

**MINUTES OF THE SELECT BOARD MEETING
AUGUST 18, 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), Nashat Saleeb, Christopher Schweiger, Andrew Herman, Eric Herman, Robert DeMarzo, Dana Bean, Dale Harrison, Donna Cannone, Dennis McMahon, Richard Madden, Ronald Boidi, Arthur Egerton, 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.

ANNOUNCEMENTS

On October 6 from 9am-4pm the town will host a Municipal Vulnerability Preparedness (MVP) and Hazard Mitigation Plan's Community Resilience Building (CRB) Workshop at the Pembroke Public Library

REQUEST FOR EXTENSION: LIVE ENTERTAINMENT, SOUNDCHECK STUDIOS, 150 CORPORATE PARK DRIVE FROM AUGUST 19, 2021 THROUGH OCTOBER 31, 2021

Andrew and Eric Herman of Soundcheck Studios were present before the Board on their application requesting to extend their outdoor concert series from August 19, 2021, to October 31, 2021, with the different hours of 5pm-11pm, the addition of Wednesday nights and one Sunday, September 12, 2021. Mr. Andrew Herman advised that would further like to add Monday night open mic nights outdoors and he brought an additional application with him this evening. Discussion ensued. Mr. Trabucco stated that Monday and Wednesday will be problematic for the neighbors once school is back in session. Further discussion ensued. Mr. Andrew Herman advised that this is an additional temporary measure resulting from COVID and not a permanent change to their business model. Ms. Rushing agreed that Monday and Wednesday are too difficult, but Friday and Saturday are reasonable. This item was continued for further discussion.

7:20 NASHAT SALEEB, N.Z. PIZZA, INC. d/b/a ROYAL PIZZA, COMMON VICTUALER'S LICENSE APPLICATION AT 125 CHURCH ST

Nashat Saleeb was present before the Board in regard to his application for a transfer of Common Victualer's license #CV-76 under MGL c140 §6 to be exercised at 125 Church Street under the name of N.Z. Pizza, Inc. d/b/a Royal Pizza. He is requesting to prepare and serve food to the public from 10:00 am to 10:00 pm Monday through Sunday with no requirement under change of use; he is not changing any aspect of the former owner's location (Makram Pizza, Inc. d/b/a Pembroke Famous Pizza d/b/a change to Pembroke Francisco Pizza) except the signage. He is pending his health inspection and has applied for food permits and submitted his required certification to the Board of Health. Ms. Marino moved to approve the transfer application for Common Victualers license #CV-76 from Makram Pizza, Inc. d/b/a Pembroke Famous Pizza to N.Z. Pizza, Inc. d/b/a Royal Pizza at 125 Church Street. Mr. Brown seconded the motion. By roll call: 5/0 with Brown – yes, Coletta – yes, Marino – yes, Trabucco – yes and Rushing – yes.

RESUME: REQUEST FOR EXTENSION: LIVE ENTERTAINMENT, SOUNDCHECK STUDIOS

Mr. Trabucco stated that he supports extending the live entertainment permit on Friday and Saturday to 11:00 pm but would only support Monday and Wednesday as acoustic events only. Further discussion ensued. Ms. Marino moved to grant the request to extend the Special Outdoor Live Events Permit for Soundcheck Studios at 150 Corporate Park Drive on Friday and Saturday nights from 5:00 pm to 11:00 pm from August 19, 2021, to October 31, 2021, and on Sunday, September 12, 2021, from 5:00 pm to 11:00 pm. Mr. Brown seconded the motion. By roll call: 5/0/1 with Brown – yes, Marino – yes, Trabucco – yes, Rushing – yes and Coletta abstaining. Ms. Marino moved to allow outdoor acoustic music Monday and Wednesday from August 19th to September 10th to 10:00 pm as a trial period. Mr. Brown seconded the motion. By roll call: 5/0 with Brown – yes, Coletta – yes, Marino – yes, Trabucco – yes and Rushing – yes.

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7:30 PUBLIC HEARING: LIQUOR LICENSE TRANSFER REQUEST CVAA # 00038-RS-0960 FROM BAILEY SCOOTER ENTERPRISES, LLC d/b/a CHARLIE'S TOO! AT 825 WASHINGTON STREET TO BRAYMORE, INC. d/b/a THE BLACKSMITH, CHARLES SCHWEIGER, MANAGER

At 7:30 pm Ms. Marino moved to open the public hearing; Mr. Trabucco seconded the motion. By roll call: 5/0 with Brown – yes, Coletta – yes, Marino – yes, Trabucco – yes and Rushing – yes. Christopher Schweiger of Braymore, Inc. d/b/a The Blacksmith was present before the Board on his application for a Transfer of CVAA license 00038-RS-0960 and Common Victualer's license CV-08 currently located at 825 Washington Street held in the name of Bailey Scooter Enterprises, LLC d/b/a Charlie's Too!, James Spinale, Manager. This is the Charlie's Too! restaurant with few anticipated changes other than the kitchen remodel and expansion as approved by the Planning Board July 26, 2021. There are no additional changes to the layout or the exterior and no change in occupancy or parking is anticipated at this time. The complete Alcoholic Beverages Control Commission's CVAA application and required addenda has been submitted. Mr. Schweiger advised that the same occupancy of eighty people including the patio applies with plans for lunch and dinner seven days per week with brunch on Sunday. Mr. Schweiger is seeking full hours for the license (8:30-12:30 am Monday through Saturday and 10-12:30 am on Sunday) expecting to be open from 11am-11pm Monday through Saturday and from 10am-11pm on Sunday. They will have a scratch kitchen, eclectic wine list and craft beer. Ms. Rushing asked if there was anyone to speak in favor of the application. There was none. Ms. Rushing asked if there was anyone to speak in opposition to the application. There was none. Mr. Trabucco moved to close the public hearing. Mr. Brown seconded the motion. By roll call: 5/0 with Brown – yes, Coletta – yes, Marino – yes, Trabucco – yes and Rushing – yes. Ms. Marino moved to approve the application of Braymore, Inc. d/b/a The Blacksmith, Christopher Schweiger, Manager, for a Transfer of the Common Victualer's All Alcohol Beverages License 00038-RS-0960 currently exercised at 825 Washington Street, Pembroke, MA; premises consists of first floor restaurant with bar area, dining area and outdoor patio. Space also includes an 851 square foot basement area for storage and transfer the Common Victualer's license CV-08 as described. Mr. Brown seconded the motion. By roll call: 5/0 with Brown – yes, Coletta – yes, Marino – yes, Trabucco – yes and Rushing – yes.

VOTE ARTICLES FOR INCLUSION IN THE WARRANT FOR FALL SPECIAL TOWN MEETING

Mr. Chenard advised that nine articles have been submitted for inclusion in the fall warrant; two may be removed if circumstances warrant and one is a citizens petition article. Mr. Chenard stated article one funds snow and ice to close the budget, articles two and three may be unnecessary but are included at this time to fund unpaid bills and execute departmental transfers if needed but neither are anticipated to be necessary at this time. Article four includes emergent capital needs that need to be addressed before the next annual meeting and article five funds the three trust funds that were not funded at the annual town meeting. Article six was included by the School Committee to establish a Stabilization Fund for the purpose of supporting unanticipated and unbudgeted Special Education costs that might arise from year to year as precise Special Education funding is difficult to predict or project given that the changing nature of needs of mandated Special Education services, and especially for students in out-of-district placements that encumber tuition charges and transportation costs. Mr. Chenard advised that students with special needs periodically move into Pembroke after approval of the annual budget. Article seven is the CPC projects articles and article eight is an article to purchase land offered by a homeowner to acquire land adjacent to the cemetery for its assessed value. Finally, article nine is a citizens petition article that met the burden of submission with more than one hundred registered voters signatures. Mr. Trabucco moved to include all nine articles in the special town meeting warrant; Mr. Brown seconded the motion. By roll call: 5/0 with Brown – yes, Coletta – yes, Marino – yes, Trabucco – yes and Rushing – yes.

VOTE TO ACCEPT THE MINUTES OF JULY 21, 2021

Mr. Brown moved to accept the minutes of July 21, 2021; Ms. Marino seconded the motion. By roll call: 5/0 with Brown – yes, Coletta – yes, Marino – yes, Trabucco – yes and Rushing – yes.

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7:40 HERRING SUPERINTENDENT INTERVIEWS: WILLARD J. BOULTER, JR., GINO FELLINI, ARTHUR EGERTON

Ms. Rushing provided the format whereby each candidate would make an introductory statement, then the board will ask questions and each candidate will then have an opportunity to respond.

Mr. Boulter stated that he is the acting Superintendent and has served on the Commission for nine years, the last several as the Assistant Superintendent. He was a town employee for over fifty years serving on the Pembroke Police Department and many other committees within town. Mr. Boulter detailed the work performed by the Commission, the improvements he has made including implementing rules and regulations, job descriptions, work areas, tracking methods, stream work identification and more. He has worked closely with the wardens in other towns, the state through the Division of Marine Fisheries and Pembroke Conservation Commission. He expounded on the increase in fish and related the results to the work done to clear their passage through the streams.

Mr. Fellini stated that he has a keen interest and concern for nature. He stated that he is currently a Fisheries member and the Chairman of the Conservation Commission and has skills to build and repair the infrastructure with experience as a foreman and superintendent and a field operations manager. He stated that he is a hard worker, a good manager and someone who works well with others.

Mr. Trabucco asked how the candidate would change the organizational structure of the Herring Fisheries or would they keep it the same.

Mr. Boulter stated that the current structure took nine years to implement and perfect so he would not change it at this time beyond reviewing it for improvement.

Mr. Fellini stated that he would share information more and get more people involved and use it as a teaching experience. He stated he would delegate work and let people who know how to do this work have priority.

Ms. Marino asked what the candidate's priority would be if chosen as Superintendent.

Mr. Boulter stated that he would reorganize the Commissions current structure and ensure an Assistant Superintendent and Safety Officer as laid out in the rules were in that position or would apply for that position, allowing the group to come back together again as a whole because the work must continue.

Mr. Fellini stated that he would work to make repairs to the system and has provided a list of projects he would like to see implemented.

Mr. Brown asked what each candidates goals were for the Fisheries and asked if there was anything that the candidate would do regarding past rules and regulations at the state or federal level, that could make Pembroke different compared to other towns.

Mr. Boulter stated that he would change the name and assign warden status as the other communities in the state have, allowing the wardens to ticket and enforce violations of statute concerning the fish; the police department cannot do much to protect the population and a fisheries warden can.

Mr. Fellini concurred with Mr. Boulter's assessment of needing wardens and stated that the best that can be done is to get the conditions for the fish to the best possible degree that you can, so they have clear passage through the stream, including removal of obstructions. He referred to ongoing pond treatments and stated that the DEP NOI form does not have a checkbox on an extension to notify DMF.

Ms. Coletta asked how the candidates would select other commission members and recruit volunteers.

Mr. Boulter stated that the last two members that the Board appointed were volunteers first and for several years. Mr. Boulter stated that he maintains a volunteer list and calls the list to involve as many interested people as possible when appropriate.

Mr. Fellini stated that the members on the Commission now are good, and he hopes they stay on.

Ms. Rushing asked what the candidates see as the best way to move forward to have the board come together to work together and recruit younger people.

Mr. Boulter described the work of the Junior Fisheries Commissions and the work done by former member Brendan Mosier, PPS teacher, to involve students and boy scouts in the Junior program.

Mr. Fellini discussed work Conservation Commission and Open Space is doing to improve the grounds of the park at length.

Ms. Coletta asked the candidates to discuss how they can work together with the current Commissioners so the town benefits from the experience of both candidates.

Mr. Boulter stated that he will work with anyone, and he has a proven track record of working with the

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residents, with other boards and committees, with the state and federal agencies; he has trained the current members as the longest serving member, and he looks forward to the work continuing.

Mr. Fellini stated that he works well with the DMF and is a quick study and will work to learn, experiment and be prepared for conditions and how to react to them. Ms. Rushing opened the floor to public comment. Mr. Madden recommended Mr. Fellini for appointment as did Mr. Boidi. Mr. Brown moved to appoint Willard J. Boulter Jr. as Herring Fisheries Superintendent; Mr. Trabucco seconded the motion. By roll call: 4/1 with Brown – yes, Coletta – yes, Marino – yes, Trabucco – yes and Rushing – no.

DISCUSSION AND POSSIBLE VOTE: CPCWDC SAMPLING AND ANALYSIS PLAN PUBLIC COMMENT

Mr. Chenard advised that the Central Plymouth County Water District Commission has requested public comment on or before August 20th on their Draft Sampling and Analysis Plan for the Silver Lake Quality Monitoring Project. Mr. Chenard recommends that the town request that the test results of these samples of Silver Lake, its tributaries and supporting water bodies sent to the town once developed. Mr. Trabucco moved to submit the Town Manager's remarks to the CPCWDC and Ms. Marino seconded the motion. By roll call: 5/0 with Brown – yes, Coletta – yes, Marino – yes, Trabucco – yes and Rushing – yes.

BOARD LIAISON UPDATES

Ms. Marino stated that the School Committee voted last night to follow DESE guidance recommendations with masks still required on the school buses as are all modes of transportation.

TOWN MANAGER'S REPORT

Police Chief

In accordance with Massachusetts Civil Services rules, Mr. Chenard has promoted Richard MacDonald to Police Chief.

COVID Updates - Pembroke Cases: in June: 2. In July: 17. To date in August: 41

<u>Age Group</u>	<u>Population</u>	<u>Fully Vaccinated</u>	<u>Per Capita</u>
12-15 Years	986	392	40%
16-19 Years	1,025	658	64%
20-29 Years	2,146	1,356	63%
30-49 Years	4,556	2,972	65%
50-64 Years	4,634	3,384	73%
65-74 Years	1,785	1,566	88%
75+ Years	1,037	876	85%
Total		11,204	60%

Recycling Center

The Recycling Center will close at noon on Sept 18th to allow for the set up of the fireworks display for Pembroke Celebrates.

Construction Updates – Route 36

Contractors are onsite this week to complete the insertion valve work, which includes the 16-inch insertion valve at the intersection of Elliott Ave and completing the tap at the intersection of Cranberry Road. They also plan to install the two 16" x 8" tapping sleeve and valves at Lady Slipper Circle, time permitting. Water service transfers will continue throughout the week. Work will continue north on Center Street.

Construction Updates – Route 53

From 8/9 to 8/20 there will be milling; from 8/23 they will adjust the castings and prep driveway aprons with paving is scheduled for after Labor Day.

Town Landing Project

The phase 1 building work is nearly complete. The water and septic service lines are installed. The building exterior is complete with doors installed. The floor has been poured. The poured in place rubber matting is still pending install this season.

Community Center – We have received 23 requests for the Owners Project Manager RFQ. Very good news that indicates there is still competition for public projects. Borrowing is on schedule to be presented to the Board for approval at the September 15th meeting. Rates remain competitive, with a small uptick this week.

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Ms. Marino requested an update on the Lage property demo phase; Mr. Chenard stated that DigSafe is pending so the demolition is imminent.

COMMUNITY COMMENT

Ms. Cannone asked about social media posts from the last meeting indicating that there was a safety concern after the meeting in the parking lot at Town Hall; Ms. Rushing stated that she did not feel unsafe but was grateful to those who expressed concerns for her safety. Mr. McMahon asked if the DEI Committee members appointed will be a matter of public record; Ms. Rushing advised that the appointments will take place in an open meeting.

At 9:10 pm, Ms. Rushing read the upcoming issues from the agenda. Ms. Rushing stated that she would like an agenda item for the Board to discuss their individual goals for the year. Mr. Brown wished the Coast Guard a happy 231st birthday. Ms. Marino moved to adjourn; Mr. Brown seconded the motion. The vote was unanimously in favor.

MATERIALS & EXHIBITS

Live Entertainment Application: A. Herman, Soundcheck Studios (TM Office)
Common Victualer's License Transfer Application, N. Saleeb, Royal Pizza (TM Office)
Liquor License Transfer Application; C. Schweiger of Braymore, Inc. d/b/a The Blackstone (TM Office)
Draft Special Town Meeting Warrant (TM Office)
Draft Minutes of July 21, 2021 (TM Office)
Draft Sampling and Analysis Plan, CPCWDC (TM Office)
Letter of Interest, Recommendations W. Boulter (TM Office)
Letter of Interest, Memo of Projects G. Fellini (TM Office)