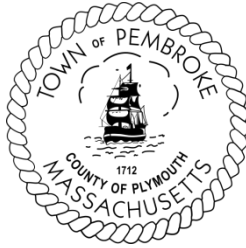


COMMONWEALTH OF MASSACHUSETTS
TOWN OF PEMBROKE, MASSACHUSETTS



2018

SPECIAL TOWN MEETING WARRANT

**ATTEND THE SPECIAL TOWN MEETING
TUESDAY, OCTOBER 23, 2018
7:00 P.M.**

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

REPORT OF THE TOWN ACCOUNTANT

I am pleased to report that the Department of Revenue has certified Pembroke's Fiscal Year 2018 Free Cash at \$1,734,996 as of June 30, 2018. This amount, which represents 2.74% of the operating budget, was derived from surplus revenues of 1.06%, principally past due real estate taxes and new motor vehicle excise taxes, and returned appropriations of 1.68% from a variety of departmental budgets.

Before any new appropriations can be made at this meeting, two pieces of business need to be addressed in order to comply with Proposition 2½. First, we need to vote to transfer \$185,478 from free cash to reduce the tax rate. This is to reflect savings on the Town's borrowings for the School Roof Debt Exclusion project.

Next, the Fiscal Year 2018 snow and ice deficit of \$451,454 must be funded and we plan to ask this Town Meeting to do that with Free Cash. This will result in a balanced budget for Fiscal Year 2019 and will leave the Free Cash balance at \$1,098,046.

As we consider how to use this remaining balance of \$1,098,046 it is appropriate to talk about the budgetary issues that will challenge the Town in Fiscal Year 2020. Due to factors largely beyond the control of the Town, employee health insurance and pension expenses may consume all or most of the allowable increase in the tax levy. Subsequently, it will be very difficult to provide the same level of services and staffing in Fiscal Year 2020. Therefore, I am recommending that, as in past years, at least \$600,000 of the remaining Free Cash balance not be spent at this Town Meeting and instead be reserved as a contingency for future issues.

I also need to strongly urge that no new additions be made to the operating budget at this Meeting. As it now stands, one percent, or \$600,000 of the Town's operating budget is funded by one time revenue. Any increase in our recurring spending levels strongly increases the likelihood that reductions in services and staffing will become necessary in future years.

This will leave a remaining balance of approximately \$498,064 for consideration at this Meeting. It is my recommendation that \$350,000 of this should be directed toward savings accounts to address unfunded liabilities, leaving approximately \$148,064 to be appropriated toward requested capital outlays.

The sum of \$148,064 will not address all of the Town's needs however and we will need to borrow to pay for some pieces of equipment. Approval of these items will still allow us to keep debt service to under 2% of budget and not severely impact our developing capital planning process.

I do think that it is important to point out that Pembroke has an accumulating backlog of deferred maintenance and capital building needs. The Central Fire Station, the Community Center, the DPW Garage and the Police Station have long outlived their useful lives. These buildings were built in 1976, 1934, 1950 and 1978. Some combination of grants, increased revenues or taxes, or reduced services will be necessary in order address those issues in the future.



**TOWN OF PEMBROKE
SPECIAL FALL TOWN MEETING WARRANT
TUESDAY, OCTOBER 23, 2018**

PLYMOUTH, ss.

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

GREETING: In the name of the Commonwealth of Massachusetts, you are hereby required and directed to notify and warn the inhabitants of the Town of Pembroke who are qualified to vote on Town Affairs and Elections therein to meet at the PEMBROKE HIGH SCHOOL, Learning Lane, on TUESDAY, the TWENTY-THIRD DAY OF OCTOBER, 2018 at SEVEN O'CLOCK in the evening, then and there to act on the following:

ARTICLES 1 THROUGH 19

ARTICLE 1: To see if the Town will vote to transfer from surplus revenue and/or other available funds a sum of money to balance the budget and to reduce the tax rate for the Fiscal Year 2019, or take any other action relative thereto.

ADVISORY'S RECOMMENDATION:
SELECTMEN'S RECOMMENDATION:

Submitted by the Town Accountant
Favorable Action
Favorable Action

EXPLANATION: *This article is used to balance the current year budget by providing for last year's snow and ice deficit of \$451,454 and any other shortfall as may become necessary. This requires a majority vote unless any funds are transferred from a Stabilization Fund.*

ARTICLE 2: To see if the Town will vote to transfer from surplus revenue and/or other available funds a sum of money to balance the budget and to reduce the tax rate for the Fiscal Year 2019, or take any other action relative thereto.

ADVISORY'S RECOMMENDATION:
SELECTMEN'S RECOMMENDATION:

Submitted by the Town Accountant
Favorable Action
Favorable Action

EXPLANATION: *Approval of this article will allow the Town to reduce the tax rate for Fiscal Year 2019 and comply with the provisions of Proposition 2½. This is due to the School Roof Debt Exclusion Project being completed at a lower net cost than previously anticipated. This requires a majority vote unless any funds are transferred from a Stabilization Fund.*

ARTICLE 3: To see if the Town will vote to change the amount voted under Article 5 of the May 8, 2018 Annual Town Meeting for the Fiscal Year 2019 Solid Waste budget from \$1,725,633 to \$1,925,633, or take any other action relative thereto.

ADVISORY'S RECOMMENDATION:
SELECTMEN'S RECOMMENDATION:

Submitted by the Board of Selectmen
Favorable Action
Favorable Action

EXPLANATION: *The worldwide market for recyclables has changed to such an extent that disposing of recyclables has gone from a revenue generator to an expense item. This requires a majority vote unless any funds are transferred from a Stabilization Fund.*

ARTICLE 4: To see if the Town will vote to raise and appropriate, transfer from available funds and/or authorize the Treasurer, with the approval of the Board of Selectmen, to borrow, a sum or sums of money, pursuant to G.L. c. 44, §§7 or 8 or any other enabling authority, to be expended for capital projects and/or equipment in accordance with the following capital budget schedule which is incorporated by reference herein, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any 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 G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs, or take any other action relative thereto.

DEPARTMENT	PROJECT	REQUEST	FUNDING
Assessors	Vehicle Purchase	28,000	Overlay Surplus
Police Department	Entryway Exterior/Interior Door Replacement	5,000	Free Cash
Police Department	TruNarc Handheld Narcotics Identification System	25,000	Free Cash
Police Department	Ammunition for Mandatory Firearms Training	12,000	Free Cash
Police Department	Replacement of Four (4) TASER X26 Devices	5,600	Free Cash
Police Department	Purchase One (1) Police Cruiser (Supplemental Funds)	13,500	Free Cash
Fire Department	Purchase of One (1) 1500gpm Full Size Pumper Engine	625,000	Borrowing
Fire Department	Purchase of One (1) 1500gpm Full Size Pumper Engine	625,000	Borrowing
Fire Department	Purchase of Supply Hose/Attack Hose/Appliances	75,000	Borrowing
Dept. Muni Inspect.	Purchase/Training of People GIS Permitting Devices	6,000	Free Cash
Town Adm/DPW Dir	Learning Ln ADA Compliance Sidewalk Engineering	10,800	Free Cash
Town Adm/DPW Dir	Lake St/Plain St Intersection Improvement Engineering	11,800	Free Cash
DPW-Highway/Tree	Purchase of One (1) 550 Dump Truck and Plow	75,000	Borrowing
DPW-Cem/Parks	Purchase of One (1) Bagging Lawnmower	15,000	Free Cash
DPW-Cem/Parks	Purchase of One (1) Slide in Dump Body	5,000	Free Cash
DPW & Water	Purchase of Two (2) OSHA Compliant Trench Boxes	22,000	Free Cash
DPW & Water	Purchase of Trailer, Boxes, and Safety Equipment	10,000	Free Cash
DPW-Water	Upgrades to Water Filtration Plant	1,750,000	Borrowing
DPW-Water	Swanberg Property Water Supply Development Costs	220,000	Water Surplus
Library	Replacement of Fire Alarm & Fire Suppression System	9,052	Free Cash
Library	Replacement of Double Water Bubbler in Main Area	5,000	Overlay Surplus
Library	Replacement of Carpet in Children's Room	15,000	Overlay Surplus
School Department	Phase Two, Technology Improvements: Elementary	55,000	Overlay Surplus

Submitted by Various Town Departments

ADVISORY'S RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Town Meeting Floor

EXPLANATION: *This article seeks approval and funding of the Town's Capital Plan for Fiscal Year 2019. Borrowing requires a 2/3 vote.*

ARTICLE 5: To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be

borrowed for each such project shall be reduced by the amount of any such premium so applied.

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

Submitted by the Town Treasurer
Favorable Action
Favorable Action

ARTICLE 6: To see if the Town will vote to create a Water Department Stabilization Fund pursuant to Mass. General Laws Chapter 40, §5B to be used for the purpose of major capital purchases and to offset future rate increases or take any other action relative thereto.

ADVISORY'S RECOMMENDATION:
SELECTMEN'S RECOMMENDATION:

Submitted by the Board of Water Commissioners

Favorable Action
Favorable Action

EXPLANATION: *Passage of this article requires a two-third (2/3) vote. These funds will be used for unforeseen capital expenditures and to offset rates. Expenditures from the Water Department Stabilization Fund can only be authorized by Town Meeting in accordance with Mass. General Laws Chapter 40 §5B.*

ARTICLE 7: 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 and the Stabilization Fund, or take any other action relative thereto.

ADVISORY'S RECOMMENDATION:
SELECTMEN'S RECOMMENDATION:

Submitted by the Town Accountant

Favorable Action
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
Special Injury Leave Fund:	Recommendation \$ 25,000 from Free Cash
Workers' Compensation Insurance Fund	Recommendation \$ 75,000 from Free Cash
Stabilization Fund:	Recommendation \$ 25,000 from Free Cash
* Authorized under Article 16 of the November 4, 2003 Special Town Meeting	

ARTICLE 8: To see if the Town will vote to appropriate or transfer from available funds a sum of money 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:

Transfer to the following:

Town Building Maintenance – Wages & Salaries	\$ 93,210
Town Building Maintenance – Wages & Salaries	\$ 33,400
Town Building Maintenance – Wages & Salaries	\$ 12,124
Town Building Maintenance – Wages & Salaries	\$ 28,043

Funding Source:

Town Hall Salaries
Library Custodial Salaries
COA Custodial Salaries
Community Center Salaries

Submitted by the Town Administrator

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN'S RECOMMENDATION:

Take No Action

EXPLANATION: *These transfers would address the consolidation of the building maintenance and custodial salaries for five town buildings in the center of town; they are recommended for spring 2019 and will be included in the May 2019 warrant.*

ARTICLE 9: 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 Town Administrator and/or Treasurer as the custodian of tax title parcels to the Board of Selectmen for general municipal purposes and/or the purpose of sale, and further authorize the Board of Selectmen to convey said parcels on such terms and conditions and for such consideration as they deem appropriate, which parcels are described more particularly as follows:

Map-Parcel ID	Address/Location	Book - Page #
B2-2188,2189	Walnut St	28690-197
B2-2216	Off Chandler Street	28690-196
B3-3016	Center St	19621-148
B8-120	224 Mattakeesett Street	44205-19
C8-4	Center Street	44205-19
E14-86,87	Burr Ave	15498-265
F9-12B	Congress St	20379-344

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 Board of Selectmen. This requires a two-thirds (2/3) vote per G.L. c.40, Sec. 15B.*

ARTICLE 10: 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 Town Administrator and/or Treasurer as the custodian of tax title parcels 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 #
B2-3,2209-2211,2233,2234	Chandler St	29803-328
B2-1976	Oak Street	44205-19
B2-1981,1982	Oak St	19621-150
B2-2207,2208,2231,2232	Chandler St	29803-327
B2-3106	Beech St	16908-350
B9-448	Bonney Street	44205-19
C3-3432	Leach St	19621-149
C3-3840,3841	Owl's Head	19881-223
C5-54	Monroe Street	48951-336

C12-10	Cedar Swamp	44205-19
C12-41	Off West Elm Street	44205-19
C12-49	Land Locked	43386-93
C13-37	Cedar Swamp	44205-19
C13-38	Land Locked	43386-93
D5-44	Monroe Street	48951-336
E9-62	Highland Dr	27873-350
E10-42	Fairwood Dr	40593-345
E10-59	Fairwood Dr	40593-345
E10-60	Fairwood Dr	40593-345
F4-51C	Birch Street	44205-19

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 11: To see if the Town will vote to raise and appropriate, transfer from available funds and/or authorize the Treasurer, with the approval of the Board of Selectmen, to borrow, pursuant to G.L. c. 44, Sections 7 or 8 or any other enabling authority, the sum of \$300,000 to Supplement Chapter 90 funding for the Pavement Management Plan for accepted and unaccepted local roads in Pembroke, and further, to authorize any premium received by the Town 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, to be applied to the payment of costs approved hereunder in accordance with G.L. c.44, Section 20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs, or take any other action relative thereto.

Submitted by the Town Administrator & DPW Director

ADVISORY COMMITTEE RECOMMENDATION:

Take No Action

SELECTMEN'S RECOMMENDATION:

Take No Action

EXPLANATION: *Approval and funding of this article will allow the Department of Public Works to do additional Pavement Management Plan work that cannot be done with Chapter 90 funds. A two-thirds (2/3) vote is required if borrowing.*

ARTICLE 12: To see if the Town will vote to accept the provisions of MGL Chapter 59, section 21A authorizing compensation of up to \$1,000 for the Chief Assessor who has completed the necessary courses of study and has been awarded a certificate by the International Association of Assessing Officers and/or the Association of Massachusetts Assessors.

Submitted by the Board of Assessors

ADVISORY COMMITTEE RECOMMENDATION:

Favorable Action

SELECTMEN RECOMMENDATION:

Favorable Action

EXPLANATION: *Passage of this article accepts the provisions of MGL c.59 §21A which authorizes compensation of up to \$1,000 for the Chief Assessor if he/she has obtained necessary*

certification by the International Association of Assessing Officers and/or the Association of Massachusetts Assessors. A majority vote is required to accept the statute.

ARTICLE 13: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be used for the purpose of funding overtime for Police Department shift strength.

Submitted by the Police Chief

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN RECOMMENDATION:

Favorable Action

EXPLANATION: *Due to the frequency, nature and dangerousness of "routine" police calls the present staffing level (31) is insufficient for our police officers. This is not an increase in patrol deployment but rather a return to the staffing levels of the department back in the early 2000's (36). Estimated cost \$160,192 funds increase of minimum patrol staff levels to a desk/station officer and 4 patrol officers on all shifts. A majority vote is required unless transferring from a Stabilization Fund, which requires a two-thirds (2/3) vote.*

ARTICLE 14: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be used for the purpose of hiring two (2) full-time Police Officers.

Submitted by the Police Chief

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN RECOMMENDATION:

Favorable Action

EXPLANATION: *Recommended staffing for the Pembroke Police to provide patrol, detective and community services is thirty-six (36) officers; the Department is presently staffed at thirty-one (31) officers. Hiring two (2) Police Officers was approved by 2018 Spring Town Meeting; this article funds two officers for the rest of FY 2019, estimated at \$77,663 (\$155,326 for a full year). A majority vote is required unless transferring from a Stabilization Fund, which requires a two-thirds (2/3) vote.*

ARTICLE 15: To see if the Town will vote to raise and appropriate or otherwise provide a sum of \$20,892.00 to be added to the amount voted under the Fiscal Year 2019 operating budget for Community Center Maintenance Wages or take any other action relative thereto.

Submitted by the Recreation Commission

ADVISORY COMMITTEE RECOMMENDATION:

Take No Action

SELECTMEN RECOMMENDATION:

Take No Action

EXPLANATION: *The article is for additional funds needed to cover the contractual obligations for the Community Center custodian; this position has been transferred from custodian SC-9 to full time custodian AFSCME unit effective 6/25/18. A majority vote is required unless transferring from a Stabilization Fund, which requires a two-thirds (2/3) vote.*

ARTICLE 16: To see if the town will vote to adopt and approve the following recommendations of the Pembroke Community Preservation Committee for fiscal year 2019, and to see if the town will vote to implement such recommendations by appropriating a sum or sums of money from the Community Preservation Act fund. Each recommendation is to be voted on individually and requires a majority vote.

Recommendation A: To appropriate the sum of \$10,000.00 from FY19 open space funds and that said funds be granted to the Pembroke Department of Public Works (DPW) for the preservation of open space by the installation of a guardrail at Herring Run Park, or take any other action relative thereto.

ADVISORY COMMITTEE RECOMMENDATION:
SELECTMEN RECOMMENDATION:

Favorable Action
Favorable Action

Recommendation B: To appropriate the sum of \$10,000.00 from the FY19 historic resources funds and that said funds be granted to the Pembroke Historical Commission for the restoration and preservation of historic resources by exfoliating poison ivy from the stone wall in front of Friends Quaker Meetinghouse, or take any other action relative thereto.

ADVISORY COMMITTEE RECOMMENDATION:
SELECTMEN RECOMMENDATION:

Town Meeting Floor

Recommendation C: To appropriate the sum of \$12,000.00 from FY19 open space funds and that said funds be granted to the town administrator for the purpose of funding a study and engineering costs for a new Americans with Disabilities Act compliant facilities at the town landing on Wampatuck Street, thereby rehabilitating and for recreational use, or take any other action relative thereto.

ADVISORY COMMITTEE RECOMMENDATION:
SELECTMEN RECOMMENDATION:

Favorable Action

Recommendation D: To appropriate the sum of \$10,000.00 from FY19 annual revenue and that said funds be granted to the trustees of the Cobb Library for the purpose of rehabilitating and restoring an historic resource by the installation of new light fixtures, carpentry, painting and an outdoor hanging sign, or take any other action relative thereto.

ADVISORY COMMITTEE RECOMMENDATION:
SELECTMEN RECOMMENDATION:

Favorable Action
Favorable Action

Recommendation E: To appropriate the sum of \$25,000.00 from FY19 open space funds and that said funds be granted to the Pembroke Conservation Commission for the execution of a conservation restriction and signage at 190 Barker Street, thereby creating and preserving open space, or take any other action relative thereto.

ADVISORY COMMITTEE RECOMMENDATION:
SELECTMEN RECOMMENDATION:

Favorable Action

Recommendation F: To appropriate the sum of \$7,500.00 from FY19 historic resources funds and that said funds be granted to the officers of the Pembroke Historical Society for the restoration of an historic resource, the Pembroke Historical Society building's ceiling, or take any other action relative thereto.

ADVISORY COMMITTEE RECOMMENDATION:
SELECTMEN RECOMMENDATION:

Favorable Action
Favorable Action

Recommendation G: To appropriate the sum of \$20,000.00 from FY19 annual revenue and that said funds be granted to the officers of the Pembroke Historical Commission for an archaeological

survey of the property at 369 Washington Street for the purpose of preserving historic resources, or take any other action relative thereto.

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN RECOMMENDATION:

Town Meeting Floor

Recommendation H: To appropriate the sum of \$20,000.00 from FY19 annual revenue and that said funds be granted to the town administrator for rehabilitating and for recreational use by the purchase and installation of a handicap entrance ramp with associated construction accommodations at the GAR Hall, or take any other action relative thereto.

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN RECOMMENDATION:

Favorable Action

Submitted by the Community Preservation Committee

ARTICLE 17: To see if the Town will vote to amend the general bylaws by adopting a bylaw entitled "Reduction of Single-Use Plastic Bags," the full text of which is printed in Appendix A of this warrant, or take any other action relative thereto.

Submitted by Petition of Stephanie Hagan and Others

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

Town Meeting Floor

Favorable Action

EXPLANATION: *This citizen's petition article was submitted with the two page "BYLAW" exactly as printed in Appendix A of this warrant. Adoption of a general bylaw requires a majority vote.*

ARTICLE 18: To see if the Town will vote to request Representative Josh Cutler sponsor a home rule petition to give relief to 4 retired employees who are adversely affected by the current health insurance rules.

Submitted by Petition of Stephen Walsh and others

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

EXPLANATION:

Favorable Action

Town Meeting Floor

ARTICLE 19: To see if the Town will vote to transfer the care, custody, management and control of a parcel of land identified on Assessor's Map F9 as Parcel 1, consisting of 18.12 acres, more or less, and located off the east side of Washington Street, the north side of Edgewater Drive and the west side of Miramar Drive, from the School Department for school purposes to the Board of Selectmen for general municipal purposes and/or the purpose of conveyance, and further to authorize the Board of Selectmen to convey said parcel on such terms and conditions and for such consideration as the Selectmen deem appropriate, or take any other action relative thereto.

Submitted by the Board of Selectmen and School Committee

ADVISORY COMMITTEE RECOMMENDATION:

SELECTMEN'S RECOMMENDATION:

EXPLANATION: *Passage of this article will require a two-thirds (2/3) vote.*


Favorable Action

Favorable Action


Given under our hands and seals this 1st day of October, 2018.


PEMBROKE BOARD OF SELECTMEN

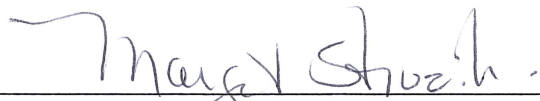

Matthew J. Furlong, Chairman


Arthur P. Boyle, Jr., Vice-Chairman


Willard J. Boulter Jr., Clerk

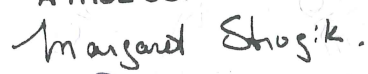

John G. Brown, Jr., Selectman


Daniel W. Trabucco, Selectman

A TRUE COPY ATTEST: 
Margaret Struzik, Town Clerk

Pursuant to the Warrant for the Special Fall Town Meeting to be held on October 23, 2018, 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: _____

A TRUE COPY ATTEST

PEMBROKE TOWN CLERK
DATE October 2, 2018

APPENDIX A

BYLAW

REDUCTION OF SINGLE USE PLASTIC BAGS IN PEMBROKE

1st Draft

ARTICLE: To see if the Town of Pembroke will vote to amend the General Bylaws by adopting a bylaw entitled “Reduction of Single-Use Plastic Bags” as follows:

SECTION 1 – FINDINGS AND INTENT

FINDINGS:

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this Ordinance is to eliminate the usage of thin-film single-use plastic bags by all retail establishments in the Town of Pembroke.

Currently 81 Massachusetts cities and towns, including Plymouth, Duxbury, Marshfield, Bridgewater, and much of Cape Cod have passed plastic bag bans, and more have bylaws pending.

INTENT:

The town of Pembroke hereby enacts this bylaw to help reduce the deterioration of the environment and the ensuing potential health risks by eliminating the use of the thin plastic carryout bags at the point of sale and promoting the use of reusable bags.

SECTION 2 – DEFINITIONS

PLASTIC CARRYOUT BAG:

A plastic carryout bag is a thin film plastic bag with handles provided to a customer by an establishment and used to transport merchandise from the establishment. Plastic carryout bags do not include those plastic bags typically without handles used to contain dry cleaning, newspapers, or small bags used to contain fish, meat, produce or other products provided to the consumer, free of charge, to deliver the items to the point of sale.

REUSABLE CARRYOUT BAG:

A bag with stitched on handles that is made solely of or in a combination of natural cloths, synthetic fibers, or other washable material and is specifically designed for multiple reuse. These bags are generally sold to the customer for a reasonable cost.

RECYCLABLE PAPER BAG:

A paper bag that is 100% recyclable and contains at least 40% post-consumer recycled paper content and is provided free of charge to the customer.

ESTABLISHMENT:

Any commercial establishment includes businesses selling food, goods, articles, or personal services to the public.

SECTION 3 – PLASTIC CARRYOUT BAG PROHIBITION

No establishment in the town of Pembroke, as defined in Section 2, shall provide plastic carryout bags, as defined in Section 2. Establishments in the town of Pembroke, as defined in Section 2, shall only provide reusable carryout bags that comply with the definition in Section 2, or recyclable paper bags, as defined in Section 2, at the point of sale.

SECTION 4 – ENFORCEMENT:

All of the requirements set forth in this bylaw shall take effect within six months of the approval of the Office of the Massachusetts State's Attorney General and satisfaction of the posting/publication requirements of G.L.c.40, 32. However, if a retail establishment cannot comply with the effective date of this bylaw due to economic hardship, the establishment may petition the Board of Health for an extension of six months.

This Bylaw may be enforced by any agent of the Board of Health by:

1. Inspection and investigation
2. The issuance of violation notices and administrative orders
3. Civil court actions

Whoever, himself or by his servant or agent or as the servant or agent of any other person or firm or corporation, violates any of the provisions of these regulations, may be penalized by a non-criminal disposition process as provided in M.G.L.c. 40, 21D. Each day of violation after written notice, is a separate violation.

The following penalties shall apply:

1. First Offense – Written Warning
2. Second Offense - \$50 Fine
3. Third Offense - \$100 Fine
4. Subsequent Offenses - \$200 Fine

SECTION 5 – SEVERABILITY

If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this bylaw, which shall remain in full force and effect.