

**MINUTES OF THE SELECTMEN'S MEETING  
FEBRUARY 23, 2015**

**PRESENT:** Daniel W. Trabucco (Chairman), Arthur P. Boyle, Jr. (Vice-Chairman), Lewis W. Stone (Clerk), Willard J. Boulter, Jr. (Selectman), Richard Wall (Police Chief), Eugene Fulmine, Jr. (DPW Director), Ben Bastianelli (DPW Commissioner), Jason Federico (DPW Commissioner), Paul Whitman (DPW Commissioner), Scott Glauben, Catherine Salmon (Chief Assessor), Lisa Cullity (Health Agent), Linda Osborne, John Melchin, Janet LaBerge, James Kinkade, James Baillie, Carol Dodge, Jason Martin, Don Kernan, Joe Quarissimo, Diana Julian, Mark Burridge (Pembroke Mariner Express), Sabrina Chilcott (Executive Assistant), and others.

7:00 pm Mr. Trabucco opened the meeting. Mr. Boulter requested a moment of silence for Ms. Michelle Burt's father, Thomas Coyne and Moderator Stephen Dodge's mother, Elsie Dodge both of whom have recently passed away.

**ANNOUNCEMENTS**

The Board of Selectmen announces that the closing of the Annual Town Meeting warrant will be Friday, February 27<sup>th</sup> at 4:30pm. Town Clerk MaryAnn Smith stated dog licenses are available; there will be a late fee assessed after February 15<sup>th</sup>. Additionally, nomination papers are available for the following positions; Moderator, Board of Selectmen, Board of Assessors, Board of Health, Housing Authority, Library Trustee, Planning Board, Constable, School Committee, DPW Commissioners. The last day to obtain nomination papers is March 12<sup>th</sup>. Please contact the Clerk's office with any questions at (781) 709-1403. Mr. Stone thanked the Fire and Police Departments for a rapid and professional response to his home over the weekend.

**7:00 DISCUSS AND UPDATE: EMERGENCY PROCEDURES, SNOW REMOVAL STATUS**

American Legion Post 143 Commander Don Kernan was present to thank all branches of town government for their hard work and good performance during the many recent weather events, particularly the DPW and Police Department. Mr. Trabucco requested a general update on how the town handles emergencies, and the routine and extra-ordinary snow removal procedures undertaken recently. Mr. Fulmine stated that the record-setting, unprecedented snow has resulted in 30+ inches of snowfall in one day; it is the most snow to fall in a thirty day period. Over fourteen days we saw two blizzards and record low temperatures allowing no melting reduction of snow on the ground. He thanked his crew and the private contractors that have been working steadily all month to plow, clear, open site distance, clear catch basins, etc. The largest adversities that the DPW has experienced resulted from the lack of salt and lack of proper equipment; six and ten wheelers. Mr. Trabucco stated that public safety has no spending limit when the concern is emergency management and safety issues. Pembroke Police Chief Richard Wall stated that emergency management had a preparatory meeting on January 26<sup>th</sup> in advance of the first storm and has been going ever since over the last thirty days. The Chief stated that there were frequent, daily, informational postings to the town website, Facebook and Twitter updating residents as to the storm conditions, expectations, emergency contacts, etc. He thanked DPW for their hard work stating that all roads were kept open and passable throughout each storm. Mr. Stone asked him if MEMA had responded to Pembroke's inability to transport in salt; Chief Wall explained that the DPW has had salt on backorder for a while, but here have been four named storms in the last 26 days. He confirmed that DPW has a plan in place to increase Pembroke's salt storage capacity. Mrs. Carol Dodge appeared in support of the town departments and requested that residents in each neighborhood shovel out their fire hydrants as has always been done in the past. Mr. Jason Martin was present to explain that his company has provided front-end loaders and larger trucks and equipment to move and clear snow; he explained that trucks statewide are earning increased revenue for hauling snow versus hauling salt and there have been no trucks available in the Commonwealth to haul the salt as salt is released. Mr. Martin stated that the town did not have the proper equipment to do this job as it was extra-ordinary. Over 2,500 dump trailers full of snow were removed with just their three loaders and he feels that the DPW did an amazing job. DPW Commissioner Paul Whitman stated that he has been on the Planning Board for 17 years, during which time 68 new subdivisions have been accepted or fourteen miles of roads. DPW has only been able to replace broken equipment but they haven't been able to add any. They take existing fleet and hire 26 pickup trucks which could not handle the volume of snow at the rate it was received; the town needed ten wheelers. Mr. Mike McKenna was present to state that

he had a poor experience and there was no communication regarding plowing status updates or issues to inform the public. He pointed out that expectations could not be managed as there was no communication; he suggested that the public would be more understanding if they had the information, similar to the trash updates posted daily.

**7:20 JOINT APPOINTMENT WITH ADVISORY COMMITTEE, MODERATOR: MARK GOULD, 23 CARDINAL CIRCLE**

Advisory Committee Chairman Linda Peterson was present before the Board to advise that the Advisory Committee has unanimously voted to support this appointment. Ms. Peterson moved to appoint Mark Gould of 23 Cardinal Circle to the Advisory Committee for a term of three years. Mr. Stone seconded the motion; the vote was unanimously in favor by the BOS, 4/0. Ms. Peterson voted in favor as well.

**7:20 SOUTH SHORE COMMUNITY ACTION COUNCIL: LINDA OSBORNE, JOE QUARISIMO**

Mr. Frank Casey was present from the South Shore Community Action Council to recommend that the BOS support an article on the Annual Town Meeting warrant to appropriate \$5,000 to the SSCAC with the hopes that this will become an annually budgeted item. Mr. Casey stated that last year the SSCAC funded \$289,129 in goods and services to Pembroke residents. Last year they provided \$108,000 in fuel assistance and they support 138 active food banks. Mr. Casey stated that last year they received 13,304 applications for fuel assistance and they had to shut off the benefit at Thanksgiving as they ran out of funding. Mr. Stone moved to support the South Shore Community action Council by sponsoring an article for a \$5,000 appropriation; Mr. Boulter seconded the motion. The vote was unanimously in favor.

Mr. Boyle moved to reconsider the Board of Selectmen's vote of February 11<sup>th</sup> to re-advertise the Director of the Council on Aging's position. Mr. Stone seconded the motion. Discussion ensued; Mr. Boulter stated that the BOS charged the COA Director Selection Committee with sending the BOS three candidates to interview and one was sent instead. Mr. Stone stated that he supports the Selection Committee's recommendation and their decision to forward only one candidate. Chairman of the Council on Aging Board Linda Osborne stated that she was unaware that the process outlined by the Board requested three candidates. Mr. Trabucco requested that the recommended candidate be scheduled for an interview at the next BOS meeting and that two additional resumes be forwarded to the BOS for review. Vote on Mr. Boyle's motion: unanimously in favor.

**7:30 PUBLIC COMMENT: MGL C.40b APPLICATION OF DELPHIC ASSOCIATES AND COPPERWOOD CIRCLE BUILDERS, INC. FOR SITE ELIGIBILITY, BIRCH STREET**

Mr. Paul Cusson of Delphic Associates of New Bedford was present representing Copperwood Circle Builders, Inc. on an application to build a 40B development on Birch Street. MassHousing recommends that developers get remarks from the Board and the public to be submitted with the application. Eoghan Kelly of Copperwood Circle Builders and Tom Pozerski of Merrill Engineering were also present. Mr. Cusson stated that the BOS will submit a report based on department head and public comment and then a site eligibility letter will be generated by MassHousing so that the project can go before the ZBA. Mr. Cusson stated that plans submitted at that stage are preliminary plans upon which an initial decision would be rendered. They continue to submit plans leading to a final set that the town will then send off for peer-review to an engineer of the town. Mr. Cusson stated that the planned entrance to the site will be between 39-47 Birch Street and the town is welcome to perform a site visit at any time. He described the parcel as a 49 acre parcel with 20 acres of upland as determined by Conservation Commission delineated wetlands lines. Of 36 units, 25% will be set aside for low to moderate income eligible buyers, or 9 units. HUD defines an eligible buyer in this instance to have a combined income of \$66,000 annually for a family of four and the units will be priced between \$190,000 to \$210,000. The market rate would be twice that amount. Initial purchase of the affordable properties would be through a lottery system. Mr. Thorne advised that the Town is submitting comment by March 10, 2015. Health Agent Lisa Cullity asked how the conceptual septic was located on the site and capacity was determined without a perc test or soil testing; she advised that mathematically, appropriate septic arrangements is not accounted for in the preliminary site plan. Mr. Cusson stated it will be a common septic system that will comply with the state Title 5 regulations. Engineer Tom Pozerski confirmed that this is at concept stage only and additional testing is part of the process. Ms. Cullity stated that the regulation requiring accommodation for 110 gallons per day combined with the number of three and four

bedroom units, results in the conceptual site plan not allowing for enough capacity in the outlined area as submitted. Ms. Cullity urged them to initiate perc testing. Mr. Cusson stated that this would be part of the process as would “some additional engineering” and not engaged in until the Zoning Board of Appeal process. Mr. Boyle concurred with Ms. Cullity, explaining that a development situated next to this parcel is an unsuccessful shared septic situation that has resulted in many residents’ septic system failure and abandoned units with both affordable and market rate units sharing in the failure, all unable to bear the cost of replacement of a system twenty years old. Transferring the properties has proven to be very problematic. Mr. Cusson asked if the bank would have been responsible on the vacant or abandoned units; Ms. Cullity stated that they are but they are not addressing the issue which leaves three more homeowners in a failed-septic situation with no recourse but to bear the costs of the vacant properties’ septic replacement costs or risk the property being condemned for failed septic issues. Mr. Cusson stated that they will establish a budget through the final process for reserve replacement; this will incorporate snow removal, septic repairs, septic inspections, etc. He stated his belief that a homeowners or condominium association should have collected funds to cover those costs. Mr. Boyle stated that issues arise when the residents don’t pay the fees; Mr. Cusson stated that, under the law, the bank will place a priority lien for unpaid fees. Chief Assessor Cathy Salmon stated that the town cannot accurately submit a report to MassHousing with the concerns of the town based on a conceptual plan with no actual data. She asked if the town has an opportunity to submit another report to MassHousing once more data is provided. Mr. Cusson stated that there will be further opportunity to comment during the ZBA process; however, he stated there are many concerns that are inadmissible as issues or comment under 40B. Mr. Trabucco inquired as to whether they have ownership of all parcels in the development; Mr. Cusson referred to a purchase and sale agreement in the packet which demonstrates site control. Ms. Salmon inquired as to whether they have ownership of the two easements listed in the site plan as alternate access. Mr. Pozerski stated that they are existing rights-of-way. Mr. Trabucco asked for confirmation that the term on the deed riders are now in perpetuity. Mr. Cusson confirmed that 6-7 years ago the deed rider process was changed so that the rider stays with the property in perpetuity and extends beyond foreclosure; the unit could only be sold at an affordable rate. The monitoring agent will be South Shore Development Corporation and they will determine the price at the time of sale. Discussion ensued on the fill that will be required to develop the site. Mr. Pozerski stated they will want to control the runoff in upland areas and ensure that drainage can flow back and forth. They may use culverts or an arch bridge but there is no design as there has not been soil testing or perc testing. Mr. Cusson stated that there will be a traffic study done to confirm site lines are sufficient. Birch Street resident James Harris asked why regular development has had difficulty trying to build on this site but 40B development can occur; Mr. Trabucco explained that there are different regulations surrounding the building of affordable homes. Mr. Harris voiced a concern that there will be 72 houses with less than one acre lots within one-half mile of Birch Street and traffic will be significantly impacted with a potential hazard to public safety. Mr. Cusson stated that the traffic study will include AM and PM peak flow of traffic; how many cars enter and exit between 7:00-9:00 am and 4:00-6:00 pm. Mr. Cusson stated that if the town has concerns regarding site line, these concerns should be included in the report so MassHousing can ensure that the developer has a traffic engineer ensure safe stopping distance and site line distance. Mr. Trabucco advised that comments can be submitted to the Selectmen’s office for inclusion in the report.

**CONSIDER REQUEST FOR APPOINTMENT: COMMISSION ON DISABILITIES RECOMMENDATION  
DIANA JULIAN, 54 BRICK KILN LANE**

Mr. Boyle moved the appointment of Diana Julian of 54 Brick Kiln Road to the Commission on Disabilities for a three year appointment; Mr. Stone seconded the motion. The vote was unanimously in favor.

**OPEN SPECIAL WITHIN THE ANNUAL TOWN MEETING WARRANT**

Mr. Stone moved to declare the warrant for the Special within the Annual Town Meeting Warrant open and to close it on Friday, February 27<sup>th</sup> at 4:30 pm. Mr. Boyle seconded the motion. The vote was unanimously in favor.

**CONSIDER TEMPORARY TRAILER PERMIT APPLICATION: SAMPSON LUMBER, 181  
MATTAKEESETT STREET**

Mr. Boulter moved to grant a temporary trailer permit to Diane Sampson of Sampson Lumber for a six month temporary trailer due to repairs made necessary by snow damage. Mr. Boyle seconded the motion. The vote was

unanimously in favor.

**VOTE THE MINUTES OF FEBRUARY 4, 2015**

Mr. Boyle moved to accept the minutes of February 4, 2015 as submitted; Mr. Boulter seconded the motion. The vote was 3/0/1 in favor with Mr. Stone abstaining.

Mr. Boyle moved to forward a letter and affidavit of unauthorized property acquisition to the Plymouth County Register of Deeds regarding the Zaniboni property acquisition off Monroe Street. Mr. Stone seconded the motion. The vote was unanimously in favor.

Mr. Trabucco announced the upcoming issues before the Board. Mr. Stone remarked on the closing of the warrant and the Boards desire to include a by-law amendment to make mandatory the posting of minutes to the town website. Mr. Trabucco requested that Mr. Stone work with the Town Administrator to draft an article to this effect for inclusion in the warrant.

At 9:25 pm, Mr. Boyle moved to adjourn; Mr. Boulter seconded the motion. The vote was unanimously in favor.