

**MINUTES OF THE SELECT BOARD MEETING
FEBRUARY 24, 2021
REMOTE MEETING HOSTED BY PACTV ON ZOOM PLATFORM**

PRESENT: **Panelists:** Daniel Trabucco (Chairman), Jessica M. Rushing (Vice Chairwoman), John G. Brown, Jr. (Clerk), Rebecca Coletta (Selectwoman), Tracy Marino (Selectwoman), William Chenard (Town Manager), Michael Buckley (Accountant), Cathy Salmon (Assessor), Kathleen McCarthy (Treasurer/Collector), Louis Cassis, Joseph Green, Andrew Herman, Barbara Gallagher, Marc Gallagher
Attendees: Linda Peterson, Thomas Driscoll, Vincent Coyle, Sabrina Chilcott (Assistant Town Manager)

At 7:00 pm, Mr. Trabucco advised that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Pembroke Select Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can view this meeting while in progress on Comcast Government Access channel 15, and for those without cable, via livestream at: <https://www.pactv.org/pactv/towns/pembroke>. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the meeting designated for public comment, by registering to login to this webinar at <https://www.pembroke-ma.gov/select-board/meetings>. While no in-person attendance of members of the public will be permitted, every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Pembroke website an audio or video recording, transcript or other comprehensive record of proceedings as soon as possible after the meeting. All votes taken will be roll call votes. Mr. Trabucco stated that he will be seeking re-election and thanked all who have supported him.

VOTE HOUSEKEEPING ITEM: COMMON VICTUALER'S LICENSE AT 226 CHURCH ST, NOURIA CONVENIENCE STORE & FUELING STATION

JR moved to grant Nouria Energy Wholesale d/b/a Nouria a Common Victualer's License in accordance with the provisions of MGL c140 s2 to be exercised at 226 Church Street in Pembroke. Mr. Brown seconded the motion. By roll call 5/0: Rushing – yes, Coletta – yes, Marino – yes, Brown – yes, Trabucco – yes.

VOTE RECOMMENDATION OF AFFORDABLE HOUSING COMMITTEE TO APPOINT SHARON MCNAMARA OF 85 ELMER ST

Ms. Marino moved to appoint Sharon McNamara of 85 Elmer Street to the Pembroke Affordable Housing Committee; Mr. Brown seconded the motion. By roll call 5/0: Rushing – yes, Coletta – yes, Marino – yes, Brown – yes, Trabucco – yes.

VOTE REQUESTS OF HERRING FISHERIES: RESIGNATION, J. ROSARIO; UPGRADE ROBERT MCCARTHY TO MEMBER; APPOINT AIDAN MAGGIORE OF 24 ELLIOT TO ALTERNATE VACANCY

Ms. Marino moved to accept the resignation of Joshua Rosario from the Herring Fisheries Commission; Mr. Brown seconded the motion. By roll call 5/0: Rushing – yes, Coletta – yes, Marino – yes, Brown – yes, Trabucco – yes. Ms. Marino moved to appoint current alternate Robert McCarthy to this vacancy, term to expire 2022; Ms. Rushing seconded the motion. By roll call 5/0:

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Rushing – yes, Coletta – yes, Marino – yes, Brown – yes, Trabucco – yes. Ms. Marino moved to appoint Aidan Maggiore of 24 Elliot Ave to the alternate vacancy, term to expire 2021; Ms. Rushing seconded the motion. By roll call 5/0: Rushing – yes, Coletta – yes, Marino – yes, Brown – yes, Trabucco – yes.

VOTE TO/NOT TO EXERCISE RIGHT OF FIRST REFUSAL TO PURCHASE 40B PROPERTY AT 7 BARKER SQUARE (TRANSFER TO FAMILY)

Ms. Barbara Gallagher was present before the Board to explain that her sister lived with her mother providing primary caretaker services and it is the family estate's wish to have allow Ms. Maureen Moran to stay in the condo as her primary residence as she meets the qualifications as defined by CHAPA to remain in this affordable house with the deed restriction staying on the property. Ms. Rushing moved to waive the Right of First Refusal on 40B unit located at 7 Barker Square Drive, Pembroke and allow the property to be transferred to Maureen Moran provided a new deed restriction will be signed and recorded, and the property will remain in the Town's subsidized housing inventory; Ms. Marino seconded the motion. By roll call 5/0: Rushing – yes, Coletta – yes, Marino – yes, Brown – yes, Trabucco – yes.

DISCUSSION AND VOTE: PROPOSED LETTER TO GOVERNOR REGARDING REFUSAL TO SUPPLY MUNICIPALITIES WITH VACCINE

Mr. Brown stated that the Governor's press conference indicates that change could be coming but there are concerns that Pembroke and other local area towns may continue to be denied vaccine to serve the residents in town. Ms. Rushing presented an amended draft with clarifying language. Mr. Brown supported the changes. Ms. Rushing and Ms. Coletta supported sending the letter. Mr. Brown moved to accept this letter voted at this meeting to be sent to the Governor's office for his decision to stop provisions of the first dose vaccine to municipalities effective March 1st. Mr. Rushing seconded the motion. By roll call 5/0: Rushing – yes, Coletta – yes, Marino – yes, Brown – yes, Trabucco – yes.

ANDREW HERMAN, SOUNDCHECK STUDIOS: REQUEST FOR SPECIAL PERMIT TO HOLD OUTDOOR CONCERT MARCH 17TH 7P-10P

Mr. Herman thanked the Board for their support in their request last week to host Thursday, Friday, and Saturday concerns from March 1 to August 1; however, they neglected to request March 17th, a Wednesday, as an additional date. Mr. Herman stated that they have a U2 cover band lined up for this one night and they have two shows that first weekend with no more shows in March. Ms. Rushing stated that she requires abutters on the back side of Corporate Park be notified as it is a mid-week show on a school night. Ms. Coletta requested they stay on the lower end of the decibel level as kids are going back to school. Mr. Herman stated they will end the show at 9:30 pm in response. Ms. Rushing moved to grant a Special Outdoor Live Events Permit for Soundcheck Studios at 150 Corporate Park Drive on Wednesday, March 17, 2021 from 7:00 pm to 10:00 pm in accordance with all Massachusetts and local Mandatory Safety Standards and with all Phase requirements of occupancy limits in effect each day, patrons not to exceed 100 attendees on any day. Mr. Brown seconded the motion. By roll call 5/0: Rushing – yes, Coletta – yes, Marino – yes, Brown – yes, Trabucco – yes. Mr. Herman agreed to end the show by 9:00 pm and thanked the Board.

DISCUSSION AND VOTE: OCPC DLTA GRANT APPLICATION

Mr. Chenard has spoken with Ms. Coletta about the opportunities here and they agree that the technical assistance would be invaluable with the town's master plan process to grow the town center in the appropriate manner. Ms. Coletta moved to support the OCPC DLTA grant application

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as presented by Mr. Chenard; Ms. Rushing seconded the motion. By roll call 5/0: Rushing – yes, Coletta – yes, Marino – yes, Brown – yes, Trabucco – yes.

7:30 PUBLIC HEARING: ATTORNEY LOUIS CASSIS FOR ENERGY NORTH INC: APPLICATION FOR TRANSFER OF PACKAGE WINE & MALT LICENSE #00060-PK-0960 FROM VERC, INC. TO ENERGY NORTH INCORPORATED AT 145 CHURCH ST

Mr. Cassis presented the license application for a straight transfer from Verc to Energy North, stating that nine (9) of Verc's thirty (30) fuel station hold beer and wine licenses, and Energy North is buying five of these licenses. The Vercollone brothers have been in business for thirty-five years and have decided to retire, selling all of the franchises to three or four other entities with the manager staying the same and the majority of the employees staying the same. Mr. Cassis introduced Mr. Green of Energy North stating that the purchase of these five licenses will bring Energy North to a total of eight licenses and nine are allowed under the statute. Mr. Green confirmed that there will be no changes to staff or management and all required staff are TIPS certified. Ms. Rushing moved to move to grant the application of Energy North Incorporated for a Transfer of Package Wine and Malt Beverages license # 00060-PK-0960 from Verc Enterprises, Inc. d/b/a Pembroke Mobil as exercised at 145 Church Street and described as "premises consists of a gas convenience store with a Dunkin Donuts coffee shop; customer entrance in the front of the building and employee and delivery entrance on the east end of the building with emergency exit in west side of the building." with no change of manager. Mr. Brown seconded the motion. By roll call 5/0: Rushing – yes, Coletta – yes, Marino – yes, Brown – yes, Trabucco – yes.

FY2022 BUDGET REVIEW: SELECT BOARD, TOWN MANAGER, TOWN ACCOUNTANT, BOARD OF ASSESSORS, TREASURER/COLLECTOR, TOWN BUILDING MAINTENANCE, LEGAL, INSPECTIONAL SERVICES

Mr. Chenard has invited the Town Accountant, Assessor and Treasurer/Collector to present detail regarding their operations, stating that the unique relationship between these three financial departments shares the day-to-day financial operations of the town.

Town Accountant Mike Buckley shared the Association of Town Finance Committees Handbook definition whereby the Town Accountant is responsible for maintaining the town's financial records, including the statement of revenues and expenditures, balance sheet and any other records required by law or regulation. He advised that the office has two employees; his role is part time and there is a full-time Assistant Accountant. The Accountants office oversaw \$123,000,000 in revenue, \$34,000,000 in payroll, \$89,000,000 in expenses, \$180,000,000 in assets and \$123,000,000 in liabilities last year. Mr. Buckley reviewed the weekly warrant process under MGL c.41 §56 to address payroll and accounts payable; no payments can be made by the Treasurer without approval of the Town Accountant and Town Manager, ensuring all departments adhere to the process. Also under the warrant process, liabilities in excess of appropriation are forbidden excluding snow and ice and a declared state of emergency. The Town Accountant's office is regulated by and reports to the Mass Department of Revenue, the federal government, Standard and Poor's and external CPAs during the annual audit. The Accountant's office acts as an internal resource for the Town Manager, Town Departments, boards and committees and residents and taxpayers. The departments goals include the further implementation of MUNIS, the additional CARES reimbursements and professional development. Ms. Coletta asked how much the town has spent for reimbursement in the CARES process; Mr. Buckley stated it is close to \$1.8million to date.

Chief Assessor Cathy Salmon began by sharing overall operations of her office including responsibility for the valuation of real and personal property in town for the purpose of levying the

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property tax; submitting the tax rate recapitulation to the Department of Revenue and granting abatements and exemptions to taxpayers subject to the authority provided by state law. Ms. Salmon stated that her office is a staff of five with an Assistant Assessor, a Principal Clerk and a Principal Lister; Ms. Salmon reports to an elected board and the Town Manager, following MGL and DOR regulations. Ms. Salmon stated that the FY21 budget required the raising of \$71,528,807 of which 62%, or \$44,320,165, derived from property tax. Pembroke has 6,943 parcels of property in residential, commercial and industrial properties representing a total value of \$3,039,791,884 and each property must be revalued every year. The office is always in the process of either data collection or data analysis. Data collection requires effective management of millions of data points derived from physical inspections using mass appraisal judgement, techniques and skills and using all available tools to assist in data review, including relevant software options. Projects are evaluated from building permits, sale properties, cyclical inspections, and other data collection. This includes sending thousands of forms annually requesting various types of data; income and expense data, rental/vacancy data, personal property listed data, sales verification data and economic or market data. As this data is collected, ongoing data analysis is performed using the data using records from the Plymouth County Registry of Deeds, sold properties, assessment of market levels meeting DOR statistical parameters of assessment level to insure equitable valuations. Also calculated and analyzed are interest rates, risk factors, rental markets, expense rates and vacancy rates. The final step in the process after data collection, entry, analysis, and valuation development is to perform data quality review. Additionally, the office works under Mass general law in many ways; working with the Tax Collector for tax commitments and reconciliation; abatements; motor vehicle excise tax; new growth calculations, property tax exemptions; tax exempt organization filings for Chapter 61, 61A, 61B filings and liens; abutters lists, registry recordings of deeds and plans, subdivision plans, mapping and addresses.

Treasurer/Collector Kathleen McCarthy shared the Association of Town Finance Committees Handbook definition whereby the Treasurer is responsible for the deposit, investment, and disbursement of town funds. The Collector is responsible for collecting property taxes and motor vehicle excise taxes, water/sewer charges and a variety of other municipal receipts. In addition to her role, the finance office has a staff of two in the Assistant Treasurer and Principal Clerk, and the collectors office has a staff of three in the Assistant Collector and two Principal Clerks. The Collector's office is the town's main revenue collectors, with real estate collection of \$42,238,159; personal property taxes of \$603,605; motor vehicle excise taxes of \$2,748,644, water fees of \$2,982,598. Trash fees of \$2,163,920 and miscellaneous other fees including municipal lien certificates, memo bill fees and other fees and interest. Ms. McCarthy stated that approximately 6,900 tax, municipal users fees and water bills go out and 20,000 excise bills go out. Collections occur via direct mail, online payments, lockbox payments, in-person payments and physical drop box payments. Those charges can include normal billing amounts, demand cycle amounts, warrant cycle amounts, registry flagging amounts, real estate tax lien amounts, tax taking amounts and refund overages amounts. The Collectors office maintains and monitors the bankruptcy filings. For trash bills, the office performs the billing, the abatements, performs new construction research, collects the fees, issues the liens, generates refunds, issues bins and maintains the inventory of bin serial numbers and issues recycling center passes. The Collectors office balances either weekly, monthly and/or annually with the water department, the trash department, the Town Accountant, Assessors, Deputy Collector, DMI, Town Clerk, School Department, Recreation Department, Library, Council on Aging, Fire Department and Police Department. Ms. McCarthy shared that the two offices cross over when it comes to real estate taxes, also known as tax title; outstanding receivables are transferred to the Treasurer's office. Residents are contacted with a final letter; the town then files for foreclosure in land court and, if unanswered, the town receives a judgment. The

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property must be physically secured and insured, a public auction is held, proceeds are certified as next year's free cash which results in the property retuning to the tax rolls, creating new revenue for the town. The Treasurer's office is responsible for the issuance of authorized, municipal debt; these can be short term SAANs, BANs, RANs, etc. or can be long term, permanent debt from 5 to 30+ years, all approved at town meeting. They work with the Town Clerk to certify the necessary documents, work with Bond Counsel for the green light letter, and work with the town's financial advisor to prepare the official statement. The town's Standard and Poor's credit rating determines how the town does when the debt goes out to bid at the bond market. The Treasurer's office maintains the debt budget, projected debt, and timely payments of that debt. In payroll and benefits, the Treasurer's office receives, processes, and disburses school and town payroll for 506 school employees (\$26,206,252 in FY20) and 285 town employees (\$12,513,221 in FY20). The Treasurer's office administers unemployment compensation, confirming all claims and disputing any issues with the DUA and investigate fraudulent claims. They also maintain ACA compliance and reporting, as well as administering benefits for all employees, balancing and paying coinciding expenses. Those benefits include health insurance, dental, life, FSA, Dependent Care, Pension MTRS, PCR and OBRA, 403(b)/457, disability plans, levies, COBRA, direct deposits, union dues and issue W2s. Ms. McCarthy explained the Treasurer's cash handling process, as all funds that come through the town come through the Treasurer's office, including turnovers from the Collector's office, town and school departments and residents payments. Under statute, the role of the Treasurer is to obtain the highest rate available within the MA Legal List of Investments while taking into account safety, liquidity and yield. They must maintain sufficient liquid assets for weekly obligations; process Accountant's signed weekly warrant for accounts payable checks, balance, then print and disburse the checks. The Treasurer's office balances the town's 70+ bank accounts consisting of depository accounts, trust funds, road bonds and investments; they also research stale dated checks and begin the unclaimed check process. In Pembroke, the Treasurer's office administers the Septic Betterment Program including requesting the necessary funds, maintaining the debt due, payments received and outstanding balances and budget as well as the application process and approval, payments to vendors and forwarding the assessment figures to the Assessor's office. Ms. McCarthy concluded by summarizing the annual, required auditing and reporting to the DOR and the town's independent audit firm.

Mr. Chenard shared the budgets for each of the three departments, stating that he is recommending all three departments budget requests which can be viewed at https://www.pembroke-ma.gov/sites/g/files/vyhlf3666/f/uploads/fy2022_proposed_budget_02252021.pdf. Discussion ensued on the investments in technology in 2020 and the dividends received by the town in doing so. Mr. Chenard reviewed the Town Manager and Select Board budgets, advising the Board that the Town Manager's office is structured in that the Manager serves as the Chief Procurement Officer, the Information and Data Systems Manager, the Personnel Manager, Facilities Manager, Director of DMI, ADA Coordinator, and Parking Clerk. The Manager is responsible for preparing and presenting the annual town budget, negotiating collective bargaining agreements, approving all grants submitted on behalf of the town and the day-to-day operations of the town. The office is staffed by an Assistant Town Manager, an Executive Assistant and a part-time Administrative Assistant, a position which is vacant. Discussion ensued on the proposed budget for both departments. Mr. Chenard presented the Building Maintenance organizational chart, with four employees maintaining and cleaning five buildings with one of those employees out pending retirement. He also presented the budget for the Town Hall facility maintenance expenses for FY22, the legal services budget and the payroll and expense budget for the Department of Municipal Inspections.

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TOWN MANAGER'S REPORT

Mr. Chenard is cautiously optimistic that Pembroke has been downgraded to a yellow status as a result of a reduction of cases; as the threshold is at the borderline, he cautioned residents to wear a mask and continue to social distance from others to continue the trend of reduced cases reported. He advised that the town will be holding a vaccination clinic on Friday for the senior populations who are mobility challenged, and the town has been approved to vaccinate the Housing Authority residents with more information expected in the days to come. Ms. Coletta asked if the Library is allowing the public in to make selections; Mr. Chenard stated that their curbside work has been phenomenal and the roll out will be limited but is coming shortly. Ms. Rushing requested that the discussion begin on holding the annual town meeting; Mr. Chenard stated that the Moderator will be joining the next meeting to begin those discussions. Mr. Chenard stated that options for consideration will include holding the town meeting in three locations inside the high school, holding the town meeting outside or a hybrid of both options. Mr. Trabucco asked that PEMA and Board of Health be invited to participate as well. There will not be a need for the posted executive session this evening.

Community Comment

Mr. Brown stated that a resident on Pine Street has inquired as to why his road is a private road that is plowed but the DPW will not remove trees that fall adjacent to it. Mr. Trabucco clarified that the unaccepted roads in town that do not meet the local or state standards for density, width, stormwater management or other requirements and as a result cannot become an accepted road owned and managed by the town. The town plows unaccepted roads in the interests of health and safety so that emergency vehicles have access but the trees and other assets are all legally, privately owned.

At 9:25 pm, Ms. Marino moved to adjourn; Ms. Rushing seconded the motion. By roll call vote: 5/0: Brown – yes; Coletta – yes; Marino – yes; Rushing – yes, Trabucco – yes.

MATERIALS & EXHIBITS

Vacancy Application, S. McNamara and Recommendation Email, J. Parks (TM Office)
Vacancy Application, A. Maggiore and Recommendation Email, B. Boulter (TM office)
Letter, CHAPA RE: Right of First Refusal at 7 Barker Square (TM Office)
Draft Letter of Support for Local Vaccination Distribution (TM Office)
Letter Supporting Grant App to OCPC DLTA (TM office)
PKWM Liquor License Transfer App w/ Supplements, L. Cassis for Energy North, Inc (TM Office)
Town Manager, Accountant, Assessor and Treasurer/Collector's PP re: FY22 Budget (TM Office)