Center

Mr. Chenard advised that the Town is taking steps to move the process along with the borrowing piece underway. The existing architect will be asked for a price for design engineering and building as they have undertaken the preliminary work and they have completed the bidding process with the town. Mr. Chenard is working on the building plan to define the process for this build for the Board and the public. Ms. Coletta asked if Mr. Chenard plans to have the Task Force's input on design and finishes; Mr. Trabucco stated that the Task Force's primary objective has been accomplished; however, there has historically been a building committee in Pembroke when undertaking new construction, but the Town Manager Act places the project as

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the Manager's responsibility, and he should take the lead on this decision. Mr. Chenard advised that the Board will be signing the notes on September 15th.

Chapter 90 Funding

Pembroke will receive \$561, 388 for FY22; the hope of additional funding did not develop. This funding amount has been flat for the last five years with no substantive increase.

State Budget Earmarks

The town has received \$40,000 for police equipment and \$125,000 for Mattakeesett Street ballfield lighting.

American Rescue Plan Act (ARPA)

The town has received the first check of just over \$900,000 which is in the bank earning interest. The total allocation for Pembroke is \$1.8M with the first check now and the second check at the end of year two. Plymouth County on behalf of Pembroke received another \$1.8M but they haven't yet determined how they will allocate those funds. Mr. Chenard expressed satisfaction at the way the County managed the CARES funding program and stated that the Commissioners and Treasurer will be present on September 1st to present additional CARES funding reimbursement to the town and make a presentation to the Board regarding their ARPA plan.

At 9:25 pm, Ms. Rushing read the upcoming issues from the agenda. Ms. Marino moved to adjourn; Ms. Coletta seconded the motion. The vote was unanimously in favor.

MATERIALS & EXHIBITS

Email S. Roche, Recreation Dir., RE: Recommended Appointment G. George w/ App (Rec/TM Office)

Letter W. Boulter, Herring Fisheries, RE: Recommended Appointment D. Clauss w/ App (TM Office)

Special Municipal Employee Designation Role List (TM Office)

Email, E. Bates RE: Reappointment (TM Office)

Draft Mission Statement for DEI Committee (TM Office)

Draft Minutes of June 9th and July 7, 2021 (TM Office)