

**MINUTES OF THE SELECTMEN'S MEETING
FEBRUARY 4, 2013**

PRESENT: Gregory M. Hanley (Chairman), Lewis W. Stone (Vice Chair), Willard J. Boulter, Jr. (Clerk), Arthur P. Boyle, Jr. (Selectman), Daniel Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Carmen Hudson, Deepal Patel, Sabrina Chilcott (Executive Assistant), Michael Melanson (Pembroke Mariner Express), Erika Christianson (PACTV Cable), and others.

ANNOUNCEMENTS

Message from Town Clerk MaryAnn Smith: Special Town Meeting is Tuesday, February 12, 2013 at 7:30 pm at the Pembroke Community Middle School at 559 School Street.

PACTV announces a "Be the Match" Bone Marrow Donor Registry Drive on Tuesday, February 12th from 4:00 pm to 7:00 pm at 4 Collins Ave in Plymouth.

CONSIDER EXERCISING THE RIGHT OF FIRST REFUSAL ON 30 REDWOOD CIRCLE

The homeowners, William and Laura Musseman, are selling their affordable housing property and have requested an effective date of February 19th on the Town's right of first refusal, which Elsa Campbell of the DCHD has recommended be the effective date of the RFR.

Mr. Boyle moved to exercise the Town of Pembroke's Right of First Refusal at 30 Redwood Circle; Mr. Boulter seconded the motion. The vote was unanimously in favor.

CONSIDER CHANGE ON ROADSIDE STAND PERMIT RS-01-13 KIWANIS TREE SALE

Mr. Boyle moved to grant the request to amend Roadside Stand permit RS-01-13 to include November 13, 2013; Mr. Stone seconded the motion. The vote was unanimously in favor.

CONSIDER THE RESIGNATION OF HILARY WILSON: AFFORDABLE HOUSING COMMITTEE

Mr. Boulter moved to accept the resignation from the Affordable Housing Committee of Mr. Hilary Wilson; Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Thorne and the members of the Board thanked Mr. Wilson for his years of dedicated service to the Town.

CONSIDER THE MINUTES OF JANUARY 22, 2013

Mr. Stone moved to accept the minutes of January 22, 2013 as written; Mr. Boyle seconded the motion. The vote was unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne announced that tonight the Advisory Committee is receiving the Town Administrator's recommended budget for FY2014. It is currently balanced but to do so necessitated \$300,000 worth of cuts of departmental requests. The Advisory Committee will be meeting with the affected departments to review their budgets; free cash was required, surplus revenue from the last fiscal year, to balance the budget. Mr. Thorne stated that he and Mr. Stone will be attending the meeting of the general membership of the Mayflower Health Group next week as they set their rates for next year and the hope is that they will level fund those rates. Plymouth County Retirement is a \$106,000 increase over last year; Mr. Thorne stated these are some of the fixed costs that adversely affect the budget.

UPCOMING ISSUES

Mr. Hanley announced that the Planning Board is holding a Public Hearing on Monday, February 11th at 7:30 pm concerning the proposed Medical Marijuana By-Law in the Veteran's Hall. Additionally, the Annual Town Meeting warrant will close on February 14th. Mr. Thorne advised that he and Mr. Stone will be in Marshfield before the Public Safety Committee on Wednesday morning to request the granting of a heavy truck exclusion; Duxbury has already granted the exclusion.

Mr. Boulter requested that people be aware of thin ice and stay off of the ponds when they are unsafe.

7:15 CARMEN HUDSON: APPLICANT FOR ZBA ALTERNATE VACANCY

Ms. Carmen Hudson of 2 Kennie Lane appeared before the Board on her application to fill the vacancy for alternate on the Zoning Board of Appeals, term to expire June 30, 2013. Ms. Hudson stated she is a civil engineer with her Masters in Engineering; she is a licensed P.E. and certified soil evaluator. She does land planning, design and permitting and represents clients at public hearings for Cavanaro Consulting. Mr. Boyle moved to appoint Ms. Carmen Hudson of 2 Kennie Lane as the alternate to the Zoning Board of Appeals in the term to expire 2013. Mr. Stone seconded the motion. The vote was unanimously in favor.

Mr. Thorne inquired of the Boards as to whether they would consider a by-law or policy that required other Boards, Committees and Commissions to put their agendas and minutes on the town website. Mr. Thorne stated it would encourage transparency in participation where there is resistance to televising the meetings. Mr. Trabucco suggested that the BOS resubmit the article on the Annual Town Meeting warrant allowing the Town Administrator to sign the weekly warrants. Mr. Stone stated he would not be against this; he stated occasionally a warrant is not ready Monday night and needs a signature Tuesday. Mr. Hanley requested the original article be submitted to the Selectmen for review.

7:30 PUBLIC HEARING: HENA N. DEEYA CORP D/B/A BRYANTVILLE LIQUORS: CHANGE OF MANAGER, NEW OFFICER AND STOCKHOLDER REQUESTS

Mr. Hanley declared the public hearing open. Mr. Deepal Patel of Hena N. Deeya Corp. d/b/a Bryantville Liquors was present before the Board regarding their application for a Change of Manager, New Officer and New Stockholder request. In 2005 they opened the 7-11 and in 2010 they partnered in opening Bryantville Liquors. He and his brother currently are equal partners in two stores; they are switching their interests in their businesses. Mr. Deepal Patel will be giving his interest in Anchor Liquors in Wareham to his brother and receiving 100% interest in this location. Mr. Hanley opened the floor to public comment; there was none. Mr. Boulter moved to approve the application of Hena N. Deeya Corporation d/b/a Bryantville Liquors at 15 School Street, License # 0960 00024 for a Change of Manager, New Officer and New Stockholder. Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Hanley closed the public hearing.

OLD BUSINESS

Mr. Hanley brought forth the subject of remote participation that was tabled for two weeks by Mr. Boyle. Mr. Trabucco stated that it is up to the Board of Selectmen to allow town's boards to have access to remote participation although the boards would not be required to engage in its use. Additionally he stated the specific reasons for the allowance of remote participation are clearly outlined and cannot be abused, and a quorum of the board must be physically present at the meeting. Open Meeting Law restricts the use of remote participation at Town Meeting. Mr. Boulter voiced his support for the BOS authorizing the use of remote participation and allowing individual boards, committees and commissions to implement as they see fit. If this is not authorized by the BOS, it is not allowed for anyone. Mr. Stone stated that he didn't support the idea initially, but he sees the benefits for other boards and could support the idea if it is regularly reviewed and the Chairmen of the boards that use it monitor its use. Mr. Boyle agreed, stating that he can see a benefit but the potential for abuse is there. Mr. Hanley stated he would like more accountability but would be open to seeing a draft and would be open to discussion. Mr. Hanley requested that Mr. Thorne provide a draft in the next thirty days outlining what technology would be used and the practicality of the other boards using it. Mr. Stone stated that the Recycling Committee came in on January 14th with proposals for the Board to consider; Mr. Stone wanted to bring an additional item to the BOS attention from the Patriot Ledger. A Pembroke based company called Bay State Textile Corp. recycles clothing, shoes and household linens. This reduces tonnage from the waste stream. They put in the bins and pay the Town \$100 per ton collected. Mr. Stone offered to help the Town Administrator put together information and numbers to put before the Board. Mr. Boulter wanted to let residents know that the 300th Committee will have a meeting at the end of the month to discuss the time capsule and where it will be placed. If anyone has items to contribute, please contact Mr. Boulter, Deborah Wall or Janet Fahey. Mr. Thorne stated that the BOS next meeting will be at 6:30 pm prior to STM.

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: Stone, yes - Boyle, yes - Trabucco, yes – Boulter, yes - Hanley, yes.