

**MINUTES OF THE SELECTMEN'S MEETING  
SEPTEMBER 14, 2015**

**PRESENT:** Arthur P. Boyle, Jr. (Chairman), Lewis W. Stone (Vice-Chairman), Willard J. Boulter, Jr. (Clerk), Michelle L. Burt (Selectman), Daniel W. Trabucco (Selectman), Edwin J. Thorne (Town Administrator), Richard Wall (Police Chief), J. Michael Hill (Int. Fire Chief), Ronald Cassford, Adam Hatch, Michael Witham, Carol Dodge, Malcolm Bliss, Christine Andrews, Carl Wolfrum, Beth Bailey, Laurie McCollum, John Licoski, Kevin Donovan, Nigel Harling, Sabrina Chilcott (Executive Assistant), and many others.

At 7:00 pm Mr. Boyle opened the meeting and advised that the meeting is being made available to the public through a live video and audio broadcast on Comcast Government Access Channel 15 and is also being recorded for airing on the channel at future dates. Comments made in open session will be recorded.

**ANNOUNCEMENT**

Bryantville Meeting House is hosting an Open House to raise awareness of the location and improvements to the facility at 32 School Street on Sunday, September 20<sup>th</sup> from 2:00 pm to 4:00 pm.

Pembroke is hosting its first State Fisheries meeting of local fisheries commission and the State Division of Marine Fisheries; the meeting is usually held in Bourne. The meeting will be held on October 15<sup>th</sup> from 10:00 am to 4:00 pm and will include a tour of the town's ponds and waterways, information on herring counts locally and statewide and other educational programming.

Pembroke participates in textile recycling through Bay State Textiles, with collection bins at all five schools and the Town Hall. In a review of participation from January 1 through August 30, Pembroke ranked 15<sup>th</sup> out of 44 towns participating.

**7:00 VOTE TO APPOINT NEW PEMBROKE FIRE CHIEF**

Mr. Boyle thanked the Town Administrator, Selectmen Boulter and Stone and the Screening Committee for the fine job they have done bringing forward four highly qualified candidates for the role. Mr. Boyle opened the floor for nominations. Mr. Boulter stated that he was privileged to have met so many qualified representatives from the Pembroke Fire Department and surrounding departments. Mr. Boulter moved to appoint James Michael Hill as the Fire Chief for the Town of Pembroke; Ms. Burt seconded the nomination. Mr. Stone nominated Ronald J. Cassford as the Fire Chief for the Town of Pembroke. At 7:06 pm, Mr. Boyle relinquished the chair, and seconded the nomination. Discussion ensued and Mr. Boyle resumed the chair; Mr. Boulter moved to close nominations with Mr. Stone seconding the motion. The vote to close was unanimously in favor. Mr. Boyle called for a vote by roll call with each vote cast for a nominee: by roll call, Mr. Trabucco – Hill, Mr. Boulter – Hill, Ms. Burt – Hill, Mr. Stone – Cassford, Mr. Boyle – Hill. James Michael Hill was appointed as the Pembroke Fire Chief at 7:08 pm.

**7:15 MALCOLM BLISS AND CHRISTINE ANDREWS, NEXT STEP LIVING: DOOR-TO-DOOR SOLICITATION PERMIT APPLICATION**

Mr. Bliss is the Regional Outreach Manager and Ms. Andrews is the Outreach Coordinator for Next Step Living. They seek to have representatives go door to door in Pembroke to help Pembroke residents tap into MassSave funding for free home energy and solar assessments. Mr. Bliss explained that residents pay into the home energy assessment fund through their current utility bills; this service is at no additional cost to the customer. Mr. Bliss further stated that for every \$1 spent, \$3 is yielded in energy savings in return. Mr. Trabucco confirmed that residents can call their utility company for this free service as Next Step Living is one of the utilities contracted vendors. Ms. Andrews confirmed this but stated that only 10% of people take advantage of the service; that number increases with a door to door approach as it is more convenient for residents to schedule their appointments. Ms. Andrews discussed each proposed member of the canvassing unit with their backgrounds and security checks. Discussion ensued. Ms. Burt moved to deny the application of Michelle Mullen on behalf of Next Step Living for a door-to-door solicitation permit; Mr. Stone seconded the motion to deny. The vote was 3/2 with Boyle and Trabucco in opposition to the denial.

## **7:20 (7:30) VALLEY STREET HEAVY VEHICLE DISCUSSION**

Mr. Thorne stated that the BOS and TA office received several complaints regarding trucks using Valley Street as a cut-through from Route 27, so he asked the Police Chief to look into the situation. Based on the department's observations, Mr. Thorne contacted the Old Colony Planning Council to come in and perform a traffic study, which is required by the state to consider an HCVE as the town does not have the authority to ban trucks on streets. A petition must be submitted to MassDOT and, if they concur, they will grant an HCVE to a certain street. Most recently, an HCVE was granted for High Street and Mountain Avenue. Mr. Thorne has scheduled a meeting for tomorrow at 10:00 am with Charles Kilmer of the OCPC to set up the procedure for where the traffic counters will be placed in the neighborhood. It will take a few weeks, and then all vehicles travelling on Valley Street and any other selected streets will be monitored for a count, the weight and speed to prepare an extensive report. The report will include the data for each day and each time of day. The procedures that must be followed are outlined in the MassDOT procedures, an excerpted copy of which is available tonight for residents. Mr. Thorne summarized with the fact that the Board has heard the residents' concerns, has investigated and responded and begun to take action to seek the available remedy.

Chief Wall stated that the HCVE enacted on High Street and Mountain Ave, with exclusions on Congress Street, Old Washington Street and part of Forest Street has resulted in truck traffic flowing onto other streets as vehicles seek an alternate route. The Chief stated that the radar trailer has been placed on Valley Street, officers have been placed in the area, and Officer Kirby will be present at the OCPC meeting tomorrow to assist with the town's request. Chief Wall confirmed that the MassDOT Highway Division's Manual on Uniform Traffic Control Devices is clear on the procedures that must be followed. Many residents from Valley Street were present to share their concerns. John Licoski stated that the trailers are getting larger and they have little clearance with trees and brush overgrown on the sides of the road, and tend to travel closer to the center of the road. Beth Bailey and Laurie McCollum were also present to advise that there was a meeting on Sunday of residents to put together a list of their concerns. Ms. Bailey stated that she reviewed a traffic study from 2011 online where Valley Street has the third highest volume of traffic. She questioned whether an alternate route was proposed with the other HVCE applications submitted and, if so, what were they. She stated speed of traffic has increased and joggers, walkers and residents getting their mail could be endangered. The group that met made up action plans that included the traffic study request which will be addressed tomorrow, the frequent patrol at various times by a Police Officer rather than the radar trailer, and the monitoring of the Hill Bog permitted activities for compliance. Extensive discussion ensued on the operations at the Hill Bog site; concerns include operational hours and noises outside those times, the route taken by trucks as they enter and exit the property, and "logging operations" observed by residents. Ms. Laurie McCollum stated that they have compiled a list of affected residents from their meeting, and residents have shared their observations, including 4 and 5 axle trucks speeding, passing each other and speeding side by side on this residential road. Ms. Bailey interjected that these large trucks should stay on commercial roads that are maintained, graded and wide enough to accommodate them. She referenced an October traffic study that included Valley Street, Chapel Street and Birch Street and offered to share the list of names of concerned residents. Ms. Bailey also stated that the Hill Bog operations were to begin at 7:30 am but frequently begin at 6:30 am. She additionally stated that trucks exited until 8:00 pm on July 5<sup>th</sup> and no signage has been erected. Ms. Burt asked if the resident's concerns are the Hill Bog truck traffic or general truck traffic; Ms. Bailey stated that the traffic concerns are through-way truck traffic, but the Hill Bog trucks add to the situation. Ms. McCollum stated that there is chipping at 6:45 am on Saturday. Ms. Bailey stated that there has been a difference in truck routing from Hill Bog since the Chief visited the site. Carl Wolfrum from Hill Bog was present this evening on behalf of Jeff Mathias who submitted a written update to the BOS, stated that the project being undertaken is restoring the property back to operating cranberry bogs; he confirmed that truck traffic is very heavy lately, but not all trucks are coming from the Bog. Mr. Wolfrum stated that there was a 100 yard trailer chip truck exiting the wrong direction to Bridgewater Farm. He has since spoken with each driver individually to confirm that no trucks will exit the property to the left unless they are travelling to Crossroads and the BOS office has been notified. Mr. Wolfrum advised that the "logging operation" is not a logging operation; Phillips Tree Service in Duxbury delivers trees several times per week to the site. They are stored by Mr. Mathias for future chipping, and chipping operations occur once per week, when the chips are then sent off, exiting to the right, to NH and ME to utility companies. This operation is in keeping with

recycling in agriculture. Mr. Wolfrum stated gravel operations are in decline at the moment. Mr. Wolfrum stated that the through-way truck traffic appears to be travelling faster than the posted speed limit of 30 MPH and the trees to the side of the road overhang, with trucks often moving away from the side to avoid them. Mr. Wolfrum stated that Mr. Mathias wants to be a good neighbor and any conditions set forth by the BOS will be observed. Mr. Wolfrum stated he will monitor start time of operations to ensure that it complies with the terms, and verified that the noise that is being heard is a front end loader unloading the trees from Phillips, not a chipper. The loader is in need of replacement as it is older and quite loud. One resident asked how long the project is anticipated to take; Mr. Wolfrum stated that there is quite a lot more to do, but important aspects have been installed. The soil that went to the Duxbury High School came from an irrigation pond that was dug; there was no water infrastructure when they arrived and they are building this now. This pond is for the lower sections of the bogs under construction now; one is partially constructed and the other is partially stripped out and being reconfigured. They had to put in a bypass canal to manage any water flow from one bog to the next, required to prevent contamination from one bog to the next. Mr. Wolfrum stated that the property was a mess when Mr. Mathias purchased it and they have worked for three years to clean it out. They have rebuilt the entrance and performed other improvements, but they are currently dealing with water management. Discussion ensued where concerns were repeated by neighbors. Kevin Donovan voiced his concern that Valley Street is a small, narrow street that is being torn up, unable to handle the truck load. Giant potholes have emerged and the road is breaking down. Mr. Boyle stated that the Board has heard the comments and concerns voiced this evening and will work with OCPC to pursue an HCVE and the Chief will work to monitor speeding. Nigel Harling was present to state that the through-way trucks are speeding through and tearing up the roads; he spoke with the DPW and they advised that there is no road repair money left until next fiscal year, and Mr. Harling posited that the winter may ruin the remaining roadway. Mr. Trabucco stated that it is not possible to make developers fund road improvements if they have the legal right to travel under state law. Further discussion ensued with repetition of concerns already voiced. Mr. Wolfrum confirmed that Conservation Agent Bob Clarke visits the site frequently, and the Board and any other official is welcome at any time to come tour and observe. Chief Wall requested that Mr. Wolfrum procure signs for his entrance /exit that clearly state must exit to the right.

#### **ACCEPT THE RESIGNATION OF GERARD DEMPSEY AS DELEGATE TO THE OCPC**

Mr. Boulter moved to accept the resignation of Gerard Dempsey as Pembroke's delegate to the OCPC effective immediately; Mr. Stone seconded the motion. The vote was unanimously in favor. Mr. Trabucco thanked Mr. Dempsey for his 40 years of invaluable service to the town.

#### **ACCEPT THE RESIGNATION OF ALAN GIGLIOTTI FROM THE CONSERVATION COMMISSION**

Mr. Boulter moved to accept the resignation of Alan Gigliotti from the Conservation Commission effective immediately; Mr. Stone seconded the motion. The vote was unanimously in favor.

#### **CONSIDER APPOINTMENTS TO COA: MEMBERS EVE MASIELLO & SUE ELLEN HEWITT, ASSOCIATE MEMBERS PAMELA BLADES, MARY LOPES, JANET O'MELIA, AND RHONDA VICKERY**

Council on Aging Chairman Linda Osborne was present regarding the COA Boards written recommendation to appoint Eve Masiello of 9 Victoria Lane and Sue Ellen Hewitt of 14 Pondview Ave as members to the COA Board, and further to appoint Pamela Blades of 44 Warren Terrace, Mary Lopes of 5 Jessica Circle, Janet O'Melia of 120 Fairwood Drive and Rhonda Vickery of 3 Plymouth Street as associate members to the Board. Mr. Boulter moved to appoint the listed members to the COA at the recommendation of the COA Board; Ms. Burt seconded the motion. The vote was unanimously in favor.

#### **VOTE TO WAIVE THE RIGHT OF FIRST REFUSAL OF 40B RESALE AT 30 PATRIOT WAY, MERVYN COOK**

Representative of Mr. Cook's estate, Mr. Paul B. Cook, has submitted a written request to sell the property at 30 Patriot Way under the 40B program; the DHCD has confirmed the resale price of \$185,000 and requires a vote of the BOS to exercise or waive the town right of first refusal on the property. Mr. Trabucco moved that the Town of Pembroke

waive its right of first refusal to purchase 30 Patriot Way, and further to allow the DHCD to handle the marketing of the property as a 40B affordable home. Mr. Stone seconded the motion; the vote was unanimously in favor.

### **DECLARE SURPLUS PROPERTY AT THE FIRE CHIEF'S REQUEST**

Mr. Boulter moved to declare a 1987 Sparten/FMC 1500 gpm pumper truck, VIN 1S9AT6LOXHC185413, a 1969 Dodge 300 power wagon with brush bars and surplus pump, VIN 2381941188, and a 2001 Ford Crown Victoria VIN 2FAPP71W51X191142; Ms. Burt seconded the motion; the vote was unanimously in favor.

### **VOTE TO ACCEPT MINUTES OF AUGUST 31, 2015**

Mr. Stone moved to accept the minutes of August 24, 2015 as written; Mr. Boulter seconded the motion. The vote was unanimously in favor.

### **VOTE TO ACCEPT MINUTES OF SEPTEMBER 2, 2015**

Mr. Stone moved to accept the minutes of September 2, 2015 as written; Mr. Boulter seconded the motion. The vote was unanimously in favor.

### **OLD BUSINESS**

Mr. Stone requested the minutes of tonight's meeting of the Central Plymouth County Water District Advisory Board as soon as they become available.

### **ASK THE SELECTMEN**

Mr. Trabucco stated that he has received inquiries regarding the Brockton Casino project's effect on the Pembroke water supply and stated that the town is preparing its request for "surrounding community" designation from the Mass Gaming Commission now for submission prior to the deadline. Mr. Stone stated that he received a complaint from a resident that a representative from Vivint Solar solicited her home without a permit last week; additionally, he stated that he received a letter from the Vivant Solar representative that was denied a door-to-door solicitation permit, requesting that the Board reconsider its vote. Mr. Stone stated he is not inclined to reconsider this vote.

Mr. Boyle read the upcoming issues from the agenda. At 8:55 pm, Mr. Boulter moved to adjourn; Mr. Stone seconded the motion. The vote was unanimously in favor.

### **MATERIALS & EXHIBITS**

Emails, Open House, Bryantville Meeting House BOD A. Stanton (BOS/TA Office)

Emails from Brian Sewell, Permit Application (Door-to-Door) (BOS/TA Office)

MassDOT HWY Div. Manual on Uniform Traffic Control Devices, Sec 10A-9 (BOS/TA Office)

Email Update, Jeff Mathias (BOS/TA Office)

\* List of Valley Street Residents, List of Concerns – 7:25 pm Submission (Beth Bailey/Laurie McCollum)

Letter from Gerard Dempsey (BOS/TA Office)

Email from Alan Gigliotti (BOS/TA Office)

Sic Applications, Letter of Recommendation from COA (COA/BOS/TA Office)

Authority Letter, Probate; Written Notice to Sell; Resale Prop Info Form, Emails DHCD (BOS/TA Office)

Surplus Property List: Fire Chief (FD/BOS/TA Office)

Draft: Minutes of Meeting of August 31 and September 2, 2015 (BOS/TA Office)

Materials or other exhibits used by the public body in an open meeting are available to the public within 10 days upon request.