

**MINUTES OF THE SPECIAL SELECT BOARD MEETING
MAY 18, 2022**

PRESENT: Daniel W. Trabucco (Chairman), Tracy Marino (Vice-Chairman), John G. Brown, Jr. (Clerk), Rebecca Coletta (Selectwoman), Steven Ciciotti (Selectman), William Chenard (Town Manager), Lisa Cullity (Health Agent), Jeffrey Tocchio, William O'Connell, Robert Silva, Dana Bean, Margaret Struzik (Town Clerk), David Boyle, Mark Ames, Karen Ames, Stephen Curley, Broke Musial, Mike Quinn, Linda MacDonald, Sarah MacDonald, Susan Runne, Elin Flashman, Deb Flanagan, Vicky Panacy, Art Egerton, Sabrina Chilcott (Assistant Town Manager), and others.

At 7:00 pm Mr. Brown opened the meeting with the Chairman's statement.

7:00 PUBLIC HEARING: TAVERN AT PEMBROKE COUNTRY CLUB REQUEST FOR CVAA (LIQUOR) LICENSE TRANSFER AT 94 WEST ELM ST, ROBERT SILVA, MANAGER

Mr. Brown opened the public hearing and read the advertisement into the record. Jeffery A. Tocchio of Drohan, Tocchio and Morgan was present on behalf of Tavern at Pembroke Golf, LLC d/b/a Tavern at Pembroke Country Club, Robert Silva, Manager who have applied for a transfer of CVAA (All-Alcoholic Beverages Liquor Service) License and Common Victualer's License exercised at 94 West Elm Street and held in the name of Pembroke Hospitality Group, LLC d/b/a Pembroke Country Club. They are requesting a transfer of the complete package, including Common Victualer, Live Entertainment and Sunday Entertainment Licenses. This is Pembroke Country Club, the clubhouse, proshop, function hall and greens. There are no additional changes to the interior layout; there are possible future changes for the layout of the first hole with no change in occupancy or parking anticipated. There are no changes to the existing function or use of the facilities. Mr. Brown advised that the town is in receipt of the complete Alcoholic Beverages Control Commission's CVAA application and required addenda and the Common Victualer's License application. Ms. Marino moved to approve the application of Tavern at Pembroke Golf, LLC d/b/a Tavern at Pembroke Country Club for a Transfer of Common Victualer All Alcoholic Beverages license # 00059-RS-0960 from Pembroke Hospitality Group d/b/a The Pembroke Country Club as exercised at 94 West Elm St and described as "premises consists of 18 holes of the golf course; 6,200 s.f. clubhouse grille with kitchen, bar/lounge area, patio area, function room 2 restrooms on first floor; a 16,000 s.f. clubhouse with first floor office, ballroom, service bars, bridal room, kitchen and two restrooms; second floor 3,150 s.f. with function room, service bar, bridal room, kitchen and restrooms; 160 s.f. deck off pro-shop; snack shack, gazebo and lawn area for tents for functions, events and tournaments." And to further transfer Common Victualer's license CV-24 and Live Entertainment license #LE-6 for Mondays through Saturdays in 2022 from 10:00 am to 12:00 am for live entertainment, live bands with vocalists and DJs and Sunday Entertainment License for Sundays in 2022 from 10:00 am to 12:00 am as previously described. Ms. Coletta seconded the motion. The vote was unanimously in favor. Mr. Trabucco moved to close the public hearing; Ms. Coletta seconded the motion. The vote was unanimously in favor.

REORGANIZATION OF THE BOARD

Mr. Brown asked for nominations for Chair. Ms. Marino nominated Dan Trabucco. Ms. Coletta nominated John Brown. Mr. Brown declined the nomination. The vote was 4/0/1 in favor with Ms. Coletta abstaining. Mr. Trabucco asked for nominations for Vice Chair. Mr. Brown nominated Tracy Marino; the vote was unanimously in favor. Mr. Trabucco asked for nominations for Clerk. Ms. Marino nominated Mr. Brown; the vote was unanimously in favor.

VOTE TO APPROVE ONE DAY LIQUOR LICENSE: AESTHETICS EDUCATION

Ms. Marino moved to approve the request of Kristina Borelli of Aesthetics Education d/b/a Skin Design Aesthetics for a One Day Liquor License under MGL c.138 §14 to serve beer and wine from 5:00 pm to 8:00 pm on June 3, 2022 at 31 Schoosett St Unit #202. Mr. Brown seconded the motion. The vote was unanimously in favor.

REQUEST FOR APPOINTMENT TO TOWN LANDING COMMITTEE: MARY DELMONICO

Ms. Coletta moved to appoint Mary Delmonico to the Town Landing Committee vacancy, term to expire 2025. Ms. Marino seconded the motion. The vote was unanimously in favor.

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VOTE CANDIDATES FOR REAPPOINTMENT TO BOARDS/COMMITTEES

Mr. Trabucco read the names of individuals that have requested reappointment to listed Board, Committee or Commissions and their new terms. Mr. Brown moved to reappoint the candidates as presented to their boards to a term to expire 2025. Mr. Ciciotti seconded the motion. The vote was unanimously in favor. Mr. Brown moved to reappoint the candidates as presented to their boards to a term to expire 2023 and Ms. Marino seconded the motion. The vote was 4/0/1 with Ms. Coletta abstaining.

TOWN MANAGER'S REPORT

Mr. Chenard updated the Board on the culvert collapse at Congress Street between house numbers 18 and 36; engineers are reviewing a plan for replacement and he will provide further updates when more information is known. The portion of the roadway that is closed makes it no longer a through way; Congress Street is open for travel and access between Old Washington Street and #18 Congress Street, and between #36 Congress Street and Washington Street. Discussion ensued on potential funding options once costs are known including state and other funding options. Mass DEP has declared a Drought Advisory Status of Level One for the Pembroke and, as a result, state mandated restrictions for water use are in effect. Details can be found on the website at: <https://www.pembroke-ma.gov/home/news/level-one-drought-declared-watering-restrictions-announced>.

LIAISON UPDATES

Ms. Coletta stated that the OCPC notified the town that they are working on a road safety audit on Route 139 originally from the North River Plaza but they have agreed to extend the audit down to Water Street.

New Business

Mr. Trabucco advised that this meeting is a special meeting outside the regularly scheduled meetings to comply with MGL c.138 §2-12 to hear a liquor license transfer application, and he is requesting that the DEI Committee be invited to attend the meeting on March 25 to provide an update and have a discussion of the Committee. Additionally, there will be an opening discussion on the Community Center project so information can be shared with the public over time.

Discussion of Town Meeting

Health Agent Lisa Cullity was present to provide an update from the Board of Health. Deb Flanagan distributed a printout of a social media post to the Board members. Ms. Cullity stated that the town has received a multitude of calls of varying concern unrelated to any one event about current COVID protocols and there appears to be confusion about them. Ms. Cullity advised that Massachusetts has regulations that are more stringent than the CDCs; under Mass DPH Covid-19 isolation and quarantine guidelines, if someone tests positive for Covid-19, the expectation is that they will isolate for five days. That individual is able to move about in public after day five if symptoms are vastly improved or they are asymptomatic provided they wear a mask from day six through day ten. If the individual is unable to wear a mask, they must continue to isolate through day ten. The state has discontinued contact tracing, but general notifications are still provided after every large event so vaccinated individuals can monitor for symptoms and test for Covid if they appear. Tests are available at no charge at town hall. Unvaccinated individuals are expected to quarantine and test on day five and respond accordingly. Cases being tracked and reported are cases entered into MAVEN after testing at a physicians office, not home tests. Ms. Cullity concluded by stating that the office is available to speak with anyone who has specific concerns or scenarios that require an individual analysis. Mr. Trabucco stated that there will be a broader discussion next week during the regular meeting. Mr. Chenard discussed the outcome of the votes of town meeting; turnout was good, but it could have been higher. There were fifteen articles on the annual warrant and two on the special warrant. \$10,496 was appropriated by article one to fund the pay plan; the general fund operating budget of \$70,201,153 was voted under article two; article three approved \$2,620,947 to be appropriated to the water enterprise budget; article four was approved to appropriate \$2,223,217 to the solid waste enterprise fund; article six appropriated \$1,770,760 for capital improvements; trust fund transfers were approved for \$450,000; and CPA fund allocations and revolving fund limits were approved. Collective bargaining agreements were approved for \$119,100; Lisa's Lane was accepted as a town way; the zoning amendment that was proposed failed; the Community Preservation

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funded projects were approved for a total of \$214,580; the annual reports and town election slate were accepted and the Community Center supplemental funding of \$2,600,000 request was not approved. On the special, departmental transfers for FY22 were approved in the amount of \$76,377 which primarily dealt with rising fuel costs. Under article two, the current collective bargaining agreement was funded for \$27,212. Mr. Trabucco advised that the Board has received complaints in with their materials tonight and they will review them over the next week and bring them up at the meeting of May 25. Discussion ensued on the public comment policy and whether or not public comment is allowed under Open Meeting Law without either the segment or a specific topic being posted to an agenda. Mr. Brown stated that the policy was written with the intent of allowing public comment for the residents to be heard; Ms. Marino stated that the policy doesn't prohibit public comment from occurring, but it sets limits and boundaries on what actions would be taken by the Board and allows the Chair to exercise discretion in allowing it or not. Ms. Marino stated that public comment is recommended to be submitted by Friday if Board action is requested, but that comment is not required to be submitted in advance. Ms. Coletta stated that substantive discussion is required to be noticed through the public meeting agenda with some specificity if it is known in advance of the meeting. Mr. Ciciotti asked if the OML language prohibits public comment or constrains the actions the board can take. Mr. Trabucco stated that he intends to allow the public to speak but the board will not deliberate or take action if the item is not on an agenda. Mr. Robert DeMarzo stated that the Open Meeting Law (OML) pertains to the Board and not to the public when they speak. The Town of Plymouth allows any individual to rise and speak, and the Board has a policy whereby they say nothing and do not respond; they are not expected to respond, they just listen, which doesn't violate the OML. Further discussion ensued. Mr. Trabucco requested that a review of complaints received regarding town meeting's potential Covid exposure be placed on the next regular meeting agenda on May 25. Ms. Panacy asked if the Board would consider moving the meeting if the anticipated crowd was larger as the room is crowded and very warm.

At 8:15 pm, Mr. Trabucco read the upcoming issues. Ms. Marino moved to adjourn; Mr. Brown seconded the motion. The vote was unanimously in favor.

MATERIALS & EXHIBITS

Complete ABCC and Supplemental Applications for License(s) Transfer, J. Tocchio (TM Office)
One Day Liquor License Application, Skin Design Aesthetics (TM Office)
Vacancy Application, M. Delmonico (TM Office)