

**MINUTES OF THE SELECT BOARD MEETING
SEPTEMBER 15, 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), Kathleen McCarthy (Treasurer-Collector), Ken McCormick (Fire Chief), Arthur P. Boyle, Jr., Carly Levy, Patricia Pflaumer, Linda Peterson, Robert DeMarzo, Dana Bean, Dale Harrison, Donna Cannone, Don Bryant, Carol Dodge, Vincent Cogliano, Mark Ames, Karen Ames, Debbie VanRiper, 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.

TREASURER-COLLECTOR KATHLEEN MCCARTHY: VOTE TO AWARD BOND SALE, ISSUANCE

Ms. Coletta moved that the Select Board vote, in order to reduce interest costs, that the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all of the Town's \$3,090,000 General Obligation Municipal Purpose Loan of 2008 Bonds dated July 15, 2008 maturing on July 15 in the years 2022, 2025 and 2028 (collectively, the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium, if any, and interest on the Refunded Bonds and costs of issuance of the refunding bonds; and further vote that the sale of the \$21,065,000 General Obligation Municipal Purpose Loan of 2021 Bonds of the Town dated September 23, 2021 (the "Bonds"), to Fidelity Capital Markets, a Division of National Financial Services LLC at the price of \$23,186,008.34 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on July 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2022	\$1,250,000	5.000%	2034	\$720,000	2.000%
2023	1,145,000	5.000	2035	720,000	2.000
2024	1,135,000	5.000	2036	720,000	2.000
2025	1,135,000	5.000	2037	720,000	2.000
2026	1,130,000	5.000	2038	720,000	2.000
2027	990,000	5.000	2039	720,000	2.000
2028	935,000	5.000	2040	720,000	2.125
2029	885,000	5.000	2041	720,000	2.125
2030	885,000	5.000	2042	700,000	2.250
2031	875,000	4.000	2044	1,400,000	2.250
2032	720,000	4.000	2046	1,400,000	2.375
2033	720,000	3.000			

And further vote that the Bonds maturing on July 15, 2044 and July 15, 2046 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows: Term Bond due July 15, 2044, year 2043 amount \$700,000, year 2044 at final maturity \$700,000; Term Bond due July 15, 2046, year 2045 \$700,000, year 2046 at final maturity \$700,000; And further vote that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated August 31, 2021, and a final Official Statement dated September 9, 2021 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. Further to vote that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement. Further to vote to authorize the execution and delivery of a Refunding Escrow Agreement to be dated September 23, 2021 between the Town and U.S.

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Bank National Association as Refunding Escrow Agent. Further vote that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time. Further vote that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws. Further vote that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures. Further vote that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. Mr. Brown seconded the motion. The vote was unanimously in favor.

FIRE CHIEF KEN MCCORMICK: REQUEST FOR VOTE OF INCREASE AMBULANCE FEES

Chief McCormick was present before the Board on a request to increase ambulance rates effective October 1, 2021, to reflect increases in the rates of nine surrounding towns effective July 1, 2021 and resulting equipment and medical supply increases as a result of COVID-19. Current rates are: BLS \$1,519; ALS1 \$1,800; ALS 2 \$2,600, 29 cents/mile. Mr. Chenard stated that he recommends the increase to ALS1 to \$2,070, ALS2 to \$2,990 and increase mileage to 33 cents/mile. Ms. Coletta moved to increase the ambulance fees for Advanced Life Support 1 from \$1,800 to \$2,070, Advanced Life Support 2 from \$2,600 to \$2,990 and driving mileage from 29 cents per mile to 33 cents per mile effective October 1st. Ms. Marino seconded the motion. The vote was unanimously in favor.

RECOMMENDATION OF PLANNING BOARD: APPOINT STEPHAN ROUNDTREE AS PUBLIC SAFETY BUILDING COMMITTEE REP

Mr. Trabucco moved to accept the Planning Board's recommendation that the Select Board appoint Stephan Roundtree as their representative to the Public Safety Building Committee. Ms. Marino seconded the motion. The vote was unanimously in favor.

RECOMMENDATION OF PLANNING BOARD: APPOINT ALYSHA SICILIANO-PERRY AS OCPC ALTERNATE REP

Mr. Trabucco moved to accept the Planning Board's recommendation that the Select Board appoint Alysha Siciliano-Perry as their representative as Alternate to the Old Colony Planning Council, term to expire 2023. Mr. Brown seconded the motion. The vote was unanimously in favor.

RECOMMENDATION OF ZBA: APPOINT LOUIS CHRISTIAN CARPENTER, 25 STETSON HEIGHTS RD AS ZONING BOARD ALTERNATE

Ms. Marino moved to appoint Louis Christian Carpenter of 25 Stetson Heights Road as an alternate member of the Zoning Board, term to expire June 30, 2024. Mr. Brown seconded the motion. The vote was unanimously in favor.

REQUEST FOR APPOINTMENT: ARTHUR BOYLE, 82 WOODBINE ROAD TO TOWN LANDING COMMITTEE

Ms. Marino moved to appoint Arthur Boyle to the Town Landing Committee, term to expire 2021. Mr. Brown seconded the motion. The vote was unanimously in favor.

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APPLICATION FOR ONE DAY SPECIAL LIQUOR LICENSE, MGL C.138 §14: PEMBROKE RTC ON OCTOBER 23 AT 116 CENTER ST

Ms. Marino moved to approve the request of the Pembroke Republican Town Committee for a One Day Liquor License under MGL c.138 §14 to serve wine and malt beverages from 6:00 pm to 9:00 pm on October 23, 2021, at 116 Center Street; Mr. Brown seconded the motion. The vote was unanimously in favor.

BOARD LIAISON UPDATES

Mr. Brown attending the Council on Aging meeting earlier this evening wherein the COA Director reported that 2,000 Meals on Wheels were delivered in July and August, dance classes start Friday and run for the next six weeks; a joint Fitness Friday program with the Recreation Department begins this Friday; Grief Support group resumes meeting on first and third Wednesdays of the month; flu clinics begin October 7th and a monthly Veterans Coffee event began yesterday. Ms. Coletta stated that the Planning Board has begun speaking about the Master Plan Committee and interested residents should reach out to the Planning Board Assistant or Chair for more information. Ms. Marino stated that she has spoken with Samantha Woods of the NSRWA, and they await news concerning their grant application.

TOWN MANAGER'S REPORT

General Update

Beaches are still open with no lifeguards on duty, so any swimming is at your own risk. Pembroke Celebrates with Fireworks display is Saturday September 18 from 5:00 pm to 8:30 pm at the Pembroke High School complex with the Recycling Center closing at noon that day to accommodate the setup. The town's financial audit has begun and results will be shared with the Board at its conclusion. The Community Resiliency Building workshop will be held on October 6, 2021 at the Pembroke Library.

COVID-19 Update

Mr. Chenard stated that 218 residents have completed their vaccination cycle since the last meeting, bringing the town's vaccination rate to 62%. There were 51 cases of COVID-19 positivity reported month to date in September; Mr. Chenard will monitor cases and surrounding towns actions going forward.

7:30 PUBLIC HEARING: GLENN MILLER, MILLER CLASSIC MOTORCARS, LLC: NEW CLASS II USED AUTO SALES LICENSE TO BE EXERCISED AT 246R WASHINGTON STREET, NO OUTSIDE STORAGE AND NO OUTSIDE DISPLAY

At 7:30 pm, Ms. Coletta moved to open the hearing for a new Class II Used Auto Sales license for Glenn Miller of Miller Classic Motorcars, LLC and, as the applicants was not present, moved to continue the hearing to 8:00 pm. Ms. Marino seconded the motion. The vote was unanimously in favor.

TOWN MANAGER'S REPORT (cont'd)

Construction Updates

Route 36 domestic water service transfers to the new main continue, with the contractor is doing a great job; currently, work is located between Mill Street and is moving toward the center. Route 53 paving by MassDOT started last night and will continue evenings from 8:00 pm to 5:00 am with daytime work addressing clean up.

Playground Updates

Birch Street playground will be repaired and reopened shortly; however, Mattakeesett Street playground's contractor for playground equipment has further delayed the installation of the apparatus to November which has precipitated the town seeking alternative options.

Community Center Update

Owner's Project Manager interviews have been held and a joint meeting with prospective OPM and BH&A will be scheduled shortly with a presentation to the Board including design timelines plans in October.

Library Director Search

Ms. Marino is on the Search Committee with two Trustees, and they have narrowed the pool of candidates. Mr. Chenard was asked to support the Committee with salary survey data and final interview participation.

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JAMIE LAGZDINS FOR TRINITY SOLAR: DOOR TO DOOR SOLICITATION PERMIT APPLICATION 90 DAYS, MON-SAT, NOON TO DUSK

Ms. Rushing stated that the applicant reached out and is unavailable this evening.

COMMUNITY COMMENT

Maureen Jaycie was present to ask the Board to strongly consider allowing residents to make their own decisions regarding masks. Patrick Chilcott was present to thank all volunteers and raise concerns that the town is more divided now than before the Committee composition was raised. Discussion ensued on the benefits and drawbacks of proceeding with sitting the Committee at this time. Mr. Trabucco read a letter received by Kimberly and David Norman. "Madam Chair and Members of the Select Board: Please appreciate the critical difference and line between diversity of ideas and subterfuge. It should be clear (or at least of some concern) that there may be an active attempt to undermine and obstruct the important mission of the Diversity Equity & Inclusion Committee ("DEIC"). There are applicants for the DEIC, who signed the Citizens Petition "to oppose the creation of a Diversity, Equity, and Inclusion Committee," but who now claim to have changed their minds. To remain in consideration, these applicants should be willing to: 1. Publicly retract their support for the Citizen's Petition before the Select Board; 2. Pledge to speak and vote against the Citizen's Petition at Town Meeting. 3. Pledge to cease their opposition to the DEIC on social media and in other communications? Thank you again for your time and consideration. Respectfully Submitted, Kristin Norman & David Norman". Ms. Rushing read a letter by Dale Harrison. "To the Pembroke Selectboard: I am unable to attend the meeting this evening, and would like these comments regarding the meeting on Wednesday Sept 1. read into the record. First, I applaud the selectboard for an impressive job of reconfiguring and rebalancing the public safety committee. The volunteer applicants introduced themselves, answered your questions, and all applicants were accepted, including one who was unable to attend. As for the DEI committee-, the first applicant spoke and answered questions. When I was called, to the podium, I was challenged immediately regarding my decision to volunteer, and secondly about my legal right to petition, used when elected officials are not listening. We have been assured by the chair that the DEI committee would be balanced; a mixture of individuals representing diversity, including diversity of thoughts and ideas. This was clearly demonstrated not to be the case. As to the petition, this is an important agenda and should be decided by a vote at town meeting. The chair stated her challenge questions had been cleared and approved by Boston. This is not Boston, it is Pembroke. My concern is not about Boston, it is about Pembroke-clearly an agenda is being pushed here. The opposition to this DEI committee is not due to bigotry or racism, rather the concern is what this committee will morph into over the years without clearly defined and measurable goals. Pembroke is a town filled with hardworking and decent people, and unfortunately there will always be a few among us who do not behave as good human beings-this cannot be legislated. Finally, the chair of the BOS has made many social media posts of late which are untruthful and an embarrassment to Pembroke. At the last BOS meeting, the statement was made that "this is not Nazi Germany", an obvious reference to a regime where free thinking and speech were not permitted. This comment was NOT an ethnic slur, as the regime in question targeted Jews, Catholics, the disabled, blacks, gypsies, gays and many others. The Chair's claim that she was called a Nazi is not true. Claiming intimidation "each time those who oppose the creation of the DEI committee attend a meeting" is also untrue. Using the above statements to claim victimhood is conduct unbecoming of an elected official. This victim mentality needs to end. Pembroke needs elected officials who will bring us together as a community, not divide and label us to create further division. Respectfully; Dale Harrison".

7:30 PUBLIC HEARING: GLENN MILLER, MILLER CLASSIC MOTORCARS, LLC: NEW CLASS II USED AUTO SALES LICENSE TO BE EXERCISED AT 246R WASHINGTON STREET
At 8:15 pm, Ms. Coletta moved to continue the public hearing for a new Class II Used Auto Sales license for Glenn Miller of Miller Classic Motorcars, LLC to September 29th. Mr. Trabucco seconded the motion. The vote was unanimously in favor.

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VOTE EMINENT DOMAIN ORDER OF TAKING OF EASEMENTS, ROUTE 36
REHABILITATION PROJECT

Mr. Chenard advised that abutters to MassDOT project who will be impacted with easements during execution of the Pembroke Route 36 Rehabilitation Project from Elliot Avenue to School Street (Route 27) were notified by the town with appraisals, offer letters, maps and descriptions of the affect that the project will have on their property. This evening the Board is being asked to vote execute an Order of Taking to take, by eminent domain, for roadway, sidewalk, drainage, utility and related purposes and for the purpose of undertaking this Center Street (Route 36) Rehabilitation Project so that the project may move forward. There are 161 total easements, of which fifty are utility easements, seven are sidewalk easements, five are permanent wall easements and ninety-nine are temporary easements. Mr. Trabucco moved pursuant to the vote taken under Article 15 of the May 14, 2019 Annual Town Meeting, to execute an Order of Taking to take, by eminent domain, for roadway, sidewalk, drainage, utility and related purposes and for the purpose of undertaking the Center Street (Route 36) Rehabilitation Project, the land and the permanent and temporary easements set forth in the Order of Taking in, on, and under the parcels of land shown on a plan of land entitled: "Easement Plan Route 36 Pembroke, MA" dated September 14, 2021, and prepared by Design Consultants, Inc. and identified in Exhibit A of said Order of Taking, and to award damages for said taking in the amounts set forth in Exhibit B of said Order of Taking, and further, to authorize Town Counsel to update Exhibit A following a title rundown. Mr. Brown seconded the motion. The vote was unanimously in favor.

REVIEW APPLICATIONS, POSSIBLE INTERVIEWS AND VOTE: DIVERSITY, EQUITY AND INCLUSION COMMITTEE

Carly Levy was present before the Board on her application for appointment; she stated she has been a resident for eleven years and is a professor of public health at the Mass College of Pharmacy and Health Sciences. Ms. Levy stated that she is on the Recycling Committee and has coached several youth sports teams in an effort to serve the town. Ms. Levy spoke to related experiences that would benefit the Committee. Ms. Rushing asked if Ms. Levy supports the creation and mission of the Committee and Ms. Levy affirmed her support. Patricia Pflaumer was present before the Board on her application for appointment. Ms. Pflaumer stated she has been a resident since 2006, moving here from Weymouth. She is a retired high school teacher with over twenty years of experience applying equity and inclusion in diverse populations. Ms. Rushing asked if Ms. Pflaumer supports the creation and mission of the Committee and Ms. Pflaumer affirmed her support. Ms. Rushing stated that the appointments should be tabled until the final four candidates have an opportunity to attend the next meeting. No one demurred.

At 8:40 pm, Ms. Rushing read the upcoming issues from the agenda. Ms. Coletta moved to enter executive session under MGL c.30A, Sec. 21 (1) to discuss complaints brought against a public official – Open Meeting Law complaint filed against the Select Board and (6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; request to waive right of first refusal on 58 West Elm St (B10-3) on four acres of the sixteen acre parcel (c.61A §14). Ms. Rushing declared it to be so, with the Board returning to Open Session at the conclusion of this executive session. Mr. Trabucco seconded the motion. By roll call vote; Brown – yes, Coletta – yes, Marino – yes, Trabucco – yes, and Rushing – yes.

VOTE REGARDING REQUEST TO WAIVE RIGHT OF FIRST REFUSAL, 58 WEST ELM STREET (B10-3)

Mr. Chenard advised that the homeowner at the address is selling a quarter of the parcel, four acres of sixteen, at the rear of the parcel to the golf course which shouldn't affect the farmhouse at the front. John Mahoney of Plymouth asked how much sale amount is listed; Mr. Chenard stated \$400,000. Ms. Coletta moved that the town waive its Right of First Refusal with respect to the land located at 58 West Elm Street parcel ID# B10-3, this is the sale of four acres of sixteen acres, its being noticed under MGL c.61A §14 for intent to use that portion of their real property for purposes other than farmland, and moves that the Board

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waive our right of first refusal with respect to that property based on this proposed purchase and sale agreement. Mr. Trabucco seconded the motion. The vote was unanimously in favor.

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

MATERIALS & EXHIBITS

Bond motion, K. McCarthy (Treasurer/TM Office)

Planning Board memo, M. Heins RE: Appointment S. Roundtree, A. Siciliano-Perry (Planning/TM Office)

Email, A. Boyle RE: Requested Appointment Town Landing (TM Office)

Application for One Day Liquor License, J. Scholl (TM Office)

Correspondence, Town Counsel S. Everett RE: Rt 36 Easements (TM Office)

DEI Applications: Nashawaty, Connaughton, Levy, Pflaumer (TM Office)