

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HOLBROOK  
WARRANT FOR THE ANNUAL TOWN MEETING

NORFOLK, SS.

GREETING

To any Constable of the Town of Holbrook, in said County:

You are hereby directed and required to notify and warn the inhabitants of the Town of Holbrook, qualified to vote in town affairs, to meet in Holbrook Junior-Senior High School, 245 South Franklin Street, Holbrook, on:

Tuesday, May 3, 2011

at 7:15 p.m. in the evening, then and there to act on the following articles:

ARTICLE 1: Report of Town Officers

To hear reports of the Town Officers and act thereon.

ARTICLE 2: Report of Committees

To hear reports of the Committees and act thereon, to choose committees, and act upon any other business that may legally come before said meeting.

ARTICLE 3: Massachusetts Highway Funds Authorization

To see if the Town will authorize the Board of Selectmen and/or the Superintendent of Public Works to accept and enter into contracts for the expenditure of any/all funds allotted by the Commonwealth and/or County for the construction, re-construction and improvements of Town streets, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 4: Authorize Public Library Use of State Aid

To see if the Town will vote to authorize the Library Board of Trustees to retain and expend a sum of money to be received for the twelve month period beginning July 1, 2011 by the Town Treasurer under "Public Libraries, Chapter 78 Sec 19A," and any other unexpended sums previously received from the same source, the sums to be held and carried forward, for the general use of the library, or take any other action thereon.

Submitted by the Library Board of Trustees

ARTICLE E 5: Town Budget

To see if the Town will raise such sums of money as may be thought requisite for Town expenses as recommended by the Finance Committee, and appropriate money for the same, or take any other action thereon.

Submitted by the Finance Committee

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ARTICLE 6: Roadway Improvements – Public Works Department

To see if the town will raise and appropriate, borrow, transfer from available funds or otherwise provide a sum of money for the reconstruction of accepted town roads with reimbursement from Mass DOT under MGL, Chapter 90, Section 34.

Submitted by the Superintendent of Public Works

ARTICLE 7: Fund Collective Bargaining Agreement – Public Works Employees

To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide a sum of money to provide pay raises, pay adjustments, new positions or other benefits to meet the cost of the collective bargaining agreement negotiated between the Town of Holbrook and the American Federation of State, County and Municipal Employees, AFL-CIO, State Council 93, Massachusetts Public Employees, Local 1395, Public Works Employees, and that the Town Accountant be instructed to allocate the funds provided under this article to the proper line items in all department budgets where it may be required for the payment of the aforesaid, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 8: Fund Collective Bargaining Agreement – Clerical Employees

To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide a sum of money to provide pay raises, pay adjustments, new positions or other benefits to meet the cost of the collective bargaining agreement negotiated between the Town of Holbrook and the American Federation of State, County and Municipal Employees, AFL-CIO, State Council 93, Massachusetts Public Employees, Local 1395, Clerical Employees, and that the Town Accountant be instructed to allocate the funds provided under this article to the proper line items in all department budgets where it may be required for the payment of the aforesaid, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 9: Fund Collective Bargaining Agreement – Fire Alarm Signal Operators

To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide a sum of money to provide pay raises, pay adjustments, new positions or other benefits to meet the cost of the collective bargaining agreement negotiated between the Town of Holbrook and the American Federation of State, County and Municipal Employees, AFL-CIO, State Council 93, Massachusetts Public Employees, Local 1395, Fire Alarm Signal Operators, and that the Town Accountant be instructed to allocate the funds provided under this article to the proper line items in all department budgets where it may be required for the payment of the aforesaid, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 10: Fund Collective Bargaining Agreement – Police Officers

To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide a sum of money to provide pay raises, pay adjustments, new positions or other benefits to meet the cost of the collective bargaining agreement negotiated between the Town of Holbrook and the New England Police Benevolent Association, AFL/CIO, Holbrook Patrolmen's Association Local #88a, Holbrook Superior's Association Local #88b, and that the Town Accountant be instructed to allocate the funds provided under this article to the proper line items in all department budgets where it may be required for the payment of the aforesaid, or take any other action thereon.

Submitted by the Board of Selectmen

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ARTICLE 11: Fund Collective Bargaining Agreement – Firefighters

To see if the Town will raise and appropriate, transfer from available funds, or otherwise provide a sum of money to provide pay raises, pay adjustments, new positions or other benefits to meet the cost of the collective bargaining agreement negotiated between the Town of Holbrook and the International Association of Firefighters, Local 1452, and that the Town Accountant be instructed to allocate the funds provided under this article to the proper line items in all department budgets where it may be required for the payment of the aforesaid, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 12: Salary Increases – Treasurer/Collector and Town Clerk

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Five Thousand Six Hundred Forty-Two Dollars (\$5,642.00) for the fiscal year ending June 30, 2012 to provide for pay increases of five percent for the two elected officials of the Town. Said funds to be added to the departmental budgets as follows. Under Treasurer/Collector Salary 01-145-5111-000 an amount of Two Thousand Eight Hundred Twenty-One Dollars (\$2,821.00), under Town Clerk Salary 01-161-5111-000 an amount of Two Thousand Eight Hundred Twenty-One Dollars (\$2,821.00), or take any other action thereon.

Submitted by the Treasurer/Collector

ARTICLE 13: Personnel Board Wage and Salary Adjustments

To see if the Town will vote to amend the Town By-Laws, Section 10, Salary Administration Plan, Article III, Section 10.5(g), Schedule B, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 14: Fund Amendments to the Wage and Salary Plan and other Employment Agreements

To see if the Town will raise and appropriate, transfer from available funds or otherwise provide a certain sum of money to provide pay raises, pay adjustments, new positions and any other benefits resulting from the amendments to the Salary Administration Plan and amendments to any employment agreements negotiated by the Board of Selectmen, and to authorize the Town Accountant to approve such payments and the transfer of any portion of said sum to the department budget where it may be required for payment of the aforesaid, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 15: Capital Improvements

To see if the Town will raise and appropriate, transfer from available funds, borrow or otherwise provide a certain sum of money for the purchase or the lease/purchase of capital items as recommended by the Capital Improvement Committee, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 16: Roof Repairs at Junior-Senior High, John F. Kennedy, and South Schools

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of One Hundred Thousand Dollars (\$100,000.00) for the purposes of roof repairs at the Junior-Senior High School, John F. Kennedy School, and South School, or take any other action thereon.

Submitted by the School Committee

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ARTICLE 17: Driveway and Parking Lot at Junior-Senior High School

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) for a new driveway and parking lot at the Junior-Senior High School, or take any other action thereon.

Submitted by the School Committee

ARTICLE 18: Repairs to the Junior-Senior High School Boiler

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of Thirty Thousand Dollars (\$30,000.00) for repairs to the Junior-Senior High School boiler, or take any other action thereon.

Submitted by the School Committee

ARTICLE 19: Driveway and Parking Lot at South School

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of One Hundred Thousand Dollars (\$100,000.00) for a new driveway and parking lot at the South Elementary School, or take any other action thereon.

Submitted by the School Committee

ARTICLE 20: Classroom Ventilation Units

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of Forty Thousand Dollars (\$40,000.00) for repairs and purchase of classroom ventilation units at the Junior-Senior High School, John F. Kennedy School and South School, or take any other action thereon.

Submitted by the School Committee

ARTICLE 21: Equipment/Vehicle Purchase – Public Works Department

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the purchase, or lease purchase of certain equipment and or vehicles for the Public Works Department, or take any other action thereon.

Submitted by the Superintendent of Public Works

ARTICLE 22: Meter Replacement with Billing System – Public Works Department

To see if the town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide a sum of money for the replacement of existing water meters and establishment of a billing system with all required components and reading methods for water/sewer bills, or take any other action thereon.

Submitted by the Superintendent of Public Works

ARTICLE 23: Tri-Town Regional Water Treatment Facility

To see if the town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide a sum of money for the construction of a new regional water treatment facility and which shall include all components and transmission pipes for operation, or take any other action thereon.

Submitted by the Superintendent of Public Works

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ARTICLE 24: Media and Tube Settlers Replacement - Joint Water System.

To see if the town will vote to raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum of money as Holbrook's share to engage engineering/professional services, contractors and others, for the replacement of existing filter media and tube settlers at the Randolph-Holbrook Water Treatment Facility and repairs/painting of the Grove Street standpipe, or take any other action thereon.

Submitted by the Superintendent of Public Works

ARTICLE 25: Accept MGL Chapter 32B, Section 20

To see if the Town will vote to accept the provisions of Chapter 32B, Section 20 of the General Laws to provide for the establishment of an "Other Post Employment Benefits Liability Trust Fund" to cover the unfunded actuarial liability for retirees' health care and life insurance benefits, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 26 : Transfer the Care, Custody, Management and Control of Land to the Board of Selectmen

To see if the Town will vote to transfer the care, custody, management and control of the land hereinafter described from the Board of Selectmen acting as the Board of Public Works, for the purpose for which such land is now held, namely Highway Department and solid waste disposal purposes, to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey all or any portion and/or any interest in such land as the Selectmen shall determine to be no longer needed for said Highway Department and solid waste disposal purposes, on such terms and conditions and for such monetary consideration as the Board of Selectmen shall deem appropriate, being the land located at the end of Westdale Road, shown as Parcel "A" on a plan entitled "Plan of Land - Holbrook, Mass., Prepared for the Town of Holbrook", Scale 1" = 100', dated October 2, 1975, prepared by John E. Levreault, P.E. & Associates of Randolph, Mass., and recorded with the Norfolk County Registry of Deeds in Plan Book 253 as Plan No. 67 of 1976 (also being shown as Parcel 08-028 on the Holbrook Tax Assessor's Map No. 8 dated June 2010), which land was acquired by the Town by Order of Taking dated February 5, 1976 and recorded with the Norfolk County Registry of Deeds in Book 5198, Page 362, or take any action thereon.

Submitted by the Board of Selectmen

ARTICLE 27: Accept MGL Ch. 59, Section 5, Clause 54

To see if the Town will vote to accept Massachusetts General Laws Chapter 59, section 5 clause 54, added by Chapter 159 of the Acts of 2000 for small personal property accounts. To accept the provision whereby personal property accounts below the fair cash value of \$1,000 shall be exempt from taxation.

The exemption for small personal property accounts will apply for the fiscal year beginning on the next July 1<sup>st</sup> after the acceptance of a town meeting vote.

Or take any other action thereon.

Submitted by the Board of Assessors

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ARTICLE 28: Amend General By-Laws, Section 1-9, The Open Meeting Law for Town Agencies

To see if the Town will vote to amend the Town of Holbrook General By-Laws, Section 1-9, the Open Meeting Law for Town Agencies, by striking the words “ ‘THE OPEN MEETING LAW FOR TOWN AGENCIES’ promulgated by Norfolk County District Attorney”, and insert in their place the words “ ‘ATTORNEY GENERAL’S OPEN MEETING LAW GUIDE’ promulgated by the Massachusetts Attorney General’s Office”, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 29: Amend General By-Laws, Section 13-1, By-Law Penalty

To see if the Town will vote to amend the Town of Holbrook General By-Laws, Section 13, By-Law Regulations, by deleting Section 13 in its entirety which reads as follows:

BY-LAW REGULATIONS – SECTION 13

Section 13-1  
BY-LAW PENALTY

Every violation of any of the foregoing By-Laws shall be punished by a fine of not less than one dollar (\$1.00) nor more than twenty dollars (\$20.00), to be recovered by complaint before the District Court of East Norfolk.

Section 13-2  
BY-LAW PROSECUTION

It shall be the duty of the Selectmen and Constables to prosecute every violation of any foregoing By-Laws by complaint before the District Court of East Norfolk.

Section 13-3  
PUBLICATION OF BY-LAWS

The Selectmen shall publish these By-Laws and make them available to any interested person. The fee for copies of by-laws to be fixed by the Board of Selectmen in accordance with MGL C40 §22F.

and by substituting therefore the following:

BY-LAW REGULATIONS- SECTION 13

Section 13-1

a. Scope and Authority

This bylaw provides for non-criminal disposition of a violation of any rule or regulation of any Town officer, board, or department, the violation of which is subject to a specific penalty. This by-law is enacted in accordance with MGL 40, s.21D (herein called 21D).

b. Enforcing Person

“Enforcing person” as used in this bylaw shall mean any police officer, regular or special, of the Town of Holbrook with respect to any offense; Fire Official, the Building Inspector, Health Agent, Conservation Commission member, Department of Public Works Director; or any other official as the Town Administrator or Selectman may from time to time designate, each with respect to violations of by-laws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be the enforcing person with respect thereto.

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c. Violation

An enforcing person taking cognizance of a violation of any by-law, rule or regulation may, as an alternative to institute criminal proceedings, give the offender a written notice to appear before the Clerk of the Norfolk District Court for non-criminal disposition of the violation, in accordance with 21D. The provisions of 21D are incorporated by reference herein.

d. Proceedings

Proceedings pursuant to this bylaw and 21D shall not be deemed to be criminal proceeding.

e. By-Law Penalty

Every violation of any of the foregoing By-Laws shall be punished by a fine as follows:

First Offense	Warning
Second Offense	\$100.00
Third Offense	\$200.00
Any additional Offense	\$300.00

Each day the violations remain un-corrected constitutes a separate violation.

- f. Appeals- The offender may appeal to the jurisdiction of the enforcing person such as their Boards or Committees to show cause why the non-criminal disposition penalty shall be modified or withdrawn. The enforcing authority has the right to modify or withdraw the complaint based on evidence presented by the offender. All appeal hearings shall commence no later than 30 days after a written request is made.

Section 13-2  
By-Law Prosecution

It shall be the duty of the enforcing person to prosecute every violation of any foregoing By-Laws by the complaint before the District Court of East Norfolk.

Section 13-3  
Publication of By-Laws

The Selectman shall publish these By-Laws and make them available to any interested person. The fee for copies of the by-laws to be fixed by the Board of Selectman in accordance with MGL C40 s. 22F.

Or take any other action thereon.

Submitted by the Board of Health

ARTICLE 30: Transfer, convey, sell and or lease Town property – 227 Plymouth Street

To see if the Town shall seek a request for proposals to transfer, convey, sell and/or lease property located at 227 Plymouth Street, Holbrook (Assessors' Map 22 dated June 2010, Parcel 212) together with approximately 13,760 square feet of land with buildings thereon on such terms and conditions as the Board of Selectmen may deem appropriate, or take any other action relative thereto.

Submitted by the Board of Selectmen

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ARTICLE 31: Disband the Town Government Study Committee

To see if the Town will vote to authorize the disbanding of the Town Government Study Committee as established at the Special Town Meeting in February 1987 under Article 6, or take any other action thereon.

Submitted by the Board of Selectmen

ARTICLE 32: Stabilization Fund

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a certain sum of money to be added to the Stabilization Fund as established in accordance with the provisions of Massachusetts General Law, Chapter 40, Section 5B, or take any other action thereon.

Submitted by the Board of Selectmen

And you are hereby directed to serve this warrant by posting attested copies thereof at three (3) public places in said Town, at least seven (7) days prior to the day of the actual meeting.

Hereof fail not, and have you there this warrant with your doings thereon.

Given under our hands this 14<sup>th</sup> day of April in the year 2011.

\_\_\_\_\_  
Timothy J. Gordon, Chairman  
Board of Selectmen

\_\_\_\_\_  
Matthew V. Moore, Vice-Chairman  
Board of Selectmen

\_\_\_\_\_  
Brinsley A. Fuller, Clerk  
Board of Selectmen

\_\_\_\_\_  
Richard B. McGaughey  
Board of Selectmen

\_\_\_\_\_  
Kevin J. Sheehan  
Board of Selectmen

Pursuant to the foregoing warrant, I the undersigned, one of the Constables of the Town of Holbrook, have notified and warned the inhabitants of the Town qualified to vote in Town affairs, to meet at the time and place for the purpose of aforesaid by posting attested copies thereof at three public places in said Town seven days at least before the day of said meeting.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Constable