

**MINUTES OF THE SELECTMEN'S MEETING  
NOVEMBER 18, 2013**

**PRESENT:** Willard J. Boulter, Jr. (Chairman), Arthur P. Boyle, Jr. (Vice-Chairman), Lewis W. Stone (Clerk), Michelle Burt (Selectman), Daniel Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Michael Buckley (Town Accountant), Ben Bastianelli (DPW Commissioner), Julie Caruso, Patrick Chilcott (School Committee Chair), Robert DeMarzo, Carol Dodge, Matt Dovell, Art Egerton, Jean Gigliotti, Frank Hackett (School Superintendent), Kyle Harney, Tom Irving (DPW Commissioner), Matt McNeilly, Karen Miglietta, Mike Virta, Richard Wall (Police Chief), Steve Walsh, Paul Whitman (DPW Commissioner), Janet Fahey (DPW Commissioners Assistant), Sabrina Chilcott (Executive Assistant), Mark BurrIDGE (Pembroke Mariner Express) and others.

At 7:00 pm, Mr. Boulter called the meeting to order.

**ANNOUNCEMENTS**

Pembroke Emergency Management Agency requests that residents be aware of the various methods of communication available to them to receive alerts in emerging situations; information is on the town website at [www.pembroke-ma.gov](http://www.pembroke-ma.gov) and includes the town website, Facebook, Twitter, email and radio alerts.

The Herring Fisheries Superintendent reports that Senior Biologist Brad Chase from the Division of Marine Fisheries, the state's fishway expert, met with him, members of the commission and two other towns' fishway representatives. Mr. Chase was extremely pleased with the large number of juvenile herring leaving the ponds and commended the group in removing the old fishway on Cranberry Road to allow for the release of water and fish from Oldham and Furnace Ponds. They will continue to monitor the stream and close the fishway at Thanksgiving. Mr. Chase will send a memo on the procedures to keep the stream free of debris and has offered state assistance with cleanup in mid December. More information to follow on volunteer opportunities. The Superintendent will speak with Brockton Water because there have been a number of herring in Silver Lake; the only way they can get in is if the pump at Gorham pumps them from Furnace Pond and this needs to be addressed.

**7:00 DPW COMMISSIONERS: UPDATE, CENTER ST INTERSECTION TRAFFIC SIGNALS**

DPW Chairman Ben Bastianelli was present to report that the Town has received custody of these traffic signals at the intersection in the center of town. Mr. Bastianelli stated that there was just an independent traffic study performed prior to the town taking over; it studied traffic patterns, volume and cycle time. It was performed by Vanasse & Associates; the DPW has accepted the lights as they are currently configured at the recommendation of the engineer. Mr. Boulter stated he believes that the wait on Mattakeesett Street is too long and he believes that the lights through the center should change in sequence to allow traffic to clear. Mr. Boulter stated that he used to receive many complaints; he requested that the DPW Commissioner look into other options to improve the intersections. Mr. Boulter suggested that they try flashing lights at select intersection(s). Mr. Trabucco stated that the engineering report is consistent with the others, and the report indicates that the lights are operating at their highest level of efficiency in their current configuration. Mr. Trabucco voiced his belief that the various roadways entering on to Center Street contribute significantly to bogging down the traffic. Mr. Trabucco referenced the report to state that Elliot Street would face a dangerous situation if the lights are turned to blinking. Mr. Stone stated his belief that the lights were configured with the plaza as a priority. Mr. Bastianelli agreed with the Board's remarks, but he stated that the Commissioners concur that the current configuration maximized the efficiency. Mr. Bastianelli further stated that the master controller is located at the Mattakeesett Street intersection with the other signaling controlled from that light, either by timing or by the strip on the street. The peak hour lights are timed. Mr. Boulter suggested that the other lights go green when the master controller goes green. Discussion ensued on the logistics of changing the timing manually. Mr. Boulter also stated that he appreciates that the original plans for the plaza changed, which changed the proposed traffic scheme; he thanked the Commissioners and stated he would appreciate whatever they can do to improve the situation. Mr. Bastianelli stated that they can speak with Vanasse, bringing some of these ideas for discussion, notifying the Police and Fire Departments prior to any changes. Mr. Boulter asked the Commissioners if they are considering flooding the bog at the intersection of Maquan Street and Mattakeesett Street for skating. Mr. Bastianelli stated they are not.

The Commissioners did it several years ago and a resident came to the Commissioners meeting afterward and reported that the DEP does not allow this due to the possibility that latent chemicals from previous bog treatments can be picked up or stirred and then discharged elsewhere when the water is removed in the spring. Mr. Boulter asked if they can check with DEP; Mr. Bastianelli stated that they will research it further and report back.

**7:30 KAREN MIGLIETTA, MAYFLOWER GROVE GRILL: ADD SUNDAY HOURS TO CVWM, 10:00 AM TO 1:00 PM**

Karen Miglietta, owner and manager of the Mayflower Grove Grill, was present before the Board to request the amending of their liquor service hours to include Sunday from 10:00 am to 1:00 pm. Their first anniversary will be December 1<sup>st</sup> and they would like to serve mimosas. Discussion ensued; Mr. Boyle moved to grant the Mayflower Grove Grill Sunday hours for liquor sales from 10:00 am to 1:00 pm; Ms. Burt seconded the motion. Mr. Patrick Chilcott spoke in support of the petitioner. Mr. Trabucco voiced support for the motion. Mr. Stone stated he supports the motion but acknowledged the abutter who spoke in caution of liquor sales at the original public hearing in May. The vote was unanimously in favor.

**CONSIDER REQUEST FOR APPOINTMENT TO TOWN MEMORIAL COMMITTEE: JULIE CARUSO, 23 FAIRWOOD DRIVE**

Mr. Boyle moved to appoint Julie Caruso of 23 Fairwood Drive to the Town Memorial Committee; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

**CONSIDER COUNCIL ON AGING BYLAW REVISIONS**

Mr. Thorne requested that the Board table this item for one week to allow the COA Board to vote the acceptance of these proposed revisions. Mr. Boyle moved to table this item for one week; Mr. Stone seconded the motion. The vote was unanimously in favor.

**CONSIDER VOTE TO APPOINT TOWN TREASURER AS CUSTODIAN FOR TAX POSSESSION PROPERTIES**

Mr. Thorne stated that this would be for November 21<sup>st</sup> to facilitate the surplus real property auction. Mr. Boyle moved to appoint Kathleen McCarthy as custodian of tax possession properties; Mr. Stone seconded the motion. The vote was unanimously in favor.

**SET THE DATE FOR SPECIAL ELECTION: PROPOSITION 2½ EXEMPTION, DEBT EXCLUSION**

Mr. Boyle moved the date of January 25, 2014 for a Special Election to be held in all five precincts from 9:00 am to 7:00 pm in accordance with the recommendation of the Town Clerk; Mr. Stone seconded the motion. The vote was unanimously in favor.

**DISCUSSION REGARDING THE APPOINTMENT OF ADVISORY COMMITTEE MEMBER TO NEGOTIATION TEAMS**

Mr. Boyle stated that he requested this item be brought for discussion in response to events that occurred at Special Town Meeting. Mr. Boyle stated his belief that, had an Advisory member been present at negotiations, they would have brought the item back to the Advisory Committee to support the resulting contract at Town Meeting. Mr. Boyle moved to include a member of the Advisory Committee to join two Selectmen and the Town Administrator in negotiations. Ms. Burt seconded the motion. Discussion ensued. Mr. Trabucco stated that the BOS cannot speak regarding closed door negotiations and the Advisory member would face the same challenge; he also stated that it is the Board of Selectmen's duty to negotiate contracts. Mr. Stone agreed with Mr. Trabucco and advised that the point of contention at Special Town Meeting had been proposed by the BOS, reduced by the mediator and was ultimately agreed to by both parties. Ms. Burt suggested that an Advisory Committee member on the negotiation could have prevented miscommunication. Mr. Boulter voiced his understanding with section 12 of the Town Bylaws to provide Advisory with a newly negotiated contract thirty days before Town Meeting but stated it is bad policy to negotiate a contract on Town meeting floor. Mr. Boyle concurred and stated that the town could risk an unfair labor practice

allegation in the future if it is allowed to happen. Mr. DeMarzo asked Mr. McNeilly if Advisory members are allowed to serve on another board; Mr. McNeilly stated that they are not under the bylaws. Mr. McNeilly suggested that, once the BOS have a negotiated contract, an Advisory member can be present in executive session to be updated on the financial impact of the contract prior to the BOS signing the agreement. Mr. Trabucco agreed with this idea. Mr. Boyle withdrew his original motion and moved to table this item for two weeks to allow for the Town Administrator and Town Accountant to develop a process to work with Advisory in the future. Mr. Trabucco seconded the motion. The vote was unanimously in favor. Mr. Bastianelli raised concerns about the Advisory Committee's use of incomplete fee cash figures during STM. He stated that this practice did not reveal the real free cash available to the voters and that he feels that decisions were made by taxpayers without accurate information. Mr. Boulter requested that this discussion be placed on next week's agenda and that the Advisory Committee be invited to participate. Mr. Boyle moved to have Advisory in next week; Mr. Trabucco seconded the motion. The vote was unanimously in favor.

### **CONSIDER THE MINUTES OF OCTOBER 21, 2013 AND OCTOBER 28, 2013**

Mr. Stone moved to accept the amended minutes of October 21, 2013 as presented; Mr. Boyle seconded the motion. The vote was unanimously in favor. Mr. Stone moved to accept the minutes of October 28, 2013 as presented; Mr. Boyle seconded the motion. The vote was unanimously in favor.

### **OLD BUSINESS**

Mr. Trabucco requested that the Board discuss reforming the Town Government Study Committee to investigate the feasibility of a Town Manager. He stated that this would require a town charter. Mr. Trabucco requested that this item be placed on the agenda for further comment. Mr. Stone agreed.

### **TOWN ADMINISTRATOR'S REPORT**

Mr. Thorne acknowledged the Pembroke cross country team and congratulated them on winning the state championship. Mr. Thorne also stated that the BOS will be scheduling appointments for interested parties to present to the town regarding a solid waste disposal contract. Mr. Thorne stated that Covanta/SEMASS and ABC Disposal/New Bedford Waste would like to be scheduled. Mr. Boyle requested that Mr. Thorne also schedule Plymouth County's interested contractor. Mr. Stone outlined the work done by the Cape Cod Coalition to vet these companies. Mr. Thorne explained that this coalition established a group of communities that saw rates go down through forced competition.

### **ASK THE SELECTMEN**

Mr. Stone stated he has received a letter from a resident requesting additional hours at the Recycling Center for seasonal disposal of yard waste; he recommended the Board considering adding the next two Sundays to assist residents in this endeavor. Mr. Stone moved to request that the Town Administrator investigate opening the Recycling Center for the next two Sundays and advertise this on the town website; Mr. Boyle seconded the motion. The vote was unanimously in favor.

### **UPCOMING ISSUES**

Mr. Boulter advised the Surplus Real Property Auction will be held on November 21<sup>st</sup> at 12:30pm in the Veteran's Hall and the Assessor's will present information at a tax classification public hearing on November 25<sup>th</sup> at 7:00 during the BOS meeting.

At 8:35 pm, Mr. Stone made a motion to adjourn; Ms. Burt seconded the motion. The vote was unanimously in favor. The meeting was adjourned at 8:35pm.