

**MINUTES OF THE SELECTMEN'S MEETING
JULY 1, 2013**

PRESENT: Willard J. Boulter, Jr. (Chairman), Arthur P. Boyle, Jr. (Vice-Chairman), Lewis W. Stone (Clerk), Michelle L. Burt (Selectman), Daniel W. Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Mark Ames, Ben Bastianelli, Christine Callahan, Robert Clarke, Kristin Cox, Carey Day, Tom Driscoll, Beth Dwyer, Art Egerton, Scott Glauben, Bill Hart, Janet LaBerge, Kathy Long, Scott Manning, Tony Marino, George Verry, Rick Wall, Andrew Wandell, Haley Young, Nick Zechello, Sabrina Chilcott (Executive Assistant), Mike Melanson (Pembroke Mariner Express), Erika Christianson (PACTV Cable), WATD Reporter and others.

7:00 BROOKE YOUNG, GIRL SCOUT TROOP #75045: BICYCLE SAFETY AWARENESS DAY JULY 27TH

Girl Scout Troop 75045 was in attendance with Scouts Brooke, Katarina, Janina, Briana, Karen, Baylie, Leana, Abigail and Catherine presenting their request to the Board. They are planning a Bicycle Safety Awareness Day at the Community Center in the rear lot on July 27th from 10:00 am to 12:00 pm. Planned events include stations with bike safety experts, bicycle check-ups, safety quiz and bike wash with awards given to those who pass the quiz. They will advertise on WATD, PACTV and the Town website. Mr. Boyle moved to approve the use of the Recreation facilities on July 27th for Bicycle Safety Awareness Day; Mr. Stone seconded the motion. The vote was unanimously in favor.

7:05 KEVIN MCKENNA, PROM ANGELS PRESENTATION TO POLICE DEPARTMENT, FIRE FIGHTERS UNION

Mr. McKenna was present before the Board to acknowledge the contributions of the Pembroke Police Department and the Firefighters 2351 Union in support of the Special Needs Prom, Prom Angels. Plaques were given and accepted by Police Chief Richard Wall and Fire Chief James Neenan. Mr. McKenna additionally noted that their annual golf tournament will be held on September 13th.

7:10 JOINT APPOINTMENT: DRAINAGE COMMISSION APPOINTMENT, REAPPOINTMENT

Mr. Andrew Wandell, Planning Board Chairman, stated that the vote of the Planning Board is to recommend and so move the reappointment of Ben Bastianelli to a three year term to expire June 30, 2016 and to recommend and so move the appointment of Tom Irving to the vacant two year term to expire June 30, 2015. Mr. Tom Driscoll, Board of Health, seconded the motion. The vote was unanimously cast seven to zero, Mr. Wandell, Mr. Driscoll & BOS.

ANNOUNCEMENTS

Mr. Boulter read a letter received by Janice Gallinger of the Pembroke Arts Festival Committee. She requests all avenues be explored to maintain the Town Green prior to the event August 9th as they saw flooding conditions last year and she states that the Committee was assured last fall by the Recreation Director that the problem would be resolved in time for this year's event. Mr. Bastianelli then explained that the DPW and the Town Administrator have come up with a plan to rehabilitate the Town Green with the assistance of several engineers but they agreed to September/October of this year in order to avoid disruption of events on the Green. Mr. Bastianelli regretfully stated the Green will not be ready for the Arts Festival.

The Conservation Commission announces the SONAR herbicide treatment applied to Hobomock Pond on Wednesday, July 3rd to control the invasive hydrilla weed; no swimming, boating or fishing on the day of the treatment and no irrigation for thirty days thereafter.

The Commission on Disabilities announces their inventory of medical equipment: 13 walkers, 5 metal canes, 1 wooden cane, 3 pairs of crutches, 1 toilet seat riser, 1 knee brace, 1 walking boot and 1 visual magnifier. The Commission accepts used eyeglasses, hearing aids, TTY and small fitness equipment. They do not accept large fitness equipment or used commodes and toilet seat risers. Please contact Tom Weinreich for further information at (781) 293-9484 or by email at disabilities@pembroke-ma.gov.

7:15 JANET LABERGE, BUILDING DEPARTMENT DISCUSSION

Ms. LaBerge was present before the Board to discuss her experiences having inspections performed at her place of business when she applied for an Occupancy Permit. She stated that four out of six of her appointments were not kept, or they were “no shows, no calls”. She stated that the Fire Department had an emergency, which she understood, but they did not call. She stated that this happened twice with the electrical inspector as well. She admitted that she was able to reach someone in the Selectmen’s office after hours who contacted Tracy, who subsequently contacted the electrical inspector to keep the appointment, but forty-five minutes later than scheduled. Ms. LaBerge stated that no phone call was unacceptable, and she remarked on resulting lack professionalism observed when speaking with the inspector. Mr. George Verry, Building Inspector, stated that the Building Department has reviewed their processes and procedures as a result of this feedback. Mr. Verry explained that the occupancy permit process allows for both Building Code compliance and to ensure that both safety and proper life safety requirements in place for the proposed new use. Mr. Verry explained that past practice has been to schedule all disciplines to go to inspect the property, and where simultaneous scheduling was virtually impossible, often times that resulted in four or five scheduling times, inconveniencing the business owner. Mr. Verry stated a full review of current procedures was performed, comparative study was employed and three changes have been implemented to expedite the process and increase efficiency. Mr. Verry explained that an applicant for an Occupancy Permit will be given a checklist to complete so they know what must be in good working order and in place to obtain their permit and comply with all applicable codes. Once the completed application is received, one inspection with the Building Inspector and the Fire Department representative will be set up to verify that the checklist is complete. If work had been required to complete the checklist, appropriate permits would have been pulled and the work inspected during the normal permitting process. Finally, once the checklist is complete and any permitted work has been inspected, the Building Inspector will issue the Occupancy Permit. Both Mr. Trabucco and Ms. LaBerge expressed appreciation to the response and changes that resulted from the Building Department.

7:25 KRISTYN COX, RY GUYS DOGS: MOBILE FOOD VENDOR PERMIT, 108 CHURCH STREET (LOWES)

Ms. Cox was present before the Board to explain that she has signed an agreement with Lowes as their vendor, has been inspected by the Board of Health and seeks a Mobile Food Vendor permit. Mr. Boyle moved to grant a Mobile Food Vendor Permit to Kristyn Cox, d/b/a Ry Guys Dogs to be exercised at 108 Church Street at Lowes. Mr. Stone seconded the motion. Mr. Trabucco requested a copy of the agreement between Ry Guys Dogs and Lowes for the file. The vote was unanimously in favor.

7:30 PEMBROKE COUNTRY CLUB, PATRICK SULLIVAN AND KATHY LONG, CHANGE OF SUNDAY ALCOHOL SERVING HOURS TO 10:00 AM

Mr. Sullivan and Ms. Long were present before the Board requesting this change to the PCC license as this is at the local licensing authority’s discretion under the adopted statute, MGL c138 s33B, adopted by the Town of Pembroke June 15, 1982 and modified by Governor Deval Patrick on June 30, 2010. Mr. Trabucco stated that he has been in favor of allowing all Section 12 holders to modify their hours on request since the Governor amended the statute. Mr. Boyle moved to grant the application of the Pembroke Hospitality Group, LLC d/b/a Pembroke Country Club to change the hours of on-premises liquor sales on Sundays under license 0960 00059 to “10:00 am to 12:30 am on Sunday”. Ms. Burt seconded the motion. The vote was unanimously in favor.

CONSIDER REQUEST OF CHIEF RICHARD WALL: ONE LIEUTENANT AND ONE SERGEANT PROMOTION

Mr. Thorne advised that one promotion was sped up by State agency, creating a vacancy that requires filling. Mr. Boyle moved the promotion of Paul E. Ridley to the rank of lieutenant and the promotion of Jonathan R. Simmons to the rank of sergeant effective July 1, 2013. Mr. Stone seconded the motion. The vote was unanimously in favor.

7:40 DISCUSSION OF DOG INCIDENT REPORT FILED JUNE 2ND, 87 OAK STREET

The animal's owner, Mr. Kyle Sullivan, was not in attendance as requested. Animal Control Officer Bill Hart was present to review the incident in which Mr. Sullivan's 70-80 pound dog attacked another dog and the person walking the animal who tried to separate the dogs was bitten. Mr. Hart confirmed with the Board that the past practice of three strikes with an animal must now, of necessity, be amended. It is the Board of Health's position that dogs may no longer be banned from Town; they are either left remaining or put down if determined to be a continuing danger after the third offense. Mr. Hart requested the option to provide written notification to an animal's owner at the second offense of the authorization of the ACO to seize their animal if found loose and/or off property after the second strike, pending a hearing before the Board of Selectmen. Ms. Burt moved to send a letter to the dog's owner stating that, if the dog is loose again, the Animal Control Officer has the authorization to secure and hold the animal until the Board of Selectmen can meet again to discuss the matter. Mr. Boyle seconded the motion. Mr. Trabucco stated that this letter was sent to Mr. Sullivan to no avail. Mr. Stone stated that he is in favor of protecting the Town from liability should there be a third offense that could have been prevented by taking this action; additionally, he voiced concern over the fact that the dog owner has not taken responsibility. Mr. Bohan, the owner of the victimized dog, was present to describe his animal's injuries and his incurred \$1000 of expenses to treat his animal at the nearest open facility on a Sunday, Roberts Animal Hospital. Discussion ensued on Mr. Bohan's civil recourse for expenses. The vote was unanimously in favor on Ms. Burt's motion. Ms. Burt suggested the same course of action by sending a letter to Mr. Lavallee at 215 Pelham Street who has had two incidents filed and additionally suggested that any second offense result in a report by the ACO to the BOS and a letter be sent to the owner of the animal advising that the ACO is authorized to secure and hold their animal if loose pending hearing. Ms. Burt moved to send a warning letter to Mr. Lavallee at 215 Pelham Street regarding his dog, should it be loose again the BOS gives Bill Hart the authority to secure the animal and hold him until the Board can meet to discuss the matter. Mr. Boyle seconded the motion. The vote was unanimously in favor.

CONSIDER ANNUAL REAPPOINTMENTS TO HERRING FISHERIES COMMISSION

Mr. Boulter relinquished the Chair to Mr. Arthur Boyle. Mr. Boulter moved to reappoint Craig Richmond, Mark Ames and Douglas Sprague to a three year term expiring June 30, 2016, and to appoint Carey Day to the vacancy whose term expires 2015 and Jeffrey Richmond to the vacant alternate seat whose term expires 2015. Mr. Boulter clarified that this would leave a vacancy, term expiring 2015, for a Herring Superintendent and a vacant alternate's position whose term expires 2014. Mr. Ames requested clarification on whether a vacancy would be held for the Herring Superintendent. Mr. Boyle advised that it would. Mr. Stone seconded the motion; the vote was unanimously in favor. Mr. Boulter moved that the Board of Selectmen vote to fill the position of Herring Fisheries Superintendent, as a non-paying position, to oversee the Herring Fisheries Commission and to create a job description for the position. Ms. Burt seconded the motion. Mr. Boulter stated that his hope is that the Herring Superintendent will be able to assist and monitor the run of herring and oversee the clearing of the run as well as establish an educational series and post items and updates to the Town website. Mr. Boulter expressed concerns over the lack of meetings of the Herring Fisheries Commission. Mr. Boyle stated that interested parties should submit an application and/or a letter of interest by 4:30 pm on July 12, 2013 to the Board of Selectmen's office. Mr. Day provided historical information from 1972 to present on the Herring Fisheries Commission versus a Herring Superintendent. Mr. Day explained that money saved on the salary purchased equipment, volunteers provide their own gas. Mr. Day advised that the volunteers currently have sixty-five total years of experience between them and at last count, the Massachusetts Bays Program counted 81,902 herring returning to Pembroke versus zero in 1998. Mr. Day summarized with the suggestion that if the Herring Superintendent should be created it should be filled from within. Mr. Rounds explained in some detail the clearing of the runs, not the land adjacent. Mr. Ames reiterated that the work done in January, February and March is dangerous; he stated that blockages will return with the water levels so high. Mr. Ames pointed out that roadway access is not available to remove trash or larger items, and overhead vegetation is left to protect the fish from birds. Mr. Ames additionally stated that the Commission regulates the waters that come through, or the dam; the water that comes out of Oldham Pond and Furnace Pond is regulated and observed through Gorham Pond which prevents flooding above

and below. Mr. Ames further described dam regulation and the Commission's assistance to PEMA. Mr. Ames inquired as to whether or not Commissioners have insurance coverage; Mr. Thorne advised that they are covered. Mr. Ames asked to what degree and Mr. Thorne stated that the coverage is identical to employees. Mr. Ames asked if the Commissioners were covered with life insurance and Mr. Thorne stated they are not as they do not pay into the program. Mr. Ames stated that the money spent previously on Herring Superintendents is better spent on the supplies and equipment needed by the Commission based on results. Ms. Burt pointed out that the Herring Superintendent's position will be unpaid, and voiced that she feels volunteers are valuable and should be commended. Mr. Ames advised that the work is too dangerous to recruit average volunteers. Mr. Ames then questioned the composition of the Commission as voted in 1998; the Commission wrote a suggested guideline adopted as a mission that suggested there be five members serving no more than five years each. Mr. Thorne pointed out that the Selectmen in their vote of January 26, 1998 specifically defined the Herring Fisheries Commission as "a commission of 7 members with 2 alternates who will only vote when a regular member is not able to vote". Scott Manning stated that he feels this is about the water wheel and he supports adding positions to the Commission but not a supervisor in a Superintendent. Mr. Trabucco reiterated Mr. Ames' concerns regarding use of volunteers and the perils of working in the waters. Mr. Trabucco stated he is in favor of having another Commissioner but not a supervisory position such as a Superintendent. Mr. Boyle read back the motion that is on the floor: the Board of Selectmen will fill the position of Herring Fisheries Superintendent, as a non-paying position, to oversee the Herring Fisheries Commission and to create a job description for the position. The vote of the Board was five in favor with none opposed. Mr. Trabucco recommended that the Commissioners or their designee apply. Mr. Trabucco requested clarification as to whether this fills the open vacancy; discussion ensued whereby there was consensus by the Board on voting town counsels motion with the express purpose of ensuring that the Herring Superintendent is a Commission member as well. Mr. Ames objected to the wording that the Herring Superintendent would create their own job description; Mr. Boyle stated that the BOS will create the job description which could make the July 12th due date premature.

Mr. Boyle relinquished the Chair back to Mr. Boulter.

CONSIDER ROAD CLOSURE: STANLEY KOVALSKI, AVIS AVENUE BLOCK PARTY

Mr. Boyle moved that, with the permission of the Police Chief, Fire Chief and DPW, the BOS grant approval to the residents and Mr. Kovalski for the closure of Avis Avenue on Saturday, August 10th from 10:00 am to 10:00 pm. Mr. Stone seconded the motion. The vote was unanimously in favor.

CONSIDER PROCLAMATION DECLARING JULY 22ND "FRIENDLY'S DAY"

Mr. Boulter read the request from Friendly's stating that they have served the community for the last 27 years and have completed a renovation whereby the location has undergone a refurbished interior and exterior and a refreshed menu. Friendly's requests that the Board declare their "First Scoop" opening day festivities on July 22nd as "Friendly's Day". Mr. Boyle moved July 22nd be considered "Friendly's Day"; Ms. Burt seconded the motion. The vote was unanimously in favor.

CONSIDER THE MINUTES OF APRIL 22, 2013

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

CONSIDER THE MINUTES OF JUNE 17, 2013

Mr. Stone moved to accept the minutes of June 17, 2013 as written. Mr. Boyle seconded the motion. The vote was unanimously in favor.

CONSIDER THE MINUTES OF JUNE 24, 2013

Mr. Stone moved to accept the minutes of June 24, 2013 as written. Mr. Boyle seconded the motion. The vote was unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

Mr. Thorne advised that there will be yoga at the Herring Run Park by Emerald Street Yoga Studio on Thursdays from 9:30 am to 10:45 am in July and August. Additionally, there will be a graduation party held by Jill Johnson on July 21st from 11:00 am to 2:00 pm at the Herring Run Park.

ASK THE SELECTMEN

Mr. Stone inquired as to the procedure when a preponderance of telephone poles in Town have bracer poles or are tied off and require replacing. Mr. Boulter stated that his experience shows that National Grid and Verizon will replace them when they have several they can schedule at a time. Mr. Thorne stated this is a common problem in surrounding towns right now as well. Ms. Burt inquired as to why there were no fire hydrants on Stetson Road. Mr. Thorne stated he will check with the water department but it may be that there is no water line. Mr. Boyle stated that the visiting hours for Rich Nickerson's daughter Chelsea will be Friday afternoon at 4:00 pm at Shepherd's Funeral Home in Kingston.

UPCOMING ISSUES

Mr. Boulter advised that there will be a PACTV Annual Report update and a Recycling Committee July 15, 2013 and an update on Camp Pembroke July 29th.

Mr. Boyle moved to adjourn at 9:00 pm; Mr. Stone seconded the motion. The vote was unanimously in favor. The meeting was adjourned at 9:00 pm.