

# TOWN OF PEMBROKE, MASSACHUSETTS



## **ADVISORY COMMITTEE ANNUAL REPORT AND RECOMMENDATIONS**

**2010**

## **ANNUAL TOWN MEETING WARRANT**

**ATTEND THE ANNUAL TOWN MEETING  
TUESDAY, APRIL 27, 2010  
7:30 P.M.**

**PEMBROKE HIGH SCHOOL  
LEARNING LANE  
PEMBROKE, MA**

## A BRIEF GUIDE TO PEMBROKE TOWN MEETING PROCEDURES

### ***If you wish to speak:***

The proper procedure is to stand at the microphone until the moderator has recognized you or someone else. Wait for the microphone and give your name and address before you proceed. You should not interrupt the speaker except in an extreme case to raise a point of order.

Any person must cease and yield the floor at the moderator's request. During debate, the speaker is required to address the moderator. Questions may be asked only through the moderator.

### ***Asking Questions about Procedure:***

The voter can always ask the moderator about questions of procedure. If the voter is not clear as to what he is voting on, or what the effect of the passage of the pending motion will be, he should ask the moderator for clarification.

### ***Advice on Preparing Motions or Amendments:***

The Town Counsel is available for consultation concerning wording and procedure for making motions or amendments from the floor.

### ***Main Motions:***

A main motion proposes action under the article of the warrant being considered. Main motions may be made only when no other business is pending. They are the basic motions, and others revolve around them.

### ***Motions to Amend:***

A proposal to change the main motion before the meeting is made by a motion to amend. It may itself be amended. The first amendment is called the primary amendment and an amendment to the primary amendment is called the secondary amendment. No further amendments are permitted to keep matters from getting too complicated. (In other words – only three motions are allowed on the floor).

### ***Other Motions and Points of Order:***

A motion to adjourn may be made at anytime. Adjournment must be to a scheduled time and place. When all articles in the warrant have been disposed of, a motion to dissolve is in order.

If you wish to terminate debate on a motion and call for an immediate vote, you can “move the previous question”. This motion is not debatable and requires a two-thirds vote.

A Point of Order is a question. On a point of order a voter may raise one or more of the following questions and no others:

1. Is the speaker entitled to the floor?
2. Is what the speaker is saying or proposing indecorous, frivolous, irrelevant, illegal or contrary to proper procedure?
3. Is pending action frivolous, irrelevant, illegal or contrary to proper procedure?

## SUMMARY OF MOTIONS

### Name of Motion

<u>Main Motions</u>	<u>Debatable</u>	<u>Votes Required</u>
1. Motion to take action under article	yes	Majority or 2/3rds as may be required
2. Motion to take up articles out of order	yes	4/5ths
3. Motion to reconsider an article acted upon and disposed of	yes	majority
4. Motion to Indefinitely Postpone	yes	majority

### Subsidiary Motions

1. Previous question (which ends debate)	no	2/3rds
2. Motion to amend main motion	yes	majority

### Privileged Motions

1. To adjourn to a fixed time or recess	no	majority
2. Question the quorum of 150	no	no vote
4. Fix time to (or at) which to adjourn	yes	majority

# REPORT OF THE ADVISORY COMMITTEE

To the Honorable Board of Selectmen and Citizens of the Town of Pembroke

The Advisory Committee's major task is to submit a balanced budget at the annual town meeting in the spring for the following fiscal year. The committee also makes the majority of the motions on articles on the town meeting floor and makes recommendations for or against. This fiscal year's town budget was 50,884,238.00 dollars. The committee made recommendations on 26 articles on town meeting floor. The chairman would like to thank Ed Thorne and Mike Buckley for their assistance in supplying information for the town budget. The following is a list of supplemental transfers made by the committee from their Reserve Fund.

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09

**DEPARTMENT**

**PURPOSE**

**AMOU  
NT**

**BALAN  
CE**

**Appropriation**

**150,000.00**

Town Clerk	Software bills	827.97	149,172.03
Fire Department	Call firemen	10,000.00	139,172.03
Board of Health	Clerical overtime	296.96	138,875.07
Disabilities Commission	Transportation - SSCAC	3,995.50	134,879.57
Board of Health	Clerical overtime	255.84	134,623.73
Disabilities Commission	Transportation - SSCAC	3,586.86	131,036.87
Town Hall Maintenance	March electric bill	1,841.09	129,195.78
Wiring Inspector	mileage & certifications	550.00	128,645.78
Town Administrator	April gas bill	874.72	127,771.06
Town Administrator	April electric bill	1,855.11	125,915.95
Town Administrator	BOH audit	3,923.50	121,992.45
Community Center	Building repairs	5,950.71	116,041.74
Recreation Commission	Replace pump for irrigation system	4,975.96	111,065.78
Veterans' Agent	Veterans' benefits	6,000.00	105,065.78
Board of Selectmen	Gas bill, outstanding May balance	471.27	104,594.51
Town Administrator	May electric bill	1,450.02	103,144.49
DPW	Unused vacation compensation	16.40	103,128.09

		<u>46,871.91</u>	
Turn back from reserve fund		<u>103,128.09</u>	
<b>Inter/Int rade part men tal tran sfers (M GL C44 §33 b) app rove d by Adv isor y Co mmit tee</b>			
<b>Date</b>	<b>From</b>	<b>To</b>	<b>Amount</b>
7/13/ 09	Town Accountant expense	Town Accountant - personal services	150.00
	Assessors' legal expense	Assessors' expenses	677.00
	Building Department personal services	Town Hall maintenance	1,000.00
	Police personal services	Police expenses	13,000.00
	Animal Control expenses	Animal Control personal services	50.00
	DPW buyback	DPW overtime	5.00
	Health Board personal services	Health Board expense	500.00
	Health Insurance	Veterans' benefits	489.00
	Library personal services	Library expenses	2,500.00
	Health Insurance	Medicare Tax Assessment	7,392.00
	<b>Total</b>	<b>Transfers</b>	<b><u>25,763.00</u></b>

Respectfully submitted: Matthew D. McNeilly II, Chairman, Anne Marie Stanton Clerk, Linda Peterson, Stan Carita, Marie Peeler, Russell Bullock, Kathy Hassey, Benjamin Bastianelli III, and Thomas Pugliese, members.



**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF PEMBROKE  
ANNUAL TOWN MEETING WARRANT  
TUESDAY, APRIL 27, 2010**

PLYMOUTH, ss.

To either of the Constables of the Town of Pembroke in the County aforesaid.

Greeting: In the name of the Commonwealth of Massachusetts, you are hereby required and directed to notify and warn the inhabitants of the Town of Pembroke who are qualified to vote on Town affairs and Elections therein to meet at the

**PEMBROKE HIGH SCHOOL  
LEARNING LANE, PEMBROKE, MASSACHUSETTS  
ON  
TUESDAY, THE TWENTY-SEVENTH DAY OF APRIL 2010  
AT SEVEN THIRTY O'CLOCK IN THE EVENING**

then and there to act on the following articles:

**ARTICLES 1 - 29**

**ARTICLE 1:** To hear and act on the reports of the Town Officers and Committees, or take any action relative thereto.

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION: *This article allows any standing Board or Committee the opportunity to inform the Town of any important developments. All reports for the calendar year that were submitted by Department and Committee Heads are printed in the Annual Town Report.*

**ARTICLE 2:** To see if the Town will vote to amend schedules A, B and C of the Classification and Compensation By-laws according to the schedules listed below and to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to fund any changes:

**SCHEDULE A  
CLASSIFICATION OF POSITIONS**

*ALL DEPARTMENTS*

<u>Title</u>	<u>Compensation Schedule</u>
Police Chief	SA-2
Fire Chief & Forest Warden	SA-3
Lieutenant (Fire) Captain (Fire) –Call Dept.	SA-5
Call Firefighters	SA-6
DPW Director	SA-7
Treasurer/Collector	SA-8
Youth Services Librarian	SA-11
Assistant Librarian	SA-12
Associate Librarian II	SA-13
Associate Librarian I	SA-14
Coordinator/Director of Recreation	SA-15
Building Inspector/Zoning Agent	SA-16
Deputy Fire Chief	SA-17
Animal Control Officer	SA-18
Executive Assistant	SA-19
Lieutenant/Assistant to Police Chief	SA-20
Chief Assessor/Appraiser	SA-21
Director of Planning & Community Development	SA-22
Planning Board Assistant	SA-23
Assistant DPW Superintendent	SA-24
Library Director	SA-27
Health Agent	SA-28
Council on Aging Director	SA-29
Town Clerk	SA-30

**ANNUAL SALARY SCHEDULE A  
EFFECTIVE JULY 1, 2010 THROUGH JUNE 30, 2011**

MINIMUM	2 <sup>ND</sup> YEAR	MAXIMUM

**ANNUAL SALARY SCHEDULE B  
APPOINTED PART TIME OFFICERS AND EMPLOYEES  
ANNUAL SALARY EFFECTIVE  
JULY 1, 2010 THROUGH JUNE 30, 2011**

<b>POSITION</b>	<b>CURRENT SALARY</b>
Town Accountant	\$41,334
Landfill Manager	35,525
Assistant Town Accountant	34,396
Conservation Agent	29,788
Wiring Inspector	24,390
Veterans' Agent	14,560
Plumbing Inspector	11,989
Gas Inspector	11,989
Animal Inspector	6,196
Summer Playground Director	6,093
Inspector of Weights & Measures	5,642

Assistant Wiring Inspector	4,621
Assistant Summer Playground Director	4,135
Herring Fisheries Superintendent	2,407
Civil Defense Director	2,395
Town Landing Administrator	1,926

**SCHEDULE C  
FULL TIME/PART TIME HOURLY WAGE SCHEDULE  
EFFECTIVE JULY 1, 2010 THROUGH JUNE 30, 2011**

<u>Title</u>	<u>Compensation Schedule</u>
Matron	SC-1
Patrolman - Permanent Intermittent	SC-1
Patrolman - Special	SC-2
Summer Playground Counselor (Recreation Dept.)	SC-3
After School Counselor (Recreation Dept.)	SC-3
Basic Recycling Attendant	SC-3
Part-time Laborer	SC-4
Call Firefighter	SC-5
Diver	SC-6
Building Committee Assistant (Part-time)	SC-8
Custodian	SC-9
Election Workers, Census Workers and Board of Registrars	SC-10
Senior Clerk	SC-11
Junior Clerk	SC-12
Typist - part-time	SC-13
Council on Aging Drivers	SC-13
Maintenance Person (Part-time)	SC-13
Library Aide	SC-14
Lifeguard	SC-15
Water Safety/Lifeguard Training Instructor	SC-16
Director/Water Safety Instructor	SC-17
Head Life Guard/Water Safety Instructor	SC-18
Extra Help – Assessors Measurer	SC-19
Summer Head Counselor (Recreation Dept.)	SC-19
After School Head Counselor (Recreation Dept.)	SC-19
Extra Help – Assessors Lister	SC-20
Water Safety Instructor Aide	SC-21
Alternate Building Inspector	SC-22
Program Instructor	SC-23*
Library Page	SC-24
Recycling Attendant	SC-25
Zoning Board Assistant	SC-27
Recycling Supervisor	SC-28
Principal Clerk	SC-29
Senior Aide – Council on Aging	SC-29
Assistant to the Conservation Commission	SC-30
*SC 23 is a flexible rate based on approval by the Wage & Personnel Board (Art #37 ATM 4/01)	

**SCHEDULE C  
FULL TIME/PART TIME HOURLY WAGE SCHEDULE  
EFFECTIVE JULY 1, 2010 THROUGH JUNE 30, 2011**

SC	Minimum	2 <sup>nd</sup> Year	Maximum

Selectmen

Submitted by the Board of

**ADVISORY COMMITTEE RECOMMENDATION:**

**SELECTMEN RECOMMENDATION:** Favorable Action

**EXPLANATION:** *This article allows the Town to set the salaries and wages of Town employees that are not employed under the conditions of a collective bargaining agreement or employed by the School Committee. It is generally the vehicle used to grant cost of living increases and may be amended from time to time either within this article or through a separate Town Meeting action.*

**ARTICLE 3:** To see what sums the Town will raise by taxation or otherwise to pay Town Debts and charges for the ensuing fiscal year and to fix the salary and compensation of all elective officers and employees of the Town, as provided by Section 108 and 108A of Chapter 41, Mass. General Laws, and applicable amendments thereto, and appropriate the same, or take any action relative thereto.

Submitted by the Board of Selectmen

**ADVISORY COMMITTEE RECOMMENDATION:**

**SELECTMEN RECOMMENDATION:** Town Meeting Floor

**EXPLANATION:** *This article presents the Fiscal Year 2011 operating budget as prepared by the Town Administrator. Included in the article are the department's requests and the Advisory Committee recommendations.*

**ARTICLE 4:** To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2010, in accordance with the provisions of the General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17, or take any action relative thereto.

Submitted by the Board of Selectmen

**ADVISORY COMMITTEE RECOMMENDATION:**

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION: *State law requires Town Meeting approval to authorize the Treasurer, with the approval of the Selectmen, to borrow money during the course of the fiscal year. This article allows the Town to issue short-term notes to meet its cash flow needs.*

**ARTICLE 5:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the purpose of funding any new collective bargaining agreements between the Town and the Pembroke Patrolmen's Association, Pembroke Permanent Firefighters Association, Council 93, Local 1700 (Town Hall), and Council 93, Local 1700 (Public Works), or take any other action relative thereto.

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN RECOMMENDATION:

EXPLANATION: *This article allows the Town to fund collective bargaining agreements negotiated between the Board of Selectmen and the listed Town Unions. State law requires Town Meeting approval of funding for the first year of any collective bargaining agreements.*

**ARTICLE 6:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be added to the Stabilization Fund, or take any action relative thereto.

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION: *This article authorizes the Town Meeting to set aside a sum of money to be placed into the Town's Stabilization Fund to be used for future purposes. Requires 2/3 majority vote.*

**ARTICLE 7:** To see if the Town will vote to authorize the Board of Selectmen to make application for and to accept federal or state grants for assistance pertaining to community development projects or programs, or take any action relative thereto.

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION: *This article authorizes the Selectmen to apply for and to accept any federal or state grants on behalf of the Town.*

**ARTICLE 8:** To see if the Town will vote to authorize the following revolving accounts pursuant to M.G.L. c. 44, s.53E½ :

N O.	DEPARTMENT	RECEIPTS	EXPENDITURES
1	Selectmen's Printing and Advertising	Hearing fees, sale of printed materials and parking fines not to exceed the cost of tickets	Advertising hearings, bids and employment; printing by-laws, contracts, regulations and parking tickets, total expenditures not to exceed \$10,000
2	Pembroke School Department Building Utilization	Rents and custodial fees received from school facilities	Maintenance and repairs of school buildings, facilities wages, custodial overtime, utilities at the Hatch building, total expenditures not to exceed \$100,000
3	Zoning Board of Appeals Advertising	Advertising fees for hearings	Advertising hearings, total expenditures not to exceed \$5,000
4	Police Department Copy Machine	Sale of photo copies of police reports	Copy machine equipment and supplies, total expenditures not to exceed \$3,500
5	Police Warrant	Fees for service of warrants	Labor and materials furnished in the service of warrants, total expenditures not to exceed \$2,000

6	Library Fines	Library fines and lost or damaged books	Books and non-print materials, total expenditures not to exceed \$25,000
7	Town Landing Activities	Activity fees and contributions	Upkeep and maintenance of Town Beaches, total expenditures not to exceed \$20,000
8	DPW Vehicle Operation and Maintenance	Fuels used by other departments	Fuel, oil, maintenance and parts for equipment repair and upgrading, total expenditures not to exceed \$200,000
9	Board of Selectmen	Earth Removal Permits, Deposits/Bonds	Hiring engineers or surveyors to report to Board of Selectmen – not to exceed \$10,000
10	Pembroke Public Schools	School Bus Fees	Contracted services and wages for student transportation, total expenditures not to exceed \$300,000
11	Pembroke Public Schools	Tuition and Fees	Wages, stipends, supplies, and other expenses directly related to the operation of the Pembroke Pre-School Program, Kindergarten Program, Summer Reading Program and/or other tuition based programs – not to exceed \$60,000

12	Planning Board	Fees from the Sale of Zoning Bylaw Books	Printing of the Zoning Bylaw Books, total expenditures not to exceed \$5,000
13	Conservation Commission	Filing Fees	For use only for wetlands protection activities, not to exceed \$15,000
14	Pembroke School Dept School fees and revenue	Fines, Fees, Deposits, Contributions, and Other Revenues received by individual school administrators in the ordinary course of school administration which do not fall within the statutory scope of Athletic/Extra-Curricular Revolving accounts, and/or student activity accounts.	Incidental school level expenses necessary to further the educational interests of the students, total expenditures not to exceed \$100,000
15.	Affordable Housing Committee	Fees and Gifts	Expenses related to providing affordable housing to Pembroke residents – Not to exceed \$50,000
16.	Conservation Commission	Local Filing Fees Donations Fines	Salaries, Workshops, Conferences, Dues, Property Maintenance Not to exceed \$14,000 per year
17.	Treasurer/Collector	Tax Title Legal Fees	Tax Title legal costs \$5,000

18.	DPW – Cemetery	Fees charged	To pay overtime from weekend burials and to pay for foundation. Total expenditures not to exceed \$10,000
19	DPW - Tree	Sale of Firewood Fees charged	To replace equipment and beautification to supply trees, shrubs, flowers, mulch, etc. for all public areas in town, total expenditures not to exceed \$20,000
20	Conservation Commission/ Town Forest Committee	Fees from logging in Town Forests	Total expenditures not to exceed \$20,000
21	Council on Aging	GATRA Reimbursements	Expenses related to providing transportation to Pembroke residents. Not to exceed \$50,000

or take any action relative thereto.

Submitted by Board of Selectmen, D.P.W., Board of Health, Historical Commission, Town Landing Committee, Library Trustees, Police Dept., Zoning Board of Appeals, Pembroke School Dept., Planning Board, Conservation Commission, Affordable Housing Committee

**ADVISORY COMMITTEE RECOMMENDATION:**

**SELECTMEN’S RECOMMENDATION:** Favorable Action

**EXPLANATION:** *This article will allow the above listed departments to retain certain revenues and use these receipts in support of the programs for which the fee was charged.*

**ARTICLE 9:** To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$415,043 for State Aid construction of public highways and other accepted local roads of Pembroke in accordance with the provision of Section 34, M.G.L. Ch. 90 and any other applicable statute, said sum to be expended in FY’2011-2012 in conjunction with the available State Funds, and further to authorize the Town Treasurer to meet said appropriation whether by taxation, transfer, borrowing or otherwise, or take any action relative thereto.

Submitted by the DPW Commissioners

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION: *This is a routine article. The purpose of this article is to request the Town Meeting to authorize the Town Treasurer to borrow funds in anticipation of reimbursement from the Massachusetts Highway Department from the Chapter 90 Program.*

**ARTICLE 10**: To see if the Town will vote to authorize the Board of Selectmen to enter into contracts with Massachusetts Highway Department for the construction and maintenance of public highways for the ensuing year, or take any action relative thereto.

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION: *This article allows the Selectmen to contract with the State for improvements to public roads within the Town.*

**ARTICLE 11**: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town Administrator to sign warrants for payment, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

An Act Relative to Signing of Warrants for Payment in the Town of Pembroke

Notwithstanding the provisions of section 56 of chapter 41 of the General Laws, or of any other general or special law to the contrary; the town administrator in the town of Pembroke is hereby authorized to approve all warrants for payment of town funds, including payroll warrants. The approval of all such warrants by the town administrator shall be sufficient authority to authorize payment of the same by the town treasurer, but a majority of the board of selectmen shall approve all such warrants in the event of the absence of said town administrator or a vacancy in the office of town administrator.

Or take any other action relative thereto.

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION: *This article would allow the Town Administrator to sign weekly*

*warrants to expeditiously and productively process payroll and other routine and repetitive document that occurs in professional government.*

**ARTICLE 12:** To see if the Town will vote to authorize the Board of Selectmen to acquire from Pembroke Plaza Limited Partnership, by gift, a permanent public way and sidewalk easement and a traffic control easement on parcels of land located on Center Street and shown more particularly on plans on file with the Town Clerk, and to authorize the Board of Selectmen to enter into all agreements and take all other actions necessary or appropriate to carry out this acquisition; or take any other action relative thereto.

Submitted by the Board of Selectmen

ADVISORY RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION: *The Agreement states that the Pembroke Plaza will construct the sidewalk and install traffic control devices. After construction is completed, the Town is responsible for maintenance of the sidewalk. The Town's duty to maintain the traffic control devices and traffic easement area will commence 1 year after the construction has been completed. Must be voted by a majority vote of town meeting.*

**ARTICLE 13:** To see if the Town will vote to approve a 25 year lease between the Town and the Grange Gang for the use of the Grange Hall located on School Street, or take any other action relative thereto.

Submitted by Stan Carita and Ken Corti

ADVISORY RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION:

**ARTICLE 14 :** To see if the Town will vote to borrow and appropriate the sum of \$400,000.00 for the purpose of continuing the program of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that in order to meet said appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow the sum of \$400,000.00 and issue bonds or notes therefor under G.L.C.111, Sec. 127B1/2 and/or Chapter 29C of the General Laws; that project and financing shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the trust and otherwise contract with the trust and the Department of Environmental Protection with respect to such loan and for any Federal or State Aid available for the projects or for the financing thereof; and that the Board of Selectmen or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any

action necessary to carry out the projects, or take any action relative thereto.

Submitted by the Board of Health

ADVISORY RECOMMENDATION:

SELECTMEN'S RECOMMENDATION: Favorable Action

EXPLANATION: *Allows the Town residential property owners to obtain a low-interest loan to repair, replace or upgrade their septic systems to Title V compliance. This requires a 2/3 passing vote.*

**ARTICLE 15:** To see if the Town will vote to amend the bylaws of the Town of Pembroke by adding to **Article XXIV, Rules and Regulations Governing the Use of the Lakes, Ponds and Landings in the Town of Pembroke, Section 24 Docks, Piers, Rafts, Floats, Floating Docks or Boat Lifts:**

Purpose of By-Law

The purpose of this by-law is to promote the educational and general welfare of residents and guests who use the lakes, ponds, and rivers of Pembroke. With the increased usage of our ponds and the increased building on land with pond frontage, we see a definite need to place rules and regulations of temporary permits for docks, piers, rafts, floats, floating docks, and boat lifts. There is a need to protect and care for this natural resource for further generations. We need to balance public access with environmental protection.

Section A

1. The placement on a temporary basis of a dock, pier, raft, float, floating dock or boat lift held by bottom-anchor, and ramps associated thereto (hereafter, "Temporary Structure"), into any body of water within the territorial jurisdiction of the Town of Pembroke, shall require an Annual Permit issued by the Pembroke Board of Selectmen or its designee. Applications for Annual Permits, which shall be issued on a calendar-year basis, will be made available on February 1<sup>st</sup> of each year. Complete applications will be acted on within 30 days from receipt.
2. Conditions may be imposed on the Annual Permit as are deemed necessary to meet the purposes of this By-Law. In order to serve the purposes of this By-Law, the Board of Selectmen may adopt regulations to limit the number or location of Temporary Structures, and may establish criteria for the renewal and issuance of Annual Permits.
3. Any person who has received a license or permit from the State Department of Environmental Protection for permanently-fixed docks, piers, rafts, floats, floating docks and boat lifts shall file a copy of the license or permit with the Town of Pembroke. Such permanent structures may require the separate approval of the Pembroke Conservation Commission under the Wetlands Protection Act.

## Section B

1. Annual Permits shall be issued in accordance with Chapter 91, sec 10A of the Massachusetts General Laws and 310 CMR 9.07, and shall be for the sole use of the applicant, its family, and guests. No Annual Permit shall be transferable to another person, except to a person within the immediate family of the Annual Permit holder upon approval by the Board of Selectmen.
2. In order to receive an Annual Permit, the applicant must show proof of ownership of land adjacent to the water body, and/or a current boat registration with proof of payment of any excise tax due.
3. Annual Permit holders may allow properly registered vessels and guests to use the Temporary Structure for a period not to exceed seven (7) consecutive days.
4. Temporary Structures may not be installed prior to April 1 of the issuing year and must be removed from the water by October 31 of the same calendar year.
5. Permit recipients shall be issued an Annual Permit number and shall have such number attached and plainly visible on the side of the Temporary Structure closest to the shoreline. Dock identifying numbers shall be of contrasting color and be clearly visible.
6. A complete description of each Temporary Structure shall be enclosed with the required application. The description, size, and location shall be included by Lat-Log, GPS, or other approved documentations.

## Section C

1. A temporary pier or float shall not exceed 200 sq. ft. of surface area and shall not extend into the lake, pond, or river more than 50 feet from the high water mark, unless the Board of Selectmen expressly allows a larger structure after a public hearing.
2. A temporary raft shall not exceed 100 sq. ft. of surface area and shall not be placed more than 75 feet from the high water mark. Rafts shall be anchored to the bottom from two points on opposite sides to minimize swinging and shall be secured by chain or line approved by the Board of Selectmen.
3. No more than one Temporary Structure shall be placed on or adjacent to the same parcel of land, unless approved by the Pembroke Conservation Commission.
4. No Temporary Structure shall be painted with any toxic coating or have any contents that will pollute the water. All material used to construct a Temporary Structure shall be environmentally safe and have prior approval. No pressure treated wood may come in contact with or be above the water.

5. Temporary Structures shall not impede foot or vessel traffic, or otherwise unreasonably interfere with the public rights to use waterways for any lawful purposes including fishing, fowling, and navigation. No Temporary Structure may interfere with public rights associated with a common landing, public easement, or other historic legal form of public access that may exist on or adjacent to the site where the Temporary Structure will be located.
6. The issuance of an Annual Permit shall not be construed as authorizing the placement of a Temporary Structure on the private property of anyone other than the applicant, except with the consent of the property owner.

#### Section D:

1. The Pembroke Board of Selectmen or its designee shall advise the Annual Permit holder or property owner of any violation of this By-Law, and shall issue a written warning for the first offense. If the violator fails to comply with the warning citation, the Pembroke Police Department shall enforce this By-Law and/or take appropriate action.
2. Continued violations of this By-Law by or with the consent of the Annual Permit holder may be cause for revocation of the Annual Permit by the Board of Selectmen after a hearing.
3. Any Temporary Structure installed without having obtained an Annual Permit from the Conservation Commission shall be considered a public nuisance and may be removed by the Board of Selectmen, in the event the owner fails to remove same after notice in writing from the Board of Selectmen. The owner shall be responsible for all costs incurred by the Town for such removal and or disposal of such property. Notification to the owner shall be deemed sufficient if served by the Board of Selectmen or its agent, by delivering the same in hand, by leaving it at the usual place of business or abode, or by duly mailing it to the post office address of the owner upon whom it is to be served.
4. The above rules and regulations are to be enforced by an authorized police official of the Town of Pembroke, and the violation of any rule or regulation established under this act shall be punished by fine. The penalty for a further violation of this By-Law, after the initial warning, shall be \$100 for the next offense and \$150 for any subsequent offenses.

#### Section E

1. All docks, piers, rafts, floats, floating docks and boat lifts must have approval of the conservation Commission prior to installation.
2. No property owner is permitted to use any type of fill or make changes to the

shore line without a permit from the Conservation Commission.

3. Permit application is made through the Conservation Commission which has 30 calendar days to issue a permit or denial.

4. The annual fee shall be \$25.00 per dock, pier, float, floating dock or boat lift. Or take any action relative thereto.

Submitted by Board of Selectmen

ADVISORY RECOMMENDATION:

SELECTMEN RECOMMENDATION: Town Meeting Floor

EXPLANATION:

**ARTICLE 16:** To see if the Town will vote to authorize the Treasurer to borrow the sum of \$125,000.00 for the implementation of the Water Division’s new Elevated Water Storage Tank Maintenance Plan as recommended by Weston & Sampson Engineers or take any action relative thereto.

Submitted by the DPW Commissioners

ADVISORY RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

*EXPLANATION: This will fund the first six years of a new aggressive tank maintenance program for the DPW Water Division to be paid from Water Revenue.*

**ARTICLE 17:** To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$ 8,111.12 for the purchase of street signs and other traffic control devices as listed below.

1) Wooden Barricades 6’x6’x6’, 6 each	total cost	\$ 379.18
2) Coroplast Signs, as suggested	total cost	\$ 3,725.00
3) Caution Tape 1000’, 1 case	total cost	\$ 92.94
4) Traffic Cones, 40 each	total cost	\$ 662.00
5) Folding Horses, 20 each	total cost	\$ 1,050.00
6) Plastic “A” Frames 8’, 6 each	total cost	\$ 702.00
7) Plastic “A” Frames 6’, 4 each	total cost	\$ 400.00
8) Phoenix Sign Bases, 10 each	total cost	\$ 1,000.00

Total request amount \$ 8,111.12

Submitted by the Chief of Police and DPW Commissioners

ADVISORY RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

*EXPLANATION: This article will provide the Police and Public Works Dept. the needed equipment for uses such as temporary signs at intersections during power outages, for road closures during construction or repair, and for other traffic control*

incidents.

**ARTICLE 18:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$30,000, said sum to be used to pay the expenses related to the hiring, training and equipping of new police officers, or take any action relative thereto.

Submitted by the Chief of Police

ADVISORY RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION:

**ARTICLE 19:** To see if the Town will vote to reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2011, with each item to be considered a separate appropriation:

Appropriations:

From FY2011 estimated revenues for Committee Administrative Expenses (5%) \$13,440.

Reserves:

From FY2011 estimated revenues for Historic Resources Reserve (10%) \$26,880

From FY2011 estimated revenues for Community Housing Reserve (10%) \$26,880

From FY2011 estimated revenues for Open Space Reserves (10%) \$26,880

Balance FY2011 estimated revenue for Budgeted Reserve \$174,720

Submitted by the Pembroke Community Preservation Committee

ADVISORY RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION: *This article satisfies a mandate by the State in the Community Preservation Act. It is stated in the act that each year the Town must reserve a minimum of 10%, for each category, from the projected combined income from our 1% surcharge and funding from the State.*

**ARTICLE 20:** To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain the fee to and/or permanent and temporary easements in certain parcels of land, or a modification of said parcels and easements or other parcels and easements, for public way purposes, including without limitation, drainage, utility, sidewalk, slope, grading, rounding, construction and other related easements, which will enable the Town to undertake the Route 14 project roadway construction and roadway safety improvements.

Total	# Parcel	Area (Square Feet)±
Permanent Easements:	<u>5</u>	<u>445</u>
Temporary Easements:	<u>108</u>	<u>61,525</u>

And further, to see if the Town will vote to authorize the Board of Selectmen to dispose of any excess land located outside the altered layout of Route 14 on such terms and conditions and for such consideration as the Selectmen deem appropriate; said parcels of land and easement areas to be acquired and conveyed are listed on a sheet entitled “Parcel Summary Sheet” and/or shown more particularly on plans entitled “Route 14 Preliminary Right-of-Way Plans in the Town of Pembroke, Plymouth County,” prepared by Massachusetts Highway Department, which sheet and plans are on file with the Town Clerk; and, further, to see if the Town will vote to raise, appropriate, transfer from available funds, accept gifts or borrow a sum of money to defray any and all right-of-way costs related to the Route 14 project, including, without limitation, acquisition costs, payments of damages, where necessary, and incidental legal expenses, and authorize the Board of Selectmen to enter into all agreements and take all related actions necessary and appropriate to carry out such acquisitions and conveyances; or take any other action relative thereto.

Submitted by the Board of Selectmen

ADVISORY RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION: *Requires Majority vote (unless borrowing, in which case 2/3rds vote)*

**ARTICLE 21:** To see if the Town will vote to authorize the Board of Selectmen to convey the fee interest in a portion of the Town-owned land located at 95 Learning Lane and described in a deed recorded with the Plymouth Registry of Deeds in Book 3739, Page 563, which portion contains 2.9 acres, more or less, on such terms and conditions, which may be in consideration for the exchange of the land hereinafter described, as the Board of Selectmen deems to be in the best interests of the Town; and further authorize the Board of Selectmen, in consideration for the parcel the Town is to convey, to acquire for general municipal purposes the fee interest in and accept a deed for land containing approximately 6.8 acres, which land is a portion of the property located at 155 Forest Street and described in a deed recorded with said Deeds in Book 9861, Page 247, or take any other action relative thereto.

Submitted by the Board of Selectmen

ADVISORY RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION: *Requires majority vote.*

**ARTICLE 22:** To see if the Town will vote to amend the Town of Pembroke Bylaws, Article XX, Police Regulations, Section 7, paragraph c. Dog Leash Law, by adding a new subparagraph to read: “e. No dogs shall be allowed in any town cemetery either on a leash or running at large.”, or take any other action relative thereto.

Submitted by Board of Selectmen

ADVISORY RECOMMENDATION:

SELECTMEN RECOMMENDATION: Favorable Action

EXPLANATION:

**ARTICLE 23:** Article: To see if the Town will vote to amend the Zoning By-laws of the Town of Pembroke, Section IV – Use and Dimensional Regulations, 4. Business District B, Section B. Uses Permitted by Special Permit, add new sub-section 5. Body Arts Establishment to read as follows:

5. Body Arts Establishments only in the area described in Section III Establishment of Districts, sub-section 4. Business District B, sections A., B. C. and D. The area limitation in this subsection is not intended to prohibit Body Art Establishments in the Industrial A District pursuant to Section IV.5.B.3 or the Industrial B District pursuant to Section IV.5A.B.3.

Or take any other action relative thereto.

Submitted by the Pembroke Planning Board and the Building Inspector

ADVISORY RECOMMENDATION:

SELECTMEN RECOMMENDATION: Town Meeting Floor

EXPLANATION:

**ARTICLE 24:** Article: To see if the Town will vote to amend the Zoning By-laws of the Town of Pembroke, Section II – Definitions to add Body Art and Body Art Establishment to read as follows:

Body Art: The practice of physical body adornment by permitting establishments and practitioners using, but not limited to, the following techniques: body piercing (excluding piercing of the earlobe with a pre-sterilized single-use stud-and-clasp system manufactured exclusively for ear piercing), tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by the Massachusetts Board of Registration in Medicine, such as implants under the skin, which are prohibited.

Body Art Establishment: A location, place, or business, whether public or private, where the practices of Body Art are performed, whether or not for profit.

Or take any other action relative thereto.

Submitted by the Pembroke Planning Board

ADVISORY RECOMMENDATION:  
SELECTMEN RECOMMENDATION: Town Meeting Floor  
EXPLANATION:

**ARTICLE 25:** To see if the Town will vote to amend the Zoning By-laws of the Town of Pembroke by adding a new definition for Personal Service Business to Section II, Definitions as follows:

Personal Service Business - business which provides personal care to people, including hair salons, barbershops, nail salons, beauty spas, businesses providing simple ear-piercing services (piercing of the earlobe with a presterilized single-use stud-and-clasp system manufactured exclusively for ear-piercing) and similar businesses.

Or take any other action relative thereto.

Submitted by the Planning Board and Building Inspector

ADVISORY RECOMMENDATION:  
SELECTMEN RECOMMENDATION: Town Meeting Floor  
EXPLANATION:

**ARTICLE 26:** To see if the Town will vote to amend the Zoning By-laws of the Town of Pembroke, Section IV – Use and Dimensional Regulations, to the following Districts:

Section IV – Use and Dimensional Regulations, 2. Residential-Commercial District, Section A. Uses Allowed, add 8. Personal Services.

Section IV – Use and Dimensional Regulations, 3. Business District A, Section A. Uses Allowed, add 6. Personal Services.

Section IV – Use and Dimensional Regulations, 4. Business District B, Section A. Uses Allowed, add 12. Personal Services.

Section IV – Use and Dimensional Regulations, 7. Center Protection District, Section A. Uses Allowed, add 7. Personal Services.

Or take any other action relative thereto.

Submitted by the Planning Board and Building Inspector

ADVISORY RECOMMENDATION:  
SELECTMEN RECOMMENDATION: Favorable Action  
EXPLANATION:

**ARTICLE 27:** To ask the Town of Pembroke to vote to raise and appropriate and/or transfer from available funds, the sum of \$3,500 to contract with South Shore Women’s Resource Center for domestic violence intervention and prevention services for its

residents, or take any other action relative thereto.

Submitted by Petition of Carolyn F. Bell and Others

ADVISORY RECOMMENDATION: *(Funding for this article is included in the proposed budget)*

SELECTMEN'S RECOMMENDATION: Indefinitely Postpone

EXPLANATION: *Because this article was submitted by petition and therefore was required to be printed even though funding is included in the proposed budget.*

**ARTICLE 28 :** To see if the town will vote to petition the General Court to enact a special act for the town of Pembroke as follows:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

**“AN ACT ESTABLISHING A TOWN MANAGER FORM OF GOVERNMENT FOR THE TOWN OF PEMBROKE”**

**SECTION 1. CONTINUATION OF EXISTING GOVERNMENT**

**A. CONTINUATION OF EXISTING LAWS, BY-LAWS, ETC.**

All special acts, by-laws, rules and regulations which are in force on the effective date of this Act that are not inconsistent with the provisions of this Act shall continue in full force until amended or repealed. Elected and appointed officers, boards, commissions, and committees shall have all of the powers, duties and responsibilities that are not inconsistent with this Act, which are in force on the effective date of this Act and are given to the respective boards, officers and agencies by law, this Act, town by-law or by vote of town meeting.

If any provision of this Act conflicts with any provisions of any special act, by-law, rule or regulation of the town, the provisions of this Act shall govern.

**B. CONTINUATION OF PERSONNEL, CONTRACTS, TRANSFER OF RECORDS AND PROPERTY**

Any office or position in the administrative service of the town and incumbents in such offices, on the effective date of this Act shall continue to function as they did previously until a change in those offices, positions or incumbents is effected in accordance with the provisions of this Act. No contracts, or liabilities in force on the effective date of this act shall be affected by the acceptance of this Act by the town, and any offices and/or departments created hereunder shall in all respects be the lawful successor of offices and departments so abolished.

All records, property and equipment whatsoever of any office, department, or part thereof, the powers and duties of which are assigned in whole or in part to another office

or department are assigned to such office or department.

## **SECTION 2. BOARD OF SELECTMEN**

### **A. COMPOSITION**

There shall be a board of selectmen consisting of five (5) members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

### **B. VACANCY IN OFFICE**

Vacancies in the office of selectmen shall be filled in accordance with the provisions of Massachusetts General Laws.

### **C. EXECUTIVE POWERS**

The executive powers of the town shall be vested in the board of selectmen which shall serve as the chief policy-making body of the town.

1. The board of selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise and shall be authorized to enter into intergovernmental and/or public/private agreements on such terms it deems beneficial to the citizens of Pembroke.
2. The board of selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it, and in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony, provided however, nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the board of selectmen shall act only through the adoption of broad policy guidelines, which are to be implemented by officers and employees serving under it.
3. The board of selectmen shall cause the by-laws, and rules and regulations for the government of the town to be enforced and shall cause an up-to-date record of all its official acts to be kept.
4. The board of selectmen shall appoint the town manager, town counsel, fire chief and police chief and shall approve the selection of the town audit firm. The board of selectmen retains the hiring powers of police officers as authorized by the adoption of MGL Chapter 41, Section 97A.
5. The board of selectmen shall be the licensing board of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the

issuance of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest. The board of selectmen shall enforce the laws relating to all businesses for which it issues such licenses. The board of selectmen under this Act may delegate its licensing authority or reorganize any local licensing authority or process notwithstanding any general laws relating to local governance to the contrary.

6. The board of selectmen shall be responsible to provide for timely audits as required by law. The audits shall be made by a certified public accountant, or firm of such accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the town government or any of its officers.

### **SECTION 3. TOWN MANAGER**

#### **A. APPOINTMENTS, QUALIFICATIONS, TERMS OF OFFICE AND EMPLOYMENT**

##### **1. APPOINTMENT**

There shall be established in the town of Pembroke the office of town manager. The town manager shall be appointed by the board of selectmen for a term not to exceed three (3) years, as the board may determine, and may be appointed for successive terms of office.

##### **2. QUALIFICATIONS**

The town manager shall be a person of demonstrated ability with administrative experience in public management or business administration and who is qualified by reason of education and experience.

##### **3. TERMS OF OFFICE**

The town manager shall devote full time to the duties of said office and shall not engage in any other business or occupation during the term of his or her employment by the town. The town manager shall hold no elective office in the town during his or her tenure as town manager, but the board of selectmen may appoint the town manager to any non-elective office or position consistent with the responsibilities of the town manager, and such office or position shall be deemed to be part of said town manager position. Before entering upon his or her duties, the town manager shall be sworn to the faithful and impartial performance thereof by the town clerk. The town manager shall not have served in an elected office for the town of Pembroke for at least twenty-four months prior to his or her appointment.

##### **4. TERMS OF EMPLOYMENT**

###### **a. ADDITIONAL QUALIFICATIONS**

The board of selectmen may from time to time establish additional qualifications for the office of town manager. To the extent permitted by law, the terms of the town manager's employment may be the subject of a written agreement between the parties setting forth the length of service, compensation, annual review, vacation, sick leave, benefits, and such other matters, excluding tenure, as are customarily included in an employment contract.

**b. COMPENSATION**

The board of selectmen shall set the compensation of the town manager, not to exceed the amount appropriated by the town meeting.

**SECTION 4. TOWN MANAGER - POWERS AND DUTIES**

The town manager shall be the chief administrative officer of the town. The town manager shall be responsible to the board of selectmen for the effective management of all town affairs placed in the town manager's charge by this Act, the board of selectmen, or vote of the town meeting. The town manager shall be responsible for the implementation of town policies established by the board of selectmen. The functions and duties of the town manager shall include, but not be limited to, the following:

**A. POWERS OF APPOINTMENT**

1. As provided for in this Act, appoint and remove all non-elected department heads, approve the appointment and removal of all other employees except employees of the school department and the fire department. The town manager shall consult with the appropriate elected or appointed board, commission, committee, or official prior to making such department head appointments or removals. Appointments to and removal from department head positions shall become effective on the twentieth day following the day notice of appointment or removal is filed with the board of selectmen. In the case of removal of a department head, the Town Manager must obtain a minimum of four (4) votes from the Board of Selectmen affirming the removal.
2. Department heads shall, subject to the consent and approval of the town manager, appoint or remove assistant department heads, officers, subordinates and employees, including employees serving under elected and appointed boards, commissions, committees and officials for whom no other method of selection is provided in this Act, except employees of the school department and fire department; provided however, that the department head shall consult with the appropriate elected or appointed board, commission, committee or official prior to making such appointments or removals.
3. All initial appointments shall be based on merit and fitness alone.

## **B. ADMINISTRATIVE DUTIES**

1. Day-to-day supervision of all town departments and direction of the operations of the town. This section shall not apply to employees of the fire department, police department and school department and to the statutory responsibilities and functions of the school committee.
2. Supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their representative departments, and of all functions for which the town manager is given responsibility, authority or control by this Act, by by-law, by town meeting vote, or by vote of the board of selectmen.
3. Reorganize, consolidate or establish any department or position under the town manager's direction or supervision, at his or her discretion and with the board of selectmen's approval. With the approval of both the board of selectmen and advisory committee, the town manager may transfer all or part of any unexpended appropriation of a reorganized or consolidated department, board or office to any other town department, board or office.
4. Administer, either directly or through a person appointed by him, all provisions of general and special laws applicable to the town including Federal and Massachusetts Emergency Management Agencies' requirements, and by-laws and votes of the town within the scope of his or her duty, and all policy rules and regulations made by the board of selectmen.
5. Establish control and data systems appropriate to monitoring expenditures by town boards and departments to enable the town manager to make periodic reports to the board of selectmen and the advisory committee on the status of the town's finances.
6. Develop and administer a personnel system, including, but not limited to, determination of rates of pay, the development and implementation of an ongoing training program, evaluation process, personnel and hiring policies, practices, and regulations for town employees.
7. Manage and be responsible for all town buildings, properties and facilities, except those under the control of the school committee, parks and recreation department and conservation commission. The town manager may direct the maintenance of school committee, parks and recreation department, conservation commission buildings, properties and facilities if and to the extent the school committee, parks and recreation department, and conservation commission may request and authorize.

8. Attend and participate in all regular and special board of selectmen meetings and town meetings, unless excused therefrom by the board of selectmen.
9. Cause full and complete records of meetings of the board of selectmen to be taken and maintained and compile reports of the meetings as requested by the board of selectmen.
10. Act as the liaison with and represent the board of selectmen before state, federal and regional authorities.
11. Subject to policy established by the board of selectmen, approve all warrants or vouchers, including payroll warrants, for payment of town funds submitted by the town accountant; provided, however, that in the event of a vacancy or unavailability of the town manager, the board of selectmen may approve all warrants and vouchers. Any warrants generated by the town manager shall be signed by the board of selectmen.
12. Approve all grants submitted on behalf of the town.
13. To prosecute, defend and compromise, subject to the approval of the board of selectmen, all litigation to which the town is a party.
14. To inquire and make investigation, at any time, into the conduct and operation of office or performance of duties of any officer or employee, department, board, commission or other town agency.
15. To coordinate the activities of employees serving under the office of the town manager and the office of the board of selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the town manager shall have authority to require the persons so elected, or their representatives, to meet with the town manager, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town. The town manager shall have the right to attend and speak at any public meeting of any municipal member body.
16. Perform any other duties consistent with his or her office as may be required by by-law, vote of the town or vote of the board of selectmen.

## **C. FINANCIAL POWERS AND DUTIES**

### **1. BUDGET**

- a. Prepare and submit at a public meeting or meetings to the board of selectmen and advisory committee not later than ninety (90) days prior to the annual town meeting a written proposed balanced budget for town government, including the school department, for the ensuing fiscal year.

- b. The proposed budget shall detail all estimated revenues from all sources, and all expenditures, including debt service for the previous, current and ensuing years.
- c. It shall include proposed expenditures for both current operations and capital expenditures during the ensuing year, together with estimated revenues and free cash available at the close of the fiscal year, including estimated balances in special accounts.
- d. The town may, by bylaw, establish additional financial reports to be provided by the town manager.
- e. To assist said town manager in preparing the proposed annual budget of revenues and expenditures, all boards, officers, and committees of the town, including the school committee, shall, within the timeframe requested by the town manager, furnish all relevant information in their possession and submit to the town manager, in writing and in such form as the town manager shall establish, a detailed estimate of the appropriations required and available funds.

## **2. COLLECTIVE BARGAINING**

- a. Negotiate collective bargaining contracts on behalf of the board of selectmen, which contracts shall be subject to approval, ratification and execution by the board. The board of selectmen may authorize use of additional counsel, as requested by the town manager, to assist the town manager in the negotiations at its discretion.
- b. Administer and enforce collective bargaining agreements, and personnel rules and regulations, and by-laws adopted by the town.

## **3. PROCUREMENT**

- a. Act as the chief procurement officer under the provisions of Chapter 30B of the General Laws, responsible for the purchasing of all supplies, materials, services and equipment for the town, including the bidding awarding, and executing of all contracts, except for the school department. Specifications for equipment purchases are to be written by the Town Manager in consultation with the appropriate department heads.

## **SECTION 5. TOWN MANAGER - VACANCY**

### **A. PERMANENT VACANCY**

The board of selectmen shall fill any permanent vacancy in the office of the town manager as soon as feasible in accordance with Section 3 of this Act. In the event of a

vacancy, the board of selectmen shall, within a reasonable period of time, not to exceed fourteen (14) days, appoint a capable person to temporarily perform the duties of the town manager until a permanent replacement is appointed.

## **B. TEMPORARY ABSENCE OR DISABILITY**

1. The town manager may designate by letter filed with the town clerk and board of selectmen a capable officer of the town to perform the duties of town manager during a temporary absence or disability.
2. If the absence or disability exceeds thirty (30) days, any designation by the town manager shall be subject to approval by the board of selectmen. If the town manager fails to make such a designation, or if the person so designated is unable to serve, the board of selectmen may designate some other capable person to perform the duties of town manager.
3. Powers and Duties - The powers and duties of the acting town manager, under (a) and (b) above, shall be limited to matters not permitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment, but not to make permanent appointments or designations unless authorized by the board of selectmen.

## **SECTION 6. TOWN MANAGER – REMOVAL; SUSPENSION**

The board of selectmen may terminate and remove or suspend the town manager. Prior to any such termination, removal, or suspension exceeding five (5) days, notice shall be given and reasons for the proposed action shall be provided in writing to the town manager, and an opportunity shall be provided for the town manager to meet with the board of selectmen and respond to those reasons. After such meeting, if any, the board of selectmen may act by a minimum of four (4) affirmative votes to terminate, remove or suspend for a period exceeding five (5) days, the town manager.

## **SECTION 7. DEPARTMENT OF PUBLIC WORKS**

- A. There shall remain an elected board of commissioners for the department of public works, in this section called the board, consisting of three (3) members serving three-year, staggered terms. The incumbent commissioners shall remain in office, subject to re-election, as their terms expire.
- B. There shall be a director of public works, appointed by the town manager. The director of public works and town manager shall consult with the board for the purpose of receiving advice and assistance in the development of policy guidelines for the operation of the department of public works. The board shall perform such other advisory functions related to the department of public works as the director of public works or town manager may request.

**SECTION 8. TRANSITION PROVISIONS**

**A. TOWN ADMINISTRATOR**

The position of town administrator shall be abolished upon the assumption of office by the town manager. Should the position become vacant prior to the town manager assuming the duties of the office, the board of selectmen may appoint an acting town administrator to serve until the assumption of the duties of office by the town manager.

**B. DEPARTMENT OF PUBLIC WORKS**

Chapter 284 of the Acts of 1991, establishing a department of public works in the town of Pembroke, is hereby rescinded.

**SECTION 9. EFFECTIVE DATE**

This Act shall be submitted for acceptance to the voters of the Town of Pembroke at an annual State or Federal election held following its approval at an annual town meeting in the form of the following question which shall be placed on the official ballot to be used at said election: Shall an act entitled “AN ACT ESTABLISHING A TOWN MANAGER FORM OF GOVERNMENT FOR THE TOWN OF PEMBROKE” be accepted?

There shall be included below the ballot question a fair and concise summary thereof prepared by Town Counsel and approved by the Board of Selectmen. If a majority of the votes cast in answer to the question are in the affirmative, this act shall take effect in the town of Pembroke, but not otherwise. Or take any other action consistent thereto.

Submitted by the Town Government Study Committee

ADVISORY RECOMMENDATION:  
SELECTMEN RECOMMENDATION:  
EXPLANATION:

**Subsequent Meeting for the  
ELECTION OF OFFICERS  
to be held on  
Saturday, May 1, 2010**

Pembroke Town Hall – Veteran’s Hall	Precinct 1
Pembroke Community Middle School	Precinct 2 & 4
Bryantville Elementary School Auditorium	Precinct 3
North Pembroke Elementary School Auditorium	Precinct 5

Then and there to act on the following article:

**ARTICLE 29:** To bring to the Election Officers their vote, all on one ballot, for the

following named Officers and Committees, to Wit:

One Moderator for one year; one Selectman for three years; one Assessor for three years; one Board of Health Member for three years and one Board of Health Member for one year; one Housing Authority Member for five years and one Housing Authority Member for three years; three Library Trustees for three years; one Planning Board Member for five years, one Planning Board Member for 2 years, and one Planning Board Member for one year; one Constable for three years; one School Committee Member for three years; and one D.P.W. Commissioner for three years, or take any other action relative thereto.

Submitted by the Town Clerk

Hereof, fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meetings as aforesaid.

Given under our hands this 5<sup>th</sup> day of April in the year of our Lord Two Thousand and Ten

TOWN OF PEMBROKE  
BOARD OF SELECTMEN

\_\_\_\_\_  
Arthur P. Boyle, Jr., Chairman

\_\_\_\_\_  
Donal P. Anderson, Vice-Chairman

\_\_\_\_\_  
Willard J. Boulter, Jr., Clerk

\_\_\_\_\_  
Lewis W. Stone, Selectman

\_\_\_\_\_  
Daniel W. Trabucco, Selectman

A true copy, ATTEST: \_\_\_\_\_  
Mary Ann Smith, Town Clerk

PURSUANT TO THE WARRANT, for the Annual Town Meeting to be held on Tuesday, April 27, 2010, I have notified and warned the inhabitants of the Town of Pembroke by posting up attested copies of the same at the Town Office Building, Pembroke Center Library, Pembroke Center Post Office, North Pembroke Post Office, Bryantville Post Office, and the Country Corner Store.

POSTED: Date: \_\_\_\_\_ By: \_\_\_\_\_