

COMMONWEALTH OF MASSACHUSETTS



TOWN OF PEMBROKE ***SPECIAL FALL TOWN MEETING WARRANT*** ***TUESDAY, NOVEMBER 13, 2012***

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, on TUESDAY, the THIRTEENTH DAY OF NOVEMBER, 2012 at SEVEN THIRTY O'CLOCK in the evening, then and there to act on the following:

ARTICLES 1 THROUGH 18

ARTICLE 1: To see if the Town will vote to raise and appropriate, transfer from available funds and/or authorize the Treasurer to borrow, a sum or sums of money, to be expended for capital projects and/or equipment in accordance with the following capital budget schedule which is incorporated by reference herein, or take any other action relative thereto.

DEPARTMENT	PROJECT	REQUEST	FUNDING	RECOMMENDATION
Selectmen	Oldham St Drainage	\$ 25,000	Borrowing	
Selectmen	Park Improvements	\$ 35,000	Borrowing	
IT Study Committee	Hardware/Software/Svc	\$ 25,100	Overlay Surplus	
Police Department	Cruisers	\$ 80,000	Free Cash	
Emergency Management	Radio Equipment	\$9,627	Overlay Surplus	
School Department	Hobomock Roof	\$ 110,000	Borrowing	
D.P.W.	Mobile Communications	\$ 23,100	Overlay Surplus	
D.P.W.	Mower	\$ 13,780	Overlay Surplus	
D.P.W.	Dump Truck	\$ 60,000	Borrowing	
D.P.W.	Swanberg Property Study	\$ 7,500	Overlay Surplus	
D.P.W. - Water	Mobile Communications	\$ 13,380	Water Surplus	
D.P.W. - Water	Well #2 Cleaning	\$ 39,019	Water Surplus	
D.P.W. - Water	½ Ton Pickup	\$ 55,000	Water Surplus	
D.P.W. - Water	Swanberg Property Study	\$ 7,500	Water Surplus	
D.P.W. - Water	Air Compressor	\$ 18,000	Water Surplus	
D.P.W. - Water	SCADA Improvements	\$ 35,000	Water Surplus	
D.P.W. - Water	Water Mains	\$ 350,000	Borrowing	
Board of Health	Oldham Pond - Alum	\$ 8,000	Overlay Surplus	
Board of Health	Oldham Pond Mapping	\$ 6,000	Overlay Surplus	
Board of Health	Furnace Pond Vegetation	\$ 7,250	Overlay Surplus	
Library	Computers	\$ 7,700	Overlay Surplus	
Town Landing	Docks	\$ 50,000	Borrowing	

Submitted by Various Town Departments

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

EXPLANATION: *This article seeks approval and funding of the Town's Capital Plan for Fiscal Year 2013. Borrowing requires a 2/3 vote.*

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, 2012 THROUGH JUNE 30, 2013

<i>SC</i>	MINIMUM		2ND YEAR		MAXIMUM	
	<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>
2	88,064	89,385	93,301	94,701	98,849	100,332
3	88,064	89,385	93,301	94,701	98,949	100,332
5					474	481
6					360	365
7	88,312	89,637	90,745	92,106	95,282	96,711
8	72,352	73,437	75,970	77,110	79,825	81,027
11	41,899	42,527	45,955	46,644	50,061	50,812
12	13,212	13,410	13,547	13,750	15,661	15,896
13	36,343	36,888	38,155	38,727	39,955	40,554
14	31,989	32,469	34,002	34,512	35,283	35,812
15	46,125	46,817	48,731	49,462	51,166	51,933
16	58,917	59,801	61,436	62,358	62,971	63,916
17	73,232	74,330	77,579	78,743	82,568	83,807
18	33,330	33,830	37,174	37,732	40,910	41,524
19	46,232	46,925	48,158	48,880	50,774	51,536
20	73,596	74,700	77,924	79,093	82,974	84,219
21	72,352	73,437	75,970	77,110	79,825	81,027
22	55,540	56,373	59,762	60,658	63,895	64,853
23	42,876	43,519	45,011	45,686	47,178	47,886
24	59,684	60,579	63,846	64,804	67,315	68,325
27	58,409	59,285	65,443	66,425	69,000	70,035
28	51,361	52,131	52,945	53,739	55,737	56,573
29	47,628	48,342	50,010	50,760	52,511	53,299
30					71,908	72,987

**ANNUAL SALARY SCHEDULE B
APPOINTED PART TIME OFFICERS AND EMPLOYEES
ANNUAL SALARY EFFECTIVE
JULY 1, 2012 THROUGH JUNE 30, 2013**

POSITION	CURRENT SALARY	PROPOSED SALARY
Town Accountant	\$42,165	\$42,797
Assistant Town Accountant	35,087	35,613
Conservation Agent	30,387	30,843
Wiring Inspector	24,880	25,253
Veterans' Agent	14,853	15,076
Plumbing Inspector	12,230	12,413
Gas Inspector	12,230	12,413
Animal Inspector	6,321	6,416
Summer Playground Director	6,184	6,277
Inspector of Weights & Measures	5,755	5,841
Assistant Wiring Inspector	4,690	4,760
Assistant Summer Playground Director	4,197	4,260
Herring Fisheries Superintendent	2,443	2,481
Civil Defense Director	2,444	2,481
Town Landing Administrator	1,955	1,984

SCHEDULE C
FULL TIME/PART TIME HOURLY WAGE SCHEDULE
EFFECTIVE JULY 1, 2012 THROUGH JUNE 30, 2013

<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
Landfill Manager	SC-7
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, 2012 THROUGH JUNE 30, 2013

SC SC	Minimum		2 nd Year		Maximum	
	Current	Proposed	Current	Proposed	Current	Proposed
1	21.80	22.13	24.07	24.43	27.25	27.66
2	21.80	22.13	24.07	24.43	27.25	27.66
3	9.01	9.15	9.46	9.60	9.92	10.07
4	16.58	16.83	17.66	17.92	18.77	19.05
5	18.74	19.02	18.74	19.02	18.74	19.02
6					25.37	25.75
7					37.75	38.32
8					19.32	19.61
9	16.55	16.80	18.40	18.68	19.94	20.24
10					12.19	12.37
11	15.76	16.00	16.79	17.04	17.83	18.10
12	12.55	12.74	13.64	13.84	14.69	14.91
13	12.06	12.24	12.61	12.80	13.17	13.37
14	12.55	12.74	13.56	13.76	14.70	14.92
15					11.49	11.66
16					12.87	13.06
17					14.24	14.45
18					13.42	13.62
19					10.77	10.93
20					14.34	14.56
21					11.28	11.45
22					23.08	23.43
23					16.79	17.04
24	9.63	9.77	10.11	10.26	10.63	10.79
25	10.15	10.30	10.64	10.80	11.18	11.35
27	19.56	19.85	20.59	20.90	21.55	21.87
28	13.07	13.27	13.71	13.92	14.38	14.60
29	15.87	16.11	16.80	17.05	17.77	18.04
30	19.19	19.48	20.19	20.49	21.13	21.45

Submitted by the Board of Selectmen

SELECTMEN RECOMMENDATION:

Town Meeting Floor

ADVISORY COMMITTEE 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 if the Town will vote to raise and appropriate from taxation, and/ or transfer from available funds, to fund the below listed supplements to the amounts voted under Article 3 of the April 2012 Annual Town Meeting, or take any other action relative thereto:

<u>Transfer To</u>	<u>Amount</u>	<u>Transfer From</u>
Selectmen – Wages and Salaries	\$ 21,207	Free Cash
Treasurer – Wages and Salaries	\$ 7,165	Free Cash
Police Department – General Expenses	\$ 30,000	Free Cash
Pembroke Public Schools	\$ 130,760	Taxation
Property & Liability Insurance	\$ 160,000	Free Cash

Submitted by the Town Accountant

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

EXPLANATION: *This article requests the transfer of funds to supplement the Town's operating budget that was voted at past April's Annual Town Meeting.*

ARTICLE 4: 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 amount voted in Article 16 of the November 4, 2003 Special Town Meeting to fund Separation Pay Benefits, or to take any action relative thereto.

Submitted by the Board of Selectmen

SELECTMEN'S RECOMMENDATION:

Town Meeting Floor

ADVISORY'S RECOMMENDATION:

Favorable Action

EXPLANATION: *Funding of this article will set aside funds to pay retiring employees the reimbursable portion of their accumulated sick and vacation time. Given that departments have not been allowed to budget for such payments in the past, a separate fund was created by Town Meeting in 2003.*

ARTICLE 5: To see if the Town will vote to transfer from surplus revenue and/or other available funds the sum of \$249,092 to balance the budget and/or reduce the tax rate for the Fiscal Year 2013, or take any other action relative thereto.

Submitted by the Town Accountant

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

Favorable Action

EXPLANATION: *Approval of this article will allow for the tax rate for FY13 to be reduced by \$249,092 due to the accelerated funding of reimbursement from the Commonwealth for the Hobomock School project.*

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

SELECTMEN'S RECOMMENDATION:

Town Meeting Floor

ADVISORY'S RECOMMENDATION:

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. This article requires a 2/3rds vote.*

ARTICLE 7: To see if the Town will vote to appropriate a sum of money to be added to the Other Post Employment Benefits Liability Fund established by the vote of Article 11 of the April 24, 2012 Annual Town Meeting, or take any other action relative thereto.

Submitted by the Town Accountant

SELECTMEN'S RECOMMENDATION:

Town Meeting Floor

ADVISORY'S RECOMMENDATION:

Favorable Action

EXPLANATION: *By adding money to this newly created Fund, the Town will begin to address the costs that will be incurred providing health and life insurance benefits to current and future retirees.*

ARTICLE 8: To see if the Town will vote to transfer from available funds, or otherwise provide a sum of money for the purpose of funding any new collective bargaining agreements, or take any other action relative thereto.

Submitted by the Board of Selectmen

SELECTMEN'S RECOMMENDATION:

Town Meeting Floor

ADVISORY'S RECOMMENDATION:

EXPLANATION: *Town Meeting approval is required for the funding of any new collective bargaining agreements between the Board of Selectmen and any of the Town's unions.*

ARTICLE 9: To see if the Town will vote to raise and appropriate and/or transfer from available funds, the sum of \$12,800.00 or any other sum, to be expended under the direction of the Board of Selectmen and managed by the Pembroke Watershed Association, for the purposes of continuing the hydrilla control program in Hobomock Pond.

Submitted by Conservation Commission

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

Favorable Action

EXPLANATION: *The aquatic vegetation control program performed at Hobomock Pond has been very effective at controlling the hydrilla infestation. However, continued management of this invasive species is necessary to prevent additional spread and to achieve a level of sustainable long-term control.*

ARTICLE 10: To see if the Town will vote to adopt and approve the following recommendations of the Community Preservation Committee for Fiscal Year 2013, and to see if the Town will vote to implement such recommendations by appropriating a sum or sums of money from the Community Preservation Fund. Each recommendation is to be voted on individually.

Recommendation A: To appropriate/transfer \$6,045.00 from FY13 Community Preservation Annual Revenues to the Pembroke Veteran's Officer, David McPhillips to restore and preserve important historical documents and artifacts located within the Pembroke Town Hall, or take any other action relative thereto.

Recommendation B: To appropriate/transfer \$20,000.00 from FY13 Community Preservation Annual Revenues to the Pembroke Town Clerk to preserve old town records; including birth, marriage, death & town reports, or take any other action relative thereto.

Recommendation C: To appropriate the sum of \$50,000.00 from FY13 Community Preservation Annual Revenues and the sum of \$85,000.00 from the Community Preservation Historic Resources Reserve and that said funds totaling \$135,000.00 be granted to the Pembroke Historical Society to replace the roof on the front building with red cedar shakes, perform a full exterior restoration on facades of both buildings, to retain and restore original window sashes on both buildings including paint and to hire a paint consultant to determine historical color scheme for use in exterior restoration on the Pembroke Historical Society Building located at 116 Center Street, or take any other action relative thereto.

Recommendation D: To appropriate the sum of \$82,000.00 from Community Preservation Fund Community Housing Reserve and that said funds be granted to the Pembroke Housing Authority to install complete intercom systems at Mayflower Court, a public housing development located on School Street, or take any other action relative thereto.

Recommendation E: To appropriate the sum of \$15,000.00 from Community Preservation Fund Community Housing Reserve and that said funds be granted to the Pembroke Housing Authority to replace both kitchens to comply with current ADA standards in a duplex group home located at 7-9 Lydia Ford Road, or take any other action relative thereto.

Recommendation F: To appropriate the sum of \$60,000.00 from Community Preservation Fund Community Housing Reserve and that said funds be granted to the Pembroke Housing Authority to install Phase One (1) of an intercom system at Kilcommons Drive, a state public housing development located on Kilcommons Drive, or take any other action relative thereto.

Recommendation G: To appropriate the sum of \$49,500.00 from Community Preservation Fund Historic Resources Reserve and that said funds be granted to the Pembroke DPW to replace the iron gates at the Pine Grove and Mount Pleasant Cemeteries, or take any other action relative thereto.

Recommendation H: To appropriate the sum of \$25,000.00 from FY13 Community Preservation Annual Revenues and that said funds be granted to the Community Center Study Committee to contract professional services to support development of appropriate work scopes, specifications, testing, administration and cost estimates for the Community Center Building, located at 128 Center Street, or take any other action relative thereto.

Recommendation I: To appropriate the sum of \$125,000.00 from Community Preservation Fund Open Space Reserves and the sum of \$150,000.00 from Community Preservation Unreserved Funds and that said funds totaling \$275,000.00 be granted to the Pembroke Conservation Commission to purchase approximately 85 +/- acres of land, located off Monroe Street, shown on Assessor's Map D6, Lot 5, Map D5, Lot 1 and Map C6, Lot 25, or take any other action relative thereto.

Submitted by the Community Preservation Committee

SELECTMEN'S RECOMMENDATION:
ADVISORY'S RECOMMENDATION:
EXPLANATION:

Town Meeting Floor
Favorable Action

ARTICLE 11: To appropriate any remaining balance of funds from Community Preservation Fund FY13 Annual Revenues to the Annual Budget Reserve, or take any other action relative thereto.

Submitted by the Community Preservation Committee

SELECTMEN'S RECOMMENDATION:
ADVISORY'S RECOMMENDATION:
EXPLANATION:

Town Meeting Floor

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds and/or authorize the Treasurer to borrow, a sum or sums of money, to purchase approximately 85 +/- acres of land, located off Monroe Street, shown on Assessor's Map D6, Lot 5, Map D5, Lot 1 and Map C6, Lot 25, or take any other action relative thereto.

Submitted by the Conservation Commission

SELECTMEN'S RECOMMENDATION:
ADVISORY'S RECOMMENDATION:

Town Meeting Floor

EXPLANATION: *The Conservation Commission would like to participate in the purchase of 85 +/- acres of land located off Monroe Street for Open Space purposes in the amount of \$125,000.00. This amount will supplement the total purchase price of \$400,000.00. The Community Preservation Committee voted to recommend the Town spend from its FY13 annual revenue \$275,000 for the purchase of this property. Borrowing requires a 2/3 vote.*

ARTICLE 13: To see if the Town will vote to authorize the Board of Selectmen to enter into a tax-exempt, lease-purchase financing agreement for more than three years for the lease and purchase of equipment associated with a 15-year energy savings performance contract for various buildings, or take any other action in relation thereto.

Submitted by the Board of Selectmen

SELECTMEN'S RECOMMENDATION:

Town Meeting Floor

ADVISORY'S RECOMMENDATION:

EXPLANATION: *Approval and funding of this article will allow the Energy Committee to complete the process of making Town buildings and equipment more energy efficient.*

ARTICLE 14: To see if the town will vote to amend Article II of the By-Laws of the Town of Pembroke by deleting Section 10 in its entirety and inserting in place thereof the following section:

SECTION 10

The number of voters necessary to constitute a quorum for the purposes of calling the meeting to order shall be one hundred and fifty (150). Thereafter, there shall be no quorum requirement for the further transaction of business, including adjourned sessions and such parts of the meeting that are devoted exclusively to the election of town officers.

Submitted by the Board of Selectmen

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

EXPLANATION: *If passed, the article would keep the current quorum requirement of 150 to begin the meeting, but eliminate and quorum requirement for the subsequent transaction of business, including sessions that are continued into a second day. This change would allow business to be completed in a timely fashion, without the need to maintain the 150 quorum throughout the entire evening.*

ARTICLE 15: To see if the Town will vote to amend Article II of the By-Laws of the Town of Pembroke by deleting Section 11 in its entirety.

Submitted by the Board of Selectmen

SELECTMEN'S RECOMMENDATION:

Unfavorable Action

ADVISORY'S RECOMMENDATION:

EXPLANATION: *This article, if passed, would remove the lottery system as the order for consideration of articles other than the General Budget article, Wage and Personnel and compensation schedules. Those items, under the current by-law, must be taken up first. If this article passes, all articles would be taken in the order in which the Selectmen placed them on the warrant.*

ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow the sum of \$500,000.00, to be expended by the Department of Public Works for pavement management and reconstruction of roads and sidewalks, or take any other action relative thereto.

Submitted by the Department of Public Works

SELECTMEN'S RECOMMENDATION:

Town Meeting Floor

ADVISORY'S RECOMMENDATION:

EXPLANATION: *These funds would be in addition to Ch 90 Funding which is only for Accepted Roads. This represents 25% of total excise tax funds collected. The current Pavement Management Plan calls for approximately \$10,000,000 for Accepted Streets and \$2,000,000 for Unaccepted Streets to be spent over the next three (3) years. Borrowing requires a 2/3 vote.*

ARTICLE 17: To see if the Town will vote to accept the provisions of G.L. c. 44, §55C, establishing a trust to be known as the Pembroke Affordable Housing Trust Fund, whose purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households, and in implementation thereof will vote to amend the Town of Pembroke General By-Laws by adding the following as Article XXXVIII, or take any action relative thereon:

ARTICLE XXXVIII – PEMBROKE AFFORDABLE HOUSING TRUST FUND

SECTION 1. PURPOSE

The purpose of the Pembroke Affordable Housing Trust Fund (the "Trust") shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate-income households.

SECTION 2. BOARD OF TRUSTEES

There shall be a Board of Trustees (the "Board"), comprised of five (5) Trustees, who shall be appointed by the Board of Selectmen. At least one (1) of the Trustees shall be a Selectman. The Trustees of the Board shall serve for a term of two (2) years, except that two of the initial appointments shall be for a term of one (1) year. The Trustees may be reappointed by the Board of Selectmen for succeeding terms, and there are no limits on the number of terms that a Trustee can serve. Vacancies shall be filled by the Board of Selectmen for the remainder of the unexpired term. Any Trustee may be removed for cause by the Board of Selectmen after the opportunity for a hearing. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

SECTION 3. POWERS OF TRUSTEES

The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in G.L. c. 44, §55C, shall include the following:

A. To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any ordinance or by-law or any general or special law or any other source, including money from G.L. c. 44B;

- B. To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- C. To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
- D. To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the trust;
- E. To employ advisors and agents, such as accountants, appraisers and lawyers, as the Board deems necessary;
- F. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- G. To apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- H. To participate in any reorganization, re-capitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- I. To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
- J. To carry property for accounting purposes other than acquisition date values;
- K. To borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;
- L. To make distributions or divisions of principal in kind;
- M. To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of G.L. c. 44, §55C, to continue to hold the same for such period of time as the Board may deem appropriate;
- N. To manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;

O. To hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and

P. To extend the time for payment of any obligation to the Trust.

SECTION 3. DECLARATION OF TRUST

The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Pembroke Affordable Housing Trust, to be recorded with the Plymouth County Registry of Deeds and filed with Plymouth County Registry District of the Land Court

SECTION 4. FUNDS PAID TO THE TRUST

In accordance with G.L. c.44, §55C, all moneys paid to the Trust in accordance with any zoning or general by-law, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. Funds appropriated into the Trust by the Town shall become Trust property, and, to be expended, these funds need not be further appropriated. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

SECTION 5. ANNUAL AUDITS

The Board shall provide for an annual audit of the books and records of the Trust. Such audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Board of Selectmen.

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:
SELECTMEN'S RECOMMENDATION:
EXPLANATION:

Town Meeting Floor

ARTICLE 18: To determine whether The Town will vote to: cancel and not renew or rewrite in any other manner or through any other avenue, The Town's contract with PACTV, and return to PACTV the \$1 PACTV paid; reclaim ownership and physical possession all of Pembroke's cable access equipment and approximately \$310,000 of Pembroke Citizens' money sold to PACTV for that same \$1; demand immediate delivery and return of such property, real and monetary, not currently located in town-owned buildings; recreate and restore the public access TV station that for 27 years was within Pembroke's Town boundaries and open without discrimination to ALL persons as required by law; demand return of Comcast channels 13, 14, and 15 to the Town of Pembroke for Pembroke-only requested programming and; assure that the approximate \$60,500/quarterly payment Comcast is obligated to give The Town, is not sent to PACTV. Whereas this article will cost \$1 when it passes, the petitioners together agree to donate said dollar to The Town of Pembroke and send a representative to present said dollar to the Town Clerk within seven days of this article's passing, thus bringing this Article's cost to zero.

Submitted by Margaret Jones and others

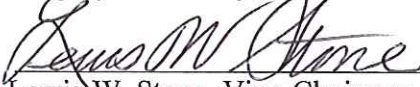
SELECTMEN'S RECOMMENDATION:
ADVISORY'S RECOMMENDATION:
EXPLANATION:

Unfavorable Action

Given under our hands and seals this 29th day of October,

PEMBROKE BOARD OF SELECTMEN

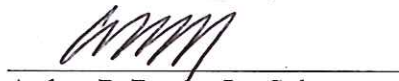
Gregory M. Hanley, Chairman



Lewis W. Stone, Vice-Chairman



Willard J. Boulter Jr., Clerk



Arthur P. Boyle, Jr., Selectman

Daniel W. Trabucco, Selectman

A TRUE COPY ATTEST: _____

Mary Ann Smith, Town Clerk

Pursuant to the Warrant for the Special Fall Town Meeting to be held on November 13, 2012, 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