

COMMONWEALTH OF MASSACHUSETTS



TOWN OF PEMBROKE
SPECIAL FALL TOWN MEETING WARRANT
TUESDAY, OCTOBER 28, 2014

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 TWENTY-EIGHTH DAY OF OCTOBER, 2014 at SEVEN THIRTY O'CLOCK in the evening, then and there to act on the following:

ARTICLES 1 THROUGH 16

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 in Appendix A, or take any other action relative thereto.

Submitted by Various Town Departments

SELECTMEN'S RECOMMENDATION:

Town Meeting Floor

ADVISORY'S RECOMMENDATION:

EXPLANATION: *This article seeks approval and funding of the Town's Capital Plan for Fiscal Year 2015. Borrowing requires a 2/3 vote.*

ARTICLE 2: To see if the Town will vote to raise and appropriate from taxation, and/ or transfer from available funds a sum of money to fund the below listed supplements to the amounts voted under Article 3 of the April 2014 Annual Town Meeting, or take any other action relative thereto:

Transfer To

Amount

Transfer From

Submitted by the Town Accountant

SELECTMEN'S RECOMMENDATION:

Take No 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 3: To see if the Town will vote to raise and appropriate and/or transfer from available funds or otherwise provide a sum of money for the purpose of funding any new salary agreements, or take any other action relative thereto.

Submitted by the Board of Selectmen

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

EXPLANATION: *Town Meeting approval is required for the funding of any new salary agreements between the Board of Selectmen and any of the Town's employees not covered by the Wage Classification and Compensation By-Laws.*

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:

Favorable Action

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 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:

Favorable Action

ADVISORY'S 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. This article requires a 2/3rds vote.*

ARTICLE 6: To see if the Town will vote to establish a Special Purpose Stabilization fund for the purpose of reserving funds owed to the Silver Lake Regional School District for Pembroke's share of post-employment benefits for retired Silver Lake employees; and further, to vote to transfer from the Silver Lake Escrow Fund any remaining balance plus any accumulated interest, to the Special Purpose Stabilization Fund, or take any other action relative thereto.

Submitted by the Board of Selectmen

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

Favorable Action

EXPLANATION: *Adoption of this Article will allow the Town to deposit sums that had been previously appropriated and escrowed to a new Special Purpose Stabilization Fund. Future town meetings will be asked to transfer from this fund to the General Fund to offset the amount needed to pay Silver Lake.*

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:

Favorable Action

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 surplus revenue and/or other available funds a sum of money to balance the budget and to reduce the tax rate for the Fiscal Year 2015, or take any other action relative thereto.

Submitted by the Town Accountant

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article is used to balance the current year budget by providing for last year's snow and ice deficit of \$585,068 and any other shortfall as may become necessary.*

ARTICLE 9: To see if the Town will vote to raise and appropriate and/or 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:

Favorable Action

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 10: To see if the Town will vote to amend Section 38 of the Town of Pembroke Wage Classification and Compensation By-Laws by replacing the existing language as shown in Appendix B with the following:

"Longevity increments shall be unconditionally granted to each regular full-time and part-time employee according to the following schedule:

Years of Service	Longevity
<u>Completed Full-Time</u>	<u>Payment Full-Time</u>
5	\$ 400.00
10	500.00
15	550.00
20	850.00
25	900.00
30	950.00
35	1000.00
40	1050.00

Payments will be made within twenty-one (21) days following the employee's anniversary date.”
or take any other action relative thereto.

Submitted by the Board of Selectmen

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

EXPLANATION: *If approved, this article would make the Wage Classification and Compensation By-Laws consistent with the language in the contracts between the Town and its collective bargaining units and would take effect July 1, 2015.*

ARTICLE 11: To see if the Town will vote to amend Section 39 of the Town of Pembroke Wage Classification and Compensation By-Laws by replacing the existing language as shown in Appendix C with the following:

“All employees who work at least an average of twenty hours per week shall be entitled to four (4) days leave per year with full pay to attend to personal matters. Employees with ten or more years of eligible service shall be entitled to five (5) personal leave days.”
or take any other action relative thereto.

Submitted by the Board of Selectmen

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

EXPLANATION: *If approved, this article would make the Wage Classification and Compensation By-Laws consistent with the language in the contracts between the Town and its collective bargaining units and would take effect July 1, 2015.*

ARTICLE 12: To see if the Town will vote to amend Section 14 of the Town of Pembroke Wage Classification and Compensation By-Laws by replacing the existing language as shown in Appendix D with the following:

Section 1:

Employees shall be granted annual vacations without loss of pay as follows: if the employee has occupied a full time position, including any employee that changes from part-time to full-time, and has been in continuous service for the Town for not less than twelve (12) months-

After 1 year but less than 5 years -	10 working days
After 5 years but less than 10 years -	15 working days
After 10 years but less than 15 years -	20 working days
After 15 years but less than 16 years -	21 working days
After 16 years but less than 17 years -	22 working days
After 17 years but less than 18 years -	23 working days
After 18 years but less than 19 years -	24 working days
After 19 years or more -	25 working days

At the beginning of the 25th year of employment, employees shall be granted ten (10) bonus days of vacation to be used within their 25th year of service. This is a one-time only benefit for each employee.

Section 2:

Vacations must be taken in the year in which they are due. Up to two (2) weeks, at most, may be carried over from year to year. Vacation period is to be taken between July 1st and June 30th.

Section 3:

Vacations with pay shall not be granted to temporary employees. An additional day of vacation shall be allowed to any employee if one of the holidays described in Article XI occurs during his vacation

period. A vacation week consists of the number of days of the week normally worked. Vacations will be computed at one (1) day per month up to a maximum of ten (10) days in the first year.

Section 4:

Upon termination of employment caused by death, such payment for vacation and comp time owed shall be made to the employee's beneficiary or estate. Any employee who separates for any other reason will receive her unused vacation and comp time upon the pay period following separation.

Section 5:

Vacation "sell -back" option:

Employees may sell back to the town their excess vacation as follows:

10 days earned per year - sell back 0 days

15 days earned per year - sell back 5 days

20 days earned per year - sell back 10 days

25 days earned per year - sell back 20 days

Vacation days sold back to the town will be at the employee's straight time rate: subject to the approval of the department head with payment being made within thirty (30) days of the approval." or take any other action relative thereto.

Submitted by the Board of Selectmen

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

Take No Action

EXPLANATION: *If approved, this article would make the Wage Classification and Compensation By-Laws consistent with the language in the contracts between the Town and its collective bargaining units and would take effect July 1, 2015.*

ARTICLE 13: To see if the town will accept as a Town Way, Seltsam Way and Stone Ridge Lane as shown on the street layout plan entitled Crescent Hill Farm dated September 2, 2014, prepared by Keefe Associates and to see if the Town will further vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, any and all property interests and appurtenances to use said street for all purposes for which public ways are used in the Town; or take any other action relative thereto.

Submitted by the Planning Board

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

EXPLANATION: *The Planning Board has approved the road as it meets the Subdivision Control Law.*

ARTICLE 14: To see if the town will accept as a Town Way, Canoe Club Lane as shown on the street layout plan entitled Canoe Club Lane dated June 14, 2014, prepared by Land Planning, Inc. and to see if the Town will further vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, any and all property interests and appurtenances to use said street for all purposes for which public ways are used in the Town; or take any other action relative thereto.

Submitted by the Planning Board

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

EXPLANATION: *The Planning Board has approved the road as it meets the Subdivision Control Law.*

ARTICLE 15: To see if the town will accept as a Town Way, Sparrow Lane, Bluejay Way, Cardinal Circle, Blackbird Drive, Robin Terrace, as shown on the layout plan entitled The Crossroads in Pembroke dated September 4, 2014, prepared by Grady Consulting and to see if the Town will further vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, any and all property interests and appurtenances to use said street for all purposes for which public ways are used in the Town; or take any other action relative thereto.

Submitted by the Planning Board

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

EXPLANATION: *The Planning Board has approved the road as it meets the Subdivision Control Law.*

ARTICLE 16: To see if the town will vote to adopt and approve the following recommendations of the Community Preservation Committee for fiscal year 2015, 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 the sum of \$69,000.00 from open space/recreation reserve and that said funds be used by the Town of Pembroke for treatment of Oldham Pond for the suppression of blue-green algae; treatment of Hobomock Pond for hydrilla control; and treatment of Furnace Pond for microscopic algae, or take any other action relative thereto.

Recommendation B: To appropriate the sum of \$500,000.00 (\$480,000.00 for the acquisition of property and \$20,000.00 for legal fees/closing and survey costs/deed restriction, as required) from FY 2015 Community Preservation Fund reserve and that said funds be used by the town of Pembroke to acquire, by purchase, gift, and/or eminent domain, the 29-acre parcel of land located at 190 Barker Street, Pembroke, and shown on Map D-10 as Parcel 14, for the preservation and protection of Little Pudding Brook, which property shall be under the care, custody, and control of the Conservation Commission under the provisions of G.L. c.40, §8C, and, further, to authorize the Board of Selectmen and/or the Conservation Commission, as appropriate, to convey the conservation restrictions on the foregoing parcels of land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a), or take any other action relative thereto.

Recommendation C: To appropriate the sum of \$5,000.00 from open space/recreation reserve and that said funds be used by the Town of Pembroke to purchase and install a new swim platform at Little Sandy Pond Beach, or take any other action relative thereto.

Recommendation D: To appropriate the sum of \$21,500.00 from open space/recreation reserve and that said funds be used by the Town of Pembroke to purchase and install two new picnic tables, a new dock and a swim platform at Stetson Pond Beach, or take any other action relative thereto.

Recommendation E: To appropriate the sum of \$21,500.00 from FY 2015 estimated annual revenue and that said funds be used by the Town of Pembroke to purchase and install two new picnic tables, a new dock and a swim platform at Furnace Pond Beach, or take any other action relative thereto.

Recommendation F: To appropriate the sum of \$35,000.00 from community housing fund reserve and \$25,000.00 from FY 2015 estimated annual revenue and that said funds be granted to the Town of Pembroke Housing Authority for the purpose of designing and permitting forty-eight (48) new

residential units for elderly and disabled persons to be constructed at Mayflower Court, Lydia Ford Way, MacDonald Way and Kilcommons Way, or take any other action relative thereto.

Submitted by the Community Preservation Committee

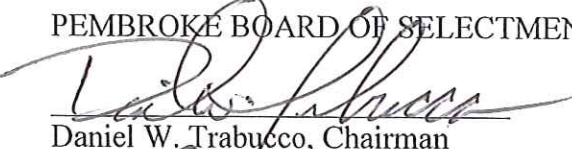
SELECTMEN'S RECOMMENDATION: Favorable Action: A, B, C, D, E; Town Meeting Floor: F

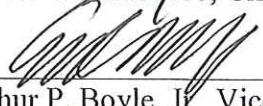
ADVISORY'S RECOMMENDATION:

EXPLANATION:

Given under our hands and seals this 6th day of October, 2014.

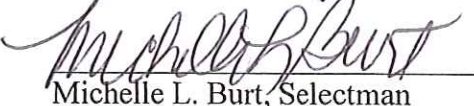
PEMBROKE BOARD OF SELECTMEN


Daniel W. Trabucco, Chairman



Arthur P. Boyle, Jr., Vice-Chairman


Lewis W. Stone, Clerk


Willard J. Boulter Jr., Selectman


Michelle L. Burt, Selectman

A TRUE COPY ATTEST:


Mary Ann Smith, Town Clerk

Pursuant to the Warrant for the Special Fall Town Meeting to be held on October 28, 2014, 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

Constable

APPENDIX A

Article 1

Capital Projects and/or Equipment

DEPARTMENT	PROJECT	REQUEST	FUNDING
Town Administrator	Town Hall Floor Cover Replacement Phase 1	12,000	
Town Administrator	Learning Lane Drainage Project	55,000	
Town Administrator	Route 53 & Pleasant Street Traffic Signal Engineering Services	9,500	
IT Committee	Replacement of Town Hall Server, Data Storage & Associated Costs	68,800	
Police Department	Two (2) Police Cruisers	97,000	
Police Department	Three (3) TASER x26 Devices	3,000	
Police Department	Police Station Improvements	22,200	
School Department	Technology Upgrades: Servers, Switches, LCD & Associated Costs	85,000	
DPW – Highway	New 10 Wheel Dump Truck, Sander & Plow	205,000	
DPW – Highway	New ¾Ton 4x4 Extended Cab Pickup Truck	35,000	
DPW – Highway	New 35,000 lb. Lift, DPW Garage	65,000	
DPW – Highway	Drainage: 199 Plymouth Street	30,000	
DPW – Tree Division	New Boom Mower Assembly & Accessories for Two Mowers	35,000	
DPW – Tree Division	Tree Removal & Maintenance at Town Cemeteries	10,000	
DPW – Water Division	Little Brook Rd Water Main Replacement Project	290,000	
DPW – Water Division	Sludge Removal Lagoons at Pump Station #4	85,000	
Community Center	Complete Boiler and Valve Replacement with Associated Costs	75,000	
Library	Building Maintenance Exterior Painting	35,000	
Library	Building Maintenance Carpet Replacement	11,000	

APPENDIX B

Article 10

Town of Pembroke Wage Classification and Compensation By-Laws Longevity

Section 38. Longevity

Longevity increments shall be unconditionally granted annually to each regular full time employee. A regular part time employee with a work week greater than or equal to 20 hours shall be eligible for longevity on a pro-rated basis according to the following schedule:

<u>Years of Service Completed</u>	<u>Longevity Payment</u>
5	\$275.00
10	\$375.00
15	\$425.00
20	\$475.00
25	\$525.00
30	\$575.00
35	\$625.00
40	\$675.00

Payments will be made within twenty-one (21) days following the employee's anniversary date.

APPENDIX C

Article 11

Town of Pembroke Wage Classification and Compensation By-Laws Personal Days

Section 39. Personal Days

Personal days up to three (3) days per year with full pay may be authorized by the Department Head, one of which may be for personal convenience. The other must be an approved personal emergency, such emergencies are: (Amended Art.#49 W&P 4/00 ATM)

- (a) Legal proceedings not resulting from negligence on the employee's part.
- (b) Household - Passing of Papers - Disaster from fire -Permanent move of family.
- (c) Any other emergencies as determined by the Department Head.

APPENDIX D

Article 12

Town of Pembroke Wage Classification and Compensation By-Laws Vacation Leave

Section 14. Vacation Leave

A. Every employee occupying a full time position in which he/she has been in continuous service for the town for twelve (12) months shall be granted ten (10) days vacation with pay; fifteen (15) days vacation leave with pay after five (5) years of continuous service; twenty (20) days vacation leave with pay after ten (10) years of continuous service; twenty-one (21) days vacation leave with pay after (16) years of continuous service; twenty-two (22) days vacation leave with pay after seventeen (17) years of continuous service; twenty-three (23) days vacation leave with pay after eighteen (18) years of continuous service; twenty-four (24) days vacation leave with pay after nineteen (19) years of continuous service; and twenty-five (25) days vacation leave with pay after twenty (20) years of continuous service and thereafter. Such vacation shall be granted by the head of the respective department of the town at such time as, in his opinion, will cause the least interference with the performance of the regular work of the town. (W&P Art.#52 of 4/24/97 ATM)

B. An employee entitled to three or more weeks vacation may carry over one of those weeks into the next fiscal year. (W&P Art.#47 of 4/27/99 ATM)

C. Vacations with pay shall not be granted to temporary employees. An additional day of vacation shall be allowed to any employee if one of the holidays described in Section 13 occurs during his/her vacation period. A vacation week consists of five (5) working days.

D. Upon the death or resignation of any employee eligible for vacation leave, payment shall be made to the estate of the deceased, or to the resigned employee, for that portion of unused vacation accrued in the calendar year prior to death or resignation.

E. Vacation "sell back" option: Employees may sell back to the Town their excess vacation time as follows:

10 days earned per year - sell back 0 days
15 days earned per year - sell back 5 days
20 days earned per year - sell back 10 days

Vacation days sold back to the Town will be at the employee's straight time rate: Subject to the approval of the Department Head with payment being made within thirty (30) days of the approval.