

**ARTICLES OF THE WARRANT**

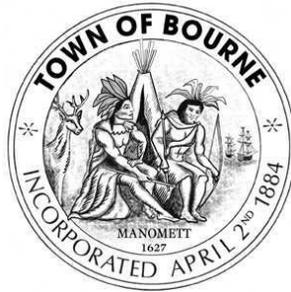
**FOR THE**

**BOURNE SPECIAL TOWN MEETING**

**MONDAY, November 14, 2012**

**7:00 P.M.**

**BOURNE HIGH SCHOOL AUDITORIUM**



**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 2012 annual town meeting and prior special town meetings, 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 2013. 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.

***Motion: Move the town so vote***

***Voters: Ayes have it, Motion passes, Declared a Unanimous Vote***

**ARTICLE 1:** To see if the Town will vote to amend the vote taken under Article 9 item 19, Electric Service Upgrade for the DPW, of the 2012 ATM Capital Outlay Article, or take any other action in relation thereto.

*Sponsor – Finance Director*

*Motion: Moved that the Town vote to amend the vote taken under Article 9, item 19, Electric Service Upgrade for the DPW of the 2012 Annual Town Meeting by deleting authorization to transfer the sum of \$12.67 from Article 8 of the 1998 Special Town Meeting (Bourne Middle School) and substituting in its place authorization to transfer the sum of \$12.67 from free cash for the purpose of Electric Service Upgrade for the DPW.*

*Votes : Ayes have it, Motion passes, Declared and Unanimous Vote*

**ARTICLE 2:** To see if the Town will vote to amend the following departmental budgets of the fiscal year 2013 annual budget as voted under Article 3 of the 2012 Annual Town Meeting and to appropriate a sum of money for the purposes of this article, or take any action in relation thereto.

Departments  
Insurance Expenses  
ISWM Working Group Expenses  
Selectmen Expenses  
DNR Expenses  
BVMCC Trustees Wages  
Town Hall Maintenance Expenses  
Human Resource Salaries & Wages  
Fire Department Salaries & Wages  
Town Building Maintenance Expenses  
Town Building Maintenance Salary & Wages  
Finance Expenses

*Sponsor – Board of Selectmen*

*Motion: Moved that the Town vote to amend the following departmental budgets of the Fiscal Year 2013 budget voted under Article 3 of the 2012 Annual Town Meeting as follows and to appropriate the sum of \$464,500.00 for the purposes of this Article and, to meet this appropriation, to transfer the sum of \$464,500.00 from free cash in the following sums and to the following line items:*

*Insurance Expenses: transfer \$320,000.00 from free cash;*

*ISWM Working Group Expenses: transfer \$3,550.00 from free cash;*

*Selectmen Expenses: transfer \$9000.00 from free cash;*

*DNR Expenses: transfer \$65,000.00 from free cash;*

*Bourn Veteran’s Memorial Community Center Trustees Wages: transfer \$600.00 from free cash;*

*Town Hall Maintenance Expenses: transfer \$37,850.00 from free cash;*

*Finance Expenses: Transfer \$28,500.00 from free cash;*

*And further to transfer the following sums to the following line items:*

*Transfer \$7500.00 from the Fire Department Salaries and Wages to Human Resource Salaries & Wages;*

*And Transfer \$25,000.00 from Town Building Maintenance Salary & Wages to Town Building Maintenance Expenses.*

*Voted : Ayes have it, Motion passes, Declared a Unanimous vote*

**ARTICLE 3:** To see if the Town will vote to appropriate a sum of money for the payment of unpaid bill(s), or take any other action relative thereto.

*Sponsor – Board of Selectmen*

*Motion: Moved that the Town vote to appropriate the sum of \$3,130.79 to pay the following bills that are legally unenforceable because of insufficiency of appropriation:*

<i>Fire Department Greenwood Emergency</i>	<i>2052.03</i>
<i>Fire Department Southcoast Hospital</i>	<i>369.00</i>
<i>Finance Department WB Mason</i>	<i>289.76</i>
<i>Human Resources C&amp;I Occupational</i>	<i><u>420.00</u></i>
	<i>\$3130.79</i>

*Voted: Ayes have it, Motion passes, Declared a Unanimous vote*

**ARTICLE 4:** To see if the Town will vote, upon recommendation of the Community Preservation Committee, to appropriate a sum of money from the Undesignated Fund Balance of the Community Preservation Fund and transfer a sum of money to the reserves for Open Space, Reserve for Historic Resources, and Reserve for Community Housing, or take any other action related thereto.

*Sponsor –Community Preservation Committee*

*Motion: Moved that the Town vote, upon recommendation of the Community Preservation Committee, to appropriate the sum of \$34,456.00 for the purposes of this Article and, to meet this appropriation, to transfer \$26,800.00 from the Undesignated Fund Balance to the Open Space Reserve and to transfer \$3,828.00 from the Undesignated Fund Balance to the Historic Resources Reserve and to transfer \$3,828.00 from the Undesignated Fund Balance to the Community Housing Reserve.*

*Voted: Ayes have it, Motion passes, Declared a Unanimous vote*

**ARTICLE 5:** To see if the Town will vote to appropriate a sum of money from the proceeds of the Cable TV Contract paid to the Town by Comcast, or take any other action relative thereto.

*Sponsor – Board of Selectmen*

**Motion:** *Moved that the Town vote to appropriate the sum of \$38,120.00 for the purpose of this Article, and to meet this appropriation, to transfer the sum of \$38,120.00 from the proceeds of the Cable TV contract paid to the Town by Comcast, Inc. to the Reserve Fund.*

**Voted:** *Ayes have it, Motion passes, Declared a Unanimous vote*

**ARTICLE 6:** To see if the Town will vote to appropriate a sum of money for the purpose of funding Capital Improvements and Capital Projects, or take any other action in relation thereto.

*Sponsor –Capital Outlay Committee*

CAPITAL OUTLAY PROJECTS OCT 2012 STM					
ITEM	DEPART.	PROJECT/DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
1	Police Dept	Cruisers	\$15,000.00		Free Cash
2	Police Dept	Masonry Repairs	\$30,000.00		Free Cash
3	Fire Dept	Portable Radios	\$30,000.00		Free Cash
4	Fire Dept	Computer System, Hardware & Software for Ambulance	\$14,600.00		Free Cash
5	Conservation	Tideway Sea Wall Repairs	\$50,000.00		Waterways
			<b><u>\$139,600.00</u></b>		

**Motion:** *Moved that the Town vote to appropriate the sum of \$139,600.00 for the purpose of funding the Capital Improvements and Capital Projects listed above and to meet this appropriation to transfer \$50,000.00 from the waterways Fund and \$89,600.00 from free cash.*

**Voted:** *Ayes have, Motion passes, Declared a Unanimous Vote*

**ARTICLE 7:** To see if the Town will vote to appropriate a sum of money for the purpose of funding the Town’s OPEB liability, or take any other action in relation thereto.

*Sponsor – Finance Director*

*Motion: Moved that the Town vote to appropriate the sum of \$250,000.00 for the purpose of funding the Town’s other Post Employment Benefits Liability and, to meet this appropriation, to transfer \$250,000.00 from free cash.*

*Voted : Ayes Have it, Motion passes, Declared a Unanimous Vote*

**ARTICLE 8:** To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, eminent domain, or otherwise or receive by gift certain parcels of land, with the buildings thereon, situated in Bourne, Barnstable County, Massachusetts, known and numbered as 9 Sandwich Road, being shown as Parcel 16 on Bourne Assessors Map 24.3, for historical preservation and for other municipal purposes; and to raise and appropriate, borrow or transfer from available funds a sum of money for such acquisition , including costs incidental and related thereto; and to further authorize the Board of Selectmen to take any other action in relation thereto.

*Sponsor – Elizabeth Ellis and others*

*See Appendix “A” Supporting Information on Page 20*

*Motion: Moved that the Town vote to authorize the Board of Selectmen to acquire by purchase, a parcel of land known and numbered as 9 Sandwich Road, being shown as Parcel 16 of Bourne Assessors Map 24.3 for municipal purposes and to appropriate the sum of \$250,000. 00 for the purposes of this Article, including costs incidental and related thereto; and to meet this appropriation, to transfer the sum of \$250,000.00 from free cash; and further to authorize the Board of Selectmen to take all actions necessary to effectuate the purposes of this Article.*

*Voted : Ayes have it, Motion passes, Declared a Unanimous Vote*

**ARTICLE 9:** To see if the Town will vote to amend Section 3.7.6 Water Resource District Enforcement of the Town Bylaws by deleting the word “members” in the first sentence and changing the fine from “not less than \$50.00 nor more than \$300.00 for each offense” to “\$300.00 for each offense”, or take any other action relative thereto.

*Sponsor – Bylaw Committee*

*See Appendix “B” Supporting Information on Pages 21-22*

*Motion: Move that the Town so vote.*

*Voted: Ayes have it, Motion passes, Declared a Unanimous Vote*

**ARTICLE 10:** To see if the Town will vote to amend the Town Bylaws by deleting Article 3.6 Use of Waterways in its entirety, or take any other action relative thereto.

*Sponsor – Bylaw Committee*

*See Appendix “B” Supporting Information on Pages 21-22*

*Motion: We Move that the Town so vote*

*Voted : Ayes have it, Motion passes, Declared a Unanimous Vote*

**ARTICLE 11:** To see if the Town will vote to amend the Town Bylaws, Section 3.6.2 Use of Waterways Designated Waterskiing Areas by deleting “4. Posted Area of Little Bay, Monument Beach” from the list of designated waterskiing areas, or take any other action relative thereto.

*Sponsor – Bylaw Committee*

*See Appendix “B” Supporting Information on Pages 21-22*

*Motion: We move to indefinitely postpone*

*Voted : Ayes have it, Motion passes, Declared a Unanimous Vote*

**ARTICLE 12:** To see if the Town will vote to amend the Town Bylaws Section 3.6.2 Use of Waterways Enforcement and Penalties by deleting the phrase “shall be fined twenty-five (\$25.00) dollars for the first violation and fifty (\$50.00) dollars for each violation thereafter” to “shall be fined one hundred dollars (\$100.00) for each violation”, or take any other action relative thereto.

*Sponsor – Bylaw Committee*

*See Appendix “B” Supporting Information on Pages 21-22*

*Motion: Moved that the article be indefinitely postponed*

*Voted : Ayes Have it, Motion passes, Declared a Unanimous vote*

**ARTICLE 13:** To see if the Town will vote to authorize the Board of Selectmen, on terms and conditions deemed by the Board to be in the best interest of the Town to convey Town owned parcels of land, shown on Assessors’ Map 19.4, Parcel 159.00 and Assessors’ Map 19, Parcel 160.00, as shown on a plan on file at the Office of the Town Clerk, or take any action relative thereto.

*Sponsor – Board of Selectmen*

*Motion: Moved that this Article be indefinitely postponed.*

*Voted: Ayes have it, Motion passes, Declared a Unanimous vote*

**ARTICLE 14:** To see if the Town will vote to appropriate a sum of money to further study future wastewater collection and treatment options for the protection of human and environmental health and to enhance economic development in Bourne, said funds to be used for administrative tasks, grant writing, hydro-geological expertise, and other environmental assistance, or take any action in relation thereto.

*Sponsor – Board of Sewer Commissioners*

*Motion: Moved that the Town vote to appropriate the sum of \$145,000.00 for the purposes of this Article and, to meet this appropriation, to transfer the sum of \$145,000.00 from free cash.*

*Voted : Ayes have it , Motion passes, Declared a Unanimous vote*

**ARTICLE 15:** To see if the Town will vote to authorize the Board of Selectmen to sell or otherwise convey a 1999 Ford Ecovan, currently owned by the Town of Bourne, to Bourne Community T.V., Inc, or take any action in relation thereto.

*Sponsor – Board of Selectmen*

*Motion: Moved that the Town so vote.*

*Voted : Ayes have it, Declared a Unanimous vote*

**ARTICLE 16:** To see if the Town will vote to appropriate a sum of money for the cost of planning, constructing, originally equipping and furnishing of a Department of Public Works facility and ancillary space on town-owned land , including the payments of all costs incidental and related thereto, provided, however, that any authorized borrowing hereunder shall be contingent on passage of a vote at a regular or special Town election to exempt amounts required to pay any authorized bonds or notes from the provisions of Proposition 21/2, so-called, or take any action in relation thereto.

*Sponsor – Board of Selectmen*

*Motion: Move to indefinitely postpone*

*Voted : Ayes have it, Motion Passes, Declared a Unanimous vote*

**ARTICLE 17:** To see if the Town will vote to authorize the Board of Selectmen to sell, transfer and convey, on terms deemed to be in the best interest of the Town, parcels of land as shown on plans on file at the office of the Town Clerk, or take any other action in relation thereto.

*Sponsor – Board of Selectmen*

*See Appendix “C” Supporting Information on Page 23*

*Motion: Moved that the Town vote to authorize the Board of Selectmen to sell, transfer and convey, on terms and conditions deemed to be in the best interest of the Town Map 23.2 Parcel 089.00 and Map23.2 Parcel 098.00 on Cohasset Avenue, as shown on a plan on file at the Office of the Town Clerk.*

*Voted : Ayes 35, Nays 92; Nays have it, Motion Fails*

**ARTICLE 18:** To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the following Community Preservation Funds purposes(s): to restore or replace windows in the Historic Center located at 30 Keene street, Bourne, including costs incidental and related thereto, or take any action in relation thereto.

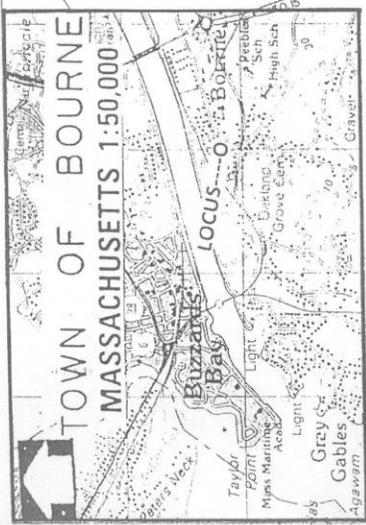
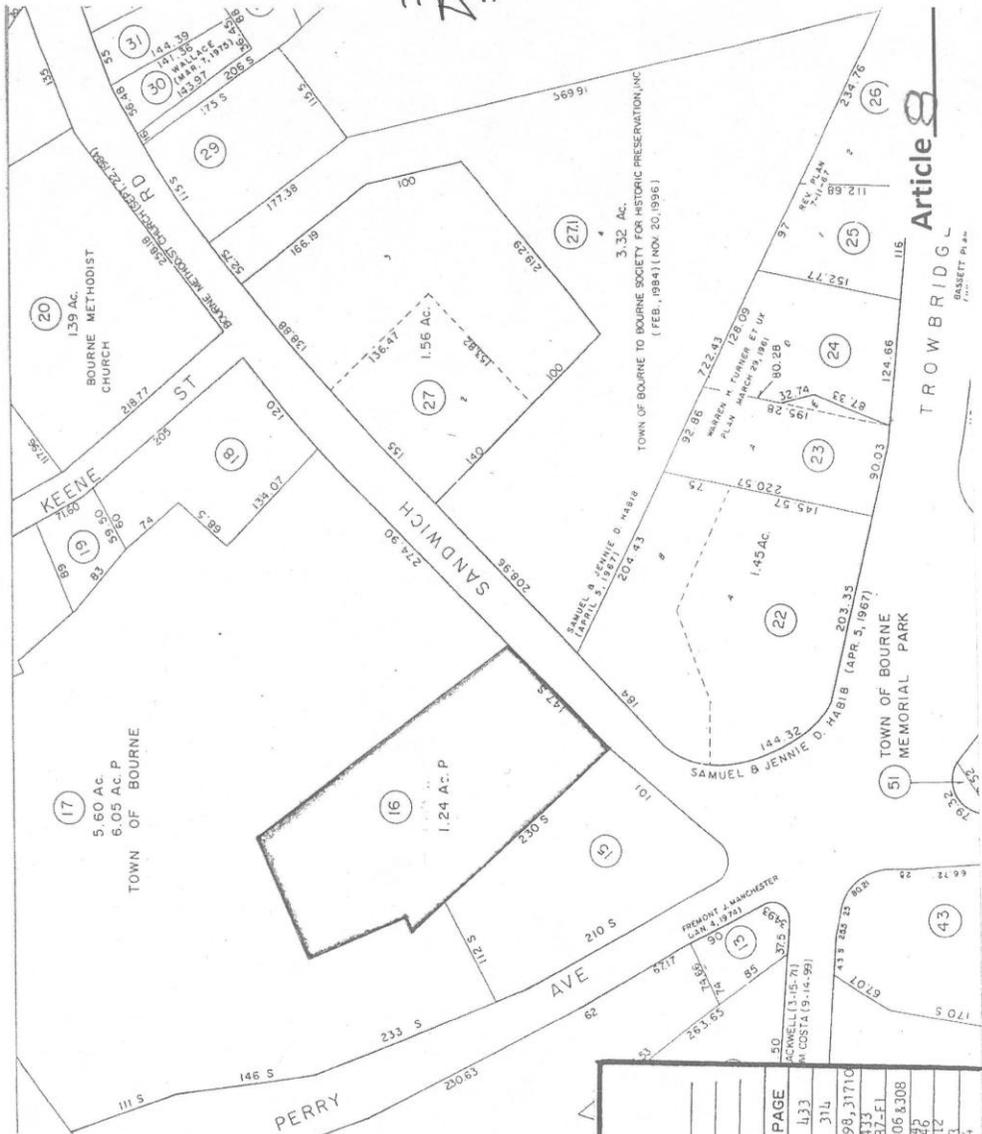
*Sponsor – Historic Commission*

*Motion: Moved that the Town vote, upon the recommendation of the Community Preservation Committee, to appropriate the sum of \$142,000.00 for the purposes of this Article, including costs incidental and related thereto, and, to meet this appropriation, to transfer the sum of \$19,470.19 from the Oct 2008 STM Art 18 ADA Compliant Chair lift, \$27,155.86 from the Oct 2008 STM Art 18 Repairs & Renovations Bourne Historical Society, \$22,213.40 from the May 2010 STM Art 5 Repairs & Renovations Bourne Historic Center and further to transfer \$73,160.55 from the Historic Resources Reserve.*

*Voted: Ayes have it, Motion passes, Declared a Unanimous vote*

# **APPENDIX**

- A. Article 8 - 9 Sandwich Road**
- B. Articles 9, 10, 11, 12 – Town Bylaws**
- C. Article 17- Cohasset Avenue**



**TOWN OF BOURNE, ASSESSOR'S DEPT.**

MAP NUMBER: 24.3      PARCEL NUMBER: 16  
 LOCATION: 9 Sandwich Rd., Bourne

Area: 1.24 AC

OWNER'S NAME	BOOK	PAGE
1. Tucker, Julia W. & Thelma (Whiting) DeCosta	11118	133
2.	1567	314
3. Probate No. 38998, 31710		
4. Tucker, Julia W. et al (Patricia McAliece)	1448	435
5. McAliece, Frederick J. et ux (Patricia McAliece)	Probate 886	1117-FL
6. McAliece, Patricia (Deed 11153-00)	5541	306 & 308
7. McAliece, Patricia (Deed 11153-00)	10471	42
8. Death Cert (LIFE ESTATE DEED 11153-00)	13418	312
	23562	124
	23362	124

**Article 8**  
TROWBRIDGE  
PLANNET P.A.

**“B”**

## **Town Bylaws to be Amended**

### **Section 3.7.6**

Enforcement; Violations; Penalty. The Commission, its members, employees, duly authorized agents, natural resource officers, and local and state law enforcement agencies are hereby authorized to enforce the provisions of this bylaw. Any person violating this bylaw shall be punished by a fine of not less than \$50.00 nor more than \$300.00 for each offense. Each day or portion thereof during which a violation continues shall constitute a separate offense. Notices of violation shall be in the form of a violation letter, enforcement order and/or a cease and desist request. Any person who files "after-the-fact" for a project may be required by the Commission to pay double the filing fee.

### **Article 3.6 Use of Waterways**

#### **Section 3.6.1**

Designated Waterskiing Areas. The following areas shall be designated for the purpose of waterskiing:

1. Posted area on southwest side of Bassett's Island.
2. Posted area on east side of Mashnee Dike.
3. Posted area in northerly portion of Buttermilk Bay
4. Posted area of Little Bay, Monument Beach.

#### **Section 3.6.2**

Enforcement and Penalties. Unless otherwise specified, the provisions of this bylaw shall be enforced by the Harbormaster and the Assistant Harbormasters. Whoever violates any of the provisions of this bylaw and/or refuses or neglects to obey the lawful and reasonable orders of those empowered to enforce the same, or resists them in the discharge of their duties, shall be fined twenty-five (\$25.00) dollars for the first violation and fifty (\$50.00) dollars for every violation thereafter.

#### **Section 3.6.3**

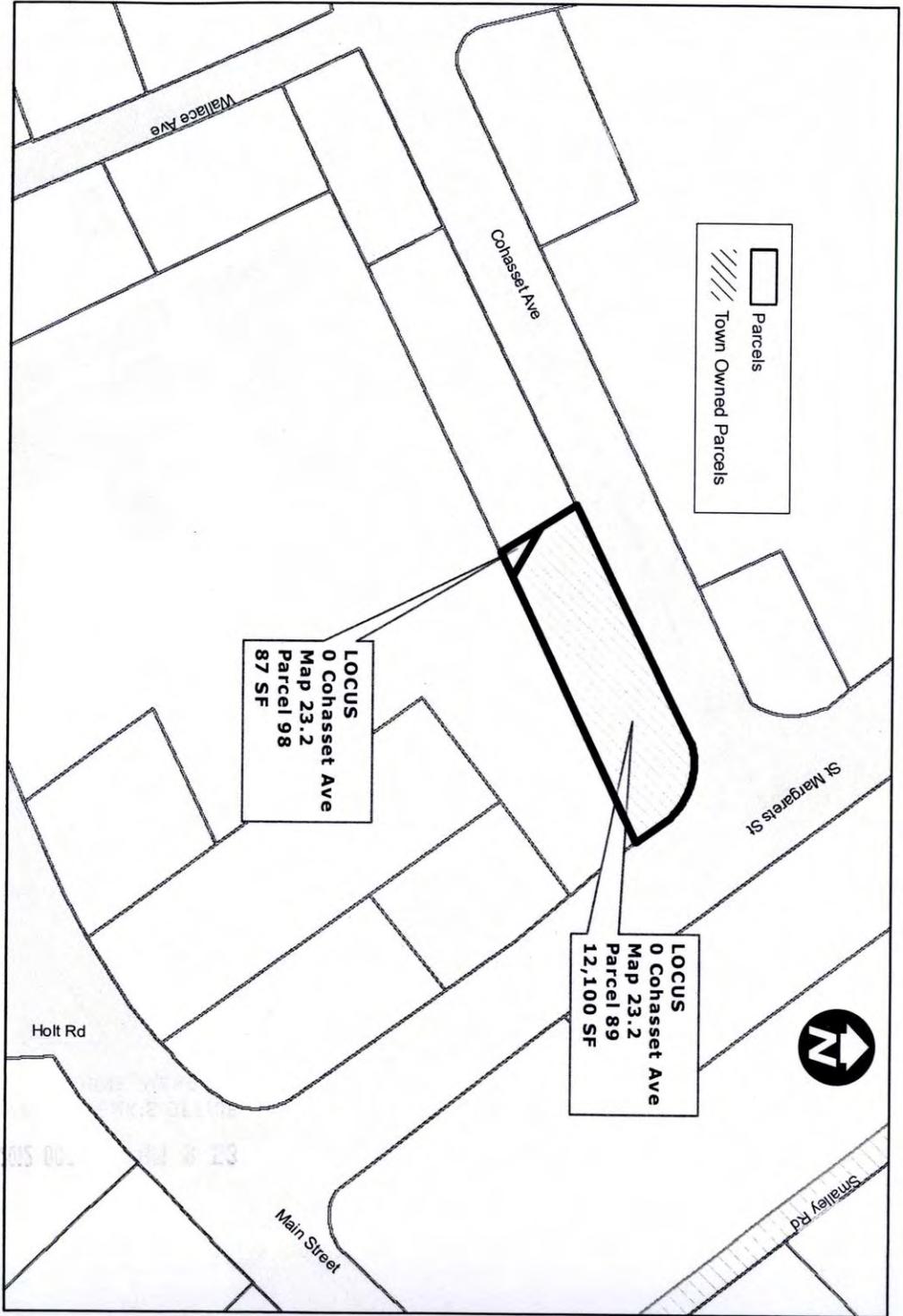
Definitions. As used herein, the following terms shall have the following meaning:

“Little Bay” shall mean all waters south of Tobey Island Bridge to a line drawn from the western point of Ram Island, southwesterly in direction, to the southeast tip of Tobey Island.

“Permanent Mooring Reduction Area” In a permanent mooring reduction area, existing mooring permits on the date of the adoption of this Section shall be issued or re-issued to current mooring permit holders only and the total number of permits within the mooring reduction area shall be reduced hereafter through attrition.

Permanent Mooring Reduction Area. In order to preserve it as a scenic bay, the waterway area known as Little Bay is hereby classified a permanent mooring reduction area.

“C”



**TOWN OF BOURNE**  
24 Perry Avenue  
Buzzards Bay, Massachusetts 02532  
Telephone 508-759-0600

Map created October 9, 2012 by Bourne Planning Dept.  
Sources: Parcels & roads from MASSGIS; maintained & updated by Bourne Planning Dept.  
DEP Wetlands from MASSGIS.  
Datum: NAD83 Projection: MA State Plane (Mainland)  
The information depicted on this map is for planning purposes only. It is not adequate for legal interpretation, or parcel-level analysis.  
It should not substitute for actual on-site survey, or separate deed research.

**Special Town Meeting**  
**Oct. 29, 2012**  
**Article 17**