

**MINUTES OF THE SELECT BOARD MEETING
MAY 3, 2023**

PRESENT: Daniel W. Trabucco (Chairman), Tracy Marino (Vice Chair), John G. Brown, Jr. (Clerk), Rebecca Coletta (Selectwoman), Steven Ciciotti (Selectman), William Chenard (Town Manager), Jared Valanzola (Plymouth County), Sandra Wright (Plymouth County), Steve Dodge (Moderator), Linda Peterson, Fraser Townley, Julie Caruso, and others.

At 6:30 pm Mr. Trabucco opened the meeting with the Chairman's statement. Ms. Marino announced that the fish fry was on Sunday, May 7 at the Herring Run. Mr. Chenard stated that there had been over 400,000 herring counted as of May 3.

SCHEDULED APPOINTMENT: PLYMOUTH COUNTY TREASURER TOM O'BRIEN: PRESENTATION OF ARPA FUNDS

Ms. Sandra Wright and Mr. Jared Valanzola were present to present a \$130,000 check to the Town for ARPA funds. Ms. Wright thanked the board and the Town Manager as well as the legislative body for their support. Mr. Valanzola reviewed the previous CARES Act program that the County had previously administered. Mr. Valanzola thanked Ms. Coletta for her service to the Town of Pembroke. Mr. Trabucco thanked the Plymouth County Commissioners for their service on behalf of the Town of Pembroke. Discussion ensued regarding what the received funds were to be used for. Ms. Coletta noted that the county had created websites for CARES and ARPA funds that the public could review to see funding.

SCHEDULED APPOINTMENT: COLONIAL POWER GROUP: PRESENTATION, PROCESS, AND VOTE RE: MUNICIPAL AGGREGATION

Mark Cappadona and Denise Allard presented for Colonial Power. Mr. Cappadona reviewed the savings for the Town of Pembroke through municipal aggregation over the current contract. Mr. Cappadona credited the town for thinking ahead and securing lower rates over the past three years through November 2023. He noted that the current bid for 36 months is about \$0.14. He recommends a twelve- or twenty-four-month term in the hope that the market will come down. Mr. Cappadona requested that the board allow the Town Manager to enter a contract on behalf of the town. Mr. Trabucco asked Mr. Cappadona to review what municipal aggregation was for the public. Mr. Cappadona gave a brief history of Pembroke's municipal aggregation plan. Mr. Cappadona reviewed each product that was available to residents, with each product being greener. Ms. Coletta made a motion to authorize the Town Manager to enter a municipal aggregation agreement with Colonial Power for rates in or around \$0.15/kwh for basic service or the default product for terms up to 36 months, Mr. Brown seconded, the motion passed unanimously.

SCHEDULED APPOINTMENT: TOWN MODERATOR AND ADVISORY COMMITTEE: TOWN MEETING PROCESS DISCUSSION

Mr. Dodge and Advisory Chair Linda Peterson were present. Mr. Dodge advised the public that the meeting would be held May 9 at 7pm at Pembroke High School. He stated that the Clerk was utilizing electronic check-ins so that the process would be much quicker. He stated that Steve Curley would be on hand as the Deputy Moderator in the cafeteria, which was to be used for overflow. Mr. Dodge reviewed the process of standing votes. He reviewed the warrant articles with the board and Advisory Chair, Linda Peterson, and noted which committee was making each motion. Mr. Dodge discussed what would happen if the public safety building article passed or failed at the town meeting and what it would mean for the ballot question depending on the outcome of the article at town meeting. Mr. Dodge concluded this discussion by reviewing the special within the annual town meeting warrant. Mr. Trabucco clarified that if a secret ballot were to take place, the 'yes' cards and 'no' cards should be placed into the same box. Mr. Dodge agreed. Mr. Brown noted that he wanted residents utilizing the closed captioning to have time to read the proceedings fully before a vote was taken. Mr. Dodge acknowledged that he needed to proceed slowly for those participating via closed captioning. Discussion ensued regarding a secret ballot vote.

8:00 PUBLIC HEARING: 99 RESTAURANTS OF BOSTON, LLC CHANGE OF OFFICERS IN GROUP FILING TO ABCC (39 LOCATIONS PLUS 22 LOCATIONS), 166 CHURCH ST

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Mr. Trabucco opened the public hearing at 8pm. Mr. Chenard stated that this was a routine matter, and all the paperwork was complete. Ms. Marino made a motion to approve the application of the 99 Restaurants of Boston, LLC d/b/a 99 Restaurant & Pub at 166 Church Street, license #00051-RS-0960 for a change in Officers/Directors/LLC Managers as submitted, Mr. Ciciotti seconded, the motion passed unanimously. Mr. Trabucco asked for a motion to close the public hearing, Mr. Brown moved it, Ms. Coletta seconded, the motion passed unanimously.

VOTE MOBILE FOOD VENDOR PERMIT TRANSFER FROM MICHAEL NOLET D/B/A DAIRY TWIST TO DAIRY TWIST INC., JONATHAN HOPFGARTEN, PERMIT #TV-04, FOR FOOD SERVICE ON PRIVATE PROPERTY

Ms. Marino made a motion to grant the application of Jonathan Hopfgarten, Dairy Twist, Inc. for a Mobile Food Vendor Permit to be exercised on private property only conditionally upon the approval of the health Agent, Mr. Brown seconded, the motion passed unanimously.

TOWN MANAGER'S REPORT

Update to Select Board Regarding 98 Barker Street: Mr. Chenard provided an update to the board regarding 98 Barker Street and the violations on the property related to the Conservation Commission. He stated that a judge had signed off on a warrant for the town to inspect the property, which did take place. He stated that the property owner was scheduled to appear before the Conservation Commission the following evening. Mr. Trabucco asked if the owner abided by the cease-and-desist order; Mr. Chenard stated that he was unsure at that time if he was complying with the most recent cease and desist order issued. Discussion ensued between the board and Mr. Chenard regarding the events that took place on the property. Ms. Coletta expressed her concerns regarding information she had seen. Mr. Trabucco allowed neighbors to the property to speak to the board regarding what they had witnessed. Ms. Julie Caruso spoke about the negative impact that the construction activity had on her property as an abutter and discussion ensued. The board discussed the non-compliance with the cease-and-desist order. Mr. Andrew Pelley of 89 Barker Street spoke about the duration of the project and that it had gone unnoticed by Town officials. Ms. Coletta stated that she would like a police officer parked at the site to enforce the cease-and-desist order. Ms. Singh, 120 Barker Street, spoke to the board about her experiences as an abutter to the property. A trustee of the Adah Hall House on Barker Street spoke about the potential impact on the historic home. Ms. Maureen Jasie asked who was responsible for enforcing the cease-and-desist order, Mr. Chenard stated that the first was enforced by the Zoning Enforcement Order, the second came from the Conservation Commission so they would enforce it. Mr. Chenard stated that the Town would need to go back to court as the property owner served the Town with a no trespass order.

Public Safety Building Committee Update: Mr. Chenard stated that the public forum held the previous evening was very well attended. He reminded the public that the public forums were available to view online. He stated that the next steps were the vote at the town meeting followed by the vote at the annual town election. Discussion ensued regarding other communities that were bidding on public safety projects and how they compared to Pembroke.

LIAISON UPDATES

OLD/NEW BUSINESS

COMMUNITY COMMENT

Ms. Marino reminded the public that there was babysitting available at town meeting. She thanked Ms. Singh for her research and materials on the Barker Street property. Ms. Marino thanked Ms. Coletta for her service on the Select Board for the past three years.

Mr. Trabucco read the upcoming issues. At 8:15 pm, he asked for a motion to adjourn, Ms. Marino moved it, Mr. Ciciotti seconded, the motion passed unanimously.

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MATERIALS & EXHIBITS

99 Restaurant Change of Officers Application (TM Office)

Mobile Food Vendor Transfer Application Dairy Twist (TM Office)

Annual Town Meeting Warrant (TM Office)