

**Special Town Meeting**  
**October 25, 2010**

**RESOLUTION – BOURNE RULE**

Mr. Moderator, on behalf of the Board of Selectmen, I move the following Resolution:

**RESOLUTION:** Be It Resolved that, at the commencement of this special town meeting, the Moderator shall ask the Finance Committee and the Board of Selectmen to certify whether or not the total of all Finance Committee funding recommendations on all matters voted at the May 2010 annual town meeting, and contained in the warrant for this special town meeting if voted are equal to the maximum property tax levy limit for the Town of Bourne established by law for FY 2011. If the answer is in the negative, the Finance Committee and the Board of Selectmen shall certify the dollar amount which exceeds the Finance Committee dollar recommendations on all of the articles in the warrant, but is less than the maximum tax levy limit, which certified dollar amount shall be available for appropriation by this special town meeting. If the answer is in the affirmative, then during this special town meeting any motion to raise and appropriate funds in order to increase any appropriation recommended by the Finance Committee must state an equal dollar reduction in another recommended appropriation or appropriations. A recommendation of indefinite postponement by the Finance Committee shall be construed as a zero dollar funding recommendation.

**ARTICLE 1:** To see if the Town will vote to authorize the Board of Selectmen and the Town Administrator to file a home rule petition with the Massachusetts General Court for the purpose of exempting **Special Police Officer Drew Lonergan** from the age requirement of Massachusetts General Laws, Chapter 31, Section 58A and to request the enactment of legislation in substantially the following form:

“Notwithstanding MGL Chapter 31, Section 58A or any other general or special law to the contrary, Drew Lonergan may have his name certified for original appointment to the position of police officer in the Town of Bourne, notwithstanding having reached the age of 32 before taking any civil service examination in connection with such said appointment. In all other respects, Drew Lonergan shall be eligible for appointment to the position of police officer in the Town of Bourne only insofar as he qualifies and is selected for employment under chapter 31 of the General Laws, any regulations of the civil service commission and any lawful hiring practices of the Town of Bourne.”

***Sponsor - Board of Selectmen***

***MOTION: We move the Town so vote.***

***VOTED: the Ayes have it; the motion passes; declared a unanimous vote.***

**ARTICLE 2:** To see if the Town will vote, upon recommendation of the Community Preservation Committee, to appropriate a sum of money for the following Community Preservation Funds purpose(s): to continue the “Three Mile Overlook” project located at the end of Perry Avenue in Buzzards Bay including costs incidental and related thereto; and further the Open Space Committee and the Community Preservation Committee are hereby authorized and directed to take any and all acts necessary to implement this vote, or take any other action in relation thereto.

***Sponsor - Open Space Committee and the Community Preservation Committee***

***MOTION: We move that the Town vote, on the recommendation of the Community Preservation Committee, to appropriate the sum of \$40,000.00 from the Open Space Estimated Revenue of the Community Preservation Fund for continuing the “Three Mile Project” located at the end of Perry Avenue in Buzzards Bay including costs incidental and related thereto; and further the Open Space Committee and the Community Preservation Committee are hereby directed and authorized to take any and all acts necessary to implement this vote.***

***VOTED: the Ayes have it; declared the motion passes.***

**ARTICLE 3:** To see if the Town will vote to amend the Bourne Zoning Bylaw as follows, or take any other action in relation thereto.

***Sponsor – Planning Board***

Amend Section 2220 Use Regulation Schedule by deleting "S" in Motor vehicle service stations in columns V-B, B-1 & B-2, B-4 and replace with SPR/SP as follows:

**Current**

DISTRICT	R-40 R-80	V-B B-1	B-2 B-4	B-3	GD
<b>COMMERCIAL USES</b>					
Technology Campus	No <sup>10</sup>	No	SPR/SP	SPR/SP	No
Motor vehicle service stations, subject to Section 4500	No	S	S	No	No
Commercial recreation	No	SPR/SP	SPR/SP <sup>7</sup>	SPR/SP	No

**Proposed**

DISTRICT	R-40 R-80	V-B B-1	B-2 B-4	B-3	G D
<b>COMMERCIAL USES</b>					
Technology Campus	No <sup>10</sup>	No	SPR/SP	SPR/SP	No
Motor vehicle service stations, subject to Section 4500	No	SPR/SP	SPR/SP	No	No
Commercial recreation	No	SPR/SP	SPR/SP <sup>7</sup>	SPR/SP	No

**MOTION:** *We move that the Town vote to amend the Town of Bourne Zoning By-Law by amending section 2220, Use Regulation Schedule by Deleting “S” in motor Vehicle Service Stations and inserting SPR/SP.*

**Voted: Ayes 144; Nays 11 – declared the motion passes by more than a 2/3rds vote.**

**ARTICLE 4:** To see if the Town will vote to amend the Town of Bourne Bylaws, Section 3.1.14 **Junk Sales** by deleting said section in its entirety and by substituting therefore the following new Section 3.1.1, or take any action in relation thereto.

“Section 3.1.14

Second Hand Dealers, Shops and Pawn Brokers

a. Permits may be issued by the selectmen to second hand dealers, keepers of shops, pawn brokers, purchasers of junk, old metal, or second hand articles. The second hand dealers include any business that purchases or holds for a loan any second hand item. Items include any precious metals, jewelry, coins, stamps, sports memorabilia, clothing, flatware, household items, electronics, furniture, artwork, tools, construction items, metals, piping, wire or any other item taken in trade, bought or sold with a value of over one cent. The number of permits issued will be determined by the Board of Selectmen. The fee for such licenses will also be determined by the Board of Selectmen.

b. The maximum allowed monthly rate of interest for loans is set at 3% monthly. The maximum annual rate of interest is set at 36%. The rate of interest cannot vary no matter what the loan amount.

c. Every person licensed under the preceding section, their employees and agents, shall record every purchase, barter or receipt of any article in a ledger book. Such record shall include the identity of the employee making the transaction. The licensee, its employees or agents will also obtain positive identification of the person from whom the transaction is conducted. Positive identification will include that person's name, date of birth, social security number, copy of a photo I.D. and address. Said transaction will be recorded immediately in the ledger containing the date, detailed item description and the amount paid for or loaned on the item. Each shop will make a copy of their weekly transactions and deliver those copies to the Bourne Police Station. All such shops may be examined at reasonable hours by Constables, or Police Officers from the Town of Bourne. Additionally every shop will make their records available to Law Enforcement personnel from other cities and towns. No licensee shall directly or indirectly purchase or receive by way of barter or exchange, or loan any article to a minor being under eighteen years of age, unless said minor is accompanied by their legal guardian or parent who shall provide positive identification and whose information shall also be recorded in the ledger book.

d. Every establishment issued such license shall display their license in a public area of the business for immediate examination by a police officer or agent of the licensing authority. Licenses will display a suitable sign identifying the name and nature of the business which must be clearly visible to all persons passing the establishment during the normal course of business. No article taken as collateral, purchased, or received shall be sold, altered, or offered for sale for a period of thirty days from when it was obtained. No licensee shall permit the purchase sale or receipt of any articles between the hours of 10:00 PM and 7:00 AM.

e. Any licensee found in violation of the above sections will be fined \$100.00 for the first offense, \$200.00 for a second offense and \$500.00 for a third offense. At any time The Board of Selectmen may review the license status of the licensee for violations of this Section of the Bylaws. If violation(s) are found the Board of Selectmen may suspend or revoke said license.”  
*Sponsor – Bylaw Committee*

***MOTION: We move the Town so vote.***

***The following Amendment to the motion was presented by David O’Hara: I move to amend Article 4 by striking the words “social security number” in paragraph C and substituting the words “drivers license number” in that paragraph. The Amendment failed by a vote of: Ayes 72; Nays 90.***

**VOTED: the main motion was then voted upon: Ayes 127; Nays 26 – declared the motion passes.**

**ARTICLE 5:** To see if the Town will vote to appropriate a sum of money for the purpose of accepting proceeds from insurance in the amount of \$21,650.00 for a loss at the school department, or take any other action in relation thereto.

*Sponsor – School Committee*

***MOTION:*** We move the Town so Vote. We further move to transfer the sum of \$21,650.00 from the insurance recovery fund to the reserve fund.

***VOTED: the Ayes have it; motion passes; declared a unanimous vote.***

***ARTICLE 6:*** To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to the Stabilization Fund, or take any other action in relation thereto.

***Sponsor - Board of Selectmen***

***MOTION:*** We move that the Town vote to transfer \$88,312.00 from Free Cash to the Stabilization Fund.

***VOTED: the Ayes have it; motion passes; declared a unanimous vote.***

***ARTICLE 7:*** To see if the Town will vote to appropriate, borrow or transfer from available funds to supplement the fiscal year 2011 annual budget as voted under Article 3 of the 2010 Annual Town Meeting with the following increases, or take any action in relation thereto.

***Sponsor - Board of Selectmen***

<b>Department</b>	<b>Amount</b>
Town Building Maintenance expense	20,000.00
Selectmen expenses	8,000.00
Legal Services expense	20,000.00
Civil Defense expense	2,000.00
Finance-IT expense	25,000.00
Community Building Maintenance Exp	32,375.00
Fire Department Salaries	125,000.00
Police Department Salaries	150,000.00
Charter Commission Salaries	3,500.00
Charter Commission Expenses	1,500.00
Wastewater Committee Salaries	1,500.00
Wastewater Committee Expenses	500.00
Street Light-Fuel Cost Expenses	40,000.00
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	429,375.00

***MOTION:*** We move to appropriate the sum of \$429,375.00 for the purpose of supplementing and amending budgets as set forth in the article above and to meet this appropriation we move to transfer the sum of \$429,375.00 from Free Cash.

***VOTED: the Ayes have it; motion passes; declared a unanimous vote.***

**ARTICLE 8:** To see if the Town will vote to authorize the Town Administrator to enter into an employment contract with the Human Resources Director, or take any other action in relation thereto.

**Sponsor:** - *Board of Selectmen*

**MOTION:** *We move that the Town vote to authorize the Town Administrator to enter into an employment contract with the Human Resources Director.*

**VOTED:** *the Ayes have it; declared the motion passes.*

**EXHIBIT TO ARTICLE 7**

	<b>Original Budget Voted May ATM</b>	<b>Proposed Amended Budget</b>	<b>Budget Increase</b>
<b>Selectmen Expenses</b>	\$ 11,675.00	\$ 19,675.00	\$ 8,000.00
<b>Wastewater Advisory Committee</b>			
<b>Salaries</b>	\$ -	\$ 1,500.00	\$ 1,500.00
<b>Expenses</b>	\$ -	\$ 500.00	\$ 500.00
<b>Charter Commission</b>			
<b>Salaries</b>	\$ -	\$ 3,500.00	\$ 3,500.00
<b>Expenses</b>	\$ -	\$ 1,500.00	\$ 1,500.00
<b>Finance Department Expenses</b>	\$ 267,281.00	\$ 292,281.00	\$ 25,000.00
<b>Legal Expenses</b>	\$ 249,000.00	\$ 269,000.00	\$ 20,000.00
<b>Town Buildings Maintenance Expenses</b>	\$ 15,550.00	\$ 35,550.00	\$ 20,000.00
<b>Police Department Salaries</b>	\$ 3,077,567.00	\$ 3,227,567.00	\$ 150,000.00
<b>Fire Department Salaries</b>	\$ 2,704,246.00	\$ 2,829,246.00	\$ 125,000.00
<b>Emergency Preparedness Civil Def Expense</b>	\$ 8,000.00	\$ 10,000.00	\$ 2,000.00
<b>Street &amp; Traffic Lights Expenses</b>	\$ 124,000.00	\$ 164,000.00	\$ 40,000.00
<b>Community Building Expenses</b>	\$ 98,950.00	\$ 131,325.00	\$ 32,375.00
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<b>Total Budgets with Changes</b>	<u>\$ 6,556,269.00</u>	<u>\$ 6,985,644.00</u>	<u>\$ 429,375.00</u>
<b>Total General Fund Budget</b>	<u><b>\$50,930,917.00</b></u>	<u><b>\$51,360,292.00</b></u>	<u><b>\$ 429,375.00</b></u>

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- 1. Home Rule Petition – Drew Loneran**
- 2. Three Mile Overlook project – Open Space & Community Preservation Committee**
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- 5. Appropriation for a school loss**
- 6. Transfer money to the Stabilization Fund**
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