

**MINUTES OF THE SELECTMEN'S MEETING
MARCH 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), James Neenan (Fire Chief), Richard Wall (Police Chief), J. Michael Hill (Deputy Fire Chief), Lisa Cullity (Health Agent), Ben Bastianelli (DPW Commissioner), Steven Curley (Advisory Chairman), Robert DeMarzo (CCSC Vice Chairman), Ralph Cappola (CCSC), Ralph Perrotto (CCSC), Patrick Chilcott (CCSC), Deborah Wall (CCSC), Carol Dodge, Art Egerton, Paul Lovett, Sabrina Chilcott (Executive Assistant), Michael Melanson (Pembroke Mariner Express), Erika Christianson (PACTV Cable), and others.

ANNOUNCEMENTS

Household Hazardous Waste Day is Saturday March 23rd at the Recycling Center from 9:00am-1:00 pm and a complete list of acceptable items is posted on the town website at www.pembroke-ma.gov or by calling the Selectmen's office at (781) 293-3844. Must be a Town resident and have a current sticker.

7:00 CCSC: RECOMMENDATION TO BOS, COMMUNITY CENTER BUILDING

Mr. Ralph Cappola, Vice Chairman of the Construction and Design Subcommittee of the Community Center Study Committee was present before the Board with the recommendation of the committee regarding the Community Center building. Mr. Cappola stated that the committee voted at their February 6th meeting to recommend to the Board of Selectmen that the existing structure be demolished and that a new structure be built. Additionally, Mr. Cappola stated that the vote was fourteen in favor with none opposed and one member abstaining from the vote. Mr. Cappola stated that there will be a public forum on March 6th discussing in more detail these findings and they will invite public dialogue, but he did explain that the committee has done extensive analysis of all of the aspects of trying to salvage the building and the costs factors associated which would be 20-25% more. Mr. Robert DeMarzo stated that the Raymond report was the first indication that the most prudent course of action would be new construction. The Construction and Design Subcommittee performed independent analysis that arrived at the same conclusion, and Mr. DeMarzo referenced the costly business of inevitably incurring change orders during renovations adding to the estimated costs of renovation. Mr. Boyle inquired as to the next phase ie: site location or placement of building on site. Mr. Cappola stated the subcommittee will need more information before the building could be properly placed on the site. Ms. Deborah Wall of the Community Relations Subcommittee volunteered that the second survey is available for public participation now through March 24th with 180 responses received thus far. Mr. Paul Lovett stated that respondents to date have a vested interest in the community center so he questioned the sample. Mr. Patrick Chilcott from the Administration and Finance Subcommittee stated that each member of the Construction and Design Subcommittee was very thorough; this is what each of them does for a living and the analysis was both thoughtful and deep, hitting almost every industry benchmark. Admin and Sub is working toward building a more thorough business case analysis based on the information that is present. Once the cases are presented, the next steps would be the Board of Selectmen's. Mr. Stone stated he was present for the February 6th presentation by Construction and Design and their recommendation; after listening to their presentation, Mr. Stone voted to support their recommendation.

CONSIDER PLYMOUTH COUNTY FY14 PLYMOUTH COUNTY MOSQUITO BUDGET

Mr. Thorne stated that the FY13 budget was \$51,955 which comes out of the Town's assessment sheet from the State; the Plymouth County Mosquito budget for FY14 in the Governor's budget is scheduled to be \$60,260 and that will come out of the cherry sheet assessment. Mr. Boyle moved to support the Plymouth County Mosquito Control FY14 proposed budget; Mr. Boulter seconded the motion. The vote was unanimously in favor.

**CONSIDER THE USE OF TOWN ROADS: SOUTH SHORE RACE MANAGEMENT, LLC
JULY 20, 2013 AT 8:00 AM**

South Shore Race Management, LLC is managing a non-profit road race to benefit the Silver Lake Schools beginning at the Silver Lake Middle School, proceeding down Pembroke Street past SL High School, turning onto Station Street, Pelham Street, School Street, Brentwood Road and ending back at the school parking lot on Saturday, July 20 beginning at 8:00 am. They will work with the Pembroke Police Department and hire police details as recommended by the Chief. Mr. Boulter moved to permit the use of the Town's roads for this event subject to the approval of the Police Chief and the DPW Director; Mr. Boyle seconded the motion. The vote was unanimously in favor.

CONSIDER USE OF TOWN'S ROADS: MULTIPLE EVENTS/DATES, GIRLS ON THE GO

Erin Breton of the Girls on the Go has requested the use of the Town's Roads for four road races, three annual and one new road race. Saturday, March 30th 7:00 am to 11:30 am Fools Rush In for the Pembroke Police Boys Club, Sunday, May 12th 7:00 am to 11:30 am Here Comes Your Mother, You Better Run benefit for Sandra's Journey, Logan/Keefe Family, Sullivan/Glynn Family and Cheralyn Froio and Sunday, June 2nd 7:00 am to 11:30 am Heather's Way, Heather A. Woods Pay It Forward Memorial Fund. Each of these three races will observe the Center Street to High Street to Mountain to Center route. Ms. Breton has already spoken with Chief Wall to receive permission for these events. The fourth event, Saturday, July 13th 10:00 am Steve Hussey Memorial Road Race is run on Learning Lane at the High School. Mr. Boulter moved to grant the use of the town's roads for the Girls on the Go road races on center Street, High Street and Mountain Avenue on Saturday, March 30, Sunday, May 12, Sunday, June 2 from 7:00 am to 11:30 am and on Learning Lane on Saturday July 13th at 10:00 am pending the approval of the Chief of Police. Mr. Boyle seconded the motion. The vote was unanimously in favor.

CONSIDER ONE DAY LIQUOR LICENSE REQUEST: PEMBROKE HISTORICAL SOCIETY MARCH 10 9:00 AM TO 1:00 PM

Mr. Boyle moved to grant a one day all alcohol liquor license request to the Pembroke Historical Society for their annual Pancake Breakfast to be held at the Historical Society Building at 166 Center Street on March 10 from 9:00 am to 1:00 pm. Mr. Stone seconded the motion. The vote was unanimously in favor.

APPROVE THE USE OF THE BANDSTAND & TOWN GREEN: CHROHN'S & COLITIS FUNDRAISER

Mr. Boyle moved to approve the use of the Bandstand and the Town Green behind the Bandstand for the annual Ice Cream Social fundraiser at the request of Ginger Comeau on behalf of the Chrohn's and Colitis Foundation on May 29th from 5:30 pm to 8:00 pm. Mr. Stone seconded the motion. The vote was unanimously in favor.

CONSIDER MINUTES OF JANUARY 28, FEBRUARY 4, AND FEBRUARY 26

Mr. Stone moved to accept the minutes of January 28th, February 4th and February 26th as written. Mr. Boyle seconded the motion. The vote was unanimously in favor.

OPEN THE SPECIAL WITHIN THE ANNUAL WARRANT

Mr. Boulter moved to declare the Special within the Annual Warrant open and to close the warrant on Friday, March 8th at 4:30 pm. Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Lovett questioned why there would be a Special within the Annual; it was explained by Mr. Trabucco that the Special funds items that need to be funded prior to the start of the next fiscal year.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne stated he was contacted by the DOR today; they have agreed to the Boards request to conduct a financial management review of the Town and it will begin in late July and last for approximately three months. Mr. Thorne inquired as to the Board's readiness to reconsider remote participation; Mr. Hanley advised this item may be scheduled for next weeks agenda.

UPCOMING ISSUES

March 6th Public Forum Community Center Study Committee & March 8 STM Warrant closes.

CONSIDER FIRST CHURCH REQUEST: OLDE HOME DAYS FAIR MAY 29-JUNE 1

Mr. Don Kernan, Vice Commander of Arthur Briggs Church Post #143, American Legion was present before the Board to request that more consideration is shown regarding the placement of the heavy equipment in regards to the monuments. Mr. Hanley read the minutes from April 2, 2012 where a group was assigned to do a pre and post Fair walkthrough to establish boundaries and assess conditions. The group was to have consisted of members from First Church, members from the Veteran's group, a representative Selectmen and DPW foreman Scott Glauben. Mr. Pongrantz stated he was not present last year for the walkthroughs performed by Mr. Glauben. Mr. Trabucco stated that he was present with Mr. Boyle last year to walkthrough with Scott Glauben to perform a pre-fair assessment; the objection was to create a balance between preserving the fair and maintaining the appropriate reverence for the monuments. Mr. Trabucco stated that the monuments deserve to be seen and have life around them while having a respectful distance maintained; he recommended that the three groups, the church, the veterans group and Scott Glauben, meet and perform a joint walkthrough. Mr. Hanley requested that applicant Ms. Sim be notified that a meeting with member(s) of the post, the church, the BOS and Mr. John Flynn with Fiesta Shows will be required prior to the event. Mr. Hanley suggested that the walkthrough attempt to achieve a tasteful layout and this meeting may need to be scheduled Wednesday May 28th; Mr. Hanley will accept a motion to permit this event conditional upon the walkthrough meeting. Mr. Boyle moved to grant the request of First Church in Pembroke to hold their annual Olde Home Days Fair in the parking lot and on the grounds of the Town Memorial Green from Wednesday, May 30 through Saturday, June 2 and to close Curve Street starting on May 29 conditional upon the inspection and approval of the Board of Health and details by the Police Chief and Fire Chief and to grant permission for the use of the Community Center rear parking are during this time for ten (10) trailers for the storage of Fiesta Show's equipment subject to the meetings as defined by the Chair. Mr. Stone seconded the motion. The vote was 4-1 with Mr. Boulter opposed.

7:30 EMERGENCY MANAGEMENT: FEBRUARY 9TH STORM DEBRIEFING

Health Agent Lisa Cullity introduced an after action report prepared for the MRC whereby issues for improvement were identified through analyzing the Towns performance in the moment versus how this performance can be improved in the future. Ms. Cullity first identified generator failures or equipment failures without a maintenance program in place; additionally, she mentioned the communication failures that are being addressed through the formation of a communication task force, rebranding PEMA with this backbone in place to alleviate the burden felt by the Co-Directors of EM in this informational age. Ms. Cullity stated that this enables the Emergency Management Co-Directors to coordinate and perform their key tasks in an emergent situation, leaving the communications to the volunteers and staff of PEMA. Ms. Cullity cautioned against relying solely on volunteers as infrastructure; she demonstrated that to expand the base, PEMA will need to build an infrastructure with an essential employee base working eight hour shifts. Ms. Cullity stated that, while regional sheltering becomes the ideal, local sheltering requiring staffing for the first 48 hours will predicate investing in an infrastructure as demonstrated in this storm. Mr. Hanley thanked Ms. Cullity, Chief Wall, Deputy Chief Hill, Chief Neenan, all public safety personnel and DPW workers for their dedicated efforts. Mr. Hanley cited mechanical and equipment failures, particularly the failure of the generator at the DPW garage, freezing the gas pumps and rendering the plow drivers with no fuel; with the widespread power outages, no fuel was available commercially. Mr. Boyle stated that this storm was like no other, possibly in a lifetime. Mr. Boyle was disappointed to learn that there was no backup generator at Mayflower Court or Kilcommons Drive. Mr. Boulter cautioned the Town about disregarding the generator recommendation from Emergency Management; he stated this has been a recurring issue that remains unresolved. Mr. Boulter stated that the Town needs to prepare itself as area shelters will not work. Mr. Stone stated that the Library and the COA did a great job sheltering residents and echoed Mr. Boyle's concerns regarding the lack of a generator at Mayflower and Kilcommons. Mr. Thorne advised that Article #6 in Special within the ATM warrant requests funding to replace the DPW generator. Police Chief Wall stated the need for the Town to consider a line item in the budget for generators and their maintenance; he advised that during the storm, transportation within the Towns limits becomes an issue and the Library and COA in their locations make ideal shelters.

Mr. Thorne advised that private contractors may not receive gasoline from the Town under the current rules and regulations; Senate President Therese Murray was made aware of this during the storm and stated that she plans to address it. Mr. Bastianelli stated that we are prohibited from dispensing to contracted vendors, only to municipal vehicles. Mr. Hanley requested that the Health Agent's after action report should be acted on once it is finalized. Mr. Stone stated he supports the EMA Co-Directors recommendation to procure generators. Mr. Hanley stated that the storm underscored the need for capital investment. Chief Neenan pointed out that the perception is that some of the thirty to forty year old equipment is new. Mrs. Carol Dodge thanked all public safety officials and DPW worker and expressed pride in the Town. Mr. Paul Lovett suggested that the DPW could use redundancy system on fuel pumps. Additionally, Mr. Lovett stated that residents were very resourceful in the storm. Mr. Patrick Chilcott thanked the Chiefs, public safety officers and officials and stressed sheltering and its needs. Mr. Chilcott stated that the School Committee discussed on Thursday night performing their own review of their generators. Mr. Chilcott pointed out the basics that need to be considered like cots, food, water, fuel for generators and stated that equipment needs to be evaluated and funded appropriately. He concluded by stating that the cost of capital is currently low.

CONSIDER MEDICAL MARIJUANA TREATMENT CENTER MORATORIUM

Mr. Hanley advised that counsel has provided two drafts for review; one is confined to treatment centers and the other addresses treatment centers and other medical marijuana uses. Discussion ensued. Mr. Thorne clarified the difference between the two moratoria articles submitted for consideration; the second draft article has an accessory use section prohibiting growing medical marijuana at home and a severability clause allowing the Attorney General to strike the accessory use section, allowing the moratorium to stand. Mr. Trabucco, Mr. Stone, Mr. Boulter and Mr. Boyle were in favor of zoning article; Mr. Hanley supported giving the residents a choice and including the moratorium article on the warrant. Mr. Thorne stated that the BOS has the option to place the zoning bylaw as amended or the moratorium article on the Special; Mr. Boyle supported Mr. Trabucco's motion to move the original article to allow residents a chance to vote on it. Mr. Stone stated his belief, based on statements that they have made, that the Planning Board will not be able to resolve their differences on this article, particularly prior to the STM warrant closing. Mr. Hanley suggested that the moratorium article be referred to the Planning Board for a public hearing, comment and a PB recommendation in the meantime. Mr. Trabucco stated he wants to stay the course with the zoning by-law and not recommend the moratorium. Mr. Hanley stated there is a process that must be undertaken and referring the moratorium to PB to vet through the public hearing process doesn't mean this article will be placed on the warrant. Mr. Paul Lovett requested several small changes be made to the zoning by-law; he would like the first three sentences and the MGL c.138 s12 restrictions removed and he would like to reduce the setback to 500 feet. Mr. Trabucco moved to refer the original zoning by-law article concerning Medical Marijuana Treatment Centers to the Special Town Meeting warrant with the caveat that it should be amended through the public hearing process. Mr. Boyle seconded the motion. The vote was unanimously in favor.

Mr. Stone moved, seconded by Mr. Boulter, 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. Mr. Hanley declared it to be so.

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