

**COMMONWEALTH OF MASSACHUSETTS**  
**TOWN OF PEMBROKE, MASSACHUSETTS**



**2016**  
**SPECIAL TOWN MEETING WARRANT**

**ATTEND THE SPECIAL TOWN MEETING**  
**TUESDAY, OCTOBER 18, 2016**  
**7:00 P.M.**

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

## **REPORT OF THE TOWN ACCOUNTANT**

I am pleased to report that the Department of Revenue has certified Pembroke's Fiscal Year 2016 Free Cash as \$2,252,832 as of June 30, 2016. This amount, which represents 4% of the operating budget, was derived from surplus revenues of 2.4%, principally past due real estate taxes and new motor vehicle excise taxes, and returned appropriations of 1.5% from a variety of departmental budgets.

The Town has historically underfunded its Snow and Ice budget and last year was no different. Before the Tax Rate for Fiscal Year 2017 can be set, the Fiscal Year 2016 deficit of \$537,347 must be funded and we plan to ask this Town Meeting to do that with Free Cash. This will result in a balanced budget for Fiscal Year 2017 and will leave the Free Cash balance at \$1,715,485.

As we consider how to use this remaining balance, it is appropriate to talk about the budgetary issues that will challenge the Town in Fiscal Year 2018. Due to factors largely beyond the control of the Town, employee health insurance and pension expenses are forecast to consume all of the allowable increase in the tax levy. Subsequently, it will be very difficult to provide the same level of services and staffing in Fiscal Year 2018. Therefore, I am recommending that roughly half of the remaining Free Cash balance not be spent at this Town Meeting, and instead be reserved as a contingency for future issues.

As in years past, the Town's department heads have been very reasonable with their capital requests and most, if not all should be able to be funded at this time. In addition, the Town should be able to continue its recent progress setting aside funds for future obligations like the Separation Pay Fund, the Stabilization Fund, and the Other Post Employment Benefit Fund.



**TOWN OF PEMBROKE**  
**SPECIAL FALL TOWN MEETING WARRANT**  
**TUESDAY, OCTOBER 18, 2016**

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 EIGHTEENTH DAY OF OCTOBER, 2016 at SEVEN 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
Town Administrator	Town Hall Heater Installation	10,500	Free Cash
Town Administrator	Town Hall Boiler Replacement	13,500	Free Cash
Town Administrator	Little Sandy Beach Fence Repair	7,260	Free Cash
Town Administrator	Repairs to Recycling Center	10,713	Free Cash
Town Administrator	Pembroke Pound Renovations	15,946	Free Cash
Town Administrator	Signs	3,000	Free Cash
Town Clerk	Replacement of Voting Machines	33,500	Free Cash
Police Department	Marked Police Cruiser	53,172	Free Cash
Police Department	Unmarked Police Cruisers	100,000	Borrowing
Police Department	Portable Police Radios	35,095	Free Cash
Fire Department	Mini Pumper Engine	220,000	Borrowing
Fire Department	Underwater Rescue/Recovery Equip.	25,000	Free Cash
Fire Department	Compressor/Cascade System	60,000	Free Cash
DPW – Water Division	Unidirectional Flushing Program	10,000	Water Surplus
DPW – Water Division	Well Repairs, #2, #3 and #5	32,000	Water Surplus
DPW – Water Division	Radio Telemetry Upgrade	55,000	Water Surplus
DPW – Water Division	New Source Exploratory Pump Tests	60,000	Water Surplus
IT Department	TH Network Upgrades	23,900	Free Cash
Council on Aging	Council on Aging Building Repairs	30,335	Free Cash
Library	Repair/Replace Water Fountain	3,600	Free Cash
Library	Furniture Replacement	10,000	Free Cash
Town Memorial Comm.	Purchase “War on Terror” Memorial	15,000	Free Cash

Submitted by Various Town Departments

ADVISORY’S RECOMMENDATION:

Favorable Action

SELECTMEN’S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article seeks approval and funding of the Town’s Capital Plan for Fiscal Year 2017. Borrowing requires a 2/3 vote.*

**ARTICLE 2:** 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

ADVISORY'S RECOMMENDATION:	Favorable Action
SELECTMEN'S RECOMMENDATION:	Favorable Action
EXPLANATION: <i>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.</i>	

**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 Stabilization Fund, or take any action relative thereto.

Submitted by the Board of Selectmen

ADVISORY'S RECOMMENDATION:	Favorable Action
SELECTMEN'S RECOMMENDATION:	Favorable Action
EXPLANATION: <i>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.</i>	

**ARTICLE 4:** 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 2017, or take any other action relative thereto.

Submitted by the Town Accountant

ADVISORY'S RECOMMENDATION:	Favorable Action
SELECTMEN'S RECOMMENDATION:	Favorable Action
EXPLANATION: <i>This article is used to balance the current year budget by providing for last year's snow and ice deficit of \$537,347 and any other shortfall as may become necessary.</i>	

**ARTICLE 5:** 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

ADVISORY'S RECOMMENDATION:	Favorable Action
SELECTMEN'S RECOMMENDATION:	Favorable Action
EXPLANATION: <i>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 and maintain the Town's bond rating.</i>	

**ARTICLE 6:** To see if the Town will vote to reduce the amounts voted under Article 3 of the May 10, 2016 Annual Town Meeting, or take any other action relative thereto.

Submitted by the Treasurer/Collector

ADVISORY'S RECOMMENDATION:	Favorable Action
SELECTMEN'S RECOMMENDATION:	Favorable Action

**EXPLANATION:** *This article seeks to lower the amounts appropriated for debt service for the FY17 operating budget to reflect savings due to debt refunding (refinancing) and bond premiums and to subsequently lower the tax rate.*

**ARTICLE 7:** To see if the Town will vote to accept the provisions of Chapter 41, Section 111F of the General Laws, inserted by Section 60 of Chapter 218 of the Acts of 2016, which is effective on November 7, 2016 and establishes a special injury leave indemnity fund for the purpose of establishing and appropriating amounts for the payment of injury leave compensation or medical bills incurred under Chapter 41, Sections 111F or 100 of the General Laws, the fund to begin operation on November 7, 2016, or take any other action relative thereto or take any other action relative thereto.

Submitted by the Town Accountant

**ADVISORY'S RECOMMENDATION:**

Favorable Action

**SELECTMEN'S RECOMMENDATION:**

Favorable Action

**EXPLANATION:** *This article would allow the Town to begin to set aside funds to provide for the costs associated with on the job injuries to firefighters or police officers. The goal is to reserve sufficient funds over a period of time so that the purchase of insurance for these expenses may be reduced or eliminated.*

**ARTICLE 8:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000 to be added to the Special Injury Leave Indemnity Fund authorized under "An Act to Modernize Municipal Government", or take any other action relative thereto.

Submitted by the Town Accountant

**ADVISORY'S RECOMMENDATION:**

Favorable Action

**SELECTMEN'S RECOMMENDATION:**

Favorable Action

**EXPLANATION:** *This article would allow the Town to begin to set aside funds to provide for the costs associated with on the job injuries to firefighters or police officers. The goal is to reserve sufficient funds over a period of time so that the purchase of insurance for these expenses may be reduced or eliminated.*

**ARTICLE 9:** 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 the cost of items of the first year of 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:**

Favorable Action

**SELECTMEN'S RECOMMENDATION:**

Favorable Action

**EXPLANATION:** *This article allows the Town to fund collective bargaining agreements negotiated between the Board of Selectmen and the listed Town Unions.*

**ARTICLE 10:** 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 \$ 50,000 to be used for the purpose of funding drainage improvements related to the Route 14 Reconstruction Project Non-Participating Agreement Drainage, or take any other action relative thereto.

Submitted by the Board of Selectmen

ADVISORY'S RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *Unfunded costs associated with the Route 14 Reconstruction Project include the costs of drainage area construction and engineering in regards to this project that are not funded by MASSDOT, with costs not to exceed \$50,000.00. Borrowing requires a 2/3 majority vote.*

**ARTICLE 11:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be expended under the direction of the Board of Selectmen for town wide celebrations and commemorations, or take any other action relative thereto.

Submitted by the Board of Selectmen

ADVISORY'S RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article seeks to transfer the funds remaining from the Pembroke's 300<sup>th</sup> Anniversary activities to the custody of the Board of Selectmen to support future town wide celebrations and commemorations.*

**ARTICLE 12:** To see if the Town will vote to amend the General By-Laws: Article XX Police Regulations, Section 9, by deleting and renaming this Section as follows: "Section 9.0 – Door-to-Door Solicitation," and further by inserting the language as shown in Appendix A, or take any other action relative thereto.

Submitted by the Board of Selectmen

ADVISORY'S RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article would amend the by-law that regulates persons or organizations engaged in soliciting or peddling in town while recognizing that reasonable, consensual access to residents in their homes by said persons or organizations is protected by the First Amendment to the Constitution of the United States, and thus the methods of regulation set forth in this by-law are intended to be the least restrictive means possible and are designed to be content neutral.*

**ARTICLE 13:** To see if the Town will vote to amend the General Bylaws, as most recently amended, by amending Article XX, Police Regulations, by inserting a new Section 9.1 "Criminal History Check Authorization" to incorporate changes as authorized by Chapter 256 of the Acts of 2010 and incorporated into Massachusetts General Law as Chapter 6, Section 172 B½, as shown in Appendix B, or take any other action relative thereto.

Submitted by the Police Chief

ADVISORY'S RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article would allow the Pembroke Police Department to establish a civilian fingerprinting system for the purposes of conducting a state and national criminal history records checks for persons applying for certain licenses within the Town of Pembroke.*

**ARTICLE 14:** 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 Police Department, in to which receipts for state and federal fingerprint based criminal history checks in the town shall be deposited, and from which disbursements, in an amount which shall not exceed \$ 20,000 for Fiscal Year 2017, may be expended by the Police Department for the purpose of funding and maintenance of the fingerprint submission and collection program without further appropriation; or take any other action relative thereto.

Submitted by the Police Chief

ADVISORY'S RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

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

**ARTICLE 15:** To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the purpose of conducting a DPW Feasibility Space Needs Study, or take any other action relative thereto.

Submitted by the DPW Commissioners

ADVISORY'S RECOMMENDATION:

Take No Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article would fund a space and needs feasibility study for the DPW; the cost of the study is \$30,000. Borrowing requires a 2/3 majority vote.*

**ARTICLE 16:** 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 expended for the repair or replacement of the track and turf field at the Pembroke High School, or take any action relative thereto.

Submitted by the School Committee

ADVISORY COMMITTEE RECOMMENDATION:

Take No Action

SELECTMEN'S RECOMMENDATION:

Town Meeting Floor

EXPLANATION: *This article would allow for the installation of a new track and turf field at the Pembroke High School in the amount of \$1,200,000. This appropriation and debt authorization may be contingent upon passage of a Proposition 2 ½ debt exclusion referendum under General Laws Chapter 59, 21 C(k) and would require a 2/3 majority vote.*

**ARTICLE 17:** To see if the Town will vote to amend schedules A, C and D of the Classification and Compensation By-laws according to the schedules listed in Appendix C and to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to fund any changes.

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:

Town Meeting Floor

SELECTMEN'S RECOMMENDATION:

Town Meeting Floor

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 18:** To see if the Town will vote to adopt and approve the following recommendations of the Community Preservation Committee for FY 2017, 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 transfer the sum of \$25,000.00, which was voted under Article 10 (Recommendation H) at the Fall Special Town Meeting in 2012 (FY13 funding) for the purpose of funding a building study of the historic Pembroke Community Center to the fund reserve, or take any other action relative thereto.

**Recommendation B:** To transfer the sum of \$25,000.00 to the fund reserve and \$35,000.00 to the community housing reserve, totaling \$60,000.00, which sums were voted under Article 16 (Recommendation H) at the Fall Special Town Meeting in 2014 (FY15 funding) to fund a Pembroke Housing Authority site design project, or take any other action relative thereto.

**Recommendation C:** To appropriate the sum of \$55,800.00 from annual revenues for the purpose of granting such funds to the trustees of First Church for phase II of the ongoing restoration and replacement of pillars, trim, windows and shutters, or take any other action relative thereto.

**Recommendation D:** To appropriate and transfer the sum of \$215,000, of which \$100,000.00 will be transferred from the open space reserve and \$115,000.00 will be transferred from annual revenues, for the purpose of acquiring [approximately] 5 acres of the parcel of land located at 369 Washington Street, Pembroke, MA (assessor map E12, parcel 1A), for open space and/or historical preservation purposes, including, without limitation, for the purpose of preserving the existing historic structures thereon and creating parking, and all costs incidental or related thereto, and to authorize the Board of Selectmen to acquire said land by purchase, gift, and/or eminent domain on such terms and conditions as the Board of Selectmen may deem appropriate, and, further, to authorize the Board of Selectmen to grant and/or acquire a restriction thereon, as required under Section 12(a) of Chapter 44B of the General Laws, and to enter into any and all agreements and to execute any and all documents necessary or convenient to accomplish the foregoing purposes, or take any other action relative thereto.

**Recommendation E:** To appropriate the sum of \$4,200.00 from annual revenues for the purpose of granting said funds to Pembroke Youth Baseball to install on-deck cages on field A at the Mattakeesett Street baseball fields, or take any other action relative thereto.

**Recommendation F:** To appropriate the sum of \$9,200.00 from annual revenues for the purpose of granting said funds to Pembroke Youth Baseball to replace fencing on field A at the Mattakeesett Street baseball fields, or take any other action relative thereto.

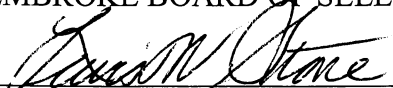
Submitted by the Community Preservation Committee

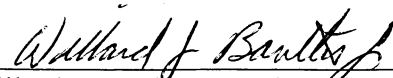
SELECTMEN'S RECOMMENDATION: Favorable Action: A, B, C, E, F; Town Meeting Floor D  
ADVISORY'S RECOMMENDATION: Favorable Action: A, B, C, E, F; Take No Action D  
EXPLANATION:




Given under our hands and seals this 3<sup>RD</sup> day of October, 2016.


PEMBROKE BOARD OF SELECTMEN

  
\_\_\_\_\_  
Lewis W. Stone, Chairman

  
\_\_\_\_\_  
Willard J. Boulter Jr., Vice-Chairman

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

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

  
\_\_\_\_\_  
Matthew J. Furlong, 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 18, 2016, 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:

10/4/2016  
Date

  
\_\_\_\_\_

## APPENDIX A

### Article 12

#### ARTICLE XX. Police Regulations

##### Section 9.0 Door-to-Door Solicitation

It is the purpose of this by-law to establish registration requirements and specific operational requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Pembroke through the issuance of licenses and imposition of other limitations on such conduct for the purpose of protecting the Town's residents from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud and other crimes, and further, to allow reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages. It is framed with deep respect for the principles embodied in the constitutions of the United States and the Commonwealth of Massachusetts and attempts to achieve a workable balance between the right of free speech and the right of privacy. It is intended to be framed narrowly and construed strictly to achieve its purpose by imposing certain restrictions as to the time, place and manner in which solicitation and canvassing are conducted. It is not intended to be applied to political or religious activities for religious, political, newspaper distribution or public policy purposes or other non-commercial purposes, regardless of whether such activities include acts that would otherwise constitute soliciting or canvassing entitled to protection under the First Amendment to the United States Constitution.

##### A. Statutory authority; purpose.

This article, adopted pursuant to G.L. c. 43B, § 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes permit requirements and specific operational requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Pembroke, and this article is adopted for the reasons stated above.

##### B. Definitions.

For the purposes of this article, the following definitions shall apply:

CANVASSING Shall mean and include any one or more of the following door-to-door activities:

- (a) Person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dropping off printed materials on the premises or mail deliveries;
- (b) Seeking to enlist membership in any organization for commercial purposes; and
- (c) Seeking to present, in person, organizational information for commercial purposes.

CHARITABLE ORGANIZATION Shall be defined as set forth in MGL c. 68, § 18.

COMMERCIAL CO-VENTURER Shall be defined as set forth in MGL c. 68, § 18.

PROFESSIONAL SOLICITOR Shall be defined as set forth in MGL c. 68, § 18.

REGISTERED SOLICITOR Shall mean any person who has obtained a valid certificate of permit from the Town as required by this Bylaw.

RESIDENCE Shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.

SOLICITING Shall mean and include any one or more of the following activities conducted door-to-door or on a public way:

(a) Selling, or seeking to obtain orders for the purchase of goods or services, including advertising in any type of publication, for any kind of consideration whatsoever.

(b) Selling or seeking to obtain prospective customers for application for purchase of insurance of any kind.

(c) Selling, or seeking to sell, subscriptions to books, magazines, periodicals, newspapers or any other type of publication.

(d) Seeking to obtain gifts or contributions of money or any valuable thing for the support or benefit of any association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venturer for a charitable or other noncommercial organization.

(e) Seeking to obtain information on the background, occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly or in part, for commercial purposes.

### **C. Permit.**

Every person or organization intending to engage in soliciting or canvassing door-to-door or on a public way in the Town of Pembroke must apply for a certificate of permit at least fourteen (14) business days in advance by filing a permit application form with the Board of Selectmen and Police Chief. At their next regularly scheduled meeting, the Board of Selectmen will act upon the permit application form in a posted Open Meeting. Upon approval of the permit application form, all documentation will be transferred to the Police Chief, along with a current copy of the No Solicitation List.

Organization or individual application forms shall include the following information:

(1) The name and address of the organization applying for permit and the names and addresses of the organization's principal officers. If the organization is a charitable organization, a copy of the Annual Registration Statement filed with the Attorney General's Division of Public Charities must be provided with this application. Failure to include a copy of the Annual Registration Statement under such circumstances will render the application incomplete and no action will be taken thereon;

If the organization is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon;

(2) The name, title and telephone number, IRS or Social Security (optional) number, and valid driver's license or other government-issued photo identification of the person(s) filing the application form;

(3) The names and addresses of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Pembroke;

(4) A list of the names, addresses, dates of birth of all individuals who will be employed in solicitation or canvassing by the applicant; if less than three years' residence at present address, the address of residence(s) during the past three years;

(5) Period of time for which the certificate of permit is sought. No certificate shall be granted for a period longer than 90 days;

(6) Names of the last three communities, if any, in which the organization has conducted a solicitation or canvassing operation, complete with the dates such solicitation or canvassing operation commenced and concluded; and

(8) Valid driver's license or other government-issued photo identification of all individuals who will be employed in solicitation or canvassing by the applicant; and

(9) Make, model and permit number and state of any vehicle to be used by the applicant while soliciting or canvassing.

(10) Each individual applicant for a certificate of permit shall sign a form authorizing the Chief of Police or his agent to conduct a CORI (Criminal Offender Registry Information) check of the individual and submit fingerprints taken by the Pembroke Police Department.

#### **D. Permit fee.**

Each individual or organization applying for a certificate of permit or re-permit shall pay to the Town: 1) an application fee of \$25; 2) a fee of \$5 for the cost of a permit card; and 3) a criminal history check authorization fee of \$60, which shall be used solely for fees and costs associated with the administration of its state and national criminal history records check system.

#### **E. Permit cards.**

(a) The Police Chief, after a review, but in no event more than fourteen (14) business days after receipt of a fully-completed application, shall furnish each person with a permit card which shall contain the following information:

(1) The name of the person;

(2) A recent photograph of the person;

(3) The name of the organization, if any, which the person represents;

(4) A statement that the person has registered with the Town of Pembroke Police Department but that said permit does not constitute endorsement of any individual or organization; and

(5) The specific dates or period of time covered by the permit.

(b) Persons engaged in soliciting or canvassing, as defined by this Bylaw, must carry the permit card at all times while soliciting or canvassing and must present said card to any person solicited or canvassed or, upon request, to any police officer.

(c) Permit cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days. Each such permit card shall state thereon the date upon which the permit expires. Upon the date so stated, the permit shall automatically expire. This provision, however, shall not bar an individual and/or organization from seeking and obtaining permit cards for successive ninety-day periods upon reapplication using the same process as that used for the initial application process.

(d) The Police Chief shall refuse a permit card to an organization or individual whose permit has been revoked within the previous two-year period for violation of any provision of this By-law or to any individual who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, or felony assault, as such persons pose a substantial degree of dangerousness to minors, senior citizens, and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to issue a permit card to any person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as a Level 2 or Level 3 sex offender, as such

persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors, senior citizens, and other persons vulnerable to becoming victims of sex crimes.

**F. Exceptions.**

The provisions of this By-Law shall not apply to the following persons:

- (a) Any officer or employee of the Town, county, state, federal government, or any subdivision thereof when on official government business.
- (b) Any solicitor or canvasser under the age of 18 years selling goods or periodicals for a commercial purpose under the provisions of G.L. c. 101, § 34.
- (c) Route salesmen or other persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers, including but not limited to news carriers.
- (d) Any persons engaged in the pursuit of soliciting for charitable, benevolent, fraternal, religious, political, or other non-commercial purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting or canvassing.
- (e) Any person exempted under G.L. c. 149, §69

**G. Duties of persons going door-to-door.**

- (a) Upon approaching any residential premises in the Town of Pembroke, every solicitor, canvasser or other person must first examine any notices or signs posted on the property prohibiting solicitation or other activities. If such a notice or sign is posted, the solicitor, canvasser or other person must refrain from entering the property, and if the notice or sign was not visible until the property was entered, the solicitor, canvasser or other person must then immediately leave the premises.
- (b) No solicitor, canvasser or other person shall enter any premises which are identified on the "No Solicitation" list, described below, on file at the Pembroke Police Department.
- (c) Any solicitor, canvasser or other person who has gained entrance to any residence, whether invited or not, shall immediately and peacefully leave the premises when requested to do so by the occupant.
- (d) Immediately upon gaining entrance to any residence, each solicitor or canvasser, as defined by this Bylaw, must do the following:

  - (1) Present his/her permit card for inspection by the occupant;
  - (2) Request that the occupant read the permit card; and
  - (3) Inform the occupant in clear language of the nature and purpose of his/her business and, if he/she is representing an organization, the name and nature of that organization.

**H. Restrictions on methods of solicitation, canvassing or other door-to-door activities.**

It shall be unlawful for a solicitor, canvasser or other person to do any of the following:

- (a) Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization or on behalf of any municipal employee or elected official.

(b) Solicit, canvass or conduct any other activity at any residence where there is a posted notice or sign prohibiting the same, without express prior permission of an occupant.

(c) Solicit, canvass or conduct any other activity at any residence which is on the "no solicitation" list described below, without the express prior permission of an occupant.

(d) Solicit, canvass or conduct any other activity at any residence, without express prior permission of an occupant, before 9:00 a.m. or after 8:00 p.m. where there is no sign or notice posted on the property which otherwise limits solicitation or the hours of solicitation or such other activities.

(e) Utilize any form of endorsement from any department head currently employed by the Town of Pembroke.

(f) Solicit, canvass or conduct any other activity at any residence or on any public way in a threatening, abusive, or illegal fashion.

**I. "No Solicitation" list.**

(a) Any person, firm or corporation who is the owner or lawful tenant or occupant of any private residence within the Town of Pembroke may prohibit the practice of going in or upon the private residence of such owner or occupant, by uninvited solicitors or canvassers, as defined in this article, by placing a sign upon its property which reads "No Solicitation" in a location which is reasonably visible to persons who intend to enter upon such residential property.

(b) Any person, firm or corporation who is the owner or lawful tenant or occupant of any private residence within the Town of Pembroke may prohibit the practice of going in or upon the private residential property and/or the private residence of such owner or occupant, by solicitors or canvassers, as defined in this article, by registering its property in accordance with Subsection (c) of this section and by posting upon each such registered residential property a sign which reads "No Solicitation" in a location which is reasonably visible to persons who intend to enter upon such residential property.

(c) The No Solicitation List registration authorized by Subsection (b) hereof shall be made by filing a "No Solicitation Permit Form" at the office of the Board of Selectmen, on a form furnished by the Town Administrator for such purpose. The form shall be completed by the property owner or occupant, and it shall contain the following information:

(1) Name of the person filing the form and capacity to sign, e.g., owner, tenant, occupant.

(2) Residential address(es) for which the "no solicitation" restriction shall apply.

(c) A resident of the Town of Pembroke may mail said form to the Town Hall, fill it out at the Town Hall or request inclusion on the "no solicitation" list by telephone call to the Selectmen's Office. In the case of telephone request, the office shall verify that the person calling resides at the address identified by making a return telephone call to the telephone number provided for said residence.

(d) All residences requesting inclusion on the "no solicitation" list shall be placed on said list by the Board of Selectmen's staff.

(e) The Police Chief shall receive an updated list with each permit approved by the Board of Selectmen and shall supply every applicant for a certificate of permit with a copy of said list.

#### **J. Penalties.**

**(a)** Any person or organization who shall violate any of the provisions of this Bylaw or shall violate any applicable provisions of state or federal laws governing soliciting or canvassing, including, but not limited to, MGL c. 68, shall be subject to a fine of \$300 for each offense. Each day that a person solicits or canvasses without a license shall constitute a separate offense.

**(b)** Any person or organization who for himself, itself or through its agents servants or employees is found, after investigation by a police officer, to have 1) violated any provision of Subsection **H** or **I**, or any applicable state or federal laws governing soliciting or canvassing, including but not limited to MGL c. 68; 2) knowingly provided false information on the permit application required by Subsection **C** of this bylaw; or 3) conducted himself or itself in a threatening, abusive or illegal fashion, shall have his/her/its permit revoked by the Police Chief by written notice delivered to the holder of the permit card in person, or sent to the holder by certified mail at the address set forth in the application.

#### **K. Appeals.**

Any person or organization who is denied permit or whose permit has been revoked by the Police Chief may appeal by filing a written notice of appeal with the Pembroke Board of Selectmen. Such appeal must be filed in the Town Clerk's office within five days after receipt of the notice of denial or revocation. The Selectmen shall hear the appeal at its next regularly scheduled meeting after the filing of said written notice of appeal; provided, however, that if the Selectmen fails to make a determination within 30 days after the filing of the appeal, the permit shall be deemed granted or reinstated as the case may be.

#### **L. Severability.**

If any portion of this Bylaw should be determined by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of this Bylaw as a whole or any other portion hereof.

## **APPENDIX B**

### **Article 13**

#### **ARTICLE XX. Police Regulations**

##### **Section 9.1 Criminal History Check Authorization**

###### **A. Purpose and Scope**

This Bylaw authorizes the Police Department to conduct state and national fingerprint based criminal history checks for individuals applying for specific licenses in Town to enhance public safety, as authorized by Massachusetts General Laws Chapter 6, Section 172B½. To carry out the criminal history checks authorized by this by-law, the Police Department shall be authorized to use state and Federal Bureau of Investigation (“FBI”) records, provided, however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with all applicable law.

###### **B. Criminal History Check Authorization**

The Pembroke Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172B½, conduct State and Federal Fingerprint Based Criminal History checks for individuals and entities for the following licenses

- Hawking and Peddling or other Door-to-Door Salespeople
- Manager of Alcohol Beverage License
- Owner or Operator of Public Conveyance
- Dealer of Second-hand Articles
- Pawn Dealers
- Hackney Drivers, and
- Ice Cream Truck/Food Vendors

Said license and permit applicants, and where applicable employees or volunteers seeking to engage in the above employment, shall submit to, prior to action on their license, fingerprinting by the Pembroke Police Department along with a fee of sixty dollars (\$60).

Upon receipt of the appropriate fee, the Pembroke Police Department shall notify the individual being fingerprinted that the fingerprints will be used to check the individual's criminal history records and obtain the individual's consent. After the applicant completes a consent form, provides his/her fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints to the Identification Section of the Massachusetts State Police, the Federal Bureau of Investigation (FBI), and/or the Department of Criminal Justice Information System (DCJIS), or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks for the applicants specified in this Bylaw.

The Town authorizes the Massachusetts State Police, the DCIS and the FBI and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law and its implementing regulations. In accordance with its implementing regulations, the Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental authority within the Town.



### C. Use of Criminal Record by Licensing Authorities

Licensing and permitting authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the applications specified in this by-law. A Town licensing or permitting authority may deny an application for a permit/license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed licensed activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

Licensing and permitting authorities of the Town are hereby authorized to deny an application for any license specified herein and in the implementing regulations, including renewals and transfers of said licenses, from any person who is determined unfit for the license due to information obtained pursuant to this by-law. In rendering a fitness determination, factors considered by the Pembroke Police Department shall include, but not be limited to, whether the record subject has been convicted of (or is under pending indictment for) a crime, which bears upon his/her ability or fitness to serve in that capacity, any felony or misdemeanor, which involved force or threat of force, controlled substances or was a sex-related offense. A record subject may request and receive a copy of his/her criminal history record from the Pembroke Police Department. Should the record subject seek to amend or correct his/her record, he/she must contact the Department of Criminal Justice Information System (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file.

This Bylaw further authorizes the Pembroke Police Department to promulgate rules or regulations to implement this Bylaw, which may include, but shall not be limited to, establishment of submission deadlines, procedures for making recommendations to the licensing authority or making a licensing as a result of the criminal history check, procedures for assessing, correcting or amending any such record, criteria for fitness determinations, security of information obtained and penalties for failure to comply with this by-law.

### E. Appointments

All license applicants must make an appointment for fingerprinting through the dispatch officer in person or by phone at (781) 293-6363.

### F. Fees

The fee charged to the applicant by the Pembroke Police Department for the purpose of enforcing this section shall be sixty dollars (\$60) for each fingerprinting and criminal history check. A portion of the fee, as specified in Chapter 6, Section 172B½ of the Massachusetts General Laws, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Pembroke Police Department for costs associated with the administration of the fingerprint system.

### F. Effective Date

This Bylaw shall take effect after compliance with Massachusetts General Laws Chapter 40, Section 32.

## APPENDIX C

### Article 17

#### ANNUAL SALARY SCHEDULE A FULL TIME OFFICERS AND EMPLOYEES EFFECTIVE JULY 1, 2016 THROUGH JUNE 30, 2017

<u>Title</u>	<u>SA</u>	<u>Current Minimum</u>	<u>Proposed Minimum</u>	<u>Current 2nd Year</u>	<u>Proposed 2nd Year</u>	<u>Current Maximum</u>	<u>Proposed Maximum</u>
Youth Services Librarian	SA-11	45,349	48,523	48,764	53,220	54,183	57,975
Associate Librarian II	SA-13	39,336	42,876	41,297	45,013	43,245	47,173
Associate Librarian I	SA-14	34,624	37,740	36,802	40,114	38,189	41,626
Animal Control Officer	SA-18	38,650		42,811		46,855	
Library Director	SA-27	63,220	68,909	70,833	77,207	80,802	88,074
Assistant Library Director	SA-31	44,275	48,259	46,224	52,119	48,174	56,875

#### HOURLY WAGE SCHEDULE C FULL TIME/PART TIME EMPLOYEES EFFECTIVE JULY 1, 2016 THROUGH JUNE 30, 2017

<u>Department</u>	<u>SC</u>	<u>Current Minimum</u>	<u>Proposed Minimum</u>	<u>Current 2nd Year</u>	<u>Proposed 2nd Year</u>	<u>Current Maximum</u>	<u>Proposed Maximum</u>
Library Aide	SC-14	13.60	16.05	14.69	17.17	15.93	18.37
Generalist Reference Librarian	SC-31	22.92	23.38	25.14	25.64	27.39	27.94

#### ANNUAL SALARY SCHEDULE D ELECTED FULL TIME/PART TIME OFFICIALS EFFECTIVE JULY 1, 2016 THROUGH JUNE 30, 2017

<u>Department</u>	<u>Current Annual Salary</u>	<u>Proposed Annual Salary</u>
Town Clerk	77,831	83,000