

**MINUTES OF THE SELECTMEN'S MEETING
FEBRUARY 6, 2012**

PRESENT: Daniel W. Trabucco (Chairman), Lewis W. Stone (Vice Chairman), Gregory Hanley (Clerk), Arthur P. Boyle, Jr. (Selectman), Edwin J. Thorne (Town Administrator), Sabrina Chilcott (Executive Assistant), Michael Buckley, Kathleen McCarthy, Tim Mahlert, Thomas Tucker, Mark Ames, Liz Cytrynowski, Ziggy Cytrynowski, Robert DeMarzo, Bill Ferguson, Matt Newman, Kathy O'Neil, Alan Peterson, Sue Roche, Brian Van Riper, George Verry, Paul Whitman, John Mattinson (PMB Cable), Mike Melanson (Pembroke Mariner/Express), WATD Reporter and others.

ANNOUNCEMENTS

Mr. Trabucco congratulated PHS Wrestling Team for taking Divisional title; they are off to states. Mr. Boulter updated 300th Committee contributions and acknowledged individual donors. Mr. Boulter also advised that Wednesday, February 6 is the MDA Lockup for Muscular Dystrophy. Mr. Boulter also advised that resident David Gelbreth is very ill and a savings account has been set up to help with expenses at Sovereign bank; account 39803941580.

**7:00 JOSHUA KEPHART, RENEWAL BY ANDERSON: DOOR-TO-DOOR
SOLICITATION PERMIT**

Joshua Kephart was not in attendance; Tim Mahlert appeared before the Board from the Northboro location of Renewal by Anderson office. Mr. Mahlert stated that his organization is seeking a door-to-door solicitation permit for Saturdays from 9:00 am to 4:00 pm to hand out literature on replacement windows and offer free quotes door to door in Pembroke. They plan to canvass for one month. They have CORI information on five of eight applicants and two have been submitted to the Commonwealth and are pending. Mr. Boyle moved to grant approval to Renewal by Anderson for a Door to Door solicitation permit in Pembroke on Saturdays from 9:00 am to 4:00 pm pending approval of the Chief of Police. Mr. Hanley seconded the motion; the vote was unanimously in favor.

7:10 TRANSIENT VENDOR PERMIT: THOMAS TUCKER, TOM KATZ DOGS

Mr. Tucker appeared before the Board as his appeared January 23rd was tabled for further reconsideration. He stated that he would like to set up his hot dog stand at the Town Green for various events and the Town fields for sporting events. Mr. Hanley reviewed the message from Chief Ohrenberger stating that he has no objections to this vendor; Mr. Hanley stated he can support Mr. Tucker's application to be on the Town Green and at the Herring Run but not at the fields where the youth organizations are providing concessions and have raised objections with a competing interest. Mr. Hanley made the motion to allow Mr. Tucker to exercise a transient vendor's permit at the Town Green and the Herring Run but no sports fields for a renewable period of six months pending Zoning Board approval and approval of the Recreation Commission. Mr. Boyle seconded the motion; the vote was unanimously in favor.

**7:15 PUBLIC HEARING: ECCOMI CORP, d/b/a/ ORTA RESTAURANT TRANSFER
OF CVAA LICENSE; CHANGE OF MANAGER; PLEDGE OF LICENSE**

Mr. Trabucco opened the hearing at 7:15 pm. Mr. Hanley moved to continue the hearing until February 27, 2012 at 7:15 pm in the Veteran's Hall at the applicant's request. Mr. Boyle seconded the motion. The vote was unanimously in favor.

CONSIDER RELEASE OF TOWN ENCUMBRANCES AT 21 MONROE STREET

Mr. Stone moved to acknowledge and accept the release of the rights, privileges, and obligations encumbering the Town, as set forth in a deed recorded with Plymouth County Registry of Deeds

in Book 1854 Page 184, by the holders thereof, namely K & G Development Corporation, Philip Tarantino, Trustee of 21 Monroe Street Realty Trust, and Robert V. Kallio. Mr. Boyle seconded the motion; the vote was unanimously in favor.

CONSIDER APPROVAL OF THE ISSUANCE OF AN INTERIM LOAN NOTE TO THE MWPAT

Michael Buckley was present to explain that this is a continuation of the septic betterment loan program where the Town borrows money from the state and lends it to homeowners to take care of their septic systems. \$200,000 was approved at Town Meeting and this is the authorization of that borrowing. Mr. Hanley moved that the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$200,000 (the “Bonds” pursuant to Chapters 29C and 111 of the General Laws and a vote of the Town passed April 26, 2011 (Article 8, Motion 6), which authorizes a total borrowing of \$200,000 for a community septic management loan program (the “Project”); that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the “Notes”) from time to time in an aggregate principal amount not to exceed \$200,000; that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the “Trust”) at a price determined pursuant to the loan agreement; that the Treasurer is authorized to determine the date, the form, the maximum interest rate and principal maturities of each Bond and Note, and to execute a Loan Agreement or Agreements with the Trust with respect to the sale of Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bond or Notes; that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan agreement by the Treasurer, are hereby ratified, approved and confirmed; and that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Loan Agreement or Agreements and the Project Approval Certificate and Regulatory Agreement or Agreements relating to the project. Mr. Stone seconded the motion; vote was unanimously in favor.

APPROVAL OF PERMANENT BOND ISSUE

Mr. Buckley explained that the new money recently spent at Town Meeting was \$1.3 million. With the SBA helping Pembroke pay off the school loan early, those bonds will be paid off early. This motion funds the money spent and authorizes the early retirement of the school loans bonds. Mr. Hanley moved that in order to reduce interest costs, 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 the Town’s \$9,566,000 General Obligation Bonds dated August 15, 2001 maturing on and after November 15, 2012 (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 and interest on the Refunded Bonds and costs of issuance of the refunding bonds; that the sale of the \$1,360,000 General Obligation Municipal Purpose Loan of 2012 Bonds of the Town dated February 15, 2012 (the “Bonds”), to Roosevelt & Cross, Inc., at the price of \$1,400,462.82 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on November 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>Int Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Int Rate</u>
2012	\$255,000	2.00%	2017	\$70,000	2.00%
2013	\$245,000	2.00%	2018	\$70,000	2.25%
2014	\$230,000	2.00%	2019	\$70,000	2.25%
2015	\$220,000	2.00%	2020	\$70,000	2.25%
2016	\$ 70,000	2.00%	2021	\$60,000	2025%

And it is further moved 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 February 1, 2012 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted and further that the Town Treasurer and the Board of Selectmen 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 and that each member of the Board of Selectmen, 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. Boyle seconded the motion; the vote was unanimously in favor.

CELL TOWER LEASE

Mr. Thorne presented the 380 Washington Street lease as authorized at Town Meeting for renewal. Mr. Boyle made the motion to authorize the signing of the lease; Mr. Stone seconded the motion; the vote was unanimously in favor.

MINUTES

Mr. Stone moved and Mr. Boyle seconded to accept the minutes of the meeting of January 30, 2012 as presented. The vote was unanimously in favor.

7:30 COMMUNITY PRESERVATION COMMITTEE: COMMUNITY CENTER BUILDING

Mr. Van Riper of the CPC was present before the Board to discuss CPC allocations for improvements at the Community Center. There have been two projects at the Community Center approved at Town Meeting for CPC funding; one roof and gutter project and one masonry project. He stated that the CPC January meeting reported the walk through at the Community Center that resulted in some conversations regarding possibility of demolition of the structure, potentially rendering use of CPC funds illegal under wording of the Community Preservation Act. Mr. Van Riper stated that under the CPA, these funds are to be allocated for preservation and restoration only, not maintenance and not on a building considered temporary if intent is to build a new building. Mr. Trabucco stated priority now is to stop water from getting in; discussion ensued on preservation versus maintenance. Mr. Ames confirmed that the use of CPC funds for repairs of water issues would be an illegal use or outside the law as described in the CPA. Mr. Stone confirmed the strict rules that govern the CPC and recommended the CPC allocations be put on hold where they cannot be used for maintenance and the BOS prepare an Article for the warrant for a capital expenditure. Mr. Trabucco pointed out the many groups using the Community Center on a daily basis. He stated that the estimated annual costs of emergency maintenance on the building are \$25,000 and the building needs emergency work now. Mr. Hanley requested a committee be formed to study the building. He stated that the prior Community Center Task Force produced documents and data that can be used, although the plan was too large in scope for the Town eight years ago when the committee did the research. Mr. Hanley stated the CPC is able to go forward with their two projects as there is no commitment either way on the future of the building. Mr. DeMarzo agrees with the CPC and their interpretation of the CPA regarding how funds can be spent. Mr. DeMarzo stated the group who performed the walk through consisted of impartial taxpayers from within the construction and related industries, including all town inspectors from building, wiring and plumbing. They were not given direction; exterior concerns included failing septic, compromised masonry, gutters leaking into wooden soffits and into the building, rotted wood in trim and windows, broken

windows. Boiler room revealed extensive electrical issues; asbestos tiles, windows without calking and interior holes in the walls. The remaining group went to the roof, witnessed chimney in need of immediate repair. Loose bricks and the chimney is twisting and bulging out. Mr. DeMarzo cautioned, once the Town spends over \$100,000 on these repairs it will kick in the new building code and everything will need to be fixed. Mr. Peterson stated that he reviewed the building two years ago; 30% of the brick needs repointing. The Recreation and Preschool are in the 1935 era brick over wood side which is not as solid; the Bingo Hall is in the 1954 era brick over block is more robust construction and more solid. When he wrote the request for CPC allocation he wrote it for preservation on a building in the historic district housing Recreation. The first project for the gutter and soffit project had 28 bidders and none bid as work needed exceeded cost of project. While this was being written, part of the brick wall came down at \$8,000 in repair due to water getting in to building and tabs failed. Mr. Peterson was looking for a way to repair with newer materials that would last longer but have the same aesthetics. He feels the building has useful space and is highly flexible but the Town must try to initially avoid economic triggers that would mandate full compliance to all current building codes. Mr. Newman from Recreation Commission feels it is a viable building and should be restored. Mr. Trabucco stated no decision would be made at this time. Mr. Boulter agreed what is needed is a long range plan. Mr. Trabucco stated the study done resulted in a project in the tens of millions; need to identify the future use of the building first. Mr. Stone suggested that this is a two part question; first identify the use and needs of the building, then decide the future plan for renovation or rebuild. Mr. DeMarzo stated the immediate need is stabilizing the chimney; the fate of the building will wait for another meeting. Mr. Verry stated the Town is getting three quotes on the repair of the chimney now; the other cause for concern is the gutters as they need to be patched to prevent an electrical fire. Mr. Hanley requested that a committee be convened that will operate on a fast track or within a nine month window to be prepared to present a project in November of 2012. The project should be able to be reviewed for use and utility and weigh the benefits of renovation versus new build. Mr. Trabucco stated the low figure of this build will be \$25million for renovation or new build. Mr. Peterson suggested utilizing the School Building Authority's Facility Condition Index; does the ratio of cost of repair equal the cost of a new build; the index dictates new build. Mr. Boyle doesn't feel the Town is ready for this expense or an override; he also pointed out that this is not a historic building. The Board needs to set some dates and determine whether or not the building is worth repairing; then make the decision that makes the most sense for the Town. Mr. Trabucco stated that the BOS will need to replace the CPC funds by going to Advisory and apply for money to stop the water. Mr. Boyle moved to table the discussion for one week to give the Town Administrator opportunity to work with the Town Accountant to identify \$80,000 in funds to replace the CPC funds. Mr. Stone seconded the motion to table; vote was unanimously in favor.

Mr. Trabucco asked when the CPC would be making their decision on whether or not to proceed with their two projects or return the allocated money to the historical funds account; Ms. O'Neil stated their next meeting is February 9. Mr. Hanley requested that the Town Administrator's office compile a list of names of people who would be willing to serve on a committee and have them ready for the Selectmen to vote on next week. Mr. Boulter seconded the motion. The vote was unanimously in favor.

EXECUTIVE SESSION: Mr. Stone moved, seconded by Mr. Boyle, to go into executive session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares, and upon conclusion no further votes or public business to be discussed. Roll call vote: Boyle, yes - Stone, yes - Trabucco, yes - Hanley, abstain - Boulter, abstain

The meeting was adjourned at 9:06 pm.