

MARCH 2, 2015

PRESENT: Daniel W. Trabucco (Chairman), Arthur P. Boyle, Jr. (Vice-Chairman), Lewis W. Stone (Clerk), Willard J. Boulter, Jr. (Selectman), Stephen Dodge (Moderator), Linda Peterson (Advisory Chair), Linda Osborne (Council on Aging Chair), John Melchin, Janet LaBerge, James Kinkade, James Baillie, Catherine Salmon (Chief Assessor), Jean Gigliotti, Robert Clarke (Conservation Agent), Mark Ames (Conservation Commission Chair), Carey Day, Michael Kirby, Don Kernan, Andy Pongratz, Diana Julian, Mark Burrige (Pembroke Mariner Express), Sabrina Chilcott (Executive Assistant), and others.

7:00 pm Mr. Trabucco opened the meeting.

7:00 JOINT APPOINTMENT WITH ADVISORY COMMITTEE, MODERATOR: RICHARD MCMANUS, 7 DEVEUVE LANE

Advisory Committee Chairman Linda Peterson was present before the Board to advise that the Advisory Committee has voted to support this appointment. Ms. Peterson moved to appoint Richard McManus of 7 Deveau Lane to the Advisory Committee for a term of three years. Mr. Dodge seconded the motion; the vote was unanimously in favor by the BOS, 4/0 with Mr. Dodge and Ms. Peterson voting in favor as well.

CONSIDER PERMIT REQUEST, TOWN MEMORIAL GREEN: FIRST CHURCH, OLDE HOME DAYS FAIR, MAY 27-30

Ms. Sim was present before the Board on the First Church's application; setup will occur on May 26th and the fair will run May 27th through May 30th. Ms. Sim confirmed that there were no significant issues last year. Mr. Don Kernan, Commander of American Legion Post 143, requested that the same conditions be set forth as last year with the walkthrough in advance and requested the equipment be setback from the monuments. Mr. Boyle confirmed that he and Mr. Trabucco attended the walkthrough with Scott Glaubien last year and the results worked well. Mr. Trabucco concurred with Mr. Boyle stating that last year's fair was successful in both residents enjoyment in sharing the monuments and a successful fundraiser for the church. A tentative date for the pre-fair walkthrough was set at 7:00 am on May 27th. Mr. Boyle moved to grant the request of the First Church in Pembroke to hold the annual Old Home Days Fair in the parking lot and on the grounds of the Town Memorial Green surrounding the church from Wednesday, May 26 through Saturday, May 30 and to close Curve Street starting on May 26 conditionally upon the inspection and approval of the Board of Health, details by the Police Chief and Fire Chief and any site conditions set by the Assistant DPW Director during the walkthrough and setup; and to grant the use of the Community Center rear parking area during this time for ten (10) trailers for the storage of Fiesta Show's equipment. Mr. Boulter seconded the motion; the vote was unanimously in favor.

7:15 CONSERVATION COMMISSION CHAIR, MARK AMES: ZANIBONI LAND PURCHASE

Mr. Trabucco summarized the Board's discussions regarding the proposed land purchase of a parcel of land off Monroe and Hobomock Streets, recently referred to as the Zaniboni property. Mr. Trabucco stated that the Board had begun discussions and had questions concerning the potential detriment to the town of the responsibilities of owning the parcel, and then the BOS was notified in December that the Conservation Committee had proceeded and signed the deed without a vote of the Board of Selectmen. Chairman Mark Ames stated that the Board of Assessor's interpretation of the law is incorrect, leading to misinformation being disseminated. He further stated that the BOS never received correct information regarding a federal overlay. Mr. Ames stated that Conservation felt the same situation existed on this parcel as in Tubbs Meadow whereby portions of land could be sold off to recover costs of acquisition. He further stated that the information shared at Town Meeting regarding the restriction of passive recreation is not true. He cited elements of the parcel that are advantageous, including a reservoir that assists the town in low water times and stated that they are proud of the acquisition of the parcel. Mr. Trabucco inquired as to the federal deed restrictions as described by the Assessor's office; Mr. Ames stated that Conservation disagrees with their remarks. Mr. Carey Day stated that a land purchase known as "Bog 1" by the DPW had the exact same easement with the exception that the town was required to fund the improvements to maintain the terms of that federal easement, where the Zaniboni parcel has already performed the necessary improvements. Additionally, Mr. Day stated that the terms of the federal easement on the Zaniboni parcel require the town to perform any work that the federal government identifies, but the funding for

that work will be federal. Discussion ensued with disagreement on the language of General law and town counsel's interpretation of G.L. c.40, §8C, "which provides that the Conservation Commission may receive gifts, bequests or devises of personal property or interests in real property of the kinds mentioned below in the name of the city or town, subject to the approval of the city council in a city or of the selectmen in a town". Mr. Day stated that there was no intent to circumvent the Board as Conservation has brought other parcels to the Board to vote to accept in the past. Chief Assessor Cathy Salmon stated that the Assessor's office has provided requested information and they have not interpreted law; they identified points to consider such as what were the "other considerations" as specified, what is the cost of the easement, exactly for what is the landowner responsible, etc. Discussion ensued on the rescheduling of meetings due to inclement weather; further discussion ensued on minutes posting and other procedures. Mr. Kirby requested that the appointed boards meet as department heads; Mr. Thorne advised that department heads meet every month at Town Hall. Mr. Trabucco offered to hold appointed board chairman meetings quarterly. Mr. Day stated that he will put together a response to the Assessors questions.

7:30 (8:15) CVAA CHANGE OF MANAGER: LONGHORN STEWAKHOUSE, 125 CHURCH STREET, ANDERSON DEMOURA

Mr. Boyle moved to grant the request of RARE Hospitality International, Inc. d/b/a LongHorn Steakhouse for a change of manager at the 125 Church Street location from Brittainy, Hough to Anderson DeMoura. Mr. Stone seconded the motion. The vote was unanimously in favor.

7:35 (8:20) COUNCIL ON AGING DIRECTOR INTERVIEW: ANN L. SEERY, 1 JONES RIVER DRIVE, KINGSTON

Ms. Seery was present before the Board as the sole candidate referred by the Director Selection subcommittee of the Council on Aging Board. She stated that she has entered her second career by earning her Master's degree in 2010. She has had several different internships including at Linden Ponds and was hired to work for each of them; she would like to expand into community work with seniors. She looks forward to meeting the stakeholders, staff, residents and the Board. She would like to evaluate the scheduling programs, transportation system and other programming in place to see what is working and what can be improved. Ms. Seery stated that she looks forward to growth opportunities for the center; she clarified that elder affairs formulas are very important and deadlines are critical. She also looks forward to working with the Police and Fire Departments regarding outreach programs and emergency management. Ms. Seery inquired as to what type of orientation and support will be provided; Mr. Thorne stated that he would hold a department head meeting on a new director's arrival to allow them to meet other department heads on the team; the representative from the acting Director – the Town Administrator's office – will be working through the transition and can assist in early orientation. Mr. Boyle moved to appoint Anna Lisa Seery to the position of Council on Aging Director with terms and details to be negotiated by Town Administrator Ed Thorne; Mr. Stone seconded the motion. The vote was unanimously in favor.

CONSIDER THE USE OF THE TOWN'S ROADS: SOUTH SHORE RACE MANAGEMENT/USA HEALTH & FITNESS ROAD RACE, SATURDAY, AUGUST 1

Ms. Anne Marie Winchester of SS Race Management on behalf of USA Health and Fitness has submitted a request to use the town's roads for a second annual road race August 1 at 7:00 am. The route begins and ends on Learning Lane; the route turns left onto Hobomock Street, to Lake Street, left onto Plain Street, left onto Valley Street, left onto Standish, right onto Hobomock Street and returns to Learning Lane. Mr. Boyle moved to approve the use of the Town's roads by South Shore Race Management and USA Health & Fitness on August 1 at 7:00 am subject to the approval of the Police Department and the DPW. Mr. Boulter seconded the motion. The vote was unanimously in favor.

CONSIDER APPLICANT TO PEMBROKE DRUG PREVENTION COALITION: KELLY PUCKO

Mr. Boyle moved to appoint Kelly Pucko of 3 B Street to the Pembroke Drug Prevention Coalition. Mr. Boulter seconded the motion. The vote was unanimously in favor.

**CONSIDER REQUEST FOR DOOR-TO-DOOR SOLICITATION PERMIT: PHOENIX MARKETING,
JEFFREY SWAUGER, WESTPORT, MA**

Mr. Boulter moved to deny the door-to-door solicitation permit request of Phoenix Marketing; Mr. Stone seconded the request. The vote was 3/0/1 in favor of the motion to deny with Mr. Trabucco abstaining from the vote.

At 8:35 pm, Mr. Stone moved to enter executive session 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. Trabucco so declared and Mr. Boyle seconded the motion.

By roll call vote: Mr. Boyle – yes, Mr. Stone – yes, Mr. Boulter – yes, Mr. Trabucco – yes.