

**COMMONWEALTH OF MASSACHUSETTS**  
**TOWN OF PEMBROKE**  
***SPECIAL TOWN MEETING WARRANT***  
WITHIN THE ANNUAL TOWN MEETING  
***TUESDAY, APRIL 24, 2012***

PLYMOUTH, ss.

To either of the Constables of the Town of Pembroke in the county aforesaid.

GREETING: In the name of the Commonwealth of Massachusetts, you are hereby required and directed to notify and warn the inhabitants of the Town of Pembroke who are qualified to vote on Town Affairs and Elections therein to meet at the PEMBROKE HIGH SCHOOL, Learning Lane, on TUESDAY, the TWENTY-FOURTH DAY OF APRIL, 2012 at EIGHT O'CLOCK in the evening, then and there to act on the following:

**ARTICLES 1 THROUGH 10**

**ARTICLE 1:** To see if the Town will vote to authorize the below listed transfers to supplement Fiscal Year 2012 appropriations, and to authorize the below listed reductions in Fiscal Year 2012 appropriations, or take any other action relative thereto:

<u>Transfer To</u>	<u>Amount</u>	<u>Transfer From</u>
Treasurer/Collector-Wages & Salaries	\$ 4,019	Health Insurance
Treasurer/Collector-Wages & Salaries	\$ 8,981	Health Insurance
Data Processing-General Expenses	\$ 3,850	Reserve Fund
Town Clerk-Wages & Salaries	\$ 580	Elections-Wages & Sal.
Police-Vehicle O & M	\$ 25,000	Police-Wages & Salaries
Fire-Overtime	\$ 15,000	Fire-Wages & Salaries
Fire-Buyback	\$ 7,000	Fire-Wages & Salaries
Fire-General Expenses	\$ 29,000	Fire-Wages & Salaries
Inspect. Services-Wages & Salaries	\$ 4,111	Reserve Fund
D.P.W.-Overtime	\$ 5,000	D.P.W.-Wages & Salaries
D.P.W.-General Expenses	\$ 5,000	D.P.W.-Wages & Salaries
Veterans Services-Benefits & Med.	\$ 50,000	Health Insurance
Unemployment-General Expenses	\$125,000	Health Insurance
Medicare Tax-General Expenses	\$ 25,000	Health Insurance
Selectmen-General Expenses	\$ 5,040	Health Insurance

Or take any other action relative thereto.

Submitted by the Town Accountant & Department Heads

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

EXPLANATION: *These transfers are requested to meet shortfalls in the current budget.*

**ARTICLE 2:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$30,675 to be transferred to the town of Pembroke's 300<sup>th</sup> Anniversary Committee, under the direction of the Board of Selectmen, to offset the costs to be incurred for the Anniversary Committee to continue the planning of town activities for the year 2012, or take any action relative thereto.

Submitted by the Board of Selectmen.

ADVISORY RECOMMENDATION:

SELECTMEN RECOMMENDATION:

EXPLANATION: *This amount is based on personnel costs that will be incurred by the Fire, Police, DPW Tree/Cemetery and Highway Departments for the 300<sup>th</sup> Anniversary activities.*

**ARTICLE 3:** To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow the sum of \$60,000 to treat Oldham Pond for the suppression of Algae, or take any other action relative thereto.

Submitted by the Board of Health

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

EXPLANATION: *This is for the suppression of Blue Green Algae. The recommended course of action by the Board of Health allows for weekly algae monitoring at one location in the pond (PWA collection), periodic water quality sampling (PWA collection), pre- and post-treatment mussel survey, early season low dose whole pond alum treatment (~1ppm) and up to two (2) Phycomycin Treatments of 1/2 of the pond, or ~100 acres, if required. There is a reduced cost option available that will be less effective; this option allows for weekly algae monitoring at one location in the pond (PWA collection), periodic water quality sampling (PWA collection), pre- and post-treatment mussel survey plus three (3) Phycomycin Treatments of 1/3 of the pond, or ~65 acres.*

**ARTICLE 4:** To see if the Town will vote to authorize a new revolving account, pursuant to M.G.L. c.44, s.53E½, under the supervision of the Board of Health, in to which receipts for reimbursements for nursing services shall be deposited, and from which disbursements, which shall not exceed \$5,000, may be made for medical and health service related supplies; or take any other action relative thereto.

Submitted by the Board of Health

ADVISORY RECOMMENDATION:

SELECTMEN RECOMMENDATION:

EXPLANATION: *This will allow the Board of Health to purchase and administer routine vaccinations and bill the recipient's medical insurance to cover the expense.*

**ARTICLE 5:** To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of \$5,494.00 to provide for the unpaid real estate taxes for the parcel listed on the Pembroke Assessors Map as parcel E2-9E-1, located off Station Street and containing 8.35 acres more or less; said property having been deeded for the sum of one dollar to the Town of Pembroke Conservation Commission on November 28, 2011, or take any other action relative thereto.

Submitted by the Town Accountant

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

EXPLANATION: *This article asks that the Town appropriate the sum of \$5,494 to pay the back taxes on a parcel that was acquired last year so that the Town may have clear title to the land. This is a bookkeeping procedure as the money will be paid to the Town.*

**ARTICLE 6:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the purpose of funding any new collective bargaining agreements between the Town and the Pembroke Patrolmen's Association, Pembroke Permanent Firefighters Association, Council 93, Local 1700 (Town Hall), and Council 93, Local 1700 (Public Works), or take any other action relative thereto.

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN RECOMMENDATION:

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

**ARTICLE 7:** To see if the Town will vote to accept the provisions of G.L. c. 44, §55C, establishing a trust to be known as the Pembroke Affordable Housing Trust Fund, whose purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households, and in implementation thereof will vote to amend the Town of Pembroke General By-Laws by adding the following as Article XXXVIII, or take any action relative thereon:

## ARTICLE XXXVIII – PEMBROKE AFFORDABLE HOUSING TRUST FUND

### SECTION 1. PURPOSE

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

### SECTION 2. BOARD OF TRUSTEES

There shall be a Board of Trustees (the "Board"), comprised of five (5) Trustees, who shall be appointed by the Board of Selectmen. At least one (1) of the Trustees shall be a Selectman. The Trustees of the Board shall serve for a term of two (2) years, except that two of the initial appointments shall be for a term of one (1) year. The Trustees may be

reappointed by the Board of Selectmen for succeeding terms, and there are no limits on the number of terms that a Trustee can serve. Vacancies shall be filled by the Board of Selectmen for the remainder of the unexpired term. Any Trustee may be removed for cause by the Board of Selectmen after the opportunity for a hearing. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

### SECTION 3. POWERS OF TRUSTEES

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

- A. To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any ordinance or by-law or any general or special law or any other source, including money from G.L. c. 44B;
- B. To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- C. To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
- D. To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the trust;
- E. To employ advisors and agents, such as accountants, appraisers and lawyers, as the Board deems necessary;
- F. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- G. To apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- H. To participate in any reorganization, re-capitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- I. To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board

may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;

J. To carry property for accounting purposes other than acquisition date values;

K. To borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;

L. To make distributions or divisions of principal in kind;

M. To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of G.L. c. 44, §55C, to continue to hold the same for such period of time as the Board may deem appropriate;

N. To manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;

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

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

### SECTION 3. DECLARATION OF TRUST

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

### SECTION 4. FUNDS PAID TO THE TRUST

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

### SECTION 5. ANNUAL AUDITS

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

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:  
SELECTMEN'S RECOMMENDATION:  
EXPLANATION:

**ARTICLE 8:** To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the purpose of road repairs and construction, or take any other action relative thereto.

Submitted by DPW Commissioners

ADVISORY COMMITTEE RECOMMENDATION:  
SELECTMEN'S RECOMMENDATION:  
EXPLANATION: *This article will allow the DPW to make permanent repairs to various roads around town similar to the previous year.*

**ARTICLE 9:** To see if the Town will vote to raise and appropriate, transfer from available funds and/or otherwise provide the sum of \$16,750 to provide for Pembroke's 50% share of the treatment of Lower Chandler Mill, or take any other action relative thereto.

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:  
SELECTMEN'S RECOMMENDATION:  
EXPLANATION: *This appropriation is the Town's share of the chemical treatment of the Lower Chandler Mill Pond. It was last treated in 2007.*

**ARTICLE 10:** To see if the Town will vote to raise and appropriate, transfer from available funds and/or otherwise provide the sum of \$15,000 to update and resubmit the Project Need Form for the proposed traffic light at the intersection of Route 53 and Pleasant Street, or take any other action relative thereto.

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:  
SELECTMEN'S RECOMMENDATION:  
EXPLANATION: *This sum of money is the first step in the process of information gathering and resubmission of the project need form to MASSDOT District 5 for a proposed traffic light to see if it will move forward or not.*

And you are directed to serve this Warrant by posting attested copies thereof at the Town Office Building, Pembroke Center Post Office, North Pembroke Post Office, Bryantville Post Office, Pembroke Center Library and the Country Corner Store.

Hereof, fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meetings as aforesaid.

Given under our hands and seals this 9<sup>th</sup> day of April, 2012

PEMBROKE BOARD OF SELECTMEN

\_\_\_\_\_  
Daniel W. Trabucco, Chairman

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

\_\_\_\_\_  
Gregory M. Hanley, Clerk

\_\_\_\_\_  
Willard J. Boulter, Jr., Selectman

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

A TRUE COPY ATTEST: \_\_\_\_\_  
Mary Ann Smith, Town Clerk

Pursuant to the Warrant for the Special Town Meeting to be held on April 24, 2012, I have notified and warned the inhabitants of the Town of Pembroke by posting up attested copies of the same at the Town Office Building, Pembroke Center Library, Pembroke Center Post Office, North Pembroke Post Office, Bryantville Post Office, and the Country Corner Store.

POSTED: \_\_\_\_\_  
Date Constable