

**MINUTES OF THE SELECTMEN'S MEETING
MARCH 18, 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), Dan Taylor (Planning Board Chairman), Art Egerton, Paul Lovett, Patricia Merritt, Jessica Merritt, Charlotte Skolnick, Sabrina Chilcott (Executive Assistant), Pat Ronan (Patriot Ledger), Michael Melanson (Pembroke Mariner Express), Erika Christianson (PACTV Cable), and others.

7:00 CHARLOTTE SKOLNICK, TROOP 80074, GIRL SCOUT REQUEST: PLAQUE

Ms. Skolnick was present before the Board to request the display of a plaque honoring Girl Scout Gold Award recipients in Town Hall. Ms. Skolnick additionally announced that her project of Self Guided Historical Tours of Pembroke will kick off at an open house at the Library on March 30th from 1:00 pm-3:00 pm. There will be two walking tours and three driving tours available. Mr. Boyle moved to grant the display in Town Hall of a plaque honoring Girl Scout Gold Award recipients; Mr. Boulter seconded the motion. The vote was unanimously in favor.

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. PEMA requests that residents adopt one or more of the following ways to stay informed with PEMA updates issued in an emergency: monitor the Town of Pembroke Website at: www.pembroke-ma.gov, follow PEMA on Twitter at: @PembrokeMA, register for email notifications at: www.pembrokek12.org/emailsignup.cfm or by listening to WATD radio, 95.9FM. If a regional alert from the National Weather Service or MEMA is issued, relevant information for Pembroke residents will be posted. In the event of a life threatening emergency, residents should dial 911. The Monroe Street Pit at the corner of Monroe Street and School Street will be open Saturday March 23rd for brush drop off between 8:00 am and 3:00 pm.

Discussion ensued concerning residents request for brush pickup and the lack of funding in the budget. Mr. Thorne advised that the DPW Director Mr. Fulmine is working with the Town Accountant to develop a dollar figure for expenses related to a thirty-day brush pickup program complete with police details of approximately \$20,000; Mr. Fulmine is on the agenda for next week and can provide an update then.

CONSIDER APPROVAL OF AFFORDABLE HOUSING REFINANCE: 32 LIBERTY DR, KEMMETT

Mr. Boyle stated that there was no appraisal submitted by the applicant; Mr. Boyle moved to table for one week to research this further. Mr. Boulter seconded the motion. The vote was unanimously in favor.

CONSIDER ANNUAL TOWN MEETING WARRANT ARTICLE RECOMMENDATIONS

Mr. Thorne provided an overview of the twenty-eight (28) articles submitted for inclusion on the annual town meeting warrant. Mr. Stone stated he would like to see the revolving account for the GATRA reimbursements to the COA reinstated in article eight; Mr. Thorne will refer this to Mr. Buckley. Additionally, Mr. Thorne stated that a Cash Management meeting will be called in the next two weeks as there are many capital items, potential collective bargaining expenses and there is still no confirmation of state aid. Consensus was reached to refer articles 11, 12, 14, 16, 22 and article 27 to cash management. Mr. Trabucco stated that a Cash Management meeting is overdue. Mr. Boulter moved Town Meeting Floor on all articles; Mr. Boyle seconded for the purposes of discussion. Mr. Boyle requested that each article receive individual recommendation. Mr. Boyle moved favorable action on article one; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle recommended town meeting floor on article two; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle recommended town meeting floor on article three; Mr. Boulter seconded the motion. The vote was

unanimously in favor. Mr. Boyle moved favorable action on article four; Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boyle moved town meeting floor on article five; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved town meeting floor on article six; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved favorable action on article seven; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved favorable action on article eight; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved town meeting floor on article nine; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved favorable action on article ten; Mr. Trabucco seconded the motion. The vote was unanimously in favor. Mr. Boyle moved town meeting floor on article eleven; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved town meeting floor on article twelve; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved favorable action on article thirteen; Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boyle moved town meeting floor on article fourteen; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved favorable action on article fifteen; Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Boyle moved favorable action on article sixteen; Mr. Stone seconded the motion. The vote was unanimously in favor. Discussion ensued on article 17; Mr. Hanley would like CPC Chairman to come before the BOS and explain the article. Mr. Boyle moved to table and then withdrew his motion. Mr. Boulter moved town meeting floor on article 17; Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boyle moved town meeting floor on article eighteen; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved favorable action on article nineteen; Mr. Trabucco seconded the motion. The vote was unanimously in favor. Mr. Boulter moved town meeting floor on article twenty; Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boyle moved favorable action on article twenty-one; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved favorable action on article twenty-two and then withdrew this motion and moved to recommend town meeting floor; Mr. Trabucco seconded the motion. The vote was unanimously in favor. Mr. Boyle moved town meeting floor on article twenty-three; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Boyle moved town meeting floor on article twenty-four; Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Stone moved town meeting floor on article twenty-five; Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boulter moved town meeting floor on article twenty-six; Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Boyle moved town meeting floor on article twenty-seven; Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Stone moved favorable action on article twenty-eight; Mr. Boyle seconded the motion. The vote was unanimously in favor.

CONSIDER AMENDED MEDICAL MARIJUANA ZONING BY-LAW ARTICLE

Mr. Hanley read the proposed amended by-law amendment for consideration:

To see if the Town will vote to amend the Zoning Bylaws to insert a new section under Section V, "Special Provisions, Standards and Procedures," as set forth below and to amend the Table of Contents to insert "11. Medical Marijuana Treatment Centers" under "Section V. Special Provisions, Standards and Procedures:"

11. MEDICAL MARIJUANA TREATMENT CENTERS

A. Purpose. It is the purpose of this section titled "Medical Marijuana Treatment Centers" to address and mitigate the potential secondary effects of Medical Marijuana Treatment Centers adverse to the health, safety and general welfare of the Town and its inhabitants by regulating the siting of Medical Marijuana Treatment Centers and establishing specific standards and procedures for local permitting of Medical Marijuana Treatment Centers and other medical marijuana related uses.

B. Special Permit. Medical Marijuana Treatment Centers may be authorized by special permit issued by the Pembroke Zoning Board of Appeals in the Adult Use Overlay District. The following regulations shall apply to Medical Marijuana Treatment Centers as defined in this By-Law.

C. Separation. No Medical Marijuana Treatment Center shall be located within five hundred linear feet of:

1. Any Residential District as designated herein;
2. Any School or Child Care Establishment;
3. Any Other Medical Marijuana Treatment Center; or
4. Any establishment licensed to pour alcohol under the provisions of G.L. c.138 §12.

Distances shall be calculated by direct measurement from the nearest property line of the land used for any of the identified purposes above to the nearest portion of the building in which the medical marijuana treatment center is located.

D. Conflict with Other Bylaws. In the event of any conflict between the provisions of this Bylaw and any other applicable Bylaw, the stricter provision, as deemed by the Zoning Enforcement Officer, shall control.

E. Off-Premises Delivery Prohibited. All sales and distribution of medical marijuana by a dispensary agent shall occur only upon the licensed premises, and a dispensary agent shall be strictly prohibited from delivering medical marijuana to any person at any other location.

F. Signage. Any licensed Medical Marijuana Treatment Centers site shall comply with the requirements of the Town Sign Bylaws at all times.

G. Manufacturing. Medical marijuana infused product manufacturing may be conducted by special permit issued by the Pembroke Zoning Board of Appeals, on the condition that such manufacturing complies with the Separation requirements of Section C herein, in any zoning district where commercial manufacturing of products is allowed as of right or permitted by special permit.

H. Term of Special Permit. Any special permit issued pursuant to this Bylaw shall be valid for a period of two years from the date of issuance. Application for renewal of the special permit must be filed 90 days before the expiration of the special permit and subject to a public hearing in accordance with the procedures set forth in G.L. c.40A §9, 11 and 15, and Sections VI.D., F. and G. of the Zoning Bylaws.

I. Definitions

“Medical Marijuana Treatment Center” shall mean a not-for-profit entity, as defined by Massachusetts law only, registered under state law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

“Dispensary agent” shall mean an employee, staff volunteer, officer, or board member of a non-profit medical marijuana treatment center, who shall be at least twenty-one (21) years of age.

J. SEVERABILITY

The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this by-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

Or take any other action relative thereto.

Changes include reduction of the separation distance in linear feet from fifteen hundred to five hundred, removal from “purpose” of crime language and the addition of Section J: severability. Mr. Boulter recommended favorable action on this amended article; Mr. Boyle seconded for the purpose of discussion. Discussion ensued on unknown pending DPH regulations and the possibility of referring the moratorium by-law to the Planning Board for public hearing. Consensus was reached for the support of the amended zoning By-law amendment above. Mr. Trabucco moved to reopen the Special Town Meeting for the removal of original article 12 and for the insertion of the amended Medical Marijuana Zoning By-law article 12 as read as well as the second temporary Zoning By-law Moratorium article with accessory uses and severability clause. Mr. Boulter seconded the motion. The vote was unanimously in favor. Mr. Trabucco moved to close the Special Town Meeting warrant; Mr. Boulter seconded the motion. The vote was unanimously in favor.

CONSIDER REMOTE PARTICIPATION BY TOWNS BOARDS, COMMITTEES AND COMMISSIONS

Mr. Thorne requested that this item be held until next week. It was unanimously agreed to do so.

MINUTES

Mr. Stone moved to accept the amended minutes of February 26th as presented; Mr. Boyle seconded the motion. The vote was unanimously in favor.

ASK THE SELECTMEN

Mr. Trabucco requested that the DPW see to the cleaning or replacing of the “No Dogs Allowed” signs at the Towns cemeteries that have been sprayed with graffiti. Mr. Boulter advised that

Thursday is the Town's 301st birthday; the time capsule will be open for items that night at the Library and will be on display for the next year prior to its burial. Mr. Boyle requested that the Board of Selectmen consider forming a committee to review the Town's current Sign By-Law, as an inordinate amount of time is spent chasing violators; perhaps it needs to be updated as times have changed. Mr. Boyle moved to form a committee to review the existing Sign By-Law for possible updates or changes, consisting of the Zoning Enforcement Officer, Planning Board Chairman or his designee, Selectmen Chairman or his designee, ZBA Chairman or his designee, Chair of the Historical District Commission or her designee and a member of the public. Mr. Boulter seconded the motion; the vote was unanimously in favor. Mr. Stone advised that he has received a call from a Valley Street resident regarding speeding vehicles and heavy trucks on Valley. The Police Department has been requested to place the traffic truck there and rotate officers through the area. Mr. Hanley stated he was approached by Ms. Breen to initiate a conversation with Camp Pembroke regarding the upcoming season; Mr. Hanley requested this be placed as an agenda item for the next meeting. Mr. Hanley requested that Camp Pembroke reps, Chief Wall, Ms. Breen and Mr. Verry be in attendance.

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 so declared.

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