

TOWN OF PEMBROKE, MASSACHUSETTS



ADVISORY COMMITTEE RECOMMENDATIONS

2019

ANNUAL TOWN MEETING WARRANT

ATTEND THE ANNUAL TOWN MEETING
TUESDAY, MAY 14, 2019
7:00 P.M.

PEMBROKE HIGH SCHOOL
LEARNING LANE
PEMBROKE, MA

TERMS USED IN MUNICIPAL FINANCE

APPROPRIATION: An authorization granted by a town meeting, city council or other legislative body to expend money and incur obligations for specific public purposes.

AVAILABLE FUNDS: Balances in the various fund types that represent non-recurring revenue sources. As a matter of sound practice, they are frequently appropriated to meet unforeseen expenses, for capital expenditures or other onetime costs. Examples of available funds include free cash, stabilization funds, overlay surplus, water surplus and enterprise net assets unrestricted (formerly retained earnings).

BUDGET: A plan for allocating resources to support particular services, purposes and functions over a specified period of time.

DEBT AUTHORIZATION: Formal approval by a two-thirds vote of town meeting or city council to incur debt, in accordance with procedures stated in MGL Ch.44 §§ 1, 2, 3, 4a, 6-15.

FISCAL YEAR: Since 1974, the Commonwealth and municipalities have operated on a budget cycle that begins July 1 and ends June 30. The designation of the fiscal year is that of the calendar year in which the fiscal year ends. Since 1976, the federal government fiscal year has begun on October 1 and ended September 30.

FREE CASH: Remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the previous year, actual receipts in excess of revenue estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items.

LEVY (TAX LEVY) – The amount a community raises through the property tax. The levy can be any amount up to the levy limit, which is re-established every year in accordance with Proposition 2½ provisions.

LOCAL AID (CHERRY SHEET): Revenue allocated by the Commonwealth to cities, towns and regional school districts. Estimates of local aid are transmitted to cities, towns and districts annually by the “Cherry Sheets”. Most Cherry Sheet aid programs are considered general fund revenues and may be spent for any purpose, subject to appropriation.

LOCAL RECEIPTS: Locally generated revenues, other than real and personal property taxes. Examples include motor vehicle excise, investment income, meals tax, fees, rentals, and charges.

MAINTENANCE BUDGET: A no-growth budget that continues appropriations for programs and services at their current year levels. The actual appropriation to maintain programs and services may still increase due to inflation and other factors.

OVERRIDE: A vote by the community at an election to permanently increase the levy limit. An override vote may increase the levy limit no higher than the levy ceiling. The override question on the election ballot must state a purpose for the override and the dollar amount.

RAISE AND APPROPRIATE: A phrase used to identify a funding source for an expenditure or expenditures, which refers to money generated by the tax levy or other local receipt.

RESERVE FUND: An amount set aside annually within the budget to provide a funding source for extraordinary or unforeseen expenditures.

REVOLVING FUND: Allows a community to raise revenues from a specific service and use those revenues without appropriation to support the service.

STABILIZATION FUND: A fund designed to accumulate amounts for capital and other spending purposes, although it may be appropriated for any lawful purpose (MGL Ch.40 §5B).

A BRIEF GUIDE TO PEMBROKE TOWN MEETING PROCEDURES

If you wish to speak:

The proper procedure is to stand at the microphone until the moderator has recognized you or someone else. Wait for the microphone and give your name and address before you proceed. You should not interrupt the speaker except in an extreme case to raise a point of order.

Any person must cease and yield the floor at the moderator's request. During debate, the speaker is required to address the moderator. Questions may be asked only through the moderator.

Asking Questions about Procedure:

The voter can always ask the moderator about questions of procedure. If the voter is not clear as to what he is voting on, or what the effect of the passage of the pending motion will be, he should ask the moderator for clarification.

Advice on Preparing Motions or Amendments:

The Town Counsel is available for consultation concerning wording and procedure for making motions or amendments from the floor.

Main Motions:

A main motion proposes action under the article of the warrant being considered. Main motions may be made only when no other business is pending. They are the basic motions, and others revolve around them.

Motions to Amend:

A proposal to change the main motion before the meeting is made by a motion to amend. It may itself be amended. The first amendment is called the primary amendment and an amendment to the primary amendment is called the secondary amendment. No further amendments are permitted to keep matters from getting too complicated. (In other words – only three motions are allowed on the floor).

Other Motions and Points of Order:

A motion to adjourn may be made at anytime. Adjournment must be to a scheduled time and place. When all articles in the warrant have been disposed of, a motion to dissolve is in order.

If you wish to terminate debate on a motion and call for an immediate vote, you can “move the previous question”. This motion is not debatable and requires a two-thirds vote.

A Point of Order is a question. On a point of order a voter may raise one or more of the following questions and no others:

1. Is the speaker entitled to the floor?
2. Is what the speaker is saying or proposing indecorous, frivolous, irrelevant, illegal or contrary to proper procedure?
3. Is pending action frivolous, irrelevant, illegal or contrary to proper procedure?

SUMMARY OF MOTIONS

Name of Motion

<u>Main Motions</u>	<u>Debatable</u>	<u>Votes Required</u>
1. Motion to take action under article	yes	Majority or 2/3rds as may be required
2. Motion to take up articles out of order	yes	4/5ths
3. Motion to reconsider an article acted upon and disposed of	yes	majority
4. Motion to Indefinitely Postpone	yes	majority

Subsidiary Motions

1. Previous question (which ends debate)	no	2/3rds
2. Motion to amend main motion	yes	majority

Privileged Motions

1. To adjourn to a fixed time or recess	no	majority
2. Question quorum count to *open meeting	no	no vote
3. Question quorum count to **continue meeting	no	no vote
4. Fix time to (or at) which to adjourn	yes	majority

Article II

SECTION 10.

The number of voters necessary to constitute a quorum for the purposes of calling the meeting to order shall be ***one hundred and fifty (150)**. Thereafter, the quorum requirement shall be ****one hundred (100)** for the further transaction of business, including adjourned sessions and such parts of the meeting that are devoted exclusively to the election of officers. (Art.14 STM 11/15/2012)

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF PEMBROKE
ANNUAL TOWN MEETING WARRANT
TUESDAY, MAY 14, 2019**

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
80 LEARNING LANE, PEMBROKE, MASSACHUSETTS
ON TUESDAY, THE FOURTEENTH DAY OF MAY, 2018
AT SEVEN O'CLOCK IN THE EVENING**

then and there to act on the following articles:

ARTICLES 1 - 36

ARTICLE 1 – TOWN REPORTS

To hear and act on the Reports of the Town Officers and Committees, or take any action relative thereto.

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article allows any standing Board or Committee the opportunity to inform the Town of any important developments. All reports for the calendar year that were submitted by Department and Committee Heads are printed in the Annual Town Report.*

ARTICLE 2 – WAGE & CLASSIFICATION PLAN

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

Submitted by the Town Manager

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article allows the Town to set the salaries and wages of Town employees that are not employed under the conditions of a collective bargaining agreement, employment contract or employed by the School Committee. It is generally the vehicle used to grant cost of living increases and may be amended from time to time either within this article or through a separate Town Meeting action.*

ARTICLE 3 – OPERATING BUDGET

To see what sums the Town will raise by taxation or otherwise to pay Town Debts and charges for the ensuing fiscal year and to fix the salary and compensation of all elective officers and employees of the Town, as provided by Section 108 and 108A of Chapter 41, Mass. General Laws, and applicable amendments thereto, and appropriate the same, as shown in **Appendix A**, or take any action relative thereto.

Submitted by the Town Manager

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article presents the Fiscal Year 2020 **operating** budget as prepared by the Town Manager. Included in the article are the department's requests and the Advisory Committee recommendations. (Please see the proposed FY 2020 Operating Budget in Appendix A)*

ARTICLE 4 – WATER ENTERPRISE OPERATION BUDGET

To see if the town will vote to raise and appropriate and/or transfer from available funds a sum of money to operate the Water Enterprise Fund as shown in **Appendix B**, or take any other action relative thereto.

Submitted by the Town Manager

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This Article sets the Fiscal Year 2020 **operating** budget for the Water Division of the Department of Public Works. (Please see the proposed FY 2020 Water Enterprise Fund Budget in Appendix B)*

ARTICLE 5 – SOLID WASTE OPERATING BUDGET

To see if the town will vote to raise and appropriate and/or transfer from available funds a sum of money to operate the Solid Waste Enterprise Fund as shown in **Appendix C**, or take any other action relative thereto.

Submitted by the Town Manager

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This Article sets the Fiscal Year 2020 operating budget for the Town's Solid Waste related operations. (Please see the proposed FY 2020 Solid Waste Enterprise Fund budget Appendix C)*

ARTICLE 6 - CAPITAL BUDGET

To see if the Town will raise and appropriate, transfer from the Water Enterprise Fund, the Stabilization Fund, or other available funds, or authorize borrowing or leasing, a sum or sums of money for capital projects and/or equipment in accordance with the following capital budget schedule, which is incorporated by reference herein, and further to authorize the Board of Selectmen, acting as Water Commissioners, to impose betterments pursuant to M.G.L. Chapters 80 and 83 (see **Appendix E** Capital Projects Requests to follow); further r, any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes may be applied to the payment of costs approved by this vote in accordance with

M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any action in relation thereto.

Submitted by the Town Manager

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN’S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article presents the Fiscal Year 2020 **capital** budget as prepared by the Town Manager. Included in the article are the department’s requests and the Advisory Committee recommendations. (Please see the proposed FY 2020 Capital Budget in Appendix D)*

ARTICLE 7 – TRUST FUND TRANSFERS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be deposited into the OPEB Trust Fund, Separation Pay Fund, Special Injury Leave Fund, Workers’ Compensation Insurance Fund, Capital Stabilization Fund, Water Stabilization Fund and the Stabilization Fund, or take any other action relative thereto.

Submitted by the Town Accountant

ADVISORY’S RECOMMENDATION:

Favorable Action

SELECTMEN’S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article proposes to appropriate funds available from free cash and places them into the following funds:*

OPEB Trust Fund:	Recommendation \$ 100,000 from Free Cash
* Separation Pay Benefits Fund:	Recommendation \$ 125,000 from Free Cash
* Separation Pay Benefits Fund:	Recommendation \$ 25,000 from Water Revenue
Special Injury Leave Fund:	Recommendation \$ 25,000 from Free Cash
Workers’ Compensation Ins. Fund:	Recommendation \$ 25,000 from Free Cash
Capital Stabilization Fund:	Recommendation \$ 218,600 from Sale of Real Estate Fund
Water Stabilization Fund:	Recommendation \$ 176,108 from Water Surplus
Stabilization Fund:	Recommendation \$ 25,000 from Free Cash

** Authorized under Article 16 of the November 4, 2003 Special Town Meeting*

ARTICLE 8 – COMMUNITY PRESERVATION FUND ALLOCATIONS

To see if the Town will vote to appropriate and/or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2020, with each item to be considered a separate appropriation:

Appropriations:	
From FY20 estimated revenues for Historic Resources Reserve	\$ 30,000
From FY20 estimated revenues for Community Housing Reserve	\$ 30,000
From FY20 estimated revenues for Open Space Reserves	\$ 30,000
From FY20 estimated revenues for Committee Administrative Expenses	\$ 10,000

and further to appropriate any remaining balance of funds as of the termination of the 2019 Annual Town Meeting from Community Preservation Fund FY20 Annual Revenues to the Annual Budgeted Reserve, or take any other action relative thereto.

Submitted by the Community Preservation Committee

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article satisfies a mandate by the State in the Community Preservation Act. It is stated in the act that each year the Town must reserve a minimum of 10% for each category from the projected combined income from our 1% surcharge and funding from the State.*

ARTICLE 9 – REVOLVING FUND LIMITS

To see if the Town will vote to set the FY2020 annual spending limits on the Revolving Funds set forth in Article X-A of the Town of Pembroke General Bylaws in accordance with Massachusetts General Laws Chapter 44, § 53E½ as follows, or take any other action relative thereto.

<u>Revolving Fund</u>	<u>Limit on Spending</u>
LIBRARY	\$25,000
TOWN LANDING	\$25,000
TREASURER/COLLECTOR	\$50,000
DPW CEMETERY	\$10,000
DPW TREE	\$20,000
CONSERVATION 3	\$20,000
COUNCIL ON AGING 1	\$110,000
Board of Health	\$5,000
HISTORIC DISTRICT COMM.	\$3,000
RECREATION COMMISSION	\$50,000
COUNCIL ON AGING 2	\$20,000
POLICE DEPARTMENT	\$20,000

Submitted by the Board of Health, Conservation Commission, Council on Aging, D.P.W., Historical District Commission, Library Trustees, Police Department, Recreation Commission and Town Landing Committee.

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This article, which was authorized by the Municipal Modernization Act of 2016, sets the limits on revolving funds. These funds allow the above listed departments to retain certain revenues and use these receipts in support of the programs for which the fee was charged.*

ARTICLE 10 – AMEND TOWN BYLAWS – EMPLOYEE RECRUITMENT UPDATE

To see if the Town will vote to amend the Bylaws of the Town of Pembroke, Article IV, “Officers, Boards and Committees”, Section 12 by striking the words “once in a local newspaper of general circulation, which will also post it on their websites” and replacing it with the words “continuously on the town’s social media platforms until filled” as shown below, or take any other action relative thereto.

Nothing in this by-law is intended to alter or replace any procedure for filling vacancies contained in the Town’s various collective bargaining agreements.

SECTION 12.

Whenever a vacancy exists in any appointive Town office or employee position for which a salary or wage is paid, the vacancy will be advertised ~~once in a local newspaper of general circulation, which will also post it on their websites~~ **continuously on the town’s website and social media platforms until filled**; ~~also, the position will be posted on the town website.~~ A paper copy will be posted in town hall and in the department seeking the candidate. Applications to fill such vacancy will be accepted by the appointing authority for at least ten (10) business days following the publication notice of vacancy and the closing date will be listed in the notice. This by-law shall not apply to employees covered under Civil Service. The appointing authority of a vacant office or position may make a temporary or interim appointment to fill such vacancy until such time as a permanent appointment is made after compliance with this section.

Submitted by the Town Accountant

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN’S RECOMMENDATION:

Favorable Action

EXPLANATION: *Passage of this article would promote employment opportunities on all industry related platforms including on-line job posting sites, the town website and social media and trade and government websites with broader circulation, while eliminating the cost of \$500-900 in print ad costs.*

ARTICLE 11 – AMEND TOWN BYLAWS – DELETE LONGEVITY AND SALARY INCREASES FOR CERTAIN APPOINTED POSITIONS

To see if the Town will vote to amend the Bylaws of the Town of Pembroke, Article IV, “Officers, Boards and Committees”, Section 14 and Section 16 by deleting both sections in their entirety, or take and other action relative thereto.

Submitted by the Town Manager

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN’S RECOMMENDATION:

Favorable Action

EXPLANATION: *Passage of this article will update the Town Bylaws to the current practices of the town. These two sections define salary and longevity for roles that are no longer appointed and pre-date 1980 and, as such are no longer current or relevant.*

ARTICLE 12 – AMEND TOWN BYLAWS – DELETE TOWN ADMINISTRATOR BYLAW

To see if the Town will vote to amend the Bylaws of the Town of Pembroke, Article VII, “Town Administrator”, by deleting this section in its entirety, or take and other action relative thereto.

Submitted by the Board of Selectmen

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *Passage of this article will update the Town Bylaws to the current governmental structure as passed in An Act Establishing a Town Manager Form of Government signed by Governor Charles Baker on December 28, 2018.*

ARTICLE 13 – AMEND TOWN BYLAWS – CREATE NEW REVOLVING FUND (TOWN CLERK FEES)

To see if the Town will vote to amend the Bylaws of the Town of Pembroke, Article X-A, “Revolving Funds”, and authorize a new revolving account, pursuant to M.G.L. c.44, s.53E½, under the supervision of the Town Clerk, in to which receipts for Clerk’s online licensing program in the town shall be deposited, and from which disbursements, in an amount which shall not exceed \$ 20,000 for Fiscal Year 2020, may be expended by the Town Clerk for the purpose of funding and maintaining of the online licensing program without further appropriation; or take any other action relative thereto.

Submitted by the Town Clerk

ADVISORY'S RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

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

ARTICLE 14 – LAND CONVEYANCE TO CONSERVATION COMMISSION

To see if the Town will vote to transfer the care, custody, management and control of the tax-title parcels of land identified below from the Acting Town Manager and/or Treasurer as the custodian of tax title parcels and from the purposes for which they are held to the Conservation Commission for the purpose of conservation and passive recreation purposes under the provisions of G.L. c.40, §8C, which parcels are described more particularly as follows:

Map-Parcel ID	Address/Location	Book - Page #
B2-2430, 2431	Chandler St	18706-206
B2-2437, 2438	Morse Street	44205-19
B2-2532	Ramsdell Street	18514-276

Or take any other action relative thereto.

Submitted by the Town Treasurer

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *Approval of this article will allow the preceding parcels that have been taken by the Town for nonpayment of taxes by means of a final judgment from Land Court to be transferred into the care and custody of the Conservation Commission according to the above noted GL. This requires a two-thirds (2/3) vote per G.L. c.40, Sec. 15B.*

ARTICLE 15 – ROUTE 36 PROJECT EASEMENTS (ROW)

To see if the Town will vote to (a) authorize the Board of Selectmen to acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements, for public way

purposes, including without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, guardrails, slopes, grading, rounding, construction, landscaping, and other appurtenances and/or facilities, to enable the Town to undertake the Center Street Project and for any and all purposes incidental or related thereto, in, on and under certain parcels of land located on or near Center Street and approximately shown on plans entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Center Street in the Town of Pembroke Plymouth County", prepared by Design Consultants, Inc., on file with the Town Clerk, as said plans may be amended and/or incorporated into an easement plan, and land within 200 feet of said parcels, and to authorize the Board of Selectmen to submit a petition the General Court for a special act authorizing the conveyance to the Town of land and/or interests therein for the foregoing purposes in parcels of land shown on the plans and owned by the United States of America, the Commonwealth of Massachusetts, and/or other public instrumentalities or agencies; (b) transfer the care, custody, and control of a portion or portions of the Town-owned property or properties shown on the aforesaid plans from the board or officer having custody of the same for the purposes for which such properties are currently held to the Board of Selectmen for public way and utility purposes and further to dedicate said portions of the Town-owned properties to the foregoing purposes, and, if applicable, authorize the Board of Selectmen to submit petitions to the General Court to allow the foregoing under Article 97 of the Massachusetts Constitution or otherwise; (c) authorize the Board of Selectmen to dispose of any excess land located outside the altered layout of Center Street on such terms and conditions and for such consideration as the Selectmen deem appropriate; (d) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; and, further, (e) authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes; or take any other action relative thereto.

Submitted by the DPW Director and Town Manager

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This requires a 2/3rds vote.*

ARTICLE 16 – AMEND CLASSIFICATION & COMPENSATION BYLAWS - LIBRARY

To see if the town will vote to amend Schedule C of the Classification and Compensation By-law by upgrading the position of Generalist Reference Librarian, Schedule SC-31 to SA-32 at the rate of:

Step 1: \$47,424

2nd Step: \$51,332

3rd Step: \$56,686

and raise and appropriate, or otherwise provide a sum of \$28,830 to be added to the amount voted under the Library Personal Services in the annual town meeting warrants or take any action relative thereto.

Submitted by Library Trustees

ADVISORY COMMITTEE RECOMMENDATION:

Unfavorable Action

SELECTMEN'S RECOMMENDATION:

Unfavorable Action

EXPLANATION: *This article seeks to fund a part of a position which was voted as full-time by Town Meeting in April 2012 but was not budgeted due to lack of funds. There is no identified funding source available to support this request.*

ARTICLE 17 – AMEND CLASSIFICATION & COMPENSATION BYLAWS – COA DRIVER

To see if the Town will vote to amend Schedule C of the Classification and Compensation By-laws as listed and printed in Appendix D of this warrant, by increasing the wage rate for the SC-13 - Council on Aging Van Drivers, by \$1 for each step according to the schedules listed and printed in Appendix D of this warrant, or take any other action relative thereto.

Submitted by the Council on Aging Board

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *Approval and funding of this article will continue to bring our van driver's wages up to a rate that is competitive with surrounding towns. Our transportation services are heavily utilized by Pembroke residents. Our drivers are required to maintain certification in First Aid, CPR, Defensive Driving, Disability Awareness, Wheelchair securement, and Defensive Driving.*

ARTICLE 18 – ZONING BYLAW – ADD AGE QUALIFIED CLUSTER DEVELOPMENT BYLAW

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by adding a new Section V.13, Age Qualified Cluster Development Special Permits, as follows:

Section V.13 Age-Qualified Cluster Development Special Permits

Purpose and Intent: A special permit process is established with the intent of providing alternate housing for a maturing population to reduce residents' burdens of property maintenance and to minimize demands on municipal services, and of promoting flexibility in land use planning to improve site layouts, protection of natural features, environmental values and encourage active recreational space.

1. Applicability:

A. An Age-Qualified Cluster Development may be allowed pursuant to the provisions of this Section V.13 through a special permit from the Planning Board, as the Special Permit Granting Authority.

2. Application Procedures

A. In addition to any other documents or information required by the Planning Board pursuant to this Section V.13, an application for a special permit for an Age-Qualified Cluster Development shall be accompanied by a site plan, which shows all information required for a definitive subdivision plan as specified in the Planning Board Subdivision Rules and Regulations, such additional information required by this Zoning Bylaw as the Planning Board deems necessary, and to the extent applicable, all proposed instruments to be recorded with the site plan.

3. General Requirements, Dimensional Regulations and Development Standards

A. To be eligible for a special permit for an Age-Qualified Cluster Development, the area of the tract of land in common or consolidated ownership shall be not less than 30 acres.

B. The total number of dwelling units on the tract of land shall not exceed the number of building lots that could be created in the tract shown on such plan without a special permit hereunder.

i. For purposes of demonstrating the number of lots under this Section V.13.3, an applicant shall submit a plan signed and stamped by a registered professional engineer or land surveyor that shows the maximum number of lots that could be created on a conventional subdivision plan meeting all dimensional and other

requirements of the Zoning Bylaw and being in compliance with the Subdivision Rules and Regulations, including a list of requested waivers, if any, necessary to implement the subdivision plan, which the Planning Board shall review and consider.

- ii. Within the residence districts, the Planning Board may allow structures to be constructed containing more than one dwelling unit but not more than eight dwelling units per structure. The total number of dwelling units shall not exceed the total that is allowed under Section V.13.3.
 - iii. The maximum number of bedrooms shall not exceed three bedrooms per unit, and the average shall not exceed 2.25 bedrooms per unit.
 - iv. Notwithstanding any provision of the Zoning Bylaw to the contrary, the Planning Board may permit by special permit attached and detached dwelling units to be constructed on single lot(s).
- C. Each of the building lots shown on the site plan shall have adequate frontage, but no less than 50 feet, on a public or private way.
- D. Each of the building lots shall be of a size and shape as to provide a building site that shall be in harmony with the natural terrain and other features of the tract by minimizing the disturbance of the natural landscape, but no such lot shall have an area of less than 40,000 square feet as shown on the site plan.
- E. All dwellings, accessory buildings, driveways and roadways shall be set back at least 50 feet from the perimeter of the tract, except that the Planning Board may reduce this setback to not less than 15 feet if it furthers the interests of this Section V.13, and the Planning Board may reduce the setback to not less than 15 feet from any Open Land, except for that portion of a driveway or roadway that intersects a public or private way for access to the development. The front, side and rear yards of each lot shall be shown on the site plan by dashed lines indicating the area within which a building may be built.
- F. At least 50% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be designated as Open Land. For purposes of this Section V.13, "Open Land" is defined as a parcel or parcels of land, or an area of water, or a combination of land and water, not including roads or ways, whether public or private, and reserved for open space, conservation, agriculture, recreation, park purposes or some combination of the foregoing.
- i. The Open Land shall be a single, contiguous area whenever possible.
 - ii. Where the proposed development abuts or includes a body of water or a wetland, these areas and the adjacent buffer zone shall be incorporated into the open space.
- G. No lot shown on the site plan for which a special permit is granted under this Section V.13 may be further subdivided, and a notation to this effect shall be shown on the approved, recorded site plan.
- H. All buildings shall be limited to two and one-half (2½) stories in height.
- I. The minimum front yard setback for units along interior ways shall be 18 feet.
- J. The minimum side yard setback between buildings shall be 10 feet.
- K. The maximum density for dwellings shall be one unit of housing for every 40,000 square feet of upland lot area.
- L. The applicant shall create an organization of the dwelling unit and/or lot owners, which shall be responsible for the maintenance and repair of internal ways and driveways,

snow removal, landscaping, utility services and maintenance and repair of common elements and facilities; the Town shall not be responsible for these activities.

- M. The conveyance of dwelling units shall be conditioned on a restriction that at least one resident of the dwelling unit be over the age of 55. Such restriction shall be memorialized in a deed restriction, in a form satisfactory to the Town Counsel, shall be recorded at the Registry of Deeds, and shall be in perpetuity or for as long as the development is not in compliance with the underlying zoning, but for the special permit issued under this Section.

4. Affordable Housing

A. Definitions

- i. Affordable Housing Unit: A dwelling unit with an Affordability Deed Restriction, including units listed under M.G.L. Chapter 40B, Sections 20-24.
 - ii. Affordable Deed Restriction: A covenant agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. An affordable housing restriction shall be enforceable under the provisions of M.G.L. Chapter 184, Section 32, and be approved by the Department of Housing and Community Development.
 - iii. Low- or Moderate-Income Household: A household with income at or below 80% of the Area Median Income, adjusted for household size.
 - iv. Maximum Affordable Purchase Price or Rent: A selling price or monthly rent, exclusive of utilities, that meets the maximum purchase price or rent guidelines of the Massachusetts Department of Housing and Community Development for inclusion on the Subsidized Housing Inventory.
 - v. Area Median Income: The household income determined annually by the U.S. Department of Housing and Urban Development for the Town or the region that includes the Town.
 - vi. Qualified Purchaser: A low- or moderate-income household that purchases and occupies an affordable housing unit as its principal residence.
 - vii. Qualified Renter: A low- or moderate-income household that rents and occupies an affordable housing unit as its principal residence.
 - viii. Subsidized Housing Inventory: The Department of Housing and Community Development's Subsidized Housing Inventory as provided in 760 CMR 56.03(2).
- B. All Age-Qualified Cluster Developments approved by special permit shall be required to set aside a minimum of ten percent (10%) of the total number of dwelling units provided as affordable housing units.
- C. The affordable housing units to be provided shall be equivalent in size, quality, and characteristics to the other dwelling units in the development. The affordable housing units shall not be grouped together; they shall be distributed among all dwelling units. On a case-by-case basis, the Planning Board, in its discretion, shall permit the applicant

to provide the affordable housing units on the site of the development, off site at a different location or through a payment to the Town in lieu of units.

D. Preservation of Affordability; Restrictions on Resale

- i. An affordable housing unit created in accordance with this bylaw shall be subject to an affordable housing restriction or regulatory agreement that contains limitations on use, resale and rents. The affordable housing restriction or regulatory agreement shall meet the requirements of the Town and the Local Initiative Program or other programs qualifying dwelling units for inclusion on the Subsidized Housing Inventory, and shall be in force for the maximum period allowed by law.
- ii. The affordable housing restriction or regulatory agreement shall be enforceable under the provisions of M.G.L. Chapter 184.
- iii. The Planning Board shall require that the applicant comply with the mandatory provision of affordable housing units and accompanying restrictions on affordability, including the execution of the affordable housing restriction or regulatory agreement.
- iv. All documents necessary to ensure compliance with this bylaw shall be subject to the review and approval of the Planning Board and review as to form by Town Counsel. Such documents shall be executed and recorded prior to and as a condition of the issuance of any Certificate of Occupancy unless later recording is permitted by the Planning Board for good reason.

5. Conveyance of Open Land

A. The Open Land shall be conveyed to:

- i. The Town or its Conservation Commission, but only if the Town or Conservation Commission agrees to accept title to the Open Land;
- ii. A nonprofit conservation organization, the principal purpose of which is the conservation of open space, approved by the Planning Board; or
- iii. A corporation, trust or association owned, or to be owned, by the owners of lots or residential units within the tract, provided that if such a corporation, trust or association holds title, ownership thereof shall pass with conveyance of the lots or residential units.

B. If title to the Open Land is held by an entity other than the Town, provisions shall be made satisfactory to the Planning Board that the Town, through its Conservation Commission, Planning Board, or other board, can enforce restrictions or easements imposed upon the Open Land by the Planning Board as conditions of its special permit.

C. Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit the Open Land to be used for subsurface waste disposal where the Planning Board finds that such use will not be detrimental to the character or quality of the Open Land.

D. As a condition of a special permit, the Planning Board shall require that the Open Land be conveyed, free and clear of any liens or encumbrances except those that may be permitted by the Planning Board, and subject to a perpetual restriction of the type described above (if applicable), prior to the Planning Board's release of any lots from the subdivision restriction covenant or, if there is no such covenant, prior to the Building Commissioner's issuance of a building permit for any lot and/or dwelling unit, unless the applicant shall provide a cash performance bond in the amount sufficient in

the judgment of the Planning Board to guarantee the conveyance of the Open Land as required by the special permit. The applicant shall provide satisfactory assurance of said conveyance and recording, in the form of copies of the recorded instruments bearing the recording stamp, and of such freedom of encumbrances. In no event shall the Open Land be conveyed as required more than one year after the conveyance of the first lot and/or dwelling unit.

6. Public Hearing and Decision

- A. After notice and public hearing in accordance with law, which public hearing shall be held within 65 days after the filing of the application with the Planning Board, the Planning Board may, after due consideration of the reports and recommendations of the Conservation Commission and the Board of Health, grant such special permit upon a determination that the application and proposed development satisfies the requirements of this Section V.13 and this Zoning Bylaw.
- B. In connection with granting or denying a special permit under this Section V.13, the Planning Board shall issue to the applicant and shall file with the Town Clerk a written decision that shall include, at a minimum:
 - i. A determination that the proposed development is superior to a conventional plan in preserving open space for conservation or recreation and in utilizing the natural features of the land.
 - ii. A determination of the maximum number of lots upon which dwellings could be constructed (without a special permit hereunder) and a determination of the area of the tract usable for residential construction in accordance with Section V.13.3 above.
 - iii. A general description of the neighborhood in which the tract lies and the effect of the proposed development upon the area.
 - iv. The relation of the proposed development to long-range plans of the Town, if any.
 - v. The extent to which the proposed development is designed to take advantage of the natural terrain of the tract.
 - vi. The extent to which the proposed Open Land is of such a size, shape and location and with adequate access so as to benefit the Town.
 - vii. If the Planning Board grants the special permit, a finding that the proposed development is in harmony with the purposes and intent of this Zoning Bylaw and this Section V.13.
 - viii. If the Planning Board denies the special permit, its reasons for doing so.
- C. As a condition of any special permit granted under this Section V.13, at least one resident in each dwelling unit must be over the age of 55.
- D. The Planning Board may impose, as a condition of the special permit, further restrictions, conditions and safeguards upon the tract, or parts thereof, to protect and promote the health, safety, convenience and general welfare of the inhabitants of the Town of Pembroke.
- E. A decision granting or denying a special permit under this Section V.13 must be reached, filed with the Town Clerk and sent or delivered to the applicant within 90 days after the public hearing held on the application for the special permit, unless said 90 day period is extended in accordance with law. Failure to so act shall be deemed approval in accordance with law.

7. Amendments

- A. Upon application and for good cause shown, the Planning Board may, after notice and a public hearing as required for granting a special permit, amend the site plan solely to make changes in lot lines shown on the site plan; provided, however, that no such amendment shall:
- i. Grant any reduction in the size of the Open Land as provided in the special permit;
 - ii. Grant any change in the layout of the ways as provided in the special permit;
 - iii. Increase the number of building lots as provided in the special permit; or
 - iv. Decrease the dimensional requirements of any building lot below the minimal required by this Zoning Bylaw.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Town Meeting Floor

EXPLANATION: *Adoption of this Age-Qualified Cluster Development Bylaw will permit the development of clustered residential housing units while preserving open space on tracts of at least 30 acres. The Planning Board voted unanimously on April 8, 2019 to recommend adoption of the Age-Qualified Cluster Development Bylaw.*

ARTICLE 19 – ZONING BYLAW – AMEND NONRESIDENTIAL FRONTAGE BYLAW

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Section III. Establishment of Districts, Section 9, Nonresidential Frontage, by allowing use of all streets for frontage in Industrial Districts A and B by inserting the text underlined below and deleting the text struck through below as follows, or take any other action related thereto:

III.9. Nonresidential Frontage

In the Business District A, Business District B, Residential-Commercial District, Industrial District A and Industrial District B frontage required for uses not allowed in the Residential District shall be provided only along the streets listed as specified way lines in Section III. The specified way lines are listed as sub-paragraph headings within paragraphs 2, 3, and 4. ~~The frontage requirement is not met by any frontage the property may have along other streets which are residentially zoned but intersect with the streets listed as specified way lines.~~ Streets that intersect the specified way lines cannot be used for frontage of uses not allowed in the Residential District; provided, however, that in Industrial District A and Industrial District B, all ways and way lines within those district boundaries may be used for frontage for uses allowed by right or by special permit within those districts. This article takes precedence over the "Zoning Map of Pembroke, MA June 1946" as amended and incorporated into the zoning bylaws.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This amendment will allow non-way lines to be used as frontage within Industrial District A and Industrial District B. The change will not affect any other zoning district. The Planning Board voted unanimously on March 25, 2019 to recommend this amendment.*

ARTICLE 20 – ZONING BYLAW – AMEND RESIDENTIAL-COMMERCIAL DISTRICT, SPECIAL PERMIT AUTHORITY

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Section IV - Use and Dimensional Regulations, Section 2 – Residential-Commercial District, Paragraph B – Uses Permitted by Special Permit, Subparagraph 3 by adding Assisted Living Facilities as a use allowed by special permit and further, by establishing the Planning Board as the special permit granting authority and eliminating the preliminary determination by the Planning Board by amending subparagraph 3 and all other subparagraphs to remain the same by inserting the text underlined below and deleting the text struck through below as follows, or take any other action related thereto:

IV.2.B Residential-Commercial District, Uses Permitted by Special Permit

The following uses may be allowed by special permit ~~permitted only~~ when the applicant clearly establishes that such uses are not noisy, injurious, noxious, or offensive or detrimental to the neighborhood and do not derogate from the purpose of this bylaw as determined by the ~~zoning board of appeals or planning board~~ as the special permit granting authority, after due notice and a public hearing, as per Section VI, provided that, any grant of a special permit shall be conditioned upon full compliance with off-street parking, site plan approval, and other provisions of this bylaw.

3. Assisted Living Facilities and Multiunit Dwellings, including those designated as low and moderate income housing. Multi-dwelling structures, not to exceed a density of four dwelling units per acre, ~~provided that the planning board, after notice and a public hearing, shall find and rule that such structure or structures shall not be injurious, noxious, offensive, or detrimental to the neighborhood and subject to the dimensional requirements of Paragraph (D), below, and subject to the following conditions:~~

a. A site plan shall be submitted to the planning board accompanying any application hereunder.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This amendment will streamline the process for special permits in the Residential-Commercial District by naming the Planning Board as the special permit granting authority and eliminating a two-step process for Multiunit Dwellings involving the Planning Board and the Zoning Board of Appeals. It also includes assisted living facilities among the uses allowed by special permit. The Planning Board voted unanimously on March 25, 2019 to recommend this amendment.*

ARTICLE 21 – ZONING BYLAW – AMEND RESIDENTIAL-COMMERCIAL DISTRICT, ASSISTED LIVING FACILITIES

To see if the Town will vote to amend the Town's Zoning Bylaw, as most recently amended, by amending Section IV.2.B.3, Residential-Commercial District, Uses Permitted by Special Permit, by including assisted living facilities in those uses that may be allowed in the Residential-Commercial District by special permit by amending subparagraph 3 and all other subparagraphs to remain the same by inserting the text underlined below and deleting the text struck through below as follows, or take any other action relative thereto:

IV.2.B Residential-Commercial District, Uses Permitted by Special Permit

3. Multiunit Dwellings, including those designated as low and moderate income housing, ~~M, multi-dwelling structures, not to exceed a density of four dwelling units per acre, and assisted living facilities~~ provided that the planning board, after notice and a public hearing, shall find and rule that such structure or structures shall not be injurious, noxious, offensive, or detrimental to the

neighborhood and subject to the dimensional requirements of Paragraph (D), below, and subject to the following conditions:

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This amendment will include assisted living facilities among the uses allowed by special permit. The Planning Board voted unanimously on March 25, 2019 to recommend this amendment.*

ARTICLE 22 – ZONING BYLAW – AMEND FOR TYPOGRAPHICAL ERRORS

To see if the Town will vote to amend the Town's Zoning Bylaw, as most recently amended, by amending Section IV.3.D.2, Business District A, Dimensional Regulations, and Section VI.J, Separability, to correct typographical errors by inserting the text underlined below and deleting the text struck through below as follows, or take any other action relative thereto:

IV.3.D.2, Business District A, Dimensional Regulations

Dimensional Regulations for all other uses shall be the same as the dimensional regulations for ~~Residential~~ Residence District A with the following exceptions:

VI.J, Separability

The invalidity of any provision of this bylaw shall not ~~effect~~ affect the validity of any other provision thereof.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This amendment will correct typographical errors in the Zoning Bylaw. It does not substantively change the Zoning Bylaw. The Planning Board voted unanimously on March 25, 2019 to recommend this amendment.*

ARTICLE 23 – ZONING BYLAW – AMEND BUSINESS DISTRICT B

To see if the Town will vote to amend the Town's Zoning Bylaw, as most recently amended, by inserting the text underlined below and deleting the text struck through below as follows:

1. by amending Section IV.4.A, Business District B, Uses Allowed, by including uses allowed in Residence District A;
2. by amending Section IV.4.B, Business District B, Uses Permitted by Special Permit, by including uses allowed by special permit in Residence District A; and
3. by amending Section IV.4.D.10, Business District B, Dimensional Regulations, by modifying the dimensional regulations as shown below, or take any other action related thereto.

Part 1: Amend IV.4.A Business District B, Uses Allowed

To see if the Town will vote to amend the Town's Zoning Bylaw, as most recently amended, by amending Section IV.4.A, Business District B, Uses Allowed, by including uses allowed in Residence District A by inserting the text underlined below as new subsection (13):

IV.4.A Business District B, Uses Allowed

13. Any use allowed in Residence District A.

Part 2: Amend IV.4.B Business District B, Uses Permitted by Special Permit

To see if the Town will vote to amend the Town’s Zoning Bylaw, as most recently amended, by amending Section IV.4.B, Business District B, Uses Permitted by Special Permit, by including uses allowed by special permit in Residence District A by inserting the text underlined below as new subsection (6):

IV.4.B Business District B, Uses Permitted by Special Permit

6. Any use allowed by special permit in Residence District A.

Part 3: Amend IV.4.D.10 Business District B, Dimensional Regulations

To see if the Town will vote to amend the Town’s Zoning Bylaw, as most recently amended, by amending Section IV.4.D.10, Business District B, Dimensional Regulations, by modifying the dimensional regulations in subparagraphs 1, 2, and 4-8 with all other subparagraphs to remain the same by inserting the text underlined below and deleting the text struck through below as follows:

IV.4.D.10 Business District B, Dimensional Regulations

1. Lot Sizes: All uses require at least ~~80~~40,000 square feet of area. In addition, at least ~~70~~35,000 square feet of said area shall be exclusive of any and all easements, cranberry bogs, wetlands, flood plains and watershed areas.
2. Frontage: All uses require at least ~~200~~150 contiguous feet at the way line.
4. Front Yards: All buildings structures and paved areas other than access ways shall be set back a minimum of ~~sixty~~ forty (40) feet from the front lot line.
5. Side Yards: No building, structure, or paved area shall be erected within ~~thirty~~ twenty-five (25) feet of the side lot lines.
6. Rear Yards: No building, structure, or paved area shall be erected within ~~forty~~ twenty (20) feet of the rear lot line.
7. Lot Width: At any point between the way line and the rear building line of any building, other than an accessory building, the distance between side lot lines, as measured in any direction, shall not be less than one hundred ~~(100)~~ thirty-five feet.
8. Corner Clearances: No building, no structure, no fence other than a post and rail fence, no sign, and no foliage shall be maintained between a height of two feet and a height of eight feet above the plane through the curb grades of intersecting ways within the area formed by the lines of intersecting ways and lines parallel to and ~~30'~~ fifteen (15) feet in distance from the intersecting way lines, or, in the case of a rounded corner, within an area which is ~~thirty~~ fifteen (15) feet or less in distance from both way lines.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN’S RECOMMENDATION:

Favorable Action

EXPLANATION: *In the Business B District, the minimum lot size of 80,000 square feet causes many projects to obtain variances and many existing lots to be nonconforming. This amendment will decrease the lot size to 40,000 square feet and reduce other dimensional regulations in a proportional manner. The Planning Board voted unanimously on March 25, 2019 to recommend this amendment.*

ARTICLE 24 – ZONING BYLAW – AMEND CENTER PROTECTION DISTRICT, ASSISTED LIVING FACILITIES

To see if the Town will vote to amend its Zoning Bylaw, as most recently amended, by amending Section IV.7.B, Center Protection District, Uses Permitted by Special Permit, by adding assisted living

facilities to those uses that may be allowed in the Center Protection District by special permit by inserting the text underlined below as new subsection (4), or take any other action related thereto:

IV.7.B, Center Protection District, Uses Permitted by Special Permit

4. Assisted living facilities.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This amendment will include assisted living facilities among the uses allowed by special permit in the Center Protection District. The Planning Board voted unanimously on March 25, 2019 to recommend this amendment.*

ARTICLE 25 – ZONING BYLAW – AMEND SIGNS, COMMERCIAL ADDRESSES

To see if the Town will vote to amend its Zoning Bylaw, as most recently amended, by amending Section V – Special Provisions, Standards and Procedures, Paragraph 1.C, Signs, Permit Requirements, by requiring signs for commercial uses visible from a public way to include street numbers by inserting the text underlined below as a new subsection (6) or take any other action related thereto:

V.1.C, Signs, Permit Requirements

6. For properties with commercial uses, at least one sign visible from a public way must include the street number of the property.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *The Deputy Fire Chief identified the lack of visible addresses on commercial signs as a public safety issue. To address the issue, this amendment will require the street number to be on at least one visible sign for all commercial property. The Planning Board voted unanimously on March 25, 2019 to recommend this amendment.*

ARTICLE 26 – ZONING BYLAW – AMEND APPEALS

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, as follows, or take any other action related thereto:

1. by amending Section V.1.K, Signs, Appeals, by amending the time period for an appeal to conform with Section VI.C;
2. by amending Section V.7.F, Site Plan Approval, Procedure by specifying the appeals process;
3. by amending Section VI.C, Appeals, by clarifying the appeals process;
4. by amending the Table of Contents to reflect the change to the Section VI.C heading; and
5. by amending Section VI.G, Hearings and Decisions, by clarifying the authority to hear appeals.

Part 1: Amend V.1.K Signs, Appeals

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Section V.1.K, Signs, Appeals, by modifying the time period for an appeal to conform with Section VI.C by inserting the text underlined below and deleting the text struck through below as follows:

K. Appeals

1. Any person aggrieved by an order or decision of the Inspector of Buildings/Zoning Enforcement Officer under this bylaw may file a written appeal with the board of appeals of the Town of Pembroke within ~~twenty-one~~ thirty days after the order or decision of the Inspector of Buildings/Zoning Enforcement Officer. Upon filing of such an appeal, the board of appeals shall hold a public hearing thereon, notice of which shall be given by publication and mailing as required by the provisions of this zoning bylaw. The granting of an appeal or any variance from these bylaws shall be based upon the applicant's proof that such a grant or variance would meet all three of the following criteria:

Part 2: Amend V.F. Site Plan Approval

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Section V.F.7, Site Plan Approval, Procedure, by specifying the appeal process by inserting the text underlined below as a new subsection H. as follows:

H. Appeals

1. Any appeal of a Site Plan Review decision shall be made to a court of competent jurisdiction pursuant to G.L. c. 40A, Section 17, within 20 days of the date the decision is filed with the Town Clerk.

Part 3: Amend VI.C Appeals

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Section VI.C, Appeals, by clarifying the appeal process by inserting the text underlined below and deleting the text struck through below as follows:

C. APPEALS TO THE ZONING BOARD OF APPEALS

1. An appeal to the zoning board of appeals, as herein provided, may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from the zoning enforcement officer, the inspector of buildings, or other administrative officer under the provision of this bylaw, by the regional planning agency in whose area the town is located, or by any person including an officer or board of the town, or of an abutting city or town, aggrieved by an order or decision of the zoning enforcement officer, the inspector of buildings or other administrative officer, in violation of any provision of this bylaw. The Zoning Board of Appeals shall have no jurisdiction to hear an appeal of any Site Plan Review decision.

2. Any such appeal; to the zoning board of appeals shall be taken within thirty days from the date of the order or decision which is being appealed. The petitioner shall file a notice of appeal specifying the grounds thereof, with the town clerk and a copy of said notice, including the date and time of filing certified by the town clerk, shall be filed forthwith by the petitioner with the officer ~~or board~~ whose order or decision is being appealed, and with the zoning board of appeals, specifying in the notice grounds for such appeal. Such officer ~~or board~~ shall forthwith transmit to the zoning board of appeals all documents and papers constituting the record of the case in which the appeal is being taken.

3. In exercising the powers granted by this provision, the zoning board of appeals may, in conformity with the provisions of this bylaw and the General Laws of Massachusetts, make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all of the powers of the officer ~~or board~~ from whom the appeal is taken and may issue or direct the issuance of a permit.

Part 4: Amend Table of Contents

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Section VI of the Table of Contents to reflect the change to the Section VI.C heading under Part 2 of this Article by inserting the text underlined below:

C. Appeals To The Zoning Board Of Appeals

Part 5: Amend VI.G Hearings and Decisions

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Section VI.G, Hearings and Decisions, by clarifying the authority to hear appeals by amending subparagraphs 1 and 4 with all other subparagraphs to remain the same by inserting the text underlined below and deleting the text struck through below as follows, or take any other action related thereto:

G. HEARINGS AND DECISIONS

1. The zoning board of appeals or planning board, as specified in this bylaw, shall hold a public hearing on any appeal, application or petition filed with it within sixty-five days from the date of the filing of such appeal, application, or petition. For purposes of this section VI.G, "board" shall refer to either the zoning board of appeals or the planning board, based on the authority of such board as specified in this bylaw.

4. Notice of the decision shall be mailed forthwith by the ~~zoning board of appeals~~ to the petitioner, applicant or appellant, to the "parties in interest" designated in Paragraph F., above, and to every person present at the public hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Every notice shall specify that judicial appeals, if any, shall be made pursuant to Massachusetts' General Laws, Chapter 40A, Section 17, and such appeals shall be filed within twenty days after the date that the board filed notice of its decision in the office of the town clerk.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: The Zoning Bylaw currently contains confusing, potentially contradictory, procedures for appeal a site plan. This amendment provides clarification as to the judicial and administrative appeals process of decisions made pursuant to the Zoning Bylaw. The Planning Board voted unanimously on April 8, 2019 to recommend this amendment.

ARTICLE 27 – ZONING BYLAW – AMEND NONCONFORMING USES, BUILDING PERMITS

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Section V.5.A, Nonconforming Uses, by granting the Building Inspector authority to issue building permits for alterations to nonconforming single and two-family structures in specified circumstances by inserting the text underlined below and deleting the text struck through below as follows, or take any other action related thereto:

V.5, Nonconforming Uses

A. Except as hereinafter provided, the provisions of this bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing relative to the adoption of this bylaw. But this bylaw shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to

provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the nonconforming nature of said structure.

The Building Inspector may issue a building permit for a reconstruction, extension, or alteration to a lawfully preexisting, nonconforming single or two family residential structure under the following circumstances:

1. The reconstruction, extension or alteration of the structure will comply with current setbacks and building height requirements; or
2. The reconstruction, extension or alteration to any side or face of a structure that does not comply with a current setback requirement, where the reconstruction, extension or alteration will not result in a decrease in the distance between any lot line and the nearest point of the structure; or
3. The reconstruction, extension or alteration will not extend beyond the existing footprint of the structure, provided that the structure will comply with then current building height requirements.

For all other proposed reconstruction, extensions, or alterations of pre-Pre-existing nonconforming structures or uses, may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the board of appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This amendment will authorize the Building Inspector to approve certain changes to preexisting single-family or duplex residential uses to make the process more efficient for members of the public and reduce the workload of the Zoning Board of Appeals. The Planning Board voted unanimously on March 25, 2019 to recommend this amendment.*

ARTICLE 28 – ZONING BYLAW – AMEND NONCONFORMING USES

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Section V.5.B, Nonconforming Uses, by modifying the text to conform with G.L. c. 40A, § 6, by inserting the underlined text below and deleting the text struck through below as follows, or take any other action related thereto:

V.5, Nonconforming Uses

B. Construction or operation under a building permit or a special permit shall conform to any subsequent amendment of this bylaw unless the use or construction is commenced within a period of not less than ~~six~~ twelve months after the issuance of the permit and in cases involving construction, unless such construction is commenced through to completion as continuously and expeditiously as possible.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *M.G.L. 40A, § 6, was changed in 2016 to extend the time for beginning construction from six months to twelve months in order to avoid conforming to a Zoning Bylaw amendment. This amendment will update the Zoning Bylaw to match the statutory requirement. The Planning Board voted unanimously on March 25, 2019 to recommend this amendment.*

ARTICLE 29 – ZONING BYLAW – AMEND SITE PLAN APPROVAL, PROCEDURE

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Section V.7.F, Site Plan Approval, Procedure, by updating the departments and boards to receive a copy of the site plan submission from the Planning Board and requiring filing and recording of the decision by amending subparagraphs 1, 8 and 9 with all other subparagraphs to remain the same by inserting the text underlined below and deleting the text struck through below as follows, or take any other action related thereto:

V.7.F, Site Plan Approval, Procedure

1. Each formal submission shall be accompanied by a minimum of twelve sets of plans and supporting data. Upon receipt of the plan, the board shall, within fourteen days but no later than fourteen days prior to the public hearing, deliver one copy of each to the conservation commission, the board of health, ~~the planning board~~, the building inspector and/or zoning enforcement officer, the ~~highway surveyor~~ department of public works, the town planner, and the ~~zoning enforcement officer~~ fire department, together with a statement of the date and time of the public hearing, the date by which comments must be received, and the waivers granted, if any.

8. The board shall file its site plan review decision with the Town Clerk.

9. The applicant shall record the approved site plan with the Plymouth County Registry of Deeds within 30 days of the expiration of the appeal period specified in Section V.7.H.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This amendment will clarify the site plan procedure to better conform to existing practices and the proposed clarified appeal process. The Planning Board voted unanimously on April 8, 2019 to recommend this amendment.*

ARTICLE 30 – ZONING BYLAW – AMEND SPECIAL PERMITS, PROCEDURE

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Section VI.D.3, Special Permits, by specifying the departments and boards to receive a copy of a special permit application for review by inserting the underlined text below as follows, or take any other action related thereto:

VI.D, Special Permits

3. The Special Permit Granting Authority shall refer copies of the application to the Planning Department, Building Department, Fire Department, Board of Health, the Conservation Commission, and the Department of Public Works. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition. Special permits may also impose conditions, safeguards, and limitations on time or use.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This amendment will conform the procedure for special permit review to existing practices. The Planning Board voted unanimously on March 25, 2019 to recommend this amendment.*

ARTICLE 31 – ZONING BYLAW – AMEND EFFECT OF UNFAVORABLE DECISIONS

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Section VI.H.1, Effect of Unfavorable Decisions, by clarifying the applicable authority for such unfavorable decisions, by inserting the text underlined below and deleting the text struck through below as follows, or take any other action related thereto:

H. EFFECT OF UNFAVORABLE DECISIONS

1. No appeal, application, or petition which has been unfavorably and finally acted upon by the zoning board of appeals or ~~any other special permit granting authority~~ the planning board shall be acted favorably upon within two years after the date of final unfavorable action unless the zoning board of appeals or ~~other special permit granting authority~~ planning board finds by an unanimous vote specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings, and unless all but one of the members of the zoning board of appeals or planning board consents thereto and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This amendment will correct outdated language regarding the special permit granting authority, which is either the Zoning Board of Appeals or the Planning Board. The Planning Board voted unanimously on March 25, 2019 to recommend this amendment.*

ARTICLE 32 – ZONING BYLAW – AMEND USE VARIANCE

To see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Section VI.E.2, Variances, by prohibiting use variances by amending subparagraph 2 and all other subparagraphs to remain the same by inserting the text underlined below and deleting the text struck through below as follows, or take any other action related thereto.

E. VARIANCES

2. The zoning board of appeals, after notice and a public hearing as required by this bylaw, may grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of this bylaw; ~~provided, however, that the zoning board of appeal may not authorize, including the authorization of~~ a use or activity not otherwise permitted in the district in which the land or structure is located, provided, however, that such use or activity variance shall not be authorized in a residence district or in a water resource protection district, and further, provided the board specifically finds the following:

Submitted by the Planning Board

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *This amendment eliminate use variances, to ensure that future uses in the Town are consistent with the zoning districts as set forth in the Zoning Bylaw. The Planning Board voted unanimously on April 8, 2019 to recommend this amendment.*

ARTICLE 33 – ANNUAL TOWN ELECTION

To bring to the Election Officers their vote, all on one ballot, for the following named Officers and Committees, to Wit:

One Moderator for one year; one Selectmen for three years; one Assessor for three years; one Board of Health Member for three years; one Housing Authority member for four years to fill a vacant term; one Housing Authority member for five years; two Library Trustees for three years; one Planning Board member for one year to fill a vacant term; one Planning Board Member for five years; one Constable for one year to fill a vacant term; one Constable for three years; one School Committee Members for three years; one DPW Commissioner for three years; or take any other action relative thereto.

Submitted by the Town Clerk

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *Meeting for the Election of Officers to be held on Saturday, May 18, 2019 at: Pembroke Town Hall – Veteran's Hall (Precinct 1), Pembroke Community Middle School (Precinct 2 & 4), Bryantville Elementary School Auditorium (Precinct 3) and North Pembroke Elementary School Auditorium (Precinct 5).*

ARTICLE 34 – COMMUNITY PRESERVATION FUNDED PROJECT PROPOSALS

To see if the town will vote to adopt and approve the following recommendations of the Pembroke Community Preservation Committee for fiscal year 2020, and to see if the town will vote to implement such recommendations by appropriating a sum or sums of money from the community preservation fund. Each recommendation is to be voted on individually.

Submitted by the Pembroke Community Preservation Committee

Recommendation A: To appropriate the sum of \$4,400.00 from the undesignated fund reserve and that said funds be granted to the trustees of the Pembroke Historical Society for the historic restoration of the Brick Kiln Shipyard marker located at 101 Brick Kiln Lane in Pembroke, or take any other action relative thereto.

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

Recommendation B: To appropriate the sum of \$25,000.00 from the undesignated fund reserve and that said funds be granted to the trustees of First Church for phase III of ongoing historic restoration to include attic ceiling, clock tower and bell tower restoration, and window replacement, and to authorize the Board of Selectmen to enter into a grant agreement with the Trustees of First Parish Church for this purpose, or take any other action relative thereto.

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

Recommendation C: To appropriate the sum of \$40,000.00 from the open space reserve and that said funds be granted to the Pembroke Public Schools for phase I, part 2 of an athletic fields project to include fencing on the softball field at Pembroke High School for open space and recreational purposes, or take any other action relative thereto.

ADVISORY COMMITTEE RECOMMENDATION:
SELECTMEN'S RECOMMENDATION:

Favorable Action
Favorable Action

Recommendation D: To appropriate, as a supplement to the grant awarded in 2016, the sum of \$47,350.00 from FY19 annual revenues and that said funds be granted to the town manager to repair rotted wood around windows and doors and for the replacement of the rear fire egress at the GAR Hall (AKA Pembroke Police Boys' Club) on Center Street for historical restoration purposes, or take any other action relative thereto.

ADVISORY COMMITTEE RECOMMENDATION:
SELECTMEN'S RECOMMENDATION:

Favorable Action
Favorable Action

ARTICLE 35 – CITIZEN'S PETITION ARTICLE TO FUND SSCAC AT \$5,000

To see if the Town will vote to raise and appropriate and/or transfer from available funds, the sum of \$5,000 to contract with the South Shore Community Action Council to provide services to residents of the Town, or take any other action relative thereto.

Citizen's Petition, Submitted by Virginia Wandell and Others

ADVISORY COMMITTEE RECOMMENDATION:
SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *The South Shore Community Action Council provides a range of critical services to low-income individuals and families on the South Shore; they administer federal and state funds as well as many private grants for low income and elderly residents.*

ARTICLE 36 – CITIZEN'S PETITION ARTICLE TO FUND FIREWORKS AT \$7,000

To see if the Town will vote to raise and appropriate and/or transfer from available funds, the sum of \$7,000 to be granted to the Pembroke Celebrates with Fireworks Committee for the purpose of funding a fireworks display, or take any other action relative thereto.

Citizen's Petition, Submitted by Kathleen Keegan and Others

ADVISORY COMMITTEE RECOMMENDATION:
SELECTMEN'S RECOMMENDATION:

Town Meeting Floor
Town Meeting Floor


EXPLANATION: *Funding of this article will help to provide the community event Pembroke Celebrates planned for September 14, 2019. This will be the 4th Annual Pembroke Celebrates event where, as a community, we celebrate the town of Pembroke and all who work so hard to make it a great town (teachers, first responders, town workers, volunteers, etc.) The funds will only cover half of the funds needed for the event. The Committee is responsible for raising the rest of the funds.*


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 this 23rd day in April in the year of our Lord Two Thousand and Nineteen,


TOWN OF PEMBROKE
BOARD OF SELECTMEN

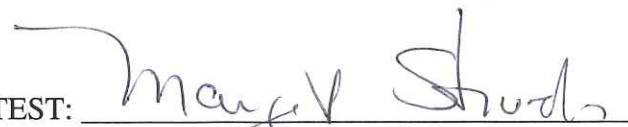

Matthew J. Furlong, Chairman


Arthur P. Boyle, Jr., Vice-Chairman


Willard J. Boulter, Jr., Clerk


John G. Brown, Jr., Selectman


Daniel W. Trabucco, Selectman

A true copy, ATTEST: 
Margaret Struzik, Town Clerk

PURSUANT TO THE WARRANT, for the Annual Town Meeting to be held on Tuesday, May 14, 2019, 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: _____ By: _____

APPENDIX A
Operating Budget, Article 3

TOWN OF PEMBROKE
FISCAL YEAR 2020 RECOMMENDED BUDGET

	2,018 Budget	2019 Budget	2020 Request	2020 Town Manager
Moderator				
Wages & Salaries-Elected	100	100	100	100
Totals	100	100	100	100
Board of Selectmen				
Wages & Salaries-Elected	9,000	9,000	9,000	9,000
Wages & Salaries	130,225	160,242	161,946	161,946
General Expenses	9,200	13,450	10,000	10,000
Purchase of Services	47,500	134,465	124,465	124,465
Totals	195,925	317,157	305,411	305,411
Town Administrator				
Wages & Salaries	141,473	144,291	144,591	144,591
General Expenses	3,550	3,750	3,250	2,800
Totals	145,023	148,041	147,841	147,391
Legal				
Purchase of Services	115,000	115,000	115,000	115,000
Totals	115,000	115,000	115,000	115,000
Advisory Committee				
Wages & Salaries	6,836	6,973	6,973	6,973
General Expenses	572	581	545	545
Reserve Fund	50,000	50,000	50,000	50,000
Totals	57,408	57,554	57,518	57,518
Town Accountant				
Wages & Salaries	121,859	127,211	137,282	137,282
General Expenses	6,800	51,800	51,800	51,800
Totals	128,659	179,011	189,082	189,082
Board of Assessors				
Wages & Salaries-Elected	5,400	5,400	5,400	5,400
Wages & Salaries	243,255	250,948	264,947	258,834
General Expenses	37,150	37,150	37,500	37,500
Totals	285,805	293,498	307,847	301,734
Treasurer/Collector				
Wages & Salaries	340,757	361,466	378,423	359,874
General Expenses	79,885	79,885	79,885	79,185
Totals	420,642	441,351	458,308	439,059

APPENDIX A
Operating Budget, Article 3

TOWN OF PEMBROKE
FISCAL YEAR 2020 RECOMMENDED BUDGET

	2,018 Budget	2019 Budget	2020 Request	2020 Town Manager
Data Processing				
General Expenses	64,475	64,475	64,475	58,075
Totals	64,475	64,475	64,475	58,075
Town Clerk				
Wages & Salaries-Elected	84,660	86,353	86,353	86,353
Wages & Salaries	53,399	50,399	51,443	51,443
General Expenses	4,320	12,320	12,320	12,320
Totals	142,379	149,072	150,116	150,116
Elections				
Wages & Salaries	30,000	50,000	15,000	15,000
General Expenses	16,000	23,000	13,000	13,000
Totals	46,000	73,000	28,000	28,000
Registrations				
Wages & Salaries	5,600	7,600	7,600	7,600
General Expenses	6,300	8,700	8,700	8,700
Totals	11,900	16,300	16,300	16,300
Conservation Commission				
Wages & Salaries	58,398	0	0	0
General Expenses	935	935	910	910
Totals	59,333	935	910	910
Planning Board				
Wages & Salaries	49,015	50,082	51,775	50,320
General Expenses	2,240	2,240	2,240	1,840
Totals	51,255	52,322	54,015	52,160
Zoning Board of Appeals				
Wages & Salaries	25,443	0	0	0
General Expenses	2,600	2,600	2,300	2,300
Totals	28,043	2,600	2,300	2,300
Town Building Maintenance				
Wages & Salaries	87,860	93,210	192,787	192,787
General Expenses	103,399	106,592	106,342	91,342
Totals	191,259	199,802	299,129	284,129

APPENDIX A
Operating Budget, Article 3

TOWN OF PEMBROKE
FISCAL YEAR 2020 RECOMMENDED BUDGET

	2,018 Budget	2019 Budget	2020 Request	2020 Town Manager
Police Department				
Wages & Salaries	3,333,164	3,645,056	3,891,965	3,645,343
General Expenses	325,502	287,902	466,207	263,607
Totals	3,658,666	3,932,958	4,358,172	3,908,950
Fire Department				
Wages & Salaries	3,029,728	3,207,316	3,382,687	3,326,837
General Expenses	195,000	156,000	143,000	143,000
Totals	3,224,728	3,363,316	3,525,687	3,469,837
Department of Inspectional Services				
Wages & Salaries	200,614	417,027	414,895	412,895
Totals	200,614	417,027	414,895	412,895
Building Department				
Wages & Salaries	0	0	0	0
General Expenses	12,400	12,400	12,400	12,400
Totals	12,400	12,400	12,400	12,400
Emergency Management				
Wages & Salaries	2,699	2,753	2,753	2,753
General Expenses	9,511	9,511	9,511	9,511
Totals	12,210	12,264	12,264	12,264
Dog Officer				
Wages & Salaries	51,471	52,490	52,520	52,520
General Expenses	6,750	6,750	6,750	5,550
Totals	58,221	59,240	59,270	58,070
Pembroke Public Schools				
Pembroke Public Schools	32,338,670	33,259,352	34,922,320	34,108,229
Totals	32,338,670	33,259,352	34,922,320	34,108,229
Department of Public Works				
Wages & Salaries	924,328	942,032	944,872	944,872
General Expenses	300,186	262,788	294,463	250,788
Pavement Management	25,000	25,000	325,000	0
Snow & Ice	100,000	125,000	585,322	150,000
Totals	1,349,514	1,354,820	2,149,657	1,345,660

APPENDIX A
Operating Budget, Article 3

TOWN OF PEMBROKE
FISCAL YEAR 2020 RECOMMENDED BUDGET

	2,018 Budget	2019 Budget	2020 Request	2020 Town Manager
Town Wide Utilities				
General Expenses	222,277	203,277	203,277	194,077
Totals	222,277	203,277	203,277	194,077
Board of Health				
Wages & Salaries	123,602	0	0	0
General Expenses	27,610	27,610	25,750	23,950
Totals	151,212	27,610	25,750	23,950
Council on Aging				
Wages & Salaries	190,290	193,299	212,362	181,450
General Expenses	44,733	44,733	49,202	44,733
Senior Tax Program	5,000	5,000	5,000	5,000
Totals	240,023	243,032	266,564	231,183
Veterans' Services				
Wages & Salaries	71,048	72,510	73,644	73,644
General Expenses	2,300	2,100	1,900	1,900
Benefits & Medical	170,000	150,000	125,000	100,000
Totals	243,348	224,610	200,544	175,544
Commission on Disabilities				
General Expenses	705	705	620	620
Totals	705	705	620	620
Library				
Wages & Salaries	558,188	575,775	613,346	543,329
General Expenses	59,800	59,800	62,900	59,800
Books	86,000	90,000	96,000	85,000
Totals	703,988	725,575	772,246	688,129
Lydia Drake Library				
General Expenses	5,000	5,000	5,000	5,000
Totals	5,000	5,000	5,000	5,000
Recreation Commission				
Wages & Salaries	95,963	97,924	116,839	111,403
General Expenses	12,080	12,080	15,455	12,080
Totals	108,043	110,004	132,294	123,483

APPENDIX A
Operating Budget, Article 3

TOWN OF PEMBROKE
FISCAL YEAR 2020 RECOMMENDED BUDGET

	2,018 Budget	2019 Budget	2020 Request	2020 Town Manager
Community Center				
Wages & Salaries	25,469	28,043	50,269	0
General Expenses	49,146	49,806	43,136	43,136
Totals	74,615	77,849	93,405	43,136
Herring Fisheries				
General Expenses	1,800	1,800	1,800	1,800
Totals	1,800	1,800	1,800	1,800
Town Landing				
Wages & Salaries	44,092	44,974	42,000	42,000
General Expenses	1,600	1,600	1,600	1,600
Totals	45,692	46,574	43,600	43,600
Town Clock Winder				
Wages & Salaries	1,487	1,517	1,517	1,517
Totals	1,487	1,517	1,517	1,517
Town Memorial Committee				
General Expenses	5,910	5,910	5,000	5,000
Totals	5,910	5,910	5,000	5,000
Plymouth County Cooperative				
General Expenses	107	107	107	107
Totals	107	107	107	107
Historical Commission				
General Expenses	2,000	2,000	2,000	2,000
Totals	2,000	2,000	2,000	2,000
Maturing Debt Principal				
General Expenses	820,472	843,502	967,019	932,019
Totals	820,472	843,502	967,019	932,019
Maturing Debt Interest				
General Expenses	171,711	208,201	287,088	287,088
Totals	171,711	208,201	287,088	287,088

APPENDIX A
Operating Budget, Article 3

TOWN OF PEMBROKE
FISCAL YEAR 2020 RECOMMENDED BUDGET

	2,018 Budget	2019 Budget	2020 Request	2020 Town Manager
Maturing Debt Principal - Excluded				
General Expenses	1,543,000	1,555,000	1,545,000	1,489,331
Totals	1,543,000	1,555,000	1,545,000	1,489,331
Maturing Debt Interest - Excluded				
General Expenses	455,075	581,875	519,600	493,506
Totals	455,075	581,875	519,600	493,506
Short Term Interest				
General Expenses	45,500	45,500	45,500	45,500
Totals	45,500	45,500	45,500	45,500
Plymouth County Retirement				
General Expenses	3,135,629	3,252,447	3,370,446	3,370,446
Totals	3,135,629	3,252,447	3,370,446	3,370,446
Unemployment Compensation				
General Expenses	75,000	100,000	150,000	150,000
Totals	75,000	100,000	150,000	150,000
Group Health Insurance				
General Expenses	8,452,347	8,694,543	9,321,204	8,699,639
Totals	8,452,347	8,694,543	9,321,204	8,699,639
Group Life Insurance				
General Expenses	20,000	20,000	20,000	20,000
Totals	20,000	20,000	20,000	20,000
Medicare Tax				
General Expenses	484,100	525,000	551,250	551,250
Totals	484,100	525,000	551,250	551,250
Property & Liability Insurance				
General Expenses	718,500	718,500	713,675	670,000
Totals	718,500	718,500	713,675	670,000
Grand Total	\$60,525,770	\$62,741,733	\$66,895,523	\$63,723,515

APPENDIX B

Water Budget, Article 4

WATER	FISCAL 2019 BUDGET	FISCAL 2020 REQUEST	FISCAL 2020 TOWN MANAGER
Salaries	622,536	650,739	650,739
Expenses	626,179	632,259	632,259
Debt Service	571,002	618,497	618,497
Capital	210,000	195,000	195,000
Total Cost Water	2,029,717	2,096,495	2,096,495

APPENDIX C

Solid Waste Budget, Article 5

SOLID WASTE	FISCAL 2019 BUDGET	FISCAL 2020 REQUEST	FISCAL 2020 TOWN MANAGER
Salaries	83,782	83,510	83,510
Expenses	1,581,456	1,584,853	1,584,853
Debt Service	260,395	254,005	254,005
Total Cost Solid Waste	1,925,633	1,922,368	1,922,368

APPENDIX D

Wage Classification Plan, Article 2

COMPENSATION SCHEDULES

ANNUAL SALARY SCHEDULE A

FULL TIME OFFICERS AND EMPLOYEES

EFFECTIVE JULY 1, 2019 THROUGH JUNE 30, 2020

<u>Title</u>	<u>SA</u>	<u>Minimum</u>	<u>Proposed Minimum</u>	<u>2nd Year</u>	<u>Proposed 2nd Year</u>	<u>Maximum</u>	<u>Proposed Maximum</u>
Lieutenant (Fire) Captain (Fire)	SA-5	n.a.	n.a.	n.a.	n.a.	530.4	541
Call Firefighters	SA-6	n.a.	n.a.	n.a.	n.a.	402.9	411
Youth Services Librarian	SA-11	50,483	51,493	55,370	56,477	60,317	61,524
Assistant Librarian	SA-12	14,877	15,174	15,255	15,560	17,635	17,987
Associate Librarian II	SA-13	44,608	45,500	46,832	47,768	49,079	50,060
Associate Librarian I	SA-14	39,265	40,050	41,735	42,569	43,308	44,174
Coordinator/Dir. of Recreation	SA-15	55,505	56,615	58,641	59,814	61,570	62,801
Building Inspector/Zoning Agent	SA-16	66,345	67,672	69,182	70,566	70,911	72,329
Animal Control Officer	SA-18	42,812	43,669	47,142	48,084	50,015	51,015
Dir. of Planning & Comm. Dev.	SA-22	62,543	63,793	67,296	68,642	71,951	73,390
Library Director	SA-27	71,693	73,127	80,326	81,933	91,632	93,465
Health Agent	SA-28	62,939	64,198	64,880	66,178	68,302	69,668
Council on Aging Director	SA-29	53,633	54,705	56,315	57,441	59,131	60,314
Library Assistant Director	SA-31	50,209	51,213	54,225	55,309	59,173	60,356

ANNUAL SALARY SCHEDULE B

APPOINTED PART TIME OFFICERS AND EMPLOYEES

EFFECTIVE JULY 1, 2019 THROUGH JUNE 30, 2020

<u>Title</u>	<u>Annual Salary</u>	<u>Proposed Annual Salary</u>
Conservation Agent Field Agent	34,219	34,903
Wiring Inspector	28,017	28,577
Veterans Agent	17,874	18,232
Plumbing Inspector	13,772	14,047
Gas Inspector	13,772	14,047
Animal Inspector	7,117	7,260
Summer Playground Director	6,963	7,103
Inspector of Weights & Measures	6,480	6,609
Assistant Wiring Inspector	5,282	5,388
Assistant Summer Playground Director	4,727	4,821
Herring Fisheries Superintendent	2,752	2,807
Civil Defense Director	2,752	2,807

APPENDIX D

Wage Classification Plan, Article 2

COMPENSATION SCHEDULES

HOURLY WAGE SCHEDULE C

FULL TIME/PART TIME EMPLOYEES

EFFECTIVE JULY 1, 2019 THROUGH JUNE 30, 2020

<u>Department</u>	<u>SC</u>	<u>Minimum</u>	<u>Proposed Minimum</u>	<u>2nd Year</u>	<u>Proposed 2nd Year</u>	<u>Maximum</u>	<u>Proposed Maximum</u>
Matron	SC-1	24.57	25.07	25.57	26.08	30.69	31.31
Patrolman-Permanent Intermittent	SC-1	24.57	25.07	25.57	26.08	30.69	31.31
Patrolman-Special	SC-2	24.57	25.07	25.57	26.08	30.69	31.31
Summer Playground Counselor (Rec)	SC-3	11.44	n.a.	11.91	n.a.	12.59	12.84
After School Counselor (Rec)	SC-3	11.44	n.a.	11.91	n.a.	12.59	12.84
Basic Recycling Attendant	SC-3	11.44	n.a.	11.91	n.a.	12.59	12.84
Part Time Laborer	SC-4	18.70	19.07	19.45	19.84	21.15	21.57
Call Firefighter	SC-5	21.12	21.54	21.97	22.41	21.12	21.54
Diver	SC-6	n.a.	n.a.	n.a.	n.a.	28.58	29.15
Building Committee Assistant (PT)	SC-8	n.a.	n.a.	n.a.	n.a.	21.77	22.20
Custodians	SC-9	18.65	19.03	19.41	19.80	22.47	22.92
Election& Census Workers, Registrars	SC-10	n.a.	n.a.	n.a.	n.a.	13.74	14.02
Senior Clerk	SC-11	17.76	18.11	18.48	18.85	20.09	20.49
Junior Clerk	SC-12	14.15	14.43	14.72	15.02	16.56	16.89
Typist-Part Time	SC-13	13.59	13.86	14.14	14.42	14.85	15.14
Council on Aging Van Drivers	SC-13	14.59	14.88	15.18	15.48	15.85	16.16
Maintenance Person (PT)	SC-13	13.59	13.86	14.14	14.42	14.85	15.14
Library Aide	SC-14	16.70	17.03	17.37	17.72	19.11	19.49
Lifeguard	SC-15	n.a.	n.a.	n.a.	n.a.	12.95	13.21
Water Safety/Lifeguard Train. Inst.	SC-16	n.a.	n.a.	n.a.	n.a.	14.51	14.80
Head Lifeguard/Water Safety Inst.	SC-18	n.a.	n.a.	n.a.	n.a.	15.13	15.43
Summer Head Counselor (Rec)	SC-20	n.a.	n.a.	n.a.	n.a.	16.17	16.49
After School Head Counselor (Rec)	SC-20	n.a.	n.a.	n.a.	n.a.	16.17	16.49
Water Safety Instructor Aide	SC-21	n.a.	n.a.	n.a.	n.a.	12.71	12.97
Alternate Inspector, Building Dept.	SC-22	n.a.	n.a.	n.a.	n.a.	26.01	26.53
Dir., Water Safety/Program Instructor	SC-23	n.a.	n.a.	n.a.	n.a.	18.92	19.30
Library Page	SC-24	12.22	12.47	12.72	12.97	13.49	13.76
Recycling Attendant	SC-25	12.87	13.13	13.39	13.66	14.19	14.47
Recycling Supervisor	SC-28	14.73	15.03	15.33	15.63	16.21	16.53
Principal Clerk	SC-29	17.88	18.24	18.61	18.98	20.03	20.43
Senior Aide - Council on Aging	SC-29	17.88	18.24	18.61	18.98	20.03	20.43
Conservation Comm. Admin. Agent	SC-30	21.63	22.06	22.50	22.95	23.81	24.29
Generalist Reference Librarian	SC-31	24.32	24.81	25.31	25.81	29.07	29.65

APPENDIX D
Wage Classification Plan, Article 2

COMPENSATION SCHEDULES
ANNUAL SALARY SCHEDULE D
ELECTED FULL TIME/PART TIME OFFICIALS
EFFECTIVE JULY 1, 2019 THROUGH JUNE 30, 2020

<u>Department</u>	<u>Annual Salary</u>	<u>Proposed Annual Salary</u>
Moderator	100	100
Selectman	1,800	1,800
Assessor	1,800	1,800
Town Clerk	86,353	88,080

APPENDIX E
Capital Budget, Article 6

TOWN OF PEMBROKE
FISCAL YEAR 2020 CAPITAL PLAN BUDGET

<u>Department</u>	<u>Item/Project</u>	<u>Funding Request</u>	<u>Capital Fund</u>	<u>Borrowing</u>	<u>Other Funding</u>	
Town Manager	ADA Compliance Program	286,000			286,000	<i>Municipal Improvements Grant (MA)</i>
Town Manager	Town Hall Building Repairs	15,000	15,000			
Town Manager	Town Hall Tech Equipment	15,000	15,000			
Town Manager	Animal Pound Repairs	12,500	12,500			
Town Manager	Community Center Complex	61,000	61,000			
	Preliminary Design					
Town Manager	Community Center Complex	15,000	15,000			
	MassWorks Grant					
Police Department	Cruiser(s) Purchase	105,000	105,000			
Fire Department	Building Repairs	17,500	17,500			
Fire Department	Equipment	10,000	10,000			
Fire Department	Dispatch Program	50,000	50,000			
Municipal Inspections	GIS & Permitting System	12,500	12,500			
Pembroke Public Schools	Technology	250,000		250,000		
Pembroke Public Schools	North Elementary Phone System	25,000	25,000			
Pembroke Public Schools	Bryantville DHW Boiler Replacement	68,308			68,308	<i>DOER GC Grant (PON-ENE-2019-004)</i>
Pembroke Public Schools	Hobomock LED Lighting Phase 2	99,899			99,899	<i>DOER GC Grant (PON-ENE-2019-004)</i>
Public Works	Pavement Management	300,000	100,000			
Public Works	Pavement Management (Chapter 90)	565,313			565,313	<i>Chapter 90 Allotment</i>
Public Works	Highway Barn Infrared Heating	50,435			50,435	<i>DOER GC Grant (PON-ENE-2019-004)</i>
Public Works	Safety Equipment (OSHA)	17,800	17,800			
Public Works	Learning Lane Design	15,000	15,000			
Public Works	Six Wheel Dump Truck			160,000	90,000	<i>Prior Year Voted Articles</i>
Public Works	2 1/2 Ton Dump Truck		70,000			
Public Works	Drainage Mill Road	40,000			40,000	<i>Prior Year Voted Articles</i>
Solid Waste Enterprise Fund	Recycling Center Roadway	49,818			49,818	<i>Solid Waste Surplus</i>
Solid Waste Enterprise Fund	Replace Building Roof	42,000			42,000	<i>Solid Waste Surplus</i>
Water Enterprise Fund	Water Division Vehicles	355,000			110,000	<i>Water Surplus</i>
Council on Aging	Outreach Vehicle Lease	40,000	15,000			
Council on Aging	Senior Center Expansion	350,000	15,000			
Recreation	Magoun Park Scoreboard	10,000	10,000			
Recreation	Mattakeesett Street Fields	12,000	12,000			
Library	Building & Equipment	18,000	18,000			
	Repair & Replacement					
Capital Projects Totals			\$611,300	\$410,000	\$1,401,773	

COMMONWEALTH OF MASSACHUSETTS
TOWN OF PEMBROKE
SPECIAL TOWN MEETING WARRANT
WITHIN THE ANNUAL TOWN MEETING
TUESDAY, MAY 14, 2019

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 FOURTEENTH DAY OF MAY, 2019 at SEVEN THIRTY O'CLOCK in the evening, then and there to act on the following:

ARTICLES 1 THROUGH 4

ARTICLE 1: To see if the Town will vote to authorize the below listed transfers to supplement Fiscal Year 2019 appropriations, and to authorize the below listed reductions in Fiscal Year 2019 appropriations, or take any other action relative thereto:

Police Department – Wages and Salaries	\$ 150,000	Overlay Surplus/Free Cash
Police Department – General Expenses	\$ 35,000	
Fire Department – General Expenses	\$ 10,000	
Dept. of Public Works – General Expenses	\$ 20,000	DPW Wages & Salaries
Community Center – Wages & Salaries	\$ 19,852	
Unemployment Assessment	\$ 35,000	

Submitted by the Town Accountant & Department Heads

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Favorable Action

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

ARTICLE 2: To see if the Town will vote to transfer from available funds the sum of \$ 1,256.70 to provide for the unpaid bills from FY2018 listed below, or take any other action relative thereto:

<u>Vendor</u>	<u>Department</u>	<u>Amount</u>	<u>Fiscal Year</u>
MHQ, Inc.	Police Department	1,256.70	FY 2018

Submitted by the Town Accountant

ADVISORY RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

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

ARTICLE 3: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the purpose of funding the cost of items of the first year of any new collective bargaining agreements between the Town and the Pembroke Patrolmen's Association, Pembroke Permanent Firefighters Association, Pembroke Police Superior Officers 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:

Unfavorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

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

ARTICLE 4: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum of money to repair town buildings, or take any other action relative thereto.

Submitted by the Town Manager

ADVISORY RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Favorable Action

EXPLANATION: *Funding of this article will allow the repair of damages to the Police Station plumbing and septic pipes which occurred when the pipe thirty-five feet in from the foundational wall experienced a belly break in the pipe underground. Work includes demolition and removal of old piping, installation of new underground piping, ejector pump, overhead piping and fixtures with cutting and excavation of the slab and foundation wall. The estimated cost is \$38,000.*


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.

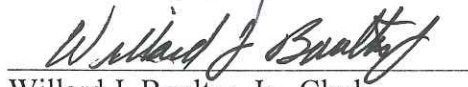
Hereof, fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meetings as aforesaid.


Given under our hands and seals this 23rd day of April, 2019.


PEMBROKE BOARD OF SELECTMEN


Matthew J. Furlong, Chairman


Arthur P. Boyle, Jr., Vice-Chairman


Willard J. Boulter, Jr., Clerk


John G. Brown, Jr., Selectman


Daniel W. Trabucco, Selectman

A TRUE COPY ATTEST:


Margaret Struzik, Town Clerk

Pursuant to the Warrant for the Special Town Meeting to be held on May 14, 2019, 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