

**MINUTES OF THE SELECTMEN'S MEETING  
OCTOBER 1, 2012**

**PRESENT:** Gregory M. Hanley (Chairman), Lewis W. Stone (Vice Chairman), Willard J. Boulter, Jr. (Clerk), Arthur P. Boyle, Jr. (Selectman), Edwin J. Thorne (Town Administrator), Michael Ohrenberger (Police Chief), Richard Wall (Police Sergeant), Michael Buckley (Town Accountant), Cathleen Salmon (Chief Assessor), Kathleen McCarthy (Treasurer/Collector), Stephen Curley (Advisory Chairman), Lawrence Tertansky, Jody Quaresimo, Irma Colleen Haggerty, Irma Wall, Dominica Wall, Cathy Wassmouth, Evan Wassmouth, Sabrina Chilcott (Executive Assistant), Erika Christianson (PACTV Cable), Mike Melanson (Pembroke Mariner Express), Charlie Mathewson (WATD) and others.

**CERTIFICATE PRESENTATION TO EVAN WASSMOUTH**

Mr. Wassmouth was present before the Board to discuss his volunteer project at the Mattakeesett ball fields; he started on June 25<sup>th</sup> gathering small stones to clear the area to create a bed surrounding the flagpole in the shape of a baseball. A citation of appreciation was presented and photographs were taken.

**7:15 POLICE CHIEF CANDIDATES DISCUSSION**

Chief Michael Ohrenberger was present before the Board to explain that tonight will conclude the process begun months ago with a testing of three candidates in June 2012; present also was Sergeant Richard D. Wall, United States Air Force veteran. Sergeant Wall became a Special Police Officer in 1983 and was appointed full time in 1986, appointed Detective in 1995 and Sergeant in 1998. He has acted as shift commander, prosecutor, training officer, special events planning officer and coordinator and is Co-Director of Emergency Management. He received his Bachelors degree in criminal justice from Curry College in 2005 where he was valedictorian. Chief Ohrenberger introduced Mrs. Irma Wall, Sergeant Wall's mother and Mrs. Dominica Wall, Sergeant Wall's wife of 24 years and his children. Chief Ohrenberger stated he would be proud to recommend Sergeant Wall as his successor to Police Chief for the Town of Pembroke and requests that the BOS consider the selection and final appointment of Richard D. Wall. Mr. Boulter moved to appoint Richard D. Wall as the new Police Chief for the Town of Pembroke immediately upon the retirement of Chief Michael Ohrenberger October 26<sup>th</sup>; Mr. Boyle seconded the motion. The vote was unanimous by roll call vote.

**7:15 MARK AMES: COMMUNITY PRESERVATION COMMITTEE APPOINTMENT REQUEST**

Mr. Boyle moved to appoint Mark Ames of 32 Littlebrook Road as the Selectmen's representative to the Community Preservation Committee with the acceptance of Mr. Dan Murphy's resignation; this term expires June 30, 2014. Mr. Stone seconded the motion. The vote was unanimously in favor.

**TOWN ADMINISTRATOR'S REPORT**

Mr. Thorne introduced an item received from Beverage Events, Inc, Tabitha Beary, manager. They are requesting a One Day Liquor license to be exercised at 615 Washington Street; Beverage Events, Inc. will be providing the cocktail service on Saturday, October 6 from 7:00 pm to 12:30 am and have provided their liability insurance to the Town. Mr. Boyle moved to grant the request of Beverage Events, Inc for a One Day Liquor license to be exercised at 615 Washington Street service on Saturday, October 6 from 7:00 pm to 12:30 am. Mr. Boulter seconded the motion. The vote was unanimously in favor.

**ANNOUNCEMENTS**

Message from Town Clerk MaryAnn Smith: Wednesday, October 17<sup>th</sup> is the last day to register to vote or change your party enrollment for the November 6<sup>th</sup> election. The Town Clerk's office will be open until 8:00 pm that night for that purpose only. Please call 781-293-7211 with any questions.

Saturday, October 27<sup>th</sup> is Household Hazardous Waste Day at the Pembroke Recycling Center from 9:00 am to 1:00 pm. Please contact the Selectmen's office for a list of acceptable and unacceptable items at 781-293-3844.

Council on Aging announces their new officers; new chairperson is Linda Osborne, new Vice Chair is Ken Girtten, new Treasurer is Kathleen Toole, new Recording Clerk is John Melchin.

### **RESIGNATION**

Mr. Hanley stated that the Board of selectmen has received a letter from Ms. Elizabeth Bates stating her resignation as the Historical Commission's Representative to the Community Preservation Committee. Additionally, the letter states that the Historical Commission has unanimously voted member Stephen Hermann to fill the position as the Historical Commission's Representative to the Community Preservation Committee, term to expire June 30, 2013. Mr. Boyle moved to accept the resignation of Elizabeth Bates and the appointment of Stephen Hermann to fill the vacancy; Mr. Boulter seconded the motion. The vote was unanimously in favor.

### **TRAILER PERMIT APPLICATION**

Mr. Lawrence and Ms. Barbara Tertansky have applied for a sixty day temporary trailer permit for an occupied trailer although the trailer is not occupied overnight. Mr. Tertansky and the tenant Jody Quaresimo were present before the Board to discuss the application. The electrical hookup is via extension cord and waste disposal was previously not to code. The Zoning Enforcement Officer has issued a Cease and Desist on any use of this trailer and requested it be removed in a letter dated September 18<sup>th</sup> and concluded that this is in violation of Town Zoning By-Law Section V, Paragraph 3. Mr. Boyle stated that, where this is a zoning violation, to approve this permit would set the wrong precedent. Mr. Stone agreed that Mr. Verry's conclusion is clear. Mr. Boulter inquired as to whether this trailer is registered; Mr. Quaresimo stated that it is not yet registered as he has not yet obtained the title. Mr. Trabucco stated that the Zoning Enforcement Officer has done his due diligence. Mr. Trabucco moved to deny the petitioner's application for a trailer permit. Mr. Boulter seconded the motion. The vote was unanimously in favor.

### **DEPARTMENT HEAD PRESENTATION**

Kathleen McCarthy, Michael Buckley and Cathleen Salmon were present before the Board to do a group finance presentation.

Ms. McCarthy, Treasurer/Collector, stated this would demonstrate the entirety of the flow of taxpayer's money; how assessments and collections are made, how money is allocated to different departments, how money is invested and borrowed and finally, how money is paid out.

Ms. Cathy Salmon, Chief Assessor, stated that primarily the assessor's office assesses the properties in Pembroke and determines the assessed values. Property tax makes up approximately \$32m of a \$55m budget. That value is then given to Ms. McCarthy's office to collect. The values must be correct; there is approximate \$2.3b in property in town, and this office values all of it. Physical data must be collected constantly and serves as the basis for calculating values so cyclical inspections are performed. The information is public record and available through the Assessor's link on the town website. Additionally, statistical data is collected to supplement the physical data to complete the analysis to produce the valuations. Properties are valued annually; the values are then committed to the Collectors office.

Ms. McCarthy then stated that the committed amounts are then billed. Approximately 6600 real estate tax bills are collected four times a year; approximately 6500 water and municipal user fee bills twice per year and over 20,000 motor vehicle excise tax bills throughout the year are collected. Once the bill is paid, the Collector's office does a turnover into the Treasurer's office. If unpaid, additional bills are sent, and then demand notices, and then warrant notices are sent on real estate, personal property and excise tax. Should real estate property taxes not be paid at that point, they are then considered "tax title" accounts and are referred to the Treasurer's office for different collection efforts. The Treasurer's office is where all money that the Town receives, through fees collected by departments, tax collections, grants, state aid, borrowing, etc. resides. Ms. McCarthy stated once processed, all receipts are turned over to the Accountants office. Mr. Mike Buckley, Town Accountant, stated that the Town's fiscal year is from July 1 to June 30 each year. Town Meeting at the end of April begins the process whereby the Town decides how much money to spend, within the limits of Proposition 2½. Departments are then allocated certain amounts to spend in their budgets. Budgets are approved at Town Meeting and each department receives

their new budget July 1. Funds are dispersed through weekly warrants. Ms. McCarthy stated that accounts payable, or bills that need to be paid by the departments, and payroll are then processed. Accounts payable represents approximately \$49m of the \$80m budget and payroll represents about \$31m, both School and Town combined, or about 650 employees. Benefits are also processed for these employees with an additional 200 retirees receiving benefits; these include life insurance, health, dental, flexible spending, dues, levies, support payments, tax filings and W2s. Deductions are paid, processed and balanced to the Accountant's office. Additionally, unemployment, COBRA and annual benefit education is handled. Ms. McCarthy explained authorized, unissued debt; currently the Town has \$4.8m in projects voted yet to begin that will need to be financed. Debt is currently at \$31m in the form of bonds that are paid on an interest and principle debt schedule from two to twenty years. The borrowing process begins with a borrowing anticipation note, or a band, anticipating potential state aid, for up to two years. Once permanent borrowing is considered, the Town works with a financial advisor, currently Eastern Bank to complete the paperwork and consult bond counsel to obtain a bond rating. The Town of Pembroke is currently rated AA- stable; bond counsel and the financial advisor then put the desired bond out to bid to obtain the best rate and term. The Town's debt limit is 5% of the assessment of \$2.3b, leaving the Town open to borrow \$115m which means the Town is not close to their debt limit. Ms. McCarthy also stated that the Treasurer's office is the tax title custodian if the collector's office exhausts collection efforts on real estate. The Treasurer contacts the tax title attorneys for the Town of Pembroke and proceeds in land court with the foreclosure process. Ms. Salmon wanted to clarify motor vehicle excise tax bills; the registry mails these bills yet the assessor's office administers that tax. Ms. Salmon requested that residents never ignore these bills; should the vehicle be sold or declared a total loss, please follow up on the bill by contacting the assessor's office 781-293-2393. Additionally, and transfers of plates, abatements received at the registry, etc are unknown to the assessor. Ms. Salmon also stated there are property tax exemptions available for veterans with a service related disability and seniors; there are income requirements but please call and ask if you qualify. Ms. Salmon wanted to notify residents that once per year in January you may disagree with your value and contest it; this is an abatement opportunity but in January only. Mr. Boyle requested that Ms. Salmon explain assessed value versus appraised value; Ms. Salmon stated that the assessments are based on the previous January 1<sup>st</sup>. This can be 18 to 24 months behind the current date; today they are based on 2010 sales. Mr. Buckley explained that the Hobomock debt has been paid off and the library debt will be paid off in January; an article will be on the warrant for fall Town Meeting to reduce the tax rate by the amount of the Hobomock debt exclusion. Mr. Stone stated that the Town has received a letter from the Massachusetts Collector and Treasurer's Association that Ms. Kathleen McCarthy has received the designation of Certified Massachusetts Municipal Treasurer. Mr. Hanley requested input from each on how they would spend an unlimited budget; Ms. Salmon stated that her department needs new computers and new equipment but the Town requires and IT budget for the Town Hall and proactively replace equipment. Additionally, the assessor's office has a part time position that has been further reduced that she would like to see fully restored and Ms. Salmon would like to see education funding to update employees training. Mr. Buckley stated he would like to see the Town keep more money in the bank; large portion of the workforce is pending retirement and there will be buyouts to consider down the road. Ms. McCarthy would like to see the Town pay off its debt and she would like a larger space to meet with residents who need to discuss confidential matters.

## **2012 FALL TOWN MEETING WARRANT ARTICLE DISCUSSION**

Mr. Thorne explained that money for expenditures will be funded in four ways: through free cash \$935k, additional state aid \$216k, water revenue and a transfer from overlay surplus of \$180k. Mr. Thorne began with article three, the transfer article. The police item is to outfit three new officers; the Selectmen's salaries will fund additional hours for an employee to cover departments that are short staffed and this person will rotate throughout them as needed. Mr. Buckley explained article four will fund the separation pay fund which has a balance of approximately \$55,000 and requires additional funding. Mr. Buckley explained departments are not allowed to budget for this item. Mr. Buckley stated that article five will reduce the tax rate due to the Hobomock fund surplus reimbursement from the state and article six is the vote to transfer money to the stabilization fund. Mr. Buckley stated that GASB requires the Town to study how much should be set aside toward retiring employees benefits; the last figure was \$40m. The fund was

voted in April 2012 and this would be the first allocation to it. Mr. Hanley stated article eight is being withdrawn. Mr. Thorne stated that, in regards to article nine, he anticipates the possibility of two contracts being settled before STM. Mr. Buckley stated he would like article ten moved into article one, the capital fund; this is the hydrilla treatment for Hobomock Pond. Article eleven is the CPC transfer article, article twelve is the CPC recommendations and article thirteen is also a CPC article. Mr. Thorne stated that article fourteen is to partially fund a land purchase of 85 acres on Monroe Street; Mr. Thorne stated Conservation Commission will come to speak to this article. Mr. Thorne stated article fifteen is the ESCO article and it is unknown at this time if the article is proceeding. Mr. Thorne stated that articles sixteen and seventeen are being presented by the BOS on behalf of the Town Moderator; sixteen seeks to alter quorum requirements to a count of 150 residents to begin the meeting with no further quorum to continue the session or any further session. Seventeen seeks to eliminate the lottery system for addressing articles at Town Meeting. Mr. Thorne explained that article eighteen is an article from the DPW Commissioners seeking \$500k for road maintenance and repair and article eighteen is a complicated article concerning an Affordable Housing Trust fund. Mr. Thorne stated that it will require serious discussion. Finally, Mr. Thorne stated that article nineteen is a petition article submitted in regards to the contract by the BOS with PACTV; Mr. Thorne stated that the Town has obtained a legal opinion from Kopelman and Paige that states that Pembroke Town Meeting does not possess the legal power to lawfully cancel the contract legally entered into by the Pembroke Board of Selectmen. Mr. Hanley requested a date from Advisory Committee Chairman Stephen Curley for a joint meeting; Mr. Curley stated the date is to be determined.

Mr. Boulter stated that the 300<sup>th</sup> Anniversary Committee has received the pins from contest from the five schools. Additionally, he stated that the Civil War Military Encampment weekend is October 20 and October 21; the howitzers will be fired on October 20<sup>th</sup> with the fireworks beginning at dusk or 7:00 pm. The celebration concert will be held in November.

#### **UPCOMING EVENTS**

Mr. Stone requested that the Energy Committee research the use of solar panels at the landfill. Mr. Trabucco stated that a year ago, he and Mr. Thorne began this task and initial research was discouraging. Duxbury entered into an agreement on their landfill; the Town leases the company the land, they put up the panels and they give the nearest power outlet the energy while they keep the federal and state tax subsidies. In the case of the Pembroke landfill, the nearest power outlet is the school. While this is a benefit to the solar company, the subsidies sunset so the deal becomes incrementally worse over time to the Town and there can be maintenance issues that reduce the energy savings. Mr. Trabucco stated it requires deep research. Mr. Hanley requested that, once the Energy Committee concludes their work on the ESCO project, they be tasked with this project. Mr. Thorne stated that this is their next project.

Mr. Stone moved, seconded by Mr. Boyle, 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.

Roll call vote: Boyle, yes - Trabucco, yes – Boulter, yes - Stone, yes - Hanley, yes.