

# COMMONWEALTH OF MASSACHUSETTS



## TOWN OF PEMBROKE *SPECIAL FALL TOWN MEETING WARRANT* *TUESDAY, OCTOBER 27, 2015*

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-SEVENTH DAY OF OCTOBER, 2015 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 herein, or take any other action relative thereto.

DEPARTMENT	PROJECT	REQUEST	FUNDING
Town Administrator	Town Hall Floor Cover Replacement Phase 2	12,000	Free Cash
Town Administrator	Town Landing Septic System Repair	2,500	Free Cash
Town Administrator	Regulation Signs at Town Beaches	5,000	Free Cash
Police Department	Computer Server Room Cooling System	4,000	Free Cash
Police Department	Building Repairs to Police Station	2,100	Free Cash
Police Department	ATV Trailer with Ramps, Ties and Related	3,000	Free Cash
Fire Department	Purchase of Ambulance	197,000	Ambulance Fund
Fire Department	Purchase of Pickup Truck with Plow	45,000	Free Cash
Fire Department	Building Improvements Center Fire Station	10,000	Free Cash
Animal Control	Leash Law Enforced/No Dogs Allow Signs	500	Free Cash
DPW – Cemetery Div.	Purchase of Pickup Truck with Plow	50,000	Free Cash
DPW – Water Division	Purchase of Pickup Truck with Plow	50,000	Water Surplus
DPW – Water Division	Town Well Cleaning and Rehabilitation	100,000	Water Surplus
Building Dept.	PeopleGIS System Module	19,400	Free Cash
School Department	Upgrade Telephone System	40,000	Free Cash
School Department	Resurface Tennis Courts, Facilities	45,000	Free Cash
School Department	Exterior Security Cameras: Elem & Middle	20,000	Free Cash
Council on Aging	Building Repairs to COA Building	27,900	Free Cash
Council on Aging	Chair Replacement	3,600	Free Cash
Library	Exterior Building Maintenance - Painting	24,000	Free Cash

Submitted by Various Town Departments

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article seeks approval and funding of the Town's Capital Plan for Fiscal Year 2016. Borrowing requires a 2/3 vote.*

**ARTICLE 2:** To see if the Town will vote to transfer from available funds the sum of \$ 0 to provide for the unpaid bills from FY2015 listed below, or take any other action relative thereto:

<u>Vendor</u>	<u>Department</u>	<u>Amount</u>	<u>Fiscal Year</u>
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NONE

Submitted by the Town Accountant

ADVISORY RECOMMENDATION:

Take No Action

SELECTMEN'S RECOMMENDATION:

Take No Action

EXPLANATION: *Mass. General Laws require any unpaid bills from previous fiscal years to be approved by a 9/10<sup>th</sup> vote of a special town meeting.*

**ARTICLE 3:** 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 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 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 5:** To see if the Town will vote to establish a special municipal capital stabilization fund per the provisions of G.L. Ch. 40 s5b, and further to vote to transfer the balance of \$ 910,065 in the special purpose stabilization fund authorized by the April 28, 2009 Town Meeting to the newly created special municipal capital 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: *The Town voted to establish "a special purpose stabilization fund" to appropriate funds from MTBE settlement, Article 8 at the Special within the Annual Town Meeting April 28, 2009. The Department of Revenue has recommended that the statement of the purpose or restricted use of the fund be included through Town Meeting vote. This article requires a 2/3 majority vote.*

**ARTICLE 6:** 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 2016, 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 \$1,013,328 and any other shortfall as may become necessary.*

**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 raise and appropriate, transfer from available funds, and/or authorize the Treasurer to borrow the sum of \$ 385,000 to be used for the purpose of necessary drainage improvements to the Pembroke High School detention basin, or take any other action relative thereto.

Submitted by the Board of Selectmen

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

Favorable Action

EXPLANATION: *Stormwater runoff and discharge from the site of the Pembroke High School to the detention basin north of the area is causing washouts and erosion in low areas and along flow paths that eventually lead to the Herring Brook. The proposal for all related costs for constructing the necessary improvements to the detention basin is not to exceed \$385,000.00. Borrowing requires a 2/3 majority vote.*

**ARTICLE 9:** To see if the Town will vote to raise and appropriate, transfer from available funds, and/or authorize the Treasurer to borrow the sum of \$ 200,000 to be used for the purpose of the required drainage improvements related to the Route 14 Reconstruction Project on Barker Street, Furnace Lane and Mattakeesett Street, or take any other action relative thereto.

Submitted by the Board of Selectmen

SELECTMEN'S RECOMMENDATION:

Favorable Action

ADVISORY'S RECOMMENDATION:

Favorable Action

EXPLANATION: *Unfunded costs associated with the Route 14 Reconstruction Project include the costs of drainage area construction and engineering on Barker Street, Furnace Lane and Mattakeesett Street in compliance with the Order of Conditions issued by the Conservation Commission in regards to this project, with costs not to exceed \$200,000.00. Borrowing requires a 2/3 majority vote.*

**ARTICLE 10:** To see if the Town will vote to amend Compensation Schedule C of the Town of Pembroke Wage and Personnel By-Laws by replacing the existing language “SC-22, Alternate Building Inspector” with “SC-22, Alternate Inspector, Building Department”, or take any other action relative thereto.

Submitted by the Board of Selectmen

SELECTMEN’S RECOMMENDATION:

Favorable Action

ADVISORY’S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article amends the language in SC-22 of Schedule C of the Wage and Classification Plan to allow for additional alternate inspectors in electric, plumbing and gas.*

**ARTICLE 11:** To see if the Town will vote to amend the action taken under Article 2 of the April 28, 2015 Annual Town Meeting by adding the sum of \$2,525 to each of the three steps for SA-18 Animal Control Officer and further to transfer the sum of \$2,525 from the amounts voted under Article 3 of the April 28, 2015 Annual Town Meeting for Animal Control (“Dog Officer”) General Expenses to Animal Control (“Dog Officer”) Wages & Salaries, or take any other action relative thereto.

Submitted by the Board of Selectmen

SELECTMEN’S RECOMMENDATION:

Favorable Action

ADVISORY’S RECOMMENDATION:

Favorable Action

EXPLANATION: *This Article will allow the Town to comply with the guidelines of the Internal Revenue Service regarding w-2 and 1099 compensation.*

**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 of money to be used to fund engineering services for the purpose of providing engineering and permitting for a proposed Furnace Pond Dredging Project; or take any other action relative thereto.

Submitted by the Town Administrator

SELECTMEN’S RECOMMENDATION:

Favorable Action

ADVISORY’S RECOMMENDATION:

Favorable Action

EXPLANATION: *The goal of this funding (\$125,000) is to prepare engineering plans and permit applications for the phased selective dredging of Furnace Pond. Borrowing requires a 2/3 majority vote.*

**ARTICLE 13:** To see if the Town will vote to authorize a new revolving account, pursuant to M.G.L. c.44, s.53E½, under the supervision of the Recreation Commission, in to which receipts for recreation and park services in the town shall be deposited, and from which disbursements, in an amount which shall not exceed \$ 50,000 for Fiscal Year 2016, may be expended by the Recreation Commission in connection with the upkeep and maintenance of town parks and recreational facilities and without further appropriation; or take any other action relative thereto.

Submitted by the Recreation Commission

ADVISORY RECOMMENDATION:

Take No Action

SELECTMEN RECOMMENDATION:

Take No Action

EXPLANATION: *This article will allow the Recreation Commission to retain received revenues and use these receipts in support of the programs for which the fee was charged.*

**ARTICLE 14:** To see if the Town will vote to amend the Zoning By-laws of Town of Pembroke to address Assisted Living by deleting the strikethrough test and inserting the bold text **as shown in Appendix A**, or take any other action relative thereto.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

Town Meeting Floor

SELECTMEN RECOMMENDATION:

Town Meeting Floor

EXPLANATION: *This Article adds “assisted living residence” to Section II, Definitions; reduces Business B District boundary on north side of Church Street, from Cross Street to western lot line of Parcel 28A, Map F15; adds “assisted living residence” to uses allowed in Industrial District A; adds “parking” to front yard regulations in Industrial A District; adds “assisted living residence” to uses allowed in Industrial District B; and adds “parking” to front yard regulations in Industrial District B.*

**ARTICLE 15:** To see if the town will vote to amend the Pembroke Zoning Map revised June 11, 2014 so as to extend the Industrial B District on Church Street on the west side to include Parcels F15-5, F15-6, F15-28 and to the westerly boundary of Parcel F15-28A on Church Street **as shown in Appendix B**, or take any other action relative thereto.

Submitted by the Planning Board

SELECTMEN’S RECOMMENDATION:

Town Meeting Floor

ADVISORY’S RECOMMENDATION:

Town Meeting Floor

EXPLANATION: *This Article increases the Industrial District B boundary on the north side of Church Street from Cross Street to the western lot line of Parcel 28A, Map F15.*

**ARTICLE 16:** To see if the town will vote to adopt and approve the following recommendations of the Community Preservation Committee for fiscal year 2016, 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 \$40,000.00 from FY 2016 estimated annual revenue and that said funds be granted to the trustees of the First Church on Center Street for phase I of the restoration or replacement of pillars, trim, windows and shutters, or take any other action relative thereto.

Recommendation B: To appropriate the sum of \$45,000.00 from FY 2016 estimated annual revenue and that said funds be granted to the trustees of the Cobb Library for phase I of the replacement of exterior shingles, front porch decking and railing, storm door, bulkhead, stained glass storm window; painting of all exterior trim; and repair of curbing, or take any other action relative thereto.

Recommendation C: To appropriate the sum of \$7,561.00 from open space/recreation fund reserves and that said funds be used by the Recreation Commission for a safety guardrail and gate at J.J. Shepherd Field at the Mattakeesett Street ball fields, or take any other action relative thereto.

Recommendation D: To appropriate the sum of \$4,225.00 from open space/recreation fund reserves and that said funds be used by the Recreation Commission to remove an existing backstop and install a new backstop with canopy at the girls’ softball field (front field) at the Mattakeesett Street ball fields, or take any other action relative thereto.

Recommendation E: To appropriate the sum of \$2,426.00 from open space/recreation fund reserves and that said funds be used by the Recreation Commission to install a roof over the dugout at the girls' softball field (back field) at the Mattakeesett Street ball fields, or take any other action relative thereto.

Recommendation F: To appropriate the sum of \$2,107.00 from open space/recreation fund reserves and that said funds be used by the Recreation Commission to install a side fence at Magoun Park, 17 Schoosett Street, or take any other action relative thereto.

Recommendation G: To appropriate the sum of \$5,430.00 from open space/recreation fund reserves and that said funds be used by the Recreation Commission to install a new backstop with canopy at Magoun Park, 17 Schoosett Street, or take any other action relative thereto.

Submitted by the Community Preservation Committee

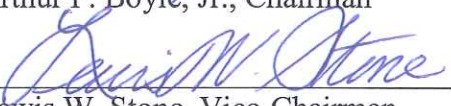
SELECTMEN'S RECOMMENDATION:  
ADVISORY'S RECOMMENDATION:  
EXPLANATION:

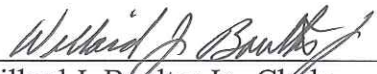
Town Meeting Floor, A-G (all)  
Favorable Action, A-G (all)

Given under our hands and seals this 5<sup>th</sup> day of October, 2015.

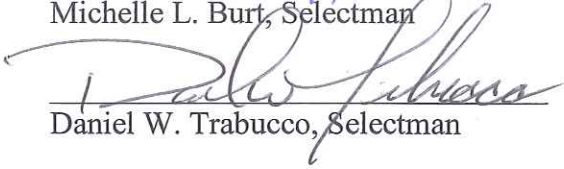
PEMBROKE BOARD OF SELECTMEN

  
Arthur P. Boyle, Jr., Chairman

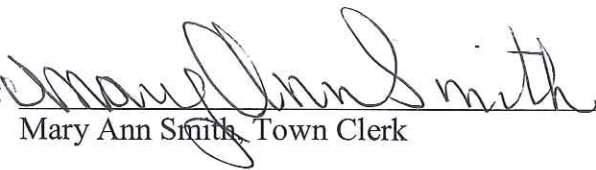
  
Lewis W. Stone, Vice-Chairman

  
Willard J. Boulter Jr., Clerk

  
Michelle L. Burt, Selectman

  
Daniel W. Trabucco, Selectman

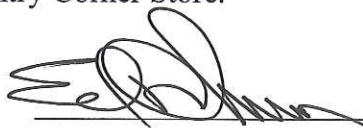
A TRUE COPY ATTEST:

  
Mary Ann Smith, Town Clerk

Pursuant to the Warrant for the Special Fall Town Meeting to be held on October 27, 2015, 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:

10/13/15  
Date



## APPENDIX A

### Article 14

Town of Pembroke Zoning By-Law: Amend Sections II and IV  
[Note - deleting the ~~strike through~~ text and inserting the **bold** text.]

#### **SECTION II, DEFINITIONS**

**Assisted Living Residence: A building containing dwelling units for persons in need of assistance with activities of daily living and as defined and regulated by M.G.L. ch.19D and 651 CMR 12.00.**

#### **SECTION IV, USE AND DIMENSIONAL REGULATIONS, Sub-section 5. Industrial District A.**

5.A.3. Business, financial, governmental, insurance, medical, professional, real estate, **assisted living residence**, fitness/health centers, or similar office use, hotel, convention center and their ancillary services.

5.D.4. Front Yards: All buildings, structures, and paved areas other than **parking and** access ways shall be set back a minimum of sixty feet from the lot line.

#### **SECTION IV, USE AND DIMENSIONAL REGULATIONS, Sub-section 5A. Industrial District B.**

5A.A.3. Business, financial, governmental, insurance, medical, professional, real estate, **assisted living residence**, fitness/health centers, or similar office use, hotel, convention center and their ancillary services.

5A.D.4. Front Yards: All buildings, structures, and paved areas other than **parking and** access ways shall be set back a minimum of sixty feet from the lot line.



## APPENDIX B

### Article 15

Town of Pembroke Zoning By-Law: Amend Section III  
[Note - deleting the ~~striketrough~~ text and inserting the **bold** text.]

#### **SECTION III, ESTABLISHMENTS OF DISTRICTS, Sub-Section 4. BUSINESS DISTRICT B.**

K. Church Street: Beginning at Water Street, on both sides, thence easterly to ~~Cross Street~~ **the westerly boundary line of Parcel 28A, as shown on Assessor's Map F15** on the north side and 400' ~~westerly of Cross Street to the interchange at Route 3~~ **on the south side to a depth of 400 feet.**

#### **SECTION III, ESTABLISHMENTS OF DISTRICTS. Sub-section 5A. INDUSTRIAL DISTRICT B.**

B. An area bounded by Water Street on the north, Route 3 on the east, Church Street and Old Church Street on the south, and ~~Cross Street~~ **to the westerly boundary of Parcel 28 A as shown on Assessor's Map F-15 including Lots 5, 6, 28, and 28A, inclusive of Cross Street** but excluding all of Lots 3A, 3B, **7C, 7D, 7E, 87, 88, 89, 90, 91, and 92.** ~~and 87, 88, 4 & 26 as currently shown on Assessors' Plan F-15.~~