



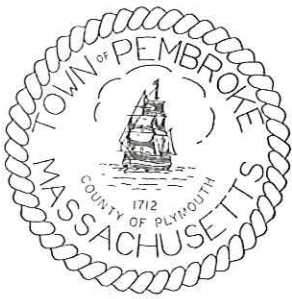
PEMBROKE BOARD OF SELECTMEN

100 Center Street, Pembroke, MA 02359

DATE: October 1, 2010
TO: Mary Ann Smith, Town Clerk
FROM: Board of Selectmen
RE: **DISBANDED - Town Government Study Committee**

This is to advise that the Pembroke Board of Selectmen, at their meeting of September 13, 2010, voted as follows:

Mr. Hanley moved, seconded by Mr. Boyle, to disband the Pembroke Government Study Committee on the recommendation of the vote of that committee on August 19, 2010. Voted 4-1 in favor, with Mr. Boulter opposed.



TOWN OF PEMBROKE

OFFICE OF
BOARD OF SELECTMEN
100 CENTER STREET
PEMBROKE, MASSACHUSETTS
02359

PHONE - 781-293-3844
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Date: August 31, 2010

To: The Pembroke Board of Selectmen

On August 19, 2010, the Pembroke Government Study Committee met and voted 5-0 to accept the following motion:

"The Pembroke Government Study Committee feels it can not be successful in its endeavor to create a Town Manager form of government".

At this time there is not enough support for change and we respectfully request that the Board of Selectmen disband this committee.

Lewis Stone, Chairman

PEMBROKE TOWN GOVERNMENT STUDY COMMITTEE

NAME	ADDRESS	TELEPHONE	EMAIL
BILL BUCKLEY	43 WARREN TERR.	781-293-9123	
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PETER ISHAM	165 ELM ST.	781-829-4230	Pisham125@gmail.com
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LEW STONE [Chairman]	198 OAK ST.	781-826-6672	lstone@comcast.net
JAMES TOUHEY [secretary]	5 CHAMPION WAY	603-238-8224	Jtouhey@umassd.edu

TOWN OF PEMBROKE Government Study Committee

Minutes

April 26, 2010;

The recessed meeting of April 22nd was called to order at 1913.

Lew passed out copies of an article from the "Pembroke Express." Once read by the committee it prompted a discussion of the content and it was decided to include the copies in the handouts for town meeting.

Lew mentioned that Advisory was meeting tonight upstairs and suggested that we might go up and talk to them about their vote to indefinitely postpone, (IP), the town manager, (T.M.) article. Tony was also in favor of a discussion with advisory but Bill was opposed.

It was decided that there was nothing to be gained by meeting with them unannounced.

The committee formulated plans for town meeting. Tony would make the initial presentation and Brian would speak or debate negative points raised by the opposition.

The committee recognized those who would speak against the article and hoped that we could alternate positive comments with the negative comments by the opposition.

Lew brought up the board of health which is closed this week, all week because one person is on vacation. Lew felt that this was outrageous.

Steve Dodge came into the meeting which gave the committee an opportunity to question what the procedure at town meeting would be.

George asked Steve if he still planned to recognize the proponent of an article first and let them make their presentation.

Steve said Advisory wants to go back to the old way of IP'ing everything first.

Steve said that as debate develops he would like to go pro – con – pro – con, but Steve does not know which way a speaker will stand until he speaks.

We discussed the articles that may raise the most emotion. Articles like, Dogs in the cemetery and the by – laws on docks and floats.

We asked of Steve the procedure to "Move the Question."

Steve said that he will only recognize a "Move the Question," when it is formally made from the microphone. Steve went on to say that it can not be made too quickly as it cuts off debate and forces the vote.

Bill believes that Tony should be extemporaneous in his presentation.

Lew talked with Gerry Dempsey about the T.M. article. Gerry had questions about the method to select a town manager.

Lew said he explained the committee's recommendations to the selectmen on selecting a T.M.

The committee continued its discussion of the article and tomorrow's night's town meeting.

At 1953 a motion to adjourn was made and seconded and so voted.

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Brian Krause and George Emanuel.

TOWN OF PEMBROKE Government Study Committee

Minutes

April 29, 2010;

Lew Stone called the meeting to order at 1906.

The meeting opened with a discussion of our annual town meeting.

Lew started with Chet Drown's query on the cost of the signs. Tony said that Mary Ann (Smith) was also approached on the cost of the signs by Chet Drown.

Bill Buckley passed out a prepared statement on the results of town meeting. Bill spoke to his belief as to what happened.

The committee disagreed.

Brian asked if Libby (Bates) was right.

George felt that it was the \$600K shortfall. He spoke to the mood of voters at town meeting. They were not going to spend any more money then they had to in the face of lay-offs.

Bill still believes that it was the argument of elected vs. appointed.

The committee spoke to the authoritative, rapid fire, presentation opposed to the town manager (T.M.) by Libby Bates.

Lew spoke to the attitude of the assessors while Brian talked to the negatives of calling people out at town meeting.

Lew brought up Libby's presentation trying to discern exactly what her point really was.

Peter was most impressed with the fire chief's brief speech. Peter called it a Clint Eastwood moment. Peter said he wanted to applaud as the audience had.

Peter spoke of his first town meeting, of the passion of those who spoke in opposition. The woman who spoke of being moved to another department all she could do is answer the phone and tell the caller to call back tomorrow.

The committee moved to Ed's (Thorne) previous actions causing him to have built a reputation of in-action.

George wants the committee to take the year to study the laws establishing the various departments. Find out what powers these boards really have. George wants to really shake things up.

Peter also spoke to the mood of voters at town meeting.

Lew asked the committee about presenting the article at the November town meeting or waiting for the annual town meeting next year.

The committee's collective feeling was to bring up the article again, it should be at next years annual town meeting.

George asked what a "Town Charter" was. Would a charter be the way to accomplish our goal?

Tony said he understood it to be a collection of by laws that organize a town.

The committee discussed charters and the towns that have changed to or adopted a town charter.

Brian felt that the town does not have a budget problem.

The committee discussed the power point presentation that Frank Hackett made on behalf of the schools.

Bill returned to his beliefs that all elected positions in the town should be appointed positions. Bill used the Planning Board as an example.

Lew stated that he had spoken to T.M.'s who had elected officials and that it presented no problem.

Brian reminded members that the committee had stated its position on this point and that we should not go against our publicly declared position for elected board members.

Lew spoke to the fact that the selectmen didn't speak.

Bill agreed and said that he felt the selectmen saw it was a looser and didn't want to be associated with the loss.

Brain spoke to Ed's (Thorne) credibility and seeing him smeared at town meeting. Brian went on to propose that this committee interview the candidates for T.M.

The next meeting will be on June 3rd.

The meeting was adjourned at 2018

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Peter Isham, Brian Krause and George Emanuel.

TOWN OF PEMBROKE Government Study Committee

Minutes

April 15, 2010;

Lew Stone called the meeting to order at 1901.

Lew called for a motion to accept the Minutes of April 8th. Motion by Bill, seconded by Peter to accept the minutes as written. Voted 5 yeas, 0 nays.

Lew brought up the public hearing of April 13th.

George passed out seventeen questions that were asked at the meeting.

Lew reported on a conversation he had with Groux Associates. Groux had worked with the towns of Hamilton, Hingham, Duxbury and others in our area in finding town administrators and town managers. Lew reported that Groux estimated that it would cost Pembroke approximately \$10K to hire their services.

Lew next discussed the question that the assessor asked about the percentage break down of the tax rate by departments. He sent a memo to the Assessors with this information.

Tony passed out a flyer he has composed of frequently asked questions about a town manager.

Peter suggested that the order of the questions be changed based on the questions the committee received at the public hearing of April 13th. Peter will do this work.

The committee was in agreement and plans to pass these out at town meeting. It was agreed to print 200 copies should do.

Peter brought up Libby Bates reading of the town administrator article of 1997, and questioned the words she chose as compared to how it is actually written. Peter had noted specific words she used that he does not believe to be accurate. Peter wants to read the original article.

George believes that the passage of this town manger (T.M.) article will not be "slam-dunk". He went on to say that there will be a lot of voters to speak against the article and that the town is facing a shortfall of \$680K. This will mean layoffs and in passed town meetings voters have been reluctant to layoff. That the T.M. article will increase cost and this will make it a hard sell. George feels this will cause the article to fail.

The committee next discussed strategies for the upcoming town meeting. That Libby Bates will read from her notes with authority and Tony must be prepared to respond. Brian will also be prepared to jump into the debate.

The committee continued to refer back to the seventeen questions asked during the public hearing. These questions will be raised at town meeting and this committee must be prepared to answer.

We discussed Libby's debate that she maintained at both the public hearing and the meeting we had with her. It is predicted that these will be the arguments that she will bring to town meeting.

Tony asked if we were aware of the advisories position on this article. Lew said he had not talked to advisory as of yet.

The committee discussed a plan to break up the negative comments being expressed at town meeting. We will try and have a positive speaker between the negative comments to prevent the creation of a negative momentum.

The committee discussed campaigning for this article at the recycling and Dunkin Donuts.

Lew felt that recycling was not that productive when he campaigned there for selectmen.

Motion to adjourn was made by Brian, seconded by Tony and so voted unanimously at 2008.

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Peter Isham, Brian Krause and George Emanuel.

TOWN OF PEMBROKE Government Study Committee

Public Hearing # 2

April 13, 2010;

The second of two public hearings was opened at 1900 hours.

The hearing was held, as advertised, in the Veteran's Room of the Town Hall.

Lew read the cover letter of the article, to open the meeting. This meeting was attended by a total of thirteen people, and there was one reporter from WATD radio.

After Lew finished with the cover letter he gave the history of the position from the days of the executive secretary to the current position of town administrator, (T.A.) Lew continued and outlined the committee's plan to seek an outside firm to search out qualified candidates for the town manager's position to be submitted to the board of selectmen.

The meeting was opened for questions.

The Pembroke Board of Assessors were well represented and began the questioning. Some questions asked are listed as follows:

What brought about the government study committee, (GSC)?
How would this (the T.M. position), phase in time wise?
What are the issues the GSC is trying to correct with a T.M.?

Former selectmen Robert De Marzo asked and suggested that the selectmen be involved in the collective bargaining process.

These questions were answered by Lew Stone and the old debate between Libby Bates and Brian Krause surfaced.

There were positive comments by those attending in regards to the committee's decision to keep elected positions within the town.

Libby Bates addressed the committee with a synopsis of her beliefs regarding the activities of the GSC. Libby brought up the need for the (GSC) to recommend a charter commission. Libby stated that the town is organized by a bundle of by-laws.

Libby felt that the committee is creating a "Town Hall Manager".

Brian again entered into a brief debate with Libby.

Chris Riley asked if the article did pass would it have to go to the ballot.

George explained that town council had advised the GSC that it is required to be on the ballot at the November elections and if it won there it would then go to the state legislature for confirmation.

Additional questions were asked: Why is the job description for the T.A. lengthy and the job description for the T.M. just one sentence?

Why hasn't a lengthy job description been written into the T.M. article? This question was answered by Bob De Marzo who stated that the job description for both the T.A. and the T.M. are not written in their respective article. Bob continued and spoke to comments made about things that are the same in both job descriptions. Bob said that things that are the same are not necessarily bad.

Libby did comment positively on the things she liked, for example; the selectmen not running the day-to-day operations.

Debra Wall, Library Director spoke to the things that she liked however she felt that the wording allows the T.M. to become too involved in the running of elected boards and departments. She asked if the T.M. would have a say in the books that the Library Director purchased?

Debra suggested wording requiring the T.M. to work with the elected boards and departments.

Debra also suggested wording for an arbitration process between boards and department heads in dispute with the T.M.

From the audience came a concern for a defined job description. The audience feels that the GSC is asking them to trust the committee.

The audience did not like the idea of the selectmen creating a job description for the T.M.

How much will the T.M. position cost the town?

Where is the money going to come from?

Brian responded that there would be an incremental cost increase of \$15K to \$25k.

The feeling expressed were, "we couldn't afford it" at this time.

The comments drifted back to the job description of the T.M.

Arthur Boyle responded that the article is a method of government, not a job description.

Libby asked what would happen to Ed (Thorne)?

Brian answered, stating that Ed would apply like any other interested candidate. With Ed's vast experience Brian felt that he would be a finalist.

Lew Stone spoke of a conversation he had with a company who has experience in seeking qualified candidates for a T.M. position, but said that they had not reached a cost for such a service.

With no further questions the public hearing was closed at 2042.

Respectfully Submitted:

Members in attendance: Lew Stone, Bill Buckley, Peter Isham, Brian Krause and George Emanuel.

5-0

TOWN OF PEMBROKE Government Study Committee

Minutes

April 8, 2010;

The meeting was called to order by Lew Stone at 1900.

It was moved by Bill Buckley, seconded by Tony to accept the minutes of April 1st. The vote was unanimous.

The Public Hearing of April 6th was first for discussion.

Lew was disappointed by the turn out. Only two reporters attended. The next and final public hearing is scheduled for April 13th.

Lew brought up the time restraints for Tony's presentation which he practice before the press at the public hearing. The presentation took 4 minutes and 10 seconds to deliver.

Lew was concerned that the moderator might limit the time Tony had for his presentation.

George felt that would not be the case, that a presentation that was to long would be detrimental to the success of the article but wouldn't be limited by the moderator.

Brian brought in a copy of the Pembroke Express which featured a report on the first public hearing.

Next Bill Buckley brought up concerns he had with the wording of Tony's presentation. Bill offered wording that he thought might be a bit more positive. The sentence contain the fraise "king and Queen" Bill asked to eliminate.

Discussion on the wording followed. Tony agreed that there were items he didn't like and was planning to change.

Bill than went on to the wording in the cover letter.

Lew was in agreement and would make the proposed changes. All minor in nature.

Discussion moved to the roll of Town Manager, (T.M.). That a T.M. could require elected officials to attend meetings when necessary.

Bill, along with others felt that elected officials could not be forced to attend meetings.

The committee next discussed the rolls of the Town Administrator, (T.A.) and his/her responsibilities.

Tony suggested handouts that would show the T.A. is presently handcuffed by his job description.

The committee moved onto the signs we have acquired from Hanover and should they be used to advertise the T.M.'s article to be voted on in the annual town meeting.

Members felt it would give the impression that the article would be on the ballot not in the annual town meeting.

Lew brought up what he believed to be number of votes necessary for the T.M. article to pass. Lew believes we will need 100 votes to succeed.

Lew also mentioned that we do not know the recommendation of the advisory board. Lew will try to talk with them before our next meeting.

Brian next brought up the selection process for the T.M.'s job. Lew passed out a photocopy of an ad by a company, Groux and Associates, of Chatham Ma. Groux's ad specifically states that they are a municipal consulting firm specializing in service to local governments including the recruiting of town managers.

Lew said the Ed Thorne had expressed an interest in the T.M. position and that he would also be seeking another three year contract at the end of his current contract.

George believes the selectmen will appoint Ed as the new T.M. regardless of a recruiting drive by an outside agency.

Lew told the story of how the Duxbury T.M. got his job even though he wasn't one of the finalist. One never knows how the selectmen will vote.

Ed with his vast years of experience would be an impressive candidate and would most likely be named as a finalist by any recruiting agency.

Brian suggested that we name the company in our presentation to show the extend of our research and planning.

Lew called for Old Business and none was heard.

Lew called for New Business and Brian said he will call Groux and Associates to get the particulars.

Motion to adjourn was made by Bill and seconded by Tony and so voted at 2007.

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Peter Isham, Brian Krause and George Emanuel.

TOWN OF PEMBROKE Government Study Committee

Minutes

April 1, 2010;

Lew called the meeting to order at 1902.

Members informed the secretary that not everyone had received or could open the minutes of March 25th which had been sent electronically.

Lew made copies of the minutes and passed them out to the committee.

After reading the minutes of March 25th Bill Buckley found an error in the motion that Tony had made regarding acceptance of the wording for the Town Manager, (T.M.) article. The vote was actually four for and one against.

Bill Buckley asked to have his opposition recorded and it was not.

Let the record show that Tony's motion to accept the wording for the Town Manager article was voted as follows: 4 Yea & 1 Nay with Bill Buckley requesting that his opposition be so recorded.

A motion was made to accept the minutes of March 25th as corrected. The minutes were unanimously accepted.

Tony had made copies of the latest draft of the article and passed them out to committee members.

George explained that the corrections will be made and explained in the minutes of this meeting.

Lew next brought up for discussion the Selectmen's input on the article. The Selectmen recommended a change to the wording of Section 9, "Effective Date". The Selectmen asked to insert the words "a state or federal" in the first sentence so it would read as follows:

This Act shall be submitted for acceptance to the voters of the town of Pembroke at *a state or federal* election held following its approval at an annual town meeting in the form of the following question, etc.....

If we keep the article as written we will have to wait one year, until the next annual town election.

Tony moved to adopt the selectmen's wording to say next state or federal election. To page 8, Section 9, "Effective Date", first sentence. Seconded by George

Voted unanimously.

Lew informed the committee that Arthur Boyle had spoken to the quality of the article as presented.

Lew went on to discuss the Town's web site. It currently states that the T.M. article will be in the May election. Lew will speak to Debra Wall and have this error corrected.

Lew informed the members that Ed Thorne is very interested in the T.M. position. Lew explained at the Selectmen's meeting that the committee was recommending an outside agency be hired to search for qualified candidates for the position.

The committee's discussion drifted to the cost of trash pickup and the various options that were available. Lew Stone also serves on a study committee dealing with this situation. The town is paying \$107 per ton of trash and this fee will increase next year. Pembroke generates 7000 tons of trash per year.

The idea of a transfer station was discussed.

Peter brought the meeting back on track.

Lew raised the ever haunting question of cost savings associated with the T.M. position.

Peter's research of one town, Foxboro, uncovered the following: Instead of a hiring freeze, they did a lapsed salary savings by having the T.M move funds between departments, T.M. reduced redundant travel and education cost, stopped the end of year "spend down" by departments heads, conserved energy and foregoing of non – essential expenses. Peter found that this T.M. met with department heads to reduce budgets.

Bill brought up the fact that the T.M. can help a town get more out of the dollars spend.

Next for discussion the committee planned the public hearings. The first will be held on Tuesday, April 6th in the Veteran's Room.

Tony brought up the need for hand outs.

Lew read wording he took from Hanover.

The committee liked what they heard.

Brian suggested a list of efficiencies which he will draw up.

The committee discussed the number of voters that will attend the hearing. Some feel that no one will show up.

The committee next went into the format of our town meeting.
Tony asked if we should try to take the article out of the lottery.

George said to do so would require a 4/5th vote.

Discussion followed without a decision being made.

Bill moved to adjourned and Tony seconded the motion.
Meeting was adjourned at 2010.

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Peter Isham, Brian Krause and George Emanuel.

TOWN OF PEMBROKE Government Study Committee

Public Hearing # 1

April 6, 2010;

The first of two public hearings was opened at 1900 hours.

The hearing was held, as advertised, in the Veteran's Room of the Town Hall.

The meeting, though advertised drew only two reporters; Becca Manning from the Pembroke Express and Steve Annear from the Pembroke Mariner newspapers.

Committee chairperson Lew stone was accompanied by his wife.

Lew felt that the next Public Hearing scheduled for the 13th would be better attended.

Handouts were given to the press and questions were fielded by the committee.

With it being obvious that no one else would be coming to the hearing, it was closed at 1930.

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Peter Isham, Brian Krause and George Emanuel.

OK

TOWN OF PEMBROKE Government Study Committee

Minutes

March 25, 2010;

Lew Stone called the meeting to order at 1900.

Tonight we are meeting with Dianne Tobin, Secretary to the Town Administrator and the Board of Selectmen.

Lew began by explaining where our committee is and what we have accomplished to date. Lew continued and described our goals in taking the town from a Town Administrator, (T.A.) to a Town Manager, (T.M.). In our proposed article Lew explained that the Fire and Police Departments would remain the same and under state law the schools would not be affected.

Lew went on to explain that the department most effected would be the DPW, that the 1991 article establishing the DPW would be rescinded by this proposed article if passed. The DPW commissioners would become advisors and policy makers.

Lew explained the proposed roll the T.M. would play in the day-to-day operation of the town hall.

Dianne first commended on how difficult she believed the position of (T.M.) would be as people here so strongly resist change.

Bill spoke to his idea of hiring a professional service to search for a candidates for T.M.

Lew discussed the currant situation with the Board of Health and that Ed (Thorne) doesn't have the authority to address it.

Dianne said that everyone in town hall looks to Ed as the principle. The B of H and the Assessor's Office have no respect for this (Selectmen's) office, the others do.

Dianne explained how difficult the Assessors are to work with.

Dianne felt that more respect should be shown to Mr. Thorne. Dianne continued, she believes that a T.M. position is needed to gain control of town hall.

Dianne sees our committee as forward thinking, she sees the change to a T.M much like the change from executive secretary to town administrator.

Dianne spoke to the situation of town planner, the selectmen at the time did not like the individual holding that position and when the opportunity presented itself they eliminated the position and wouldn't even keep it in the Wage and Personnel By-Laws.

Dianne believes that many will see the T.M. position as to powerful.

We discussed the T.A. position and the rolls he has assumed over the years.

Dianne presented questions that she feels the committee should be prepared to answer, for example; what will the cost be, will there be a cost savings, and will there be an increase in staffing. Dianne felt there should be an increase now.

We thanked Dianne for her input and attending the meeting.

1941 We went into regular business.

Lew made a motion to accept the minutes of March 18th. The motion was voted unanimously.

Bill discussed Section 6, Town Manager – Removal and Suspension. Bill feels the language is not clear and poorly written.

The committee discussed this section at length.

Bill went on to express his concerns that the draft of the article should not be given out as it is attorney/client privilege.

Committee members felt that in an open meeting format that any document discussed is public information.

The discussion drifted back to Section 6, Town Manager – Removal and Suspension.

Bill Buckley moved that the committee accept his language for a substitute Section 6. Suspension – Termination: *The Board of Selectmen may suspend the town manager at any time for cause. Suspension may be followed by termination and removal after a 30 day appeal period from the date of notice to the town manager, in writing, of the reason for such action. At the end of said time, the selectmen, may terminate the town manager, with four (4) affirmative votes, in accordance terms of his/her contract.*

Lew asked for a second to Bill's motion. None was heard.

Lew stated that the motion was lost for lack of a second.

George next brought up Section 4, Town Manager – Powers and Duties, B Administrative Duties, 1. To maintain continuity George wanted to insert the following wording, after employees of the *Fire, Police and the school department, etc.*

George said the wording contradicts what the committee wanted to do to keep the fire and police the same.

Tony moved that to insert the words, fire and police before the school department. 2nd by Peter and it was voted unanimously.

Lew next brought up T.M. salaries for discussion.

The average T.M. salary is \$131,000 compared to the average T.A. salary of \$118,703. The committee members reviewed the salary figures that Lew provided.

Tony asked where we could expect to find savings.

Lew felt there may be a savings in legal fees and possibly in department consolidation.

Peter looked into Libby Bates claim that the Town of Marshfield hired out the task of creating job descriptions. Peter wanted the cost Marshfield paid to have the job descriptions written and have the T.M. write the job description his/her self.

Public hearings were the next topic for discussion.

Lew read the ad to be placed in the Pembroke Express.

Peter informed the members that he will be meeting with the Town Manager of Foxboro next week to get more info.

Tony raised the issue of a report on our finding in regards to the T.M. position. The report will show the extent of our research and our findings.

Peter stressed that we should stay away from the word, "business" in our description of why we need a T.M.

We discussed the future dates of our meetings in April. We will meet on April 1st, 8th, 15th, 26th, and the 29th. The dates for the public hearing are April 6th and 13th.

Tony moved to have the wording for the article accepted by the committee and it was seconded. The vote was unanimous.

The accepted version will be given to Dianne (Tobin) to be printed.

Lew called for new business.

There was none brought forward.

The committee discussed strategy for town meeting.

Motion by Bill, seconded by Tony to adjourn at 2035 and it was so voted.

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Peter Isham, and George Emanuel.

TOWN OF PEMBROKE Government Study Committee

Minutes

March 18, 2010;

The meeting was called to order at 1905.

Bill Buckley made a motion to accept the minutes of March 11th.
Motion was voted; unanimously.

We discussed the meetings with various boards and departments and tonight is the last scheduled with other town boards.

Lou felt our main concern now was to focus on the up coming public hearings on April 6th and 13th. Lou said he will speak to Dianne (Tobin) about advertising those public hearings.

While we were waiting for Dianne, Lou told the committee of the seminar he attended on the new "Open Meeting Law". Lou explained that as of July 1st this year the minutes of all meetings must be posted and any documents discussed in a meeting must also be posted.

Lou went on to tell us that the DPW was taken to task for violations they had made.

Peter Isham brought up the cost savings that a Town Manager, (T.M.) might bring to Pembroke. Peter said that this is a question that he had been asked by neighbors.

Bill cautioned the members that we should not bring up a dollar figure. Bill feels we simply state that there will be a cost increase.

Lou said that in his meeting with the Council on Aging the question of the cost increase of a T.M. was brought up.

Lou said that there might be a savings in legal fees associated with collective bargaining.

Brian proposed that we revisit the town managers we originally talked with and ask them what saving they feel they brought to their towns. Also ask for T.M salaries.

Lou said that he would ask Ed (Thorne) for salaries from other T.M.

The members discussed formulating an average salary from the figures we obtain.

Brian proposed a strong answer to the question of cost increases associated with a T.M. based on the averages compiled and the incremental increases. The T.M. salary would be set by the selectmen next year.

Brian again suggested that we each call the people we originally talked with to get these answers. It was agreed by all to do so.

At 1945 we next met with Libby Bates from Pembroke's Board of Assessors. Libby has been a member of many town committees and remains active in town government.

Libby who was the author of an open letter to the newspapers about the T.M. spoke to the points she raised in that letter.

Libby feels very strongly that a T.M. won't fix the problems we have today. These problems are systemic in nature and must be fixed from the bottom up; not from the top down.

Libby feels the committee should first start with an organizational chart of Pembroke's current government structure. She went on to speak of the discontent in town hall today and the causes. She feels that the selectmen's wishes to increase pay for certain employees by changing their job description to that of an administrative assistant while they continued doing the exact same work has led to this discontent.

Libby criticized the committee for not doing enough research and that we are moving to fast. Pembroke has been here for 300 years, what's another year of work going to hurt. She presented the study on the Community Center as an example and presented a copy, a report on what their committee found and the solutions to solve the problem.

Libby expressed her opinion that this town, (Pembroke) is in the dark ages when it comes to technology. That employees purchase what they want and there is no one to coordinate the technologies bought.

Brian Krause spoke of his experiences where he works and what he has seen he likens to the town hall. Both he and Libby agreed that leadership is the answer. Brian explained that a T.M. couldn't be an IT person nor write a fire engine spec. and Libby agreed to this as well.

Brian asked what's the benefit of studying flow charts.

Libby answered that the flow charts would illustrate what we have now and where we should go next.

Libby went on to say that we should start with job descriptions. She suggested that an outside firm come in and review the job descriptions of each employee and then write an unbiased job description. Libby gave Marshfield's approach to this, (job descriptions),

and how it was conducted. That their human resources person wrote the job descriptions which are on record.

Brian agreed but felt that that should be a task conducted by the T.M.

Libby felt that the T.M. may not be qualified. She went on to say that the problems in town hall must be fixed before a T.M. is hired.

Libby asked if the T.M. would have the chief assessor answer to him/her.

Brian replied that the chief assessor would answer to the T.M. and Libby said she had a problem with that.

Libby stated that the Mass General Laws requires the head assessor answer to the Board of Assessors.

Libby spoke to the Duxbury situation where a town manager went directly against the position of the elected officials, the selectmen, and the people of Duxbury.

Libby returned to the discontent in town hall sighting the upgrades of clerks to administrative assistants and yet continued to perform the same work for higher pay.

Libby asked where the report on the T.M. position was?

Brian answered that we will have a full article.

Libby countered that an article is not a report.

Libby asked: Where are the savings?

She challenged the committee to produce the savings.

Brian and Lou commented that the figures would be conjecture. That it was not possible to produce exact figures of what may be saved by the position. (T.M.).

Libby demanded to see the "plan". She then produced a plan of municipal needs as an example.

Libby believes we are jumping the gun.

Libby asked to see the structure that we have created. She then passed out an organizational chart, of the Town of Pembroke's Town Hall, that she drew up today and advised all that it was not complete but was an example.

We reviewed her chart as she explained it.

Libby went on to say that we had ideas, good ideas but we had nothing to back them up.

She then gave, for example, the Town of Marshfield, where she works as head assessor. Marshfield has a Financial Team, the money people, that meet by-weekly, and the department heads meet monthly. Libby describe the content of these meeting which are scheduled meetings.

Brian agreed that meetings of this type are productive.

Lou commented on the Marshfield team approach, people working together. Lou felt that it would be the T.M. who would bring the people together.

Libby feels we are re-inventing the wheel to solve the problems of Town Hall.

Lou explained that we need a competent professional person to administrate.

Libby read Ed's (Thorne) job description and pointed out that the current Town Administrator, (T.A.) already has the power to do what we are proposing a T.M. will do.

Libby asked to what depths are the problems? Libby then went on to say that the assessor's are a model department for others to follow.

Brian and Libby continued the debate, both at odds and both in agreement.

Libby next brought up the now defunct Wage and Personnel Board which is required by law.

Lou agreed.

Libby stated that the selectmen serving as Wage and Personnel is illegal because they can't be the appeals board for themselves.

Lou spoke up and describe what this committee has accomplished to date.

Libby then asked to see our report, to see our plan, what towns did we go to, what facts have we gathered and where are our statistics.

Lou described the process to get the T.M. article to town meeting, then if passed, on the November ballot and again if passed it must be sent to the legislature for approval before it can be enacted.

Libby asked to see the savings that we have determined a T.M. would bring to Pembroke.

Brian replied that any savings that will be realized would be opinion at this point.

Libby asked to see the article.

Lou gave Libby our most recent draft of the article to Libby and explained that it is not the final draft.

Libby acknowledged that and said it says "draft" right on it.

Bill asked for a motion on releasing a draft copy of the article.

Tony said it was all public information.

Bill read a clause at the bottom of the cover sheet on the draft of the article that referred to confidentiality.

Brian said that that was a standard clause that attorneys use.

Discussion continued.

George stated that the committee did have organizational charts of the Town as it now is and as we propose it will be under a T.M.

Libby said that we, as a committee, already have the tools in place to fix Town Hall.

George question Libby as to her statement "that she didn't even know this committee existed." If she didn't know the committee existed, than how could she know what the committee has accomplished?

Libby asked what towns we had contacted.

George gave her a list of towns that committee members had visited or had been in communications with.

Libby asked why we had contacted Danvers, a town that George had listed.

Bill answered that at that time we were exploring the elected vs. appointed boards for the town. An issue that we did not pursue.

The current situation in the Board of Health was next to be discussed.

Libby believes that the B of H needs a department head to over see the office.

This raised the question of the duties of the health agent which was discussed for a while.

Libby closed by asking when we, (the Town), are going to hire a full time accountant?

The committee thanked Libby for her input and welcomed her to attend any of our Thursday night meetings.

At 2123 the committee went to routine business.

We reviewed and discussed the attorney's recommendations of the latest draft of the article.

Tony stated that he would get the finished article to Debra Wall to be posted on the town web site.

We reviewed the meeting tonight with Libby Bates.

George brought up that tonight's meeting had provided us with many of the arguments that the options will present at town meeting.

George asked that we have the T.M. job description ready for the public hearings.

Meeting was adjourned at 2143.

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Peter Isham, Brian Krause and George Emanuel.

TOWN OF PEMBROKE Government Study Committee

Minutes

March 11, 2010;

We called the meeting to order at 1906.

Lew Stone was attending a seminar on the new revisions to the Open Meeting law that will go into effect July first of this year.

Members of the committee had copies of the reply from Town Council, to our second draft of the Town Manager, (T.M.), article. Members discussed the method the attorney used to describe the actions they took in amending, deleting and adding to our wording.

We started with the section on "Procurement".

George felt that eliminating the wording he had proposed would or could lead to the T.M., nit-picking through technical specifications that could lead to increase cost in the items to be purchased. George felt that it was not possible for a T.M. to be an expert in all technologies.

Bill felt that the wording did not allow that to happen.

Brian suggested a resolution clause; to allow the T.M. to approve the specification, but in a dispute the department head may appeal the T.M. decision to the Board of Selectmen. Further discussion followed but without reaching a conclusion.

Bill brought up Stoughton's hiring of a T.M. for \$158,000 per year. Middleborough is current paying \$130,000 per year. Again members realize that there will have to be a pay increase to attract qualified applicants.

Next for discussion was the wording for Police and Fire departments at which point we were joined by Lew Stone.

Tony reported that Joel Bard said that the current wording keeps the Fire Department the same as it is know. However, the Police Department, as it is currently organized, Chapter 41, Section 97A, does allow the Selectmen to appoint the Chief of Police and as many officers as they may deem necessary.

Tony went on to say that changing the hiring practices as related to the police department may be a more complicated step than we can take at this time.

The conversation went back to the "Procurement" article. After further discussion members felt that the current wording as suggested by council would serve as a check to department heads that may have Cadillac taste. It was decided to leave the wording of specification approval as is.

Tony further reported that Town Council had revisited his earlier decision of not requiring the T.M. article to be placed on the ballot. The attorney now believes that the article, if passed at Town meeting in April must be placed on the November ballot to be voted on.

Finally we returned to the "Procurement" section and agreed that the specifications would be written by the department head or an employee and be approved by the T.M.

We discussed the meeting schedule for next week. March 17th, the DPW and the president of the Clerical Union at 1900 and March 18th, our regular meeting night with Dianne Tobin at 1900 and Libby Bates at 1945.

Meeting was adjourned at 2020.

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Peter Isham, Brian Krause and George Emanuel.

TOWN OF PEMBROKE Government Study Committee

Minutes

March 4, 2010;

Meeting was called to order by Lew Stone at 1900.

Tonight the committee is meeting with both the Police Chief, Michael Ohrenberger and the Fire Chief, James Neenan.

Lew began the meeting by giving a brief overview of the committee's goals and what has been accomplished to date.

Tony explained that the committee has attempted to address the problems of Town Hall. That the committee felt there was no need to change police or fire.

Lew went on to say that the time was right, particularly the present financial climate. He continued, that the greatest impact would be with the DPW by changing the 1991 vote establishing it.

Chief Ohrenberger questioned the laws that establish a Town Manager (T.M.) form of government.

George explained that the laws that establish a town manager form of government are the same laws that establish a town administrator so no change in statute is necessary.

Chief Neenan expressed his extreme displeasure with the committee asking both chiefs to meet with the committee after a decision had already been made and a unanimous vote taken.

Bill objected.

Tony explained that that was true but the chiefs were asked to attend because the committee wanted their input on the current wording in the article and any improvements they may suggest.

Chief Neenan went on to express his feeling of the situation. The Chief said that the Selectmen are angry with the DPW, the Board of Assessors because they closed for a party, and the Board of Health is in disarray. So the Selectmen are reinventing the wheel. He included the current situation in both Duxbury and Abington as being a mess.

Lew agreed that the Selectmen do have problems with the departments Jim said, but that the Selectmen have no plans to change the management of police or fire.

Chief Neenan asked why elected officials have to report to the Selectmen. Jim restated his belief that the Selectmen want to control everyone; who ever everyone is!

Both Bill and Tony argued the Chief's point. Both explaining what the committee is trying to accomplish.

Chief Neenan made it quite clear that he does not like a T.M. form of government.

Tony countered that presently there is no central organization with one person in charge.

Lew interjected, asking the chief, (Neenan) how an elected official who isn't there can be in charge?

Neenan countered, saying that he isn't present on nights and weekends but he knows what goes on.

Chief Ohrenberger asked if an elected official can vote to change the daily control of their office.

Tony responded that they could.

Chief Neenan responded that the leadership within town hall must have the courage to kick butt.

It is Chief Neenan's belief that the electorate be notified of the problems with the three boards in question and they (the electorate) should correct the problems.

The current Board of Assessor's were used as an example of qualified officials but they are not there during the day. That Ed Thorne, (the Town Administrator) has no control over the day to day operations of elected boards.

Bill brought to the Chief's attention that the wording in the T.M. article allows the Selectmen to dismiss the T.M. should they see fit.

Chief Ohrenberger asked why a town administrator can't be given the power over elected boards.

George replied that the change to a T.M. would permit that to happen.

Mike asked who the town administrator is over presently.

The committee answered with a list of employees currently under Ed's direction. Mary Whitman, Dianne Tobin, and Brian Baragwanth. Lew included the employees of the Board of Health, (B of H), because the board had requested that of the Selectmen.

Mike asked if the committee had a chart of the organization of the Town at this time.

Lew presented the Chief's with a flow chart of Pembroke town government to which the Chief study the charts for a moment.

Lew expressed his disappointment with Chief Neenan's opinion of a T.M.

Mike Ohrenberger stated that he agrees with Chief Neenan's position, that it is late in the game to bring them in. Mike went on to say that he had many questions on the state statute that established these boards.

George asked if another meeting would be in order after the Chiefs read the current draft of the T.M. article.

Chief Neenan said he did not agree with the principle of a T.M. form of government and another meeting would not change his mind.

Chief Ohrenberger discussed the Civil Service system and the promotion of the officers in his department which are currently made by the Selectmen. What are the laws organizing a police department. Mike would like to promote his own officers. He went on to ask about the laws organizing a fire department.

George gave him the Chapter and section that were voted in 1974 to organize Pembroke's Fire Department.

Mike asked if we had the laws organizing Pembroke's Police Department but the committee did not.

Chief Ohrenberger will do some research and be back in touch with the committee.

Lew read a memo from Debra Wall regarding the Town's web site and the committee use of it.

Committee members reviewed the up coming meeting with other boards, unions and department heads.

Motion to adjourn was passed at 2044.

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, and George Emanuel.

TOWN OF PEMBROKE Government Study Committee

Minutes

February, 25, 2010;

Lew Stone called the meeting to order at 1900.

Lew began by informing the committee that he will seek Town Council's opinion on the word changes we proposed. Lew stated that we need this done so we can get copies to the selectmen before our meeting with them on March 1st.

Bill Buckley expressed his change of heart regarding the residency requirement for Town Manager, (T.M.). The members felt that it is important to have a T.M. living in town but it may limit the field of candidates for the position.

Motion by Tony Marino, to drop the residency requirement for the T.M.

Seconded by Bill Buckley

Motion voted as follows: 5 Yea 0 Nay

Lew declared the motion past unanimously.

Next the committee discussed the need to place the T.M. question on the ballot. Bill stated that Danvers did not place the question on the ballot and all went well. Tony said town council said it was not required.

A discussion followed as to the pros and cons and what election ballot it would be placed on. What if the vote was close? What message would this send?

George asked if the T.M. article fails at Town Meeting, would we put the question on the November ballot? The discussion drifted to the types of voters attending the annual town meeting as compared to the November town meeting.

Motion by Bill Buckley, not to place the T.M. question on the May ballot.

Vote: 5 Yea 0 Nay

Lew declared the motion passed unanimously.

Bill question the rules for acceptance of a by-law, 4/5 or 2/3 be need to prevail. It was decide to ask the moderator his opinion.

Motion by Bill Buckley to accept the minutes of February 18th. Multiple seconds.

Voted; unanimously to accept the minutes.

Next the committee looked at the current contract of the Town Administrator, (T.A.), Ed Throne, which expires on June 30, 2011.

We look at many provisions, such as, 180 day notification not to renew, severance package of three months pay, 50% buy back for unused sick leave, and buy back of unused vacation and personal days. Ed also gets a \$1200.00 car allowance.

The committee felt that this was a reasonable contract by today's standards.

The ability of the committee to project a cost savings that would be realized by adopting a T.M. from of government was discussed. Peter stated that he had been emailing some managers that he had talked with in the past for figures of cost savings but has not heard back.

The committee members noted that cost savings was a question we had been asked by various boards. Also how we would pay for the proposed salary increase. Can't cut budgets to pay for the new T.M.

Lew suggested contacting the Massachusetts Municipal Association, (MMA), to inquire if they had figures of cost savings. Cost savings would be important as we are proposing a salary increase from the old T. A. position to the new T.M. position.

Bill felt that it would be up to the search committee to establish the appropriate salary.

Tony brought up the additional cost for hiring a search committee.

Lew said he would call the Middleborough T.M. an inquire about salary and cost savings.

Motion to adjourn was so voted at 1943.

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Peter Isham, and George Emanuel.

TOWN OF PEMBROKE

Government Study Committee

Minutes

February 11 2010;

The GSC met with the Library Trustees, after the meeting we met in the History Room of the Library.

Meeting was called to order at 1954.

George raised his concern as to the speed at which we are racing to meet the February 12th deadline for a "place-holder". Bill Buckley agreed.

George asked if the article we submit as a "place-holder" can be amended if we discover the need to change the wording.

Tony said the "place-holder" can have substantial changes made to it as long as we have not had a public hearing.

We next discussed the unions and George is still trying to set something up with the unions: police, DPW, and clerical.

We discussed the possible savings in dollars, to the Town that a town manager (T.M.) could make. It was determined that such an estimate would be sheer conjecture and this point was abandoned as an argument.

Next we looked at transferring personnel to different departments and it was decided that it would only be practical within the town hall. Job shearing was another topic but the T.M. would be restricted by the current labor contract.

George brought up the specific wording for the article and asked if it would be review by Town Council. Lew and Tony felt we are all set with the current wording in the draft.

Lew discussed the timing of the article and if it might be better to take it to the November town meeting vs. the annual town meeting in April.

Elected vs. appointed was discussed next. Bill and Lew enquired as to our individual thoughts on this. Brian felt we had three choices: all elected, all appointed or pick and choose those that should be elected as opposed to those that should be appointed. George felt that the question was not directly related to the T.M. article. That some positions like Library Trustees could be elected while the Town Clerk position should be appointed. Bill feels strongly that appointing all positions is most efficient. Tony is opposed to changing elected positions. Peter question the need for qualified people; is it the

department head of an elected board who should be qualified or the elected officials that needs to be qualified?

Lew mentioned that our interviews revealed that the Planning Board, wanted to be elected, that the Board of Assessors was concerned about the question and the Town Clerk, Recreation and DPW wanted to be appointed.

Lew said his wife had suggested that the question could be its own article. George agreed with Mrs. Stone.

Brian and Tony felt that it could be brought up at another town meeting. That having an elected vs. appointed article in the same town meeting may detract from the T.M. article.

Peter strongly believes that elected officials are a check and balance to a strong town manager.

Lew brought up the peoples concerns as to the concentration of power and that the people wanted the right to elect. Lew went on to say that Copelman and Page, one mans opinion, advised us not to take away elected positions. Lew personally advised the committee not to change the elected positions.

Lew asked for a motion on the question as of replacing elected officials with appointed?

Motion: Vote to replace elected officials with appointed officials except those who are required by law. Seconded by Bill.

Vote: 5 Yea 1 Nay.

Lew announced the motion was lost.

Motion: Tony to leave all elected positions in place and to move forward with the Town Manager article. Seconded by Brian.

Vote: 6 yea 0 Nay.

Lew declared the motion passed unanimously.

George stated that he had talked with Libby Bates and that there had been confusion as to who from the Board of Assessors were to meet with us. Kathy Salmon thought we wanted to meet with the chairmen and chief assessor and herself. George thought we were meeting with the entire board. Libby wants to meet with us and perhaps Mary Quill would be interested too. George said Libby had mentioned many could points.

Lew felt that Libby would be an asset to our committee. George will contact Libby to invite her and Mary to one of our meetings.

Bill suggested that Libby be invited to the next meeting.

Tony announced that he has completed a draft of the T.M. article. Tony asked committee members to give it a hard look and write out any suggestions and concerns.

The committee next looked at scheduling more meetings with the following: ZBA, police and fire chiefs and the Community Preservation Agency.

We discussed the best dates for the public hearings. Either April 6th or 13th of 2010 just before the annual town meeting.

Lew brought up the town web site and it was agreed that we should take advantage of it to get out the word.

We next discussed the pros and cons of placing the question of the T.M. on the ballot. Tony stated that we did not have to but he felt it would be to our advantage.

Motion: Bill Buckley moved that the question of a Town Manager form of government be placed on the April ballot. Seconded by Tony.

Vote:

6 Yea

0 Nay

Lew announced the motion passed unanimously.

Meeting was adjourned at 2058.

Respectfully submitted;

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Peter Isham, Brian Krause and George Emanuel.

TOWN OF PEMBROKE

Government Study Committee

Minutes

January 28, 2010;

Lew Stone called the meeting to order at 1905.

We began the meeting with a review of the first interviews. Peter and George attended the Fire Department Union meeting and reported on the conversation and concerns expressed by the firefighters.

Overall their comments were negative. They did not like the idea of citizens not being able to elect members of town boards. They were concerned with the consolidation of power and a single source of information advising the Selectmen. They question the systems of "checks and balances". They believe the T.M. may be politically motivated to control and intimate employees. They brought up current problems that the towns of Hanson and Duxbury have experienced. Union members felt the committee should fix the current system first.

Discussion by the committee followed.

Peter stated that the handouts work well and brought forth immediate response.

George explained the firefighter's concerns about the town manager hiring and the chief of department reporting to the town manager. George gave examples of how the T.M. might force the chief to make decisions that are not in the best interest of public safety and what would the chief do then?

Committee members felt the Fire Chief should remain a "strong chief" after the adoption of a town manager form of government and the committee should look into this with Town Council.

The committee than scheduled more meetings with the following boards:

Feb. 2nd Bill and Peter will meet with the school committee at N. Pembroke Ele. Sch. Library.

Feb. 3rd, George and Lew will meet with the Collector/Treasurer's

Feb. 8th, Bill, George and Peter will meet with the Planning Board at 2000.

Feb. 8th, meeting with Advisory is yet to be confirmed.

Feb. 9th, Brian and Peter will meet with Recreation at the Community Ctr. At 1900.

Feb 9th, Bill, Tony and George will meet with the Energy Committee at 1830.

Feb. 11th Bill, George, and Tony will meet with the Library Trustees at the Library, 1900.

George is still trying to set up a meeting with the Police Union.

Lew announced that the Town Warrant will open Monday, February 1st. We don't have much time to get this written and into the warrant.

Lew said he has also been trying to talk to Town Council but has yet to be successful.

The committee discussed the possibility of printing two ballots. Tony said that there is no order to the vote on the question. It may be voted first at the annual town meeting and then at the polls or the other way around. . If we loose at town meeting and win at the polls we can go back to the November town meeting and re-introduce the article again.

There is no need to print two ballots.

Tony has picked up 150 signs from the town of Hanover.

Lew suggested the committee identify people in Town who are vocal and attend town meeting. That we should seek their opinion and support. This was agreed as being very useful.

The discussion went on to the personalities of a town manager and the personalities of a board of selectmen.

Bill asked if the selectmen would over see the town manager. George felt that the personalities of a Board of Selectmen change with the people who make up the board over time. Some boards will be stronger than others.

Meting was adjourned at 2010.

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Peter Isham, and George Emanuel.

TOWN OF PEMBROKE

Government Study Committee

Minutes

January 21, 2010;

Chairmen, Lew Stone called the meeting to order at 1858.

The first item for discussion was Lew's mailing. The mailing included Hanover's questions, a statement of Lew's ideas and Bill's outline for the interviews to be conducted.

Bill feels that we take the outline, pass it out to those in attendance and let them read it for five or ten minutes and that should generate questions for us to answer.

Bill felt the outline will have to be modified.

The members discussed their thoughts on the interviews themselves; they are a way of campaigning for Town Manager, we open the meetings with a statement of what we are thinking of proposing and let the outline create the questions.

The outline was edited. Brain would develop the outline as a table and email it to all members.

Tony announced that he had been given 75 "Town Manager" signs from Hanover.

Lew and Tony are to be our press spokesman.

George asked what we should say when other members of the committee are approached by the press?

It was decided that we would speak in generalities of this committee's work.

Lew brought the committee up to date on the current situation with the Board of Health. Lew explained that the Trash Fees would no longer be set by the B of H and that Mike Valenti would become more involved. The Selectmen hope to have the Trash Fees rolled into the overall tax rate. Ed Thorne is now handling the day-to day operations.

Lew passed out calendars that he had made and a few appointments he had arranged for the interviews.

The membership felt time was important and that interviews would have to be completed by the end of February.

The committee set about establishing dates and members who would be in charge of arranging meeting with the various boards, councils, department heads, and unions. The following schedule was established:

Bill and Tony will meet with the Board of Health on Monday, January 25th

George and Peter will meet with the Fire Department Union on Monday, Jan. 25th.

Peter and Tony will meet with Conservation on Monday, Feb. 1st.

Brian and Lew will meet with Recreation on Tues., Feb. 9th.

George and Peter will meet with the Library Trustee's on Thurs., Feb. 11th.

The following members will be responsible for arranging meetings with the following:

Lew Energy, Council on Aging, and Community Preservation.

Peter the School Committee.

Tony the DPW and ZBA.

George the Assessor's, the Collector/Treasurer and other unions.

We discussed the need for public hearings and decided to hold them after the warrant had been printed.

Next meeting to be Thursday, January 28th.

Meeting was adjourned at 2038.

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Peter Isham, Brian Krause and George Emanuel.

TOWN OF PEMBROKE

Government Study Committee

Minutes

January 7, 2010;

The Government Study Committee attended the interviews for the Collector/Treasurer's job.

Committee members witness the interview and hiring of the new Collector/Treasurer.

After the selection was made the Committee met in the Selectmen's Office with Chairmen Arthur Boyle and listen to the reasons and methods the Selectmen chose to select an employee.

Lew Stone called the meeting to order at 2023.

While Arthur Boyle was still present, Lew asked Arthur his thoughts on the Committee's idea of changing all elected boards to appointed boards, with the exception of Moderator, Selectmen and School Committee.

Arthur felt that it would be too great a change and lessen our chances of success.

Lew moved on to the next item and suggested a meeting with the Middleborough Town Manager, Charles Cristello who is also a member of the Mass. Management. Assoc.

This is the Gentlemen that Peter Isham has been talking to.

Lew passed out a list of town boards and their meeting nights and times as well as a list of elected position within the town.

The committee discussed the motion voted at the December meeting to recommend the abolishment of all elected boards not required by state statute.

Bill stood firm in defense of his motion. Bill felt that to recommend anything less would be disingenuous.

Tony countered that the Town Manager's form of government was our priority and we had to face a strong possibility that we would loose everything if our recommendations would propose too radical of a change.

George felt that both men were right but we had to decide which direction we are going to go and the political fact that radical change increased our possibility of loosing the Town Manager.

Brian raised a good point in that the current elected officials are all popular people who have created a successful network to achieve their goals and these are the people we will be opposing.

Lew offered a plan to right an amended article to have ready if our proposal to abolish elected boards was failing and make the amendment to save the Town Manager's position.

Members felt that this would show a board uncertain in its own recommendations.

The fact remains we are divided and uncertain in the direction we are going.

The committee discussed meeting with fourteen boards, four unions and two department heads and still have an article ready in March for the May Town Meeting.

It was agreed that we would have to meet more frequently and added an additional night, January, 28th.

The committee agreed that each member would write five questions to ask the boards, etc. and bring them to the next meeting.

Meeting was adjourned at 2208.

Respectfully Submitted:

Members in attendance: Lew Stone, Tony Marino, Bill Buckley, Peter Isham, Brian Krause and George Emanuel.

Date: December 20, 2009

To: Government Study Committee Members

From: Lew Stone, Chairman

Subject: Minutes of December 17, 2009 Meeting

Present: All members except J. Touhey

Meeting called to order @ 7:05 pm

- . No minutes were available for review
- . Moved and seconded to replace J. Touhey as Secretary - voted 6-0
- . G. Emanuel nominated as Secretary and seconded - voted 6-0
- . Meeting dates for January established to be held on the 7th and the 21st at 7 pm
- . Agenda items reviewed by the Committee as follows:
 - . T. Marino reviewed the Article to establish a Town Manager form of government for Pembroke. Discussion followed on all the points in the Article. Several points were debated including the status of the DPW Commissioners and elected vs appointed Town Offices. After debate, the Committee agreed to recommend the appointment of all Town Officers now elected except those mandated by State Law. They are Selectmen, Moderator and School Committee. All other offices will be appointed by the Manager and the Selectmen based on qualifications that they establish. L. Stone will identify those officials now elected.
 - . Meetings with Department heads, Boards, employees and the Unions need to be scheduled. E. Thorne will be contacted to discuss a schedule. L. Stone will provide a list of the various Boards meeting days and times. We need to set up a date and a time to present our Article to all of them and the Committee members need to be available and a schedule established.
 - . T. Marino will update the Article language to reflect the agreed upon changes. The Article will be reviewed at our next meeting and used in meetings with Boards etc.
- . Meeting adjourned at 8:40 pm
- . Next Meeting: January 7th at 7pm in the Selectman's Office

SmartZone Communications Center Collaboration Suite

lstone198@comcast.net

Gov't Study Committee

Sunday, December 20, 2009 6:07:49 PM

From: lstone198@comcast.net

To: Jtouhey@umassd.edu

Jim,

As Chairman of the Committee, I have recommended that G. Emanuel replace you as Secretary and the Committee agreed and so voted. You have missed many meetings with no notification to me and have not issued minutes to several meetings. I have emailed you and received no reply as to why you have not done your job. If you do not have the time or lost interest in the project, I suggest resigning from the Committee. In either case your resignation seems the appropriate action for you to take. A letter to the Selectmen would be in order.

Lew Stone

SmartZone Communications Center Collaboration Suite

lstone198@comcast.net

Secretary position

Sunday, December 20, 2009 6:14:40 PM

From: lstone198@comcast.net

To: g.emanuel3@gmail.com

George,

I have removed Jim Touhey from the Secretary's position and want you to replace him as we discussed at our last meeting. I will write the minutes of that meeting and you can pick it up starting with the January 7th meeting.

Thanks for volunteering.

Lew

SmartZone Communications Center Collaboration Suite

lstone198@comcast.net

Re: Gov't Study Committee

Sunday, December 20, 2009 8:39:41 PM

From: jtouhey@umassd.edu

To: lstone198@comcast.net

I must apologize for my missed meeting on Thursday 12/17, there was a unexpected death in the family.

My grandmother who lived with us died in her sleep late Thursday afternoon. As such, I was unable to attend on 12/17. We were very close.

I know that i have made and broken several scheduled meetings and I really do apologize. However, I did make a meek attempt at trying to call you at the selectman's office to let you know. Regardless in the future I will put the needs of the committee ahead of those of my family.

Verification Link Is Below:

<http://obit.sullivanfuneralhome.com/obitdisplay.html?id=734599&listing=Current>

I really must thank you for your continued understanding.
If you have any questions, please do not hesitate to call.

As for the minutes, I will finalize what i have recorded and send you the hard copies by tomorrow night.

Thank You.

-Jim
603-238-8224

>
>
> Jim,
>
> As Chairman of the Committee, I have recommended that G. Emanuel replace
> you as Secretary and the Committee agreed and so voted. You have missed
> many meetings with no notification to me and have not issued minutes to
> several meetings. I have emailed you and received no reply as to why you
> have not done your job. If you do not have the time or lost interest in
> the project, I suggest resigning from the Committee. In either case your
> resignation seems the appropriate action for you to take. A letter to the
> Selectmen would be in order.
>
> Lew StoneÃ
>

Minutes of Town Government Study Committee Meeting of Thursday, October 15, 2009

Present: B. Buckley, G. Emanuel, P. Isham, B. Krause, T. Marino, L. Stone

Absent: J. Touhey

Meeting started at 705pm

Continued discussion of interviews with towns as follows:

1. P. Isham will contact Middleboro's Town Manager for an interview. A job description was passed out to the Committee,
2. B. Buckley will contact Marshfield for an organization chart.
3. G. Emanuel will visit Medway October 20th to meet with the Town Administrator.
4. T. Marino will make copies of information used in the Hanover study and distribute to the Committee.
5. B. Krause was unable to schedule an interview with Abington and this interview was cancelled.
6. J. Touhey completed his interview with Cohasset and copies will be distributed to the Committee.

The next task for the Committee is to review the Town Manager's job description from Hanover, Duxbury, Middleboro and Cohasset. From this process, a job description for Pembroke can be written using the examples from the other towns studied.

A suggestion was made by B. Buckley that he invite Steve Dodge to a meeting to get his views on this project and his support going forward. The Committee agreed with his suggestion.

Meeting adjourned at 810 pm.

Next meeting, Thursday, October 29th @ 7pm

Agenda as follows:

A review and discussion of the 4 Town Manager job descriptions distributed to the Committee. Using the best ideas and language from all 4, a consolidated job description for Pembroke will be realized.

Minutes of Town Government Study Committee Meeting of Thursday, October 1, 2009

Present: B. Buckley, G. Emanuel, P. Isham, B. Krause, T. Marino, L. Stone

Absent: J. Touhey

Meeting started at 705pm

Discussion and review of meetings held with towns having a Town Administrator and a Town Manager as follows:

1. Town Administrator:

Peter Isham - Hingham: A new Administrator in place and not much information was given on current issues facing the town and if a Manager was being considered. A current job description for the Administrator will be made available.

Bill Buckley - Marshfield: A discussion of issues facing the town and an inadequate Charter was discussed. A policy manual and an organization chart will be provided.

George Emanuel - Medway: A visit to Medway was not able to be completed. George will follow up to get a meeting date

2. Town Manager:

Tony Marino - Duxbury: A succesful model to evaluate and compare operations. Copies of their Charter were distributed to the members.

Brian Krause - Abington: A meeting was not able to be scheduled. Brian will follow up.

James Touhey - Cohasset: No report was made. Report will be made next week

Meeting was adjourned at 830pm.

Next Meeting: Thursday, October 15th at 7pm

Agenda:

1. Continue review of town visits
2. Compare job descriptions of Pembroke's Administrator and a Manager from Hanover and Duxbury
3. Discussion of Committee's next step in this project

SmartZone Communications Center Collaboration Suite

lstone198@comcast.net

Re: minutes

Wednesday, September 09, 2009 7:52:31 PM

From: jtouhey@umassd.edu

To: lstone198@comcast.net

Attachments: PEMBROKE TOWN GOVERNMENT STUDY COMMITTEE MINUTES 09.02.09..rtf (61.8KB)

This is what it looks like, except in a word file. Ill print it out but i dint understand why you cannot open it. I sent it in 2007 format and 2003 format. Very weird.

PEMBROKE TOWN GOVERNMENT STUDY COMMITTEE
SEPTEMBER 2, 2009 - 7PM
MINUTES OF MEETING

1. Introductions - All members present with the exception of George Emmanuel.
Guest Speaker: Joe O'Brien (Town Of Hanover Official) *RESIDENT*

2. General Meeting

A. Joe O'Brien chats about what factors contributed to the need for a town manager in Hanover.

- Size
- Budget
- Overall Need based upon current structure of government.

B. Joe O'Brien chats about the re-structuring of the Selectmen and Town Committees in order to fit with the role of a Town Manager.

C. Received documents that Hanover used in order to create push Town Manager.

D. Questioning by board members:

- Reasons for forming the committee?
- Planning strategy?
- Total time to complete project?
- Biggest Obstacle?

3. Minutes

a. Vote To Pass Minutes Of July 31st - AYE: 4 NAY: 0 ABSTAIN: 1 // NOT PRESENT: 2

b. Vote To Pass Minutes Of August 20th - AYE: 5 NAY: 0 ABSTAIN: 0 // NOT PRESENT: 2

4. Next Meeting

- September 17th @ 7pm Selectman's Office

5. Motion To Adjourn: AYE: 5 NAY: 0 ABSTAIN: 0 // NOT PRESENT: 2

>

>

> Jim,

>

> I haven't been able to open the minutes, so please make copies and pass
> them out at our next meeting and then we can figure out a procedure for
> distribution.

>

Date: August 22, 2009

To: Government Study Committee Members

From: L. Stone, Chairman

Subject: Minutes of August 20, 2009 Meeting

1. Introduction of members of the Committee to Ed Thorne, Town Administrator
2. Opening remarks to the Committee by Ed on the various forms of governments used by towns and cities using diagrams to explain the difference. Pembroke's structure was then discussed and compared to that of a Town Manager structure. Ed focused on the management of both elected and appointed officials and their employees by a Manager and an Administrator form of government.
3. A discussion followed on visits to sister towns having both an Administrator and a Manager. A list of specific questions will be developed to identify their goals and if they were achieved. Tony Marino suggested that the Committee invite Hanover to attend our next Committee meeting and review the reasons why they chose to go to a Town Manager form of Government with 5 Selectmen from a Town Administrator and 3 Selectman.
 - * The Chairman is suggesting that the Committee study the Hanover Article proposing the change in order to be ready to ask questions that would be helpful in evaluating what Hanover accomplished and compare that to Pembroke's goals.
 - One area of change maybe regarding termination of department heads by the Manager with no hearing to show cause raised by George Emanuel.
 - Hanover implemented the change to Town Manager without a Charter and this is a subject needing further study.
4. The Committee thanked Ed Thorne for his insight and ability to answer their questions. Ed's 11 years of experience as Pembroke's Administrator will be a valuable resource for the Committee to gain further knowledge of our town's government.

Motion to adjourn was made at 830pm seconded and voted 7-0.

Next Meeting: Thursday, September 3rd at 7pm in the Selectman's office.

A handwritten signature in cursive script, reading "Lew Stone". The signature is written in dark ink and is positioned at the bottom right of the page.

Date: August 22, 2009
To: Government Study Committee Members
From: L. Stone, Chairman

Subject: Minutes of July 31, 2009 Meeting

1. Introduction of appointed members of the Committee
2. Nomination of Officers:
Chairman- Lew Stone nominated, seconded and voted 7-0 in favor
Secretary- James Touhey nominated, seconded and voted 7-0 in favor
3. Meeting date established on Thursday evening at 7pm in the Selectman's office every 2 weeks
4. Discussion followed as to the Committee's purpose and steps needed to complete the task
5. Motion made and voted 7-0 to invite Ed Thorne, Town Administrator to attend the next meeting to update the Committee on Pembroke's form of government and to answer questions raised by the Committee on the reporting structure and the relationship between elected and appointed officials.
6. Many questions were raised as to the difference between a "Manager" and an "Administrator" and how Pembroke would benefit from a change.
7. Agreement was reached on visits to communities that have both forms of government and to develop a list of questions that would help to evaluate the success of each and where they would like to make changes to improve their operation.
8. A motion was made to adjourn at 8:10 pm seconded and voted 7-0

Next Meeting: Thursday, August 20th at 7pm

A handwritten signature in cursive script, appearing to read "Lew Stone".

TOWN Gov'T STUDY

APRIL 1991 ATM

To see if the Town will vote to accept as a Town Way the private way known as Malinda Lane as per plans and layouts formerly approved by the Planning Board, or take any action relative thereto.

Submitted by the Planning Board

MOVED by Kenneth Girtten that the Town vote to accept as a Town Way the private way known as Malinda Lane as per plans and layouts formerly approved by the Planning Board.

SECONDED AND SO VOTED

UNANIMOUS

63 – ARTICLE 33

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to make tie-in connections from the new 16" main to the existing 8" main at the intersection of High Street and Barker Street, or take any action relative thereto.

Submitted by the Water Commissioners

MOVED by Harry Hammerquist that Article 33 be indefinitely postponed.

SECONDED AND SO VOTED

MAJORITY

64 – ARTICLE 64

To see if the Town of Pembroke will vote to raise and appropriate or transfer from available funds a sum of money to support South Shore Women's Center coninued service to abused women and their children, or take any action relative thereto.

Submitted by David Nabreski and Others

MOVED by Harry Hammerquist that Article 64 be indefinitely postponed.

SECONDED AND SO VOTED

MAJORITY

65 – ARTICLE 67

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the establishment of a Department of Public Works in the form set forth as follows:

"Petition to the General Court

SECTION 1. Notwithstanding the provisions of any General Law, Special Law or By-Law, there shall be established in the Town of Pembroke a

Department of Public Works, hereinafter called the Department, which shall be under the jurisdiction of a Board of Commissioners. The Department shall have all of the powers and duties now vested in or exercised by any of the following departments, which are hereby renamed divisions and included within the Department of Public Works: Cemetery, Tree, Highway and Water. No contracts, obligations or liabilities in force on the date when this act becomes fully effective shall be affected hereby, but the Department shall in all respects be the lawful successor of the Departments now included as divisions in the Department of Public Works.

SECTION 2. The Board of Commissioners will be an elected board consisting of three (3) members being each elected to serve a three (3) year term. The terms will be staggered with one term becoming available each year. The initial board shall be elected on election day, May 2, 1992. The candidate receiving the highest number of voters at that election shall serve for three (3) years, the candidate receiving the second highest number of votes shall serve for two (2) years, and the candidate receiving the third highest number of votes shall serve for one (1) year. All terms thereafter will be three (3) year terms. With the election of a Board of Commissioners the elected positions of Highway Surveyor, Tree Warden and Board of Water Commissioners will be eliminated. The appointed Cemetery Commissioners will become Cemetery Trustees and shall control the care and expenditure of Perpetual Care Funds as provided in Section twenty-five of Chapter One Hundred and Fourteen of the General Laws.

SECTION 3. The Board of Commissioners shall appoint a Director of Public Works, whose qualifications (as outlined by the Wage & Personnel Board), powers and duties shall be determined and prescribed by said Board of Commissioners, and who shall be responsible to said Board. The Director shall have full authority for carrying out the policies of said Board and over the operations of the Department. The Director shall appoint and remove such staff assistants and employees as he deems necessary, subject to available appropriations and with the approval of said Board. Such staff may include a working foreman for each division. The Director shall hold office subject to the will of the Board and will be appointed for a three (3) year term.

SECTION 4. The Town of Pembroke may after the expiration of three years from the effective date of this act vote at an Annual Town Meeting to revoke this act and the question of revocation shall be submitted to the voters in the form of the following question, which shall be placed on the official ballot used for the election of town officers: "Shall the acceptance by the Town of Pembroke of an Act passed by the General Court in the year 1991 entitled "An Act establishing a Department of Public Works in the Town of Pembroke exercising the powers of certain other Departments and Town Offices be revoked?" If a majority of the votes cast in answer to said question is in the affirmative, then at the next Annual Town Election held after said vote of revocation, the Town shall elect such officers as are necessary to exercise and perform the powers, rights and duties transferred to the Department of Public Works by said Act. Such

action shall not affect any contract or liability then created or existing. All General Laws respecting Town Administration and Town Officers and any special laws relative to said Town, the operation of which has been suspended or superseded by the acceptance of this act, shall then be in full force and effect. Any By-Law inconsistent with such special or General Laws shall be revoked thereby. Any subsequent vote to revoke the acceptance of this act shall not be taken more often than once in three years.

SECTION 5. This act shall take effect on Election Day, May 2, 1992" or take any action relative thereto.

Submitted by the Board of Selectmen

MOVED by Dennis Bates that the Town vote to authorize the Board of Selectmen to petition the General Court for the establishment of a Department of Public Works in the form set forth as printed above.

SECONDED

After much discussion, Stanley Fogg made a motion to move the question.

SECONDED AND SO VOTED

MAJORITY

Dennis Bates' motion was then voted on.

SO VOTED

YES - 90 NO - 75

50 - ARTICLE 2

To see if the Town will vote to amend Schedules A, B and C of the Classification and Compensation By-Laws as follows:

SCHEDULE A CLASSIFICATION OF APPOINTED POSITIONS ALL DEPARTMENTS

Title	Compensation Schedule
Executive Secretary	SC-1
Police Chief	SC-2
Fire Chief & Forest Warden	SC-3
Deputy Fire Chief - Call Dept.	SC-4
Lieutenant (Fire) Captain (Fire)	SC-5
Call Men (Fire)	SC-6
Water Department Superintendent	SC-7
Assist. Water Dept. Superintendent	SC-8
Head Librarian	SC-9
Assistant Head Librarian	SC-10
Assistant Head Librarian	SC-11

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[May 1991]

erate income housing as defined in the applicable
e statutes, whether built or operated by any public
y non-profit or limited dividend organization
project or portion thereof financed under the
chapter seven hundred and eight of the acts of
red and sixty-six, as amended, or (b) a project or
f of low or moderate income housing to be financed
part by funds made available by the federal or state
r any instrumentality thereof or by any mortgage
onds insured or guaranteed by the federal housing
or the administrator of veterans' affairs or any other
y of the federal or state government shall receive
such projects or portions thereof, an initial ten year
exemption as provided by section ten and shall
itional period of tax exemption equal to ten years.

By Mr. Kirby, a petition (accompanied by bill, Senate, No. 1558)
of Edward P. Kirby, Charles W. Mann, Katherine L. Barrett, Henry
B. Plausse and Patrick J. Donovan (by vote of the town) for legislation
to authorize the town of Pembroke to establish a department of public
works. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT AUTHORIZING THE TOWN OF PEMBROKE TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.

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

1 SECTION 1. Notwithstanding the provisions of any General
2 Law, Special Law or By-Law, there shall be established in the
3 Town of Pembroke a Department of Public Works, hereinafter
4 called the Department, which shall be under the jurisdiction of
5 a Board of Commissioners. The Department shall have all of the
6 powers and duties now vested in or exercised by any of the
7 following departments, which are hereby renamed divisions and
8 included within the Department of Public Works: Cemetery, Tree,
9 Highway and Water. No contracts, obligations or liabilities in
10 force on the date when this act becomes fully effective shall be
11 affected hereby, but the Department shall in all respects be the
12 lawful successor of the Departments now included as divisions in
13 the Department of Public Works.

1 SECTION 2. The Board of Commissioners will be an elected
2 board consisting of the three (3) members being each elected to
3 serve a three (3) year term. The terms will be staggered with one
4 term becoming available each year. The initial board shall be
5 elected on election day, May 2, 1992. The candidate receiving the
6 highest number of votes at that election shall serve for three (3)
7 years, the candidate receiving the second highest number of votes

8 shall serve for two (2) years, and the candidate receiving the third
9 highest number of votes shall serve for one (1) year. All terms
10 hereafter will be three (3) year terms. With the election of a Board
11 of Commissioners the elected positions of Highway Surveyor,
12 Tree Warden and Board of Water Commissioners will be
13 eliminated. The appointed Cemetery Commissioners will become
14 Cemetery Trustees and shall control the care and expenditure of
15 Perpetual Care Funds as provided in Section twenty-five of
16 Chapter One Hundred and Fourteen of the General Laws.

1 SECTION 3. The Board of Commissioners shall appoint a
2 Director of Public Works, whose qualifications (as outlined by
3 the Wage and Personnel Board), powers and duties shall be
4 determined and prescribed by said Board of Commissioners, and
5 who shall be responsible to said Board. The Director shall have
6 full authority for carrying out the policies of said Board and over
7 the operations of the Department. The Director shall appoint and
8 remove such staff assistants and employees as he deems necessary,
9 subject to available appropriations and with the approval of said
10 Board. Such staff may include a working foreman for each
11 division. The Director shall hold office subject to the will of the
12 Board and will be appointed for a three (3) year term.

1 SECTION 4. The Town of Pembroke may after the expiration
2 of three years from the effective date of this act vote at an Annual
3 Town Meeting to revoke this act and the question of revocation
4 shall be submitted to the voters in the form of the following
5 question, which shall be placed on the official ballot used for the
6 election of town officers: "Shall the acceptance by the Town of
7 Pembroke of an Act passed by the General Court in the year 1991
8 entitled 'An Act establishing a Department of Public Works in
9 the Town of Pembroke exercising the powers of certain other
10 Departments and Town Offices' be revoked?" If a majority of the
11 votes cast in answer to said question is in the affirmative, then
12 at the next Annual Town Election held after said vote of
13 revocation, the Town shall elect such officers as are necessary to
14 exercise and perform the powers, rights and duties transferred to
15 the Department of Public Works by said Act. Such action shall
16 not affect any contract or liability then created or existing. All

1991]

SENATE -- No. 1558

3

17 General Laws respecting Town Administration and Town Officers
18 and any special laws relative to said Town, the operation of which
19 has been suspended or superseded by the acceptance of this Act,
20 shall then be in full force and effect. Any By-Law inconsistent with
21 such special or General Laws shall be revoked thereby. Any
22 subsequent vote to revoke the acceptance of this Act shall not be
23 taken more often than once in three years.

1 SECTION 5. This Act shall take effect on Election Day,
2 May 2, 1992.

APRIL 1984 ANNUAL TOWN MTG

50-ARTICLE 56

To see if the Town will vote to accept the grant of a lot of land on Barlett Street shown on Assessors' Map B-2 as lot 3115 from Lester R. Fulton, or take any action relative thereto.

Submitted by the Board of Selectmen

MOVED by Robert Whitelaw that the Town vote to accept the grant of a lot of land on Bartlett Street shown on Assessors' Map B-2 as Lot 3115 from Lester R. Fulton.

SECONDED AND SO VOTED UNANIMOUS

51-ARTICLE 39

To see if the Town will vote to have the Water Department become self-supporting, and to instruct the Town Collector and Town Accountant to set up their accounts to accomplish this for the 1985-1986 fiscal year, or take any action relative thereto.

Submitted by the Water Commissioners

MOVED by Stephen Turner that the Town vote to have the Water Department become self-supporting and be operated under an Enterprise Accounting System pursuant to the provisions of General Laws Chapter 41, Section 69-B and Chapter 280 of the Acts of 1930 and to instruct the Town Collector and Town Accountant to set up their books and accounts to accomplish this for the 1985-1986 fiscal year.

SECONDED AND SO VOTED YES - 83 NO - 64

52-ARTICLE 5

To see if the Town will vote to raise and appropriate a sum of money as Pembroke's share of the operating and constructional costs of the Silver Lake Regional High School District, or take any action relative thereto.

MOVED by Stephen Turner that the Town vote to raise and appropriate the sum of \$1,885,188.51 as Pembroke's share of the operating and constructional costs of the Silver Lake Regional High School District.

SECONDED AND SO VOTED MAJORITY

53-ARTICLE 53

To see if the Town will vote to accept as a Town Way the private way known as MacDonald Way as per the plans and layouts as part of a federally funded project, or take any action relative thereto.

Submitted by the Board of Selectmen

MOVED by Robert Whitelaw that the Town vote to raise and appropriate the sum of \$60,000.00 for the purpose of a Reserve Fund pursuant to the provisions of Chapter 40, Section 6 of the General Laws.

SECONDED AND SO VOTED MAJORITY

55 - ARTICLE 10

To see if the Town will vote to raise and appropriate a sum of money with which to pay Unpaid Bills in accordance with the General Laws, Chapter 44, Section 64 inserted by the Acts of 1941, Chapter 179, or take any action relative thereto.

Submitted by the Board of Selectmen

MOVED by Herbert Mercer that the Town vote to raise and appropriate the sum of \$28,367.63 with which to pay Unpaid Bills in accordance with the General Laws, Chapter 44, Section 64 inserted by the Acts of 1941, Chapter 179.

SECONDED AND SO VOTED UNANIMOUS

56 - ARTICLE 44

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to have a Certified Public Accountant perform an audit of the Town's books as required by the 1983 amendments to the Revenue Sharing Act, or take any action relative thereto.

Submitted by the Board of Selectmen

MOVED by Paul Rossetti that the Town vote to raise and appropriate the sum of \$10,000.00 to have a Certified Public Accountant perform an audit of the Town's books as required by the 1983 amendments to the General Revenue Sharing Act.

SECONDED AND SO VOTED MAJORITY

At this time, John Stidham recognized Chief Earl Ford for his many years of service to the Town of Pembroke. This is Chief Ford's last attendance at an Annual Town Meeting as Fire Chief, as he will be retiring in August. Chief Ford received a standing ovation.

57 - ARTICLE 52

To see if the Town will vote to rescind the action taken on Article 39 of the 1984 Annual Town Meeting which established an Enterprise Accounting

APRIL 1985 ANNUAL TOWN MTG

MOVED by Mary Birchmore that the Town vote to rescind the action taken on Article 39 of the 1984 Annual Town Meeting which established an Enterprise Accounting System pursuant to the provisions of General Laws Chapter 41, Section 69-B and Chapter 280 of the Acts of 1930, making the Water Department self-supporting.

SECONDED AND SO VOTED MAJORITY

58 - ARTICLE 49

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to hire one full time senior clerk typist for the Collector's Office, or take any action relative thereto.

Submitted by the Town Collector

MOVED by Linda Robbins-Porazzo that the Town vote to raise and appropriate the sum of \$11,432.00 to hire one full time senior clerk for the Collector's Office.

SECONDED

MOVED by Paul Rossetti that Article 49 be indefinitely postponed.

SECONDED AND SO VOTED MOTION LOST

Original motion by by Linda Robbins-Porazzo voted on.

SO VOTED MAJORITY

59 - ARTICLE 16

To see if the Town will vote to appropriate \$32,036.00 for the State Aid Construction of public highways under Chapter 234 of the Acts of 1984, in conjunction with available state funds and to further see how the Town will meet said appropriation whether by taxation, borrowing or otherwise, or take any action relative thereto.

Submitted by the Highway Surveyor

MOVED by Stephen Turner that the Town vote to appropriate the sum of \$32,036.00 for the State Aid Construction of public highways under Chapter 234 of the Acts of 1984 in conjunction with available State funds. Said sum to be borrowed on short term notes.

SECONDED AND SO VOTED UNANIMOUS

SmartZone Communications Center Collaboration Suite

lstone198@comcast.net

RE: Town manager special Act for Pembroke

Monday, March 01, 2010 7:47:34 PM

From: JBard@k-plaw.com

To: tmarino@townofpembroke.mass.org

Cc: lstone198@comcast.net; ethorne@townofpembroke.mass.org; dtobin@townofpembroke.mass.org

Hi Tony et al

I am finishing our comments on the revised version of the warrant article. I hope to have answers to your questions tomorrow. The only section requiring a lot of attention is the one concerning the DPW.

Here's how it currently reads:

SECTION 7. DEPARTMENT OF PUBLIC WORKS.

- A. There shall remain an elected Board of Commissioners for the Department of Public Works, hereinafter called the board, consisting of three (3) members serving three year staggered terms.
- B. The vote of the town at the 1991 town election regarding Article 67 is hereby rescinded. As approved in Article 67 Section 4, a vote in the affirmative for the act creating the Town Manager will also be considered a vote to revoke the 1991 Act.
- C. The Director of Public Works and Town Manager shall consult with the Board for the purpose of receiving advice and assistance in the development of policy guidelines for the operation of the department of public work, and the Board shall perform such other advisory functions related to the Department of Public Works as the Director of Public Works or Town Manager may request.

Here's what I suggest:

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

Note that I have expressly stated that the DPW director will be appointed by the Town Manager. I assume that is the intention. If I'm wrong, we will of course have to change it. As for current section B, I recommend moving it to Section 8 (Transition Provisions), as follow:

B. DEPARTMENT OF PUBLIC WORKS

Chapter 284 of the Acts of 1991, establishing a department of public works in the town of Pembroke, is hereby rescinded. The vote of the town at the 1991 town election regarding Article 67 is hereby rescinded.

I would like to see a copy of that article 67 from 1991. The 1991 special act creating the DPW called for an election. It is possible that the Legislature will require an election to undo the 1991 process. There's no way to predict their response. After I have seen article 67, I may suggest further changes.

I look forward to your comments.

Joel

Joel B. Bard, Esq.
Kopelman and Paige, P.C.
101 Arch Street
Boston, MA 02110
(617) 556-0007
jbard@k-plaw.com

FB

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and its attachments, if any, and destroy any hard copies you may have created and notify me immediately

From: Tony Marino [mailto:tmarino@townofpembrokemass.org]
Sent: Friday, February 19, 2010 3:50 PM
To: Joel Bard
Cc: lstone198@comcast.net; Thorne, Ed; Tobin, Diane
Subject: Town manager special Act for Pembroke

Joel,

Attached is the revised draft special act that we are presenting at the upcoming Town Meeting. I have made some changes from the last draft we sent you. Listed below are some issues we want to make sure the Act covers, and if it doesn't we are looking to you for language suggestions to correct any flaws or omissions in the Act.

1. As you will see in the Act we want to leave the Police and Fire department as is other than having to submit a budget to the Town Manager, similar to what happens now. I added language that I think does that, but if you could verify that would be great.
2. We want the Town Manager to be able to move personnel between departments, but we want to make sure we don't violate any union contracts and also make sure the personnel are qualified to do the job that are being asked to do, i.e. we don't want to have a town hall secretary administering a breathalyzer test over at the police department, as it could be thrown out in court if they are not qualified to do that. I think the language that I included in Section 4, A-2 on page 4 covers this but I'm not sure.
3. Please check the language I added under the Procurement section, we are trying to avoid having the town manager right the bids for specialized equipment, i.e. front end loaders, fire trucks, etc.
4. Do we need to add language referencing the collective bargaining agreements regarding the dismissal of employees, or is that assumed?

I think that's about it for now, if you could please review and get back to me at your earliest convenience as we are under a somewhat stressed timetable, thanks.

Tony Marino
Gov't Study Committee

SmartZone Communications Center Collaboration Suite

lstone198@comcast.net

Town Manager special act - redlined version

Tuesday, March 02, 2010 9:48:59 PM

From: JBard@k-plaw.com

To: JBard@k-plaw.com; tmarino@townofpembroke.mass.org

Cc: lstone198@comcast.net; ethorne@townofpembroke.mass.org; dtobin@townofpembroke.mass.org; klaughman@k-plaw.com

Attachments: 8g_\$01!.DOC (115.5KB)

As mentioned in my prior email, attached please find our comments and suggested revisions to the draft act.

We look forward to continuing to work with you to prepare the final version.

I have informed Ed that I will be out of the office until next Tuesday, but I will be reviewing my email daily. Also, my colleague Katie Laughman will be in the office if we need to access anything there.

Joel

Joel B. Bard, Esq.
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From: Joel Bard**Sent:** Monday, March 01, 2010 7:48 PM**To:** 'Tony Marino'**Cc:** lstone198@comcast.net; Thorne, Ed; Tobin, Diane**Subject:** RE: Town manager special Act for Pembroke

Hi Tony et al

I am finishing our comments on the revised version of the warrant article. I hope to have answers to your questions tomorrow. The only section requiring a lot of attention is the one concerning the DPW.

Here's how it currently reads:

SECTION 7. DEPARTMENT OF PUBLIC WORKS.

- A. There shall remain an elected Board of Commissioners for the Department of Public Works, hereinafter called the board, consisting of three (3) members serving three year staggered

terms.

- B. The vote of the town at the 1991 town election regarding Article 67 is hereby rescinded. As approved in Article 67 Section 4, a vote in the affirmative for the act creating the Town Manager will also be considered a vote to revoke the 1991 Act.
- C. The Director of Public Works and Town Manager shall consult with the Board for the purpose of receiving advice and assistance in the development of policy guidelines for the operation of the department of public work, and the Board shall perform such other advisory functions related to the Department of Public Works as the Director of Public Works or Town Manager may request.

Here's what I suggest:

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

Note that I have expressly stated that the DPW director will be appointed by the Town Manager. I assume that is the intention. If I'm wrong, we will of course have to change it. As for current section B, I recommend moving it to Section 8 (Transition Provisions), as follow:

B. DEPARTMENT OF PUBLIC WORKS

Chapter 284 of the Acts of 1991, establishing a department of public works in the town of Pembroke, is hereby rescinded. The vote of the town at the 1991 town election regarding Article 67 is hereby rescinded.

I would like to see a copy of that article 67 from 1991. The 1991 special act creating the DPW called for an election. It is possible that the Legislature will require an election to undo the 1991 process. There's no way to predict their response. After I have seen article 67, I may suggest further changes.

I look forward to your comments.

Joel

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From: Tony Marino [mailto:tmario@townofpembroke.com]

Sent: Friday, February 19, 2010 3:50 PM

To: Joel Bard

Cc: lstone198@comcast.net; Thorne, Ed; Tobin, Diane

Subject: Town manager special Act for Pembroke

Joel,

Attached is the revised draft special act that we are presenting at the upcoming Town Meeting. I have made some changes from the last draft we sent you. Listed below are some issues we want to make sure the Act covers, and if it doesn't we are looking to you for language suggestions to correct any flaws or omissions in the Act.

1. As you will see in the Act we want to leave the Police and Fire department as is other than having to submit a budget to the Town Manager, similar to what happens now. I added language that I think does that, but if you could verify that would be great.
2. We want the Town Manager to be able to move personnel between departments, but we want to make sure we don't violate any union contracts and also make sure the personnel are qualified to do the job that are being asked to do, i.e. we don't want to have a town hall secretary administering a breathalyzer test over at the police department, as it could be thrown out in court if they are not qualified to do that. I think the language that I included in Section 4, A-2 on page 4 covers this but I'm not sure.
3. Please check the language I added under the Procurement section, we are trying to avoid having the town manager right the bids for specialized equipment, i.e. front end loaders, fire trucks, etc.
4. Do we need to add language referencing the collective bargaining agreements regarding the dismissal of employees, or is that assumed?

I think that's about it for now, if you could please review and get back to me at your earliest convenience as we are under a somewhat stressed timetable, thanks.

Tony Marino
Gov't Study Committee

POLICE & FIRE CHIEFS

SmartZone Communications Center Collaboration Suite

lstone198@comcast.net

RE: Town manager special Act for Pembroke Tuesday, March 02, 2010 9:42:09 PM

From: JBard@k-plaw.com

To: tmarino@townofpembrokemass.org

Cc: lstone198@comcast.net; ethorne@townofpembrokemass.org; dtobin@townofpembrokemass.org;
DJenkins@k-plaw.com

Tony et al

By separate email, I will be forwarding a copy of the special act with many revisions and comments. I hope that you will find them to be self-explanatory. However, we have a few concerns under section 4.A. 1 and 2, the town manager's powers of appointment. Please see below David Jenkins' comments. After we receive your response to these comments we can revise the language in the Act as needed. Please feel free to contact David directly to discuss these issues.

Thank you

Joel

From David Jenkins:

At the outset, I would comment that the accompanying e-mail from the government study committee indicates in paragraph 1 that the purpose of the Special Act is to leave the police and fire departments "as is". For the reasons set forth below, the act as written does not accomplish that purpose. Initially, we need to be aware of two statutes that relate to paragraph 4(A)(1). First, the Town has accepted the provisions of Chapter 48, Section 42, the so-called strong fire chief statute, with respect to the creation and operation of his fire department. That statute reads in its relevant part:

"The Chief shall be appointed by the selectmen, and shall receive a salary as the selectmen may from time to time determine, not exceeding the aggregate amount annually appropriated therefore. He may be removed for cause by the selectmen at any time after hearing."

The statute goes on to provide that the Chief "shall appoint a Deputy Chief and such officers and firemen as he may think necessary, and may remove the same at any time for cause and after a hearing.

The Strong Fire Chief therefore acts as appointing authority of subordinate firefighters.

Second, the Town has also accepted the provisions of M.G.L. c.41, sec. 97A. This statute is the so-called "Strong Police Chief statute". The Strong Police Chief statute provides that the Chief of Police shall have authority to issue rules and regulations regarding the governing of the police department. Under the statute, those policies are required to be forwarded to the Board of Selectmen, who have 30 days to either approve or disapprove. In the absence of Board of Selectmen action, the regulations become effective.

However, a Strong Police Chief operating under the provisions of G.L. c.41, sec. 97A does NOT have appointment power over subordinate officers in the department. The language of section 4(A)(1) of the Special Act which seems to vest appointing authority in the Chief of Police is inconsistent with the express purpose of the study committee which is to leave the police department as is.

I would also comment that G.L. c.41, sec. 108(O) allows a municipality to enter into employment agreements with police and fire chiefs. I would recommend that the statutory authority for entering into

those employment contracts be mentioned in the proposed act, and that the proposed Town Manager or the Town Manager with the approval of the selectmen be allowed to enter into those employment agreements.

I would also observe that the position of Police Chief in the Town of Pembroke is governed by the provisions of Chapter 31. Appointment and removal of the Police Chief would have to be made subject to Chapter 31 unless it is the intent of the framers of this Act to provide otherwise. At a minimum, the incumbent in the office has a protected property interest in those civil service rights and, in my opinion, those rights could not be taken by the passage of the Special Act.

I would also call your attention to the last paragraph of Section 108 (O). That paragraph reads: "If there is no employment contract in force, and if the Police Chief or Fire Chief has an appointment for a term, the appointing authority shall give such chief at least one year's written notice if it decides not to reappoint said Chief. That language would have to be worked into paragraph 1 of the proposed Special Act (unless there is to be an employment contract with each chief).

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Thorne, Ed

LEW

From: Joel Bard [JBard@k-plaw.com]
Sent: Thursday, March 18, 2010 5:44 PM
To: Tony Marino; lstone198@comcast.net
Cc: Thorne, Ed; Tobin, Diane; Katherine D. Laughman
Subject: RE: Town Manager special act - redlined version
Attachments: 8g_\$01!.doc

Hi Lou and Tony

Attached please find another redline version of the Act Establishing a Town Manager with some additional minor edits. One change which is more than an edit is some suggested language in section 4.C.3., Procurement. I have proposed this language as a middle ground, but it is not a legal issue. You may feel free to reject it.

I want to point out that comments we sent previously with respect to the language in Section 4. A. 4 (job posting) and Section 4. B. 7 (reference to "open space committee") were not addressed in your comments back to me. I bring this to your attention only for the purpose of determining whether the decision to leave the language "as is" was intentional or an oversight.

Joel

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

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

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

SECTION 1. CONTINUATION OF EXISTING GOVERNMENT^[KLD1]

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

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

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

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

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

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

SECTION 2. BOARD OF SELECTMEN

A. COMPOSITION

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

B. VACANCY IN OFFICE

Vacancies in the office of selectmen shall be filled^[KLD2] by a special election in accordance with the provisions of Massachusetts General Laws.

C. EXECUTIVE POWERS

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

1. The board of selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise and shall be authorized to enter into intergovernmental and/or public/private agreements on such terms it deems beneficial to the citizens of Pembroke.
2. The board of selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it, and in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony, provided however, nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the board of selectmen shall act only through the adoption of broad policy guidelines, which are to be implemented by officers and employees serving under it.
3. The board of selectmen shall cause the by-laws, and rules and regulations for the government of the town to be enforced and shall cause an up-to-date record of all its official acts to be kept.
4. The board of selectmen shall appoint the town manager, town counsel, fire chief, and police chief and shall approve the hire selection of the town audit firm.
5. The board of selectmen shall be the licensing board of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest. The board of selectmen shall enforce the laws relating to all businesses for which it issues such licenses. The board of selectmen under this Act may delegate or reorganize any local licensing authority or process notwithstanding any general laws relating to local governance to the contrary.[KLD3]
6. The board of selectmen shall be responsible to provide for timely audits as required by law. The audits shall be made by a certified public accountant, or firm of such accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the town government or any of its officers.

SECTION 3. TOWN MANAGER

A. APPOINTMENTS, QUALIFICATIONS, TERMS OF OFFICE AND EMPLOYMENT

1. APPOINTMENT

After the acceptance of this act by the General Court, there shall be established in the town of Pembroke the office of town manager,. The town manager who shall be appointed by the board of selectmen for a term not to exceed three (3) years, as the board may determine, and may be appointed for successive terms of office.

2. QUALIFICATIONS

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

3. TERMS OF OFFICE

The town manager shall devote full time to the duties of said office and shall not engage in any other business or occupation during the term of his or her employment by the town. The town manager shall hold no elective office in the town during his or her tenure as town manager, but the board of selectmen may appoint the town manager to any non-elective office or position consistent with the responsibilities of the town manager, and such office or position shall be deemed to be part of said town manager position. [KLD5] Before entering upon his or her duties, the town manager shall be sworn to the faithful and impartial performance thereof by the town clerk. The town manager shall not have served in an elected office for the town of Pembroke for at least twenty-four months prior to his or her appointment.

4. TERMS OF EMPLOYMENT

a. ADDITIONAL QUALIFICATIONS

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

b. COMPENSATION

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

SECTION 4. TOWN MANAGER - POWERS AND DUTIES.

The town manager shall be the chief administrative executive officer [KLD6] of the town. The town manager shall be responsible to the board of selectmen for the effective management of all town affairs placed in the town manager's charge by this Act, the board of selectmen, or vote of the town meeting. The town manager shall be responsible for the implementation of town policies established by the board of selectmen. The functions and duties of the town manager shall include, but not be limited to, the following:

A. POWERS OF APPOINTMENT

1. As provided for in this Act, appoint and remove all non-elected department heads, approve the appointment and removal of all other employees except employees of the school department, police department and the fire department. The town manager shall consult with the appropriate elected or appointed board, commission, committee, or official prior to making

such department head appointments or removals. Appointments to and removal from such department head positions shall become effective on the twentieth day following the day notice of appointment or removal is filed with the board of selectmen. In the case of removal of a department head, the Town Manager must obtain a minimum of four (4) votes from the Board of Selectmen affirming the removal from the Board of Selectmen. The department head must be given written notice as to the reasons for the proposed action, and an opportunity shall be provided for the department head to meet with the board of selectmen and respond to those reasons.[KLD7]

2. Department heads shall, subject to the consent and approval, of the town manager, appoint or remove assistant department heads, officers, subordinates and employees, including employees serving under elected and appointed boards, commissions, committees and officials for whom no other method of selection is provided in this Act, except employees of the school department, fire department and police department; provided however, that the department head shall consult with the appropriate elected or appointed board, commission, committee or official prior to making such appointments or removals. The town manager may transfer personnel between departments as needed and as allowed by current collective bargaining agreements and with equal certification and experience.[KLD8]
3. All appointments shall be based on merit and fitness alone.
4. Copies of notices of job opportunities and/or appointments shall be posted on the town bulletin board.[KLD9]

B. ADMINISTRATIVE DUTIES

1. Day-to-day supervision of all town departments and direction of the operations of the town. This section shall not apply to employees of the school department and to the statutory responsibilities and functions of the school committee.
2. Supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their representative departments, and of all functions for which the town manager is given responsibility, authority or control by this Act, by by-law, by town meeting vote, or by vote of the board of selectmen.
3. Reorganize, consolidate or establish any department or position under the town manager's direction or supervision, at his or her discretion and with the board of selectmen's approval. [KLD10] With the approval of both the board of selectmen and advisory committee, the town manager may transfer all or part of any unexpended appropriation of a reorganized or consolidated department, board or office to any other town department, board or office.
4. Administer, either directly or through a person appointed by him, all provisions of general and special laws applicable to the town including Federal and Massachusetts Emergency Management Agencies' requirements, and by-laws and votes of the town within the scope of his or her duty, and all policy rules and regulations made by the board of selectmen.
5. Establish control and data systems appropriate to monitoring expenditures by town boards and departments to enable the town manager to make periodic reports to the board of selectmen and the advisory committee on the status of the town's finances.

6. Develop and administer a personnel system, including, but not limited to, determination of rates of pay, the development and implementation of an ongoing training program, evaluation process, personnel and hiring policies, practices, and regulations for town employees.
7. Manage and be responsible for all town buildings, properties and facilities, except those under the control of the school committee, parks and recreation department and conservation commission. The town manager may direct the maintenance of school committee, parks and recreation department, open space committee [KLD11] and conservation commission buildings, properties and facilities if and to the extent the school committee, parks and recreation department, and conservation commission may request and authorize.
8. Attend and participate in all regular and special board of selectmen meetings and town meetings, unless excused therefrom by the board of selectmen.
9. Cause full and complete records of meetings of the board of selectmen to be taken and maintained, and compile reports of the meetings as requested by the board of selectmen.
10. Act as the liaison with and represent the board of selectmen before state, federal and regional authorities.
11. Subject to policy established by the board of selectmen, approve all warrants or vouchers, including payroll warrants, for payment of town funds submitted by the town accountant; provided, however, that in the event of a vacancy or unavailability of the town manager, the board of selectmen may approve all warrants and vouchers. Any warrants generated by the town manager shall be signed by the board of selectmen.
12. Approve all grants submitted on behalf of the town.
13. To prosecute, defend and compromise, subject to the approval of the board of selectmen, all litigation to which the town is a party.
14. To inquire and make investigation, at any time, into the conduct and operation of office or performance of duties of any officer or employee, department, board, commission or other town agency.
15. To coordinate the activities of employees serving under the office of the town manager and the office of the board of selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the town manager shall have authority to require the persons so elected, or their representatives, to meet with the town manager, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town. The town manager shall have the right to attend and speak at any public meeting of any municipal member body.
16. Perform any other duties consistent with his or her office as may be required by by-law, or vote of the town or by vote of the board of selectmen.

C. FINANCIAL POWERS AND DUTIES

1. BUDGET

- a. Prepare and submit at a public meeting or meetings to the board of selectmen and advisory committee not later than ninety (90) days prior to the annual town meeting a written proposed balanced budget for town government, including the school department, for the ensuing fiscal year.
- b. The proposed budget shall detail all estimated revenues from all sources, and all expenditures, including debt service for the previous, current and ensuing years.
- c. It shall include proposed expenditures for both current operations and capital expenditures during the ensuing year, together with estimated revenues and free cash available at the close of the fiscal year, including estimated balances in special accounts.
- d. The town may, by bylaw, establish additional financial reports to be provided by the town manager.
- e. To assist said town manager in preparing the proposed annual budget of revenues and expenditures, all boards, officers, and committees of the town, including the school committee, shall, within the timeframe requested by the town manager, furnish all relevant information in their possession and submit to the town manager, in writing and in such form as the town manager shall establish, a detailed estimate of the appropriations required and available funds.

2. COLLECTIVE BARGAINING

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

3. PROCUREMENT

- a. Act as the chief procurement officer under the provisions of Chapter 30B of the General Laws, responsible for the purchasing of all supplies, materials, services and equipment for the town, including the bidding and awarding, and executing of all contracts, except for the school department. and excluding development of specifications for equipment to be bid and purchased.[KLD12]

SECTION 5. TOWN MANAGER - VACANCY.

A. PERMANENT VACANCY

The board of selectmen shall fill any permanent vacancy in the office of the town manager as soon as feasible in accordance with Section 3 of this Act. Pending the appointment of a town manager [KLD13]or filling In the event of a vacancy, the board of selectmen shall, within a reasonable period of

time, not to exceed fourteen (14) days, appoint some other a capable person to temporarily perform the duties of the town manager until a permanent replacement is appointed.

B. TEMPORARY ABSENCE OR DISABILITY

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

SECTION 6. TOWN MANAGER – REMOVAL; SUSPENSION.

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

SECTION 7. DEPARTMENT OF PUBLIC WORKS. [KLD14]

- A. There shall remain an elected Bboard of Ccommissioners for the Ddepartment of Ppublic Wworks, hereinafter in this section called the board, consisting of three (3) members serving three –year, staggered terms. The incumbent commissioners shall remain in office, subject to re-election, as their terms expire.
- B. The vote of the town at the 1991 town election regarding Article 67 is hereby rescinded. As approved in Article 67 Section 4, a vote in the affirmative for the act creating the Town Manager will also be considered a vote to revoke the 1991 Act. [KLD15]
- BC. There shall be a director of public works, appointed by the town manager. The Ddirector of Ppublic Wworks and Ttown Mmanager shall consult with the Bboard for the purpose of receiving advice and assistance in the development of policy guidelines for the operation of the department of public works,. and tThe Bboard shall perform such other advisory functions related to the Ddepartment of Ppublic Wworks as the Ddirector of Ppublic Wworks or Ttown Mmanager may request.

SECTION 8. TRANSITION PROVISIONS.

A. TOWN ADMINISTRATOR

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

B. DEPARTMENT OF PUBLIC WORKS

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

SECTION 9. EFFECTIVE DATE.

This Act shall take effect upon its passage by the general court.

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

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

and to authorize the Board of Selectmen to act on behalf of the town relative to any inquiries and minor changes made by the general court concerning the proposed Act.",

or take any other action relative consistent thereto.

Town Manager Study Committee

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Ninety-one

AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF PEMBROKE.

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

SECTION 1. There is hereby established in the town of Pembroke a department of public works, hereinafter called the department, which shall be under the jurisdiction of a board of commissioners to be elected as provided in section two. The department shall have all of the powers and duties now vested in or exercised by any of the following departments, which are hereby renamed divisions and included within said department of public works: cemetery, tree, highway and water. No contracts, obligations or liabilities in force on the effective date of this act shall be affected hereby, but the department shall in all respects be the lawful successor of the departments now included as divisions in the department of public works.

SECTION 2. The board of commissioners shall consist of three members being each elected to serve three year terms as hereinafter provided. The initial members of said board shall be elected by the voters at the regular town election on election day, on May second, nineteen hundred and ninety-two. The candidate receiving the highest number of votes shall serve for three years, the candidate receiving the second highest number of votes shall serve for two years, and the candidate receiving the third highest number of votes shall serve for one year. Thereafter all terms shall be three year terms. Upon the election of a board of commissioners the elected positions of highway surveyor, tree warden and board of water commissioners shall be eliminated and the appointed cemetery commissioners shall become cemetery trustees and shall control the care and expenditure of perpetual care funds as provided in section twenty-five of chapter one hundred and fourteen of the General Laws.

SECTION 3. The board of commissioners shall appoint a director of public works, whose qualifications, as outlined by the wage and personnel board, powers and duties shall be determined and prescribed by said board of commissioners, and who shall be responsible to said board. The director shall have au-

Rec'd.
10/58/91
U. Smith

thority to carry out the policies of said board and over the operations of the department. The director shall appoint and remove such staff assistants and employees as he deems necessary, subject to appropriation, with the approval of said board. Such staff may include a working foreman for each division. The director shall hold office subject to the will of the board and shall be appointed for a three year term.

SECTION 4. The town of Pembroke may, after the expiration of three years from the effective date of this act, vote at an annual town meeting to revoke this act and the question of revocation shall be submitted to the voters in the form of the following question, which shall be placed on the official ballot used for the election of town officers: "Shall an act passed by the general court in the year nineteen hundred and ninety-one, entitled 'An Act establishing a department of public works in the town of Pembroke', be revoked?"

If a majority of the votes cast in answer to said question is in the affirmative, then at the next annual town election held after said vote of revocation, the town shall elect such officers as are necessary to exercise and perform the powers, rights and duties transferred to the department of public works by this act. Such action shall not affect any contract or liability then created or existing. All General Laws respecting town administration and town officers and any special laws relative to said town, the operation of which has been suspended or superseded by this act, shall then be in full force and effect. Any by-law inconsistent with such general or special laws shall be revoked thereby. Any subsequent vote to revoke this act shall not be taken more often than once in three years.

SECTION 5. Section one of this act shall take effect on May second, nineteen hundred and ninety-two. Sections two, three and four shall take effect upon their passage.

House of Representatives, October 8, 1991.

Passed to be enacted,

, Speaker.

In Senate, October 8, 1991.

Passed to be enacted,

, President.

S 1558

21 October , 1991.

Approved,

at two o'clock and 35 minutes, P . M.

W. W. W. Feld

Governor.

GENERAL LAWS OF MASSACHUSETTS

PART I. ADMINISTRATION OF THE GOVERNMENT.

TITLE VII. CITIES, TOWNS AND DISTRICTS.

CHAPTER 41. OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS.

Chapter 41: Section 69B. Water commissioners; powers and duties.

Section 69B. The water commissioners, or the selectmen authorized to act as such, in a town establishing a water supply or water distributing system under authority of section thirty-nine A of chapter forty shall have exclusive charge and control of the water department and water system, subject to all lawful by-laws and to such instructions, rules and regulations as the town may from time to time impose by its vote. They may establish fountains and hydrants, may relocate or discontinue the same, may regulate the use of the water and fix and collect just and equitable prices and rates for the use thereof, and shall prescribe the time and manner of payment of such prices and rates. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued for the purpose of a municipal water supply. If in any fiscal year there should be a net surplus remaining after providing for the aforesaid charges for that fiscal year, such surplus, or so much thereof as may be necessary to reimburse the town for moneys theretofore paid on account of its water department, shall be paid into the town treasury. If in any fiscal year there should be a net surplus remaining after providing for the aforesaid charges and for the payment of any such reimbursement in full, such surplus may be appropriated for such new construction, extraordinary maintenance, or repairs, as the water commissioners, or selectmen authorized to act as such, with the approval of the town, may determine upon; and in case a net surplus should remain after payment for such new construction, extraordinary maintenance, or repairs, the water rates shall be reduced proportionately. Said commissioners, or the selectmen authorized to act as such, shall annually, and as often as the town may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of the receipts and expenditures.

The provisions of this section relative to the powers and duties of the water commissioners, or the selectmen acting as such, shall also apply to the commission, board or person having charge and control of the water department or water system of any city, town, or district established under special law, notwithstanding any contrary provision therein, upon the acceptance of this section by such city, town, or district.

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Chapter 284. AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF PEMBROKE.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Pembroke a department of public works, hereinafter called the department, which shall be under the jurisdiction of a board of commissioners to be elected as provided in section two.

The department shall have all of the powers and duties now vested in or exercised by any of the following departments, which are hereby renamed divisions and included within said department of public works: cemetery, tree, highway and water. No contracts, obligations or liabilities in force on the effective date of this act shall be affected hereby, but the department shall in all respects be the lawful successor of the departments now included as divisions in the department of public works.

SECTION 2. The board of commissioners shall consist of three members being each elected to serve three year terms as hereinafter provided. The initial members of said board shall be elected by the voters at the regular town election on election day, on May second, nineteen hundred and ninety-two. The candidate receiving the highest number of votes shall serve for three years, the candidate receiving the second highest number of votes shall serve for two years, and the candidate receiving the third highest number of votes shall serve for one year. Thereafter all terms shall be three year terms. Upon the election of a board of commissioners the elected positions of highway surveyor, tree warden and board of water commissioners shall be eliminated and the appointed cemetery commissioners shall become cemetery trustees and shall control the care and expenditure of perpetual care funds as provided in section twenty-five of chapter one hundred and fourteen of the General Laws.

SECTION 3. The board of commissioners shall appoint a director of public works, whose qualifications, as outlined by the wage and personnel board, powers and duties shall be determined and prescribed by said board of commissioners, and who shall be responsible to said board. The director shall have authority to carry out the policies of said board and over the operations of the department. The director shall appoint and remove such staff assistants and employees as he deems necessary, subject to appropriation, with the approval of said board. Such staff may include a working foreman for each division. The director shall hold office subject to the will of the board and shall be appointed for a three year term.

SECTION 4. The town of Pembroke may, after the expiration of three years from the effective date of this act, vote at an annual town meeting to revoke this act and the question of revocation shall be submitted to the voters in the form of the following question, which shall be placed on the official ballot used for the election of town officers: "Shall an act passed by the general court in the year nineteen hundred and ninety-one, entitled 'An Act establishing a department of public works in the town of Pembroke', be revoked?"

If a majority of the votes cast in answer to said question is in the affirmative, then at the next annual town election held after said vote of revocation, the town shall elect such officers as are necessary to exercise and perform the powers, rights and duties transferred to the department of public works by this act. Such action shall not affect any contract or liability then created or existing. All General Laws

respecting town administration and town officers and any special laws relative to said town, the operation of which has been suspended or superseded by this act, shall then be in full force and effect. Any by-law inconsistent with such general or special laws shall be revoked thereby. Any subsequent vote to revoke this act shall not be taken more often than once in three years.

SECTION 5. Section one of this act shall take effect on May second, nineteen hundred and ninety-two. Sections two, three and four shall take effect upon their passage.

Approved October 21, 1991.

GENERAL LAWS OF MASSACHUSETTS

PART I. ADMINISTRATION OF THE GOVERNMENT.

TITLE VII. CITIES, TOWNS AND DISTRICTS.

CHAPTER 44. MUNICIPAL FINANCE.

Chapter 44: Section 53F½. Enterprise funds.

Section 53F½. Notwithstanding the provisions of section fifty-three or any other provision of law to the contrary, a city or town which accepts the provisions of this section may establish a separate account classified as an "Enterprise Fund", for a utility, health care, recreational or transportation facility, and its operation, as the city or town may designate, hereinafter referred to as the enterprise. Such account shall be maintained by the treasurer, and all receipts, revenues and funds from any source derived from all activities of the enterprise shall be deposited in such separate account. The treasurer may invest the funds in such separate account in the manner authorized by sections fifty-five and fifty-five A of chapter forty-four. Any interest earned thereon shall be credited to and become part of such separate account. The books and records of the enterprise shall be maintained in accordance with generally accepted accounting principles and in accordance with the requirements of section thirty-eight.

No later than one hundred and twenty days prior to the beginning of each fiscal year, an estimate of the income for the ensuing fiscal year and a proposed line item budget of the enterprise shall be submitted to the mayor, board of selectmen or other executive authority of the city or town by the appropriate local entity responsible for operations of the enterprise. Said board, mayor or other executive authority shall submit its recommendation to the town meeting, town council or city council, as the case may be, which shall act upon the budget in the same manner as all other budgets.

The city or town shall include in its tax levy for the fiscal year the amount appropriated for the total expenses of the enterprise and an estimate of the income to be derived by the operations of the enterprise. If the estimated income is less than the total appropriation, the difference shall be added to the tax levy and raised by taxation. If the estimated income is more than the total appropriation, the excess shall be appropriated to a separate reserve fund and used for capital expenditures of the enterprise, subject to appropriation, or to reduce user charges if authorized by the appropriate entity responsible for operations of the enterprise. If during a fiscal year the enterprise incurs a loss, such loss shall be included in the succeeding fiscal year's budget.

If during a fiscal year the enterprise produces a surplus, such surplus shall be kept in such separate reserve fund and used for the purposes provided therefor in this section.

For the purposes of this section, acceptance in a city shall be by vote of the city council and approval of the mayor, in a town, by vote of a special or annual town meeting and in any other municipality by vote of the legislative body.

A city or town which has accepted the provisions of this section with respect to a designated

enterprise may, in like manner, revoke its acceptance.

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PEMBROKE BOARD OF SELECTMEN
100 Center Street, Pembroke, MA 02359

DATE: July 24, 2009
TO: Mary Ann Smith, Town Clerk
FROM: Board of Selectmen
RE: **Town Government Study Committee**

This is to advise that the Pembroke Board of Selectmen, at their meeting of June 20, 2009, voted unanimously to expand the newly created Town Government Study Committee to a total of seven (7) members. One member will be a Selectman and six members from the public. The Town Administrator should not be an official member of the committee but will act as an advisor.

The Selectmen appointed the following persons to serve on the Town Government Study Committee.

Lewis Stone, 198 Oak Street
F. George Emanuel, III, 150 Forest St.
Peter Isham, 165 Elm St.
Anthony Marino, 18 Lilah Lane
William R. Buckley, 43 Warren Terrace
James Touhey, Jr., 5 Champion Way
Brian Krause, 16 William Ave



PEMBROKE BOARD OF SELECTMEN
100 Center Street, Pembroke, MA 02359

DATE: July 9, 2009
TO: Mary Ann Smith, Town Clerk
FROM: Board of Selectmen
RE: **Town Government Study Committee**

This is to advise that the Pembroke Board of Selectmen, at their meeting of June 8, 2009, voted unanimously to create a 5 member Town Government Study Committee. One member will be a Selectman and four members from the public. The Town Administrator should not be an official member of the committee but will act as an advisor.

The Selectmen appointed **Lewis Stone** to be the Selectmen's representative to this committee. The Selectmen also appointed **F. George Emanuel, III** and **Peter Isham** to serve on this newly formed Town Government Study Committee.

SELECTMEN'S MEETING
JUNE 8, 2009 – PAGE TWO

Eugene Fulmine, Jr.	O.C.P.C. Joint Transportation	2010
Mary Ann Flynn	Recreation Commission	2012
Thomas Finnegan	Recreation Commission	2012
Catherine Thurbide	Town Landing Committee	2012
Edward Bursaw	Veterans' Neglected Graves Officer	2010
James Saccone	Veterans' Neglected Graves Officer	2010
Election Workers (as per list submitted by Town Clerk)	Republic Town Committee	2010

Selectman Boulter moved, seconded by Selectman Anderson, to approve reappointment of all persons as per list presented. So voted unanimously in favor.

RESIGNATION: Selectman Trabucco moved, seconded by Selectman Stone, to accept with regret the resignation of Joseph Delmonaco from the Board of Registrars, and extended wishes for improved health.

Mr. Trabucco also moved, seconded by Mr. Boulter, to send a letter from the Board of Selectmen to Mr. Wilson Whittaker on his resignation from the Board of Health and to thank him for his many years of service.

TOWN GOVERNMENT/TOWN MANAGER STUDY: Selectman Stone researched the process followed by the Town of Hanover in their recent Town Government Study. He reported that Hanover had 5 people on the committee chosen by the Selectmen. The Selectmen had no input and abided by the committee's recommendations. The Town Administrator was used as a resource and public hearings were held. Mr. Stone expressed his feelings that the Selectmen should be able to participate and that a member of the Board of Selectmen should be on the committee. Mr. Boulter agreed and suggested that Mr. Stone should be the Selectmen's representative on the committee. Mr. Anderson thinks the Board of Selectmen should be the committee with the goal to do more of a compilation of studies already done rather than a new study. Mr. Trabucco feels the Board should not take on this task without the help of a committee because of other implications from other departments if the Town Manager becomes the sole administrator over those departments. The committee should have a concise focus and the Selectmen and the public should be given the opportunity to offer input. Mr. Boyle agreed and noted that committees made up of members from the general public have brought forward many good ideas and changes. Mr. Boyle suggested a 5-7 member committee with a representative from the Board of Selectmen and Mr. Thorne as an ex-officio with no vote. Mr. Stone suggested a deadline in time for April Town Meeting. He noted that he feels it is time for a professional manager to step in. Many South Shore towns have already decided to go this way.

Town of Pembroke Charter Study Committee
Final Report
November 2004

Charter Study Committee

Paul Dwyer – Chairman

Don Anderson

John O'Donnell

Scott Tripp

Committee Mission Statement

The Charter Study Committee was charged by the Board of Selectmen to recommend whether or not the Town of Pembroke should pursue the formation of a Charter Commission. The Charter Study Committee was also charged with recommending a form of Charter either Home Rule or Special Act if it recommended moving forward with a Charter Commission.

Summary of Findings

The Charter Study Committee has spent several months studying the laws governing the establishment of a Charter. We have sent surveys to all 102 cities and towns which currently have charters, we have interviewed town officials in six towns, and we have met with a representative from the Department of Housing and Community Development and a private consultant.

The survey sent to the cities and towns was used to gauge the success of the charter in those towns. The questions were subjective in nature as measuring the success of a charter is based on the opinions of the individuals managing the towns. We received responses from 32% of the towns receiving surveys. (See appendix A). The overwhelming majority of the responses indicated that the adoption of a Charter improved the management and public perception of town government. Examples of the positive impact of a charter are:

86% of the respondents said delivery of town services was more efficient after the charter.

86% of the respondents indicated there was greater cooperation amongst town departments

84% of the respondents indicated a greater ability to reallocate/reassign resources.

81% of the respondents indicated the town was financially stronger and was better able to prioritize fiscal needs.

The Commonwealth of Massachusetts has two methods for towns to create a charter, Home Rule and Special Act. The goals of a charter can be achieved by either method; however they have different statutory requirements as indicated in the table below.

Statutory Requirement	Home Rule	Special Act
Voter Petition	15% of Registered Voters must sign. Once the petition is certified the Selectmen have 60 days to call an election, after 90 days the Town Clerk must call an election.	Not Required
Vote at Annual Town Meeting	Yes – before charter process begins	Yes – after charter is completed and ready to send to the legislature
Ballot question	Yes – two questions must be presented 1) do you want a charter, 2) if yes to 1 then vote for 9 members of the Charter Commission	Not required for the charter process to begin

Charter Commission	Nine Elected Members	Appointed
Time Limitation to Complete Charter	Must be completed within 18 months	No time limit
Review by State	Attorney General must review before the charter is submitted to voters as a ballot question	Reviewed by legislative legal counsel when submitted.
Ballot Vote	Required	Not required. Legislature typically requires as part of approving the Special Act.
Fiscal Appropriation Required	Yes – After the Charter Commission is elected the town must provide funding. Approximately \$5,000 in Pembroke's case.	NO

One question we have been faced with as we moved through the process of surveying the towns and meeting with consultants and state officials was, "what is a charter?". The simple answer is "it depends". A Charter is a document which outlines how the town will operate. The Charter is developed by either an elected or appointed commission in cooperation with town officials, employees and residents. The changes recommended by a Charter Commission can be as simple as taking the existing Bylaws and replacing the title "Bylaw" with "Charter". It can also be as far reaching as proposing an entirely new form of municipal government, for example creating the positions of mayor and city council. In most cases the changes recommended in a Charter fall somewhere in between a simple name change and a new form of municipal government. As an example the recommended changes may include defining roles and responsibilities within the town, what offices are elected and appointed and the procedures for appointment or removal from an office. Before a Charter can be enacted the residents of the town have an opportunity to vote on the Charter in the privacy of the ballot box.

Recommendation

The result of the work performed by the Charter Study Committee over the past several months has led to the conclusion that a charter brings a great deal of benefit to a town once it is adopted. The process of creating and adopting a charter must include not only town officials but also town employees and residents. This is essential if the charter process is to succeed. The creation of a charter is a continuous process whereby the town can revisit and refine the document over time to meet the changing needs of the town. The Charter Study Committee recommends the Town of Pembroke pursue the creation of a Special Act charter committee. The Special Act Charter will allow the greatest flexibility in selecting committee members. It does not put a fixed time constraint on the committee allowing the committee to do a thorough job meeting with all parties to ensure the final document is one that will move the town forward in a positive direction. We further recommend the committee be established with the understanding that the members serve at the pleasure of the appointing authority and may be removed at any time by a majority vote of the appointing authority. The recommendation is based on the work performed by the committee over the last several months.

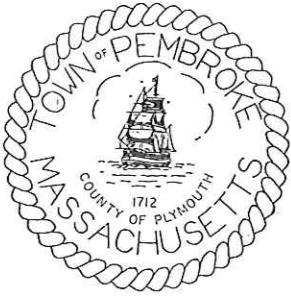
Town of Pembroke Charter Study Committee

Summary of Survey Results

November 2004

What type of Charter does your Town have?	Home Rule	Special Act	Total	Home Rule	Special Act	Total
	25	11	36	69%	31%	100%
Were you involved in your town's government prior to implementing the Charter?	YES	NO	Total	YES	NO	Total
	12	25	37	32%	68%	100%

	Improved	Declined	No Change	Total	Improved	Declined	No Change	Total
Confidence of the citizens with their town government?	26	1	9	36	72%	3%	25%	100%
Town officials are more accessible to citizens?	24	1	12	37	65%	3%	32%	100%
Pool of citizens participating on committees and boards?	15	7	14	36	42%	19%	39%	100%
Voter turn out?	4	4	26	34	12%	12%	76%	100%
Capitol Planning goals?	26	4	5	35	74%	11%	14%	100%
Efficiency of town services?	32	0	5	37	86%	0%	14%	100%
Cooperation amongst town departments?	32	0	5	37	86%	0%	14%	100%
Time between identifying and responding to problems?	30	0	6	36	83%	0%	17%	100%
Town financially stronger?	30	2	5	37	81%	5%	14%	100%
Workload among town employees fairly divided?	19	0	17	36	53%	0%	47%	100%
Budgets fairly distributed among departments?	24	0	12	36	67%	0%	33%	100%
Prioritization of fiscal needs?	29	0	7	36	81%	0%	19%	100%
Recognizable leadership structure in town?	32	0	3	35	91%	0%	9%	100%
Accountability of leadership?	31	1	5	37	84%	3%	14%	100%
Personalities kept in check?	24	2	10	36	67%	6%	28%	100%
Empowerment of the citizens to make changes?	14	2	20	36	39%	6%	56%	100%
Communication among departments and committees?	30	0	7	37	81%	0%	19%	100%
Communication to the citizens?	31	1	5	37	84%	3%	14%	100%
Ability to reach a consensus among varying special interest groups?	23	0	13	36	64%	0%	36%	100%
Ability to reallocate/reassign work force?	31	0	6	37	84%	0%	16%	100%



TOWN OF PEMBROKE

PHONE - 781-293-3844
FAX - 781-293-4650

OFFICE OF
BOARD OF SELECTMEN
100 CENTER STREET
PEMBROKE, MASSACHUSETTS
02359

DATE: May 27, 2004

TO: Members of the Charter Study Committee

FROM: Diane Tobin, Executive Assistant
Selectmen's Office

RE: Notice of Meeting

This is to advise that the Charter Study Committee will meet on
Wednesday, June 2, 2004 at 7:00 p.m. in the Pembroke Town Hall.

On February 9, 2004, the Board of Selectmen voted to establish a new Charter Study Committee to determine whether or not Pembroke should pursue the task of drafting a town charter. The committee will survey other towns to see if they have a town charter and to learn the advantages and disadvantages of having a charter. They will find out what other towns' charters include and they will inquire as to whether or not it has improved the governing of their towns.

Members who have been appointed to this committee are:

Donal Anderson	299 Plymouth Street	800-233-0417
Scott Tripp	3 Felicia Terrace	781-294-1092
Suzanne Scroggins	83 Prince Way	781-294-4366
Paul T. Dwyer	47 Hill Farm Road	781-829-2160
John R. O'Donnell	17 Roxanne Road	781-826-5582