

Select Board Meeting Notice AGENDA



Date
April 2, 2024

Time
7:00 PM

Location
Bourne Veterans' Community Center
239 Main St., Buzzards Bay 02532
Or virtually (see information below)

Note this meeting is being televised, streamed or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time. Use of flash photography during Select Board meetings is prohibited.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099**

Zoom Meeting ID: 869 5775 5505

Password: BOURNE

The Zoom chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute.

All items within the meeting agenda are subject to deliberation and vote(s).

7:00 PM Call public session to order in open session

1. Moment of silence to recognize our troops and our public safety personnel
2. Salute to the flag
3. Reading of the Select Board Vision and Mission Statements
4. Report out from Executive Session
5. Community Shout Out & Recognition
6. Public comments on non-agenda items - Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).
7. Town Administrator annual review summary
8. Presentation by Chief Cody on the SAFER Grant Program for the Fire Department
9. Review Town Meeting articles:
 - i. Article 29: File special legislation to remove a portion of town-owned land from Article 97 protection in order to build a future fire station
 - ii. Article 26: Easements for Rail Trail
 - iii. Article 27: Easements for Police Station utilities
 - iv. Article 7: CPC recreation – feasibility study
 - v. Article 8: CPC recreation – all wheel skate park
 - vi. Article 9: CPC historic preservation – roof at former Hoxie School
 - vii. Article 10: CPC affordable housing – 9 Sandwich Rd
 - viii. Article 11: CPC – multiple
 - ix. Article 12: CPC administrative budget
 - x. Article 20: Authorize BEANO licenses
10. Consent agenda:
 - a. Approve request of Police Department to declare surplus and dispose police cruisers
 - b. Approval of renewal special events listed on attachment
 - c. Accept donation to Library from the Cape Cod Foundation

TOWN CLERK BOURNE

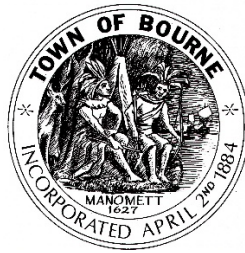
2024 MAR 29 AM 9:50

RECEIVED

11. Review motions for Town Meeting articles, develop initial recommendations, assign articles to Board members
12. Town Administrator's Report
13. Policy:
 - a. 3rd reading for "Layout and Acceptance of Private Ways by Petition"
14. Discuss annual goals for Town Administrator
15. Select Board comments in preparation for Cape Cod Bridges Program Advisory Group Meeting, April 9, 2024
16. Minutes: 10/18/22 and 3/12/24
17. Committee reports
18. Correspondence
19. Future agenda items
20. Next meeting dates: April 9, 16 & 30
21. Adjourn

Reasonable accommodations for people with disabilities are available upon request. Please include a description of the accommodation you require, with as much detail as possible, and include a way we can contact you if we need more information. Please allow advance notice. Send an email to kthut@townofbourne.com or call the Town Administrator's Office at 508-759-0600 x1503

TOWN OF BOURNE



Vision

Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.

Mission

Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

**ARTICLES OF THE WARRANT, MOTIONS,
VOTER INFORMATION, AND
RECOMMENDATIONS
OF THE
FINANCE COMMITTEE**

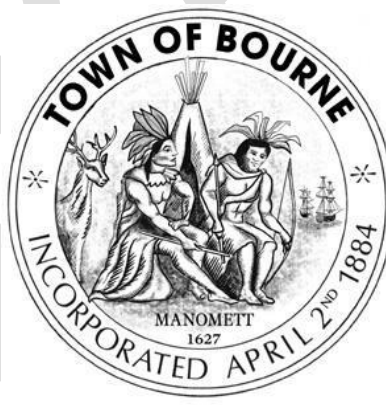
**FOR THE
BOURNE SPECIAL**

**And
ANNUAL TOWN
MEETING**

Monday, May 6, 2024

7:00 P.M.

Bourne High School Auditorium



A Voter's Handbook

***PLEASE BRING THIS HANDBOOK TO EACH SESSION OF
TOWN MEETING***

VOTER HANDBOOK TABLE OF CONTENTS

Town Meeting ABCs

Rules of the Moderator

Special Town Meeting Article Index

Articles, Motions, and Finance Committee Recommendations

Annual Town Meeting Article Index

Articles, Motions, and Finance Committee Recommendations

Appendix A – Finance Committee Report and Roll Call Votes

Appendix B – Fiscal Year 2025 Operating Budget

Appendix C – Fiscal Year 2025 Capital Budget

Appendix D – Supporting Information

Appendix E – Bourne Rule

SOME ABC'S ABOUT TOWN MEETING

THE PLAYERS

As you face the front of the auditorium, you see on the stage various officials and resource people in the following approximate positions: In the middle is the Moderator, an elected town official who conducts the meeting. Beside to your left the Moderator is the Town Clerk and staff who record the proceedings. Seated from left to right: Finance Committee; and Select Board; and, Town Counsel, to the right of the Moderator.

WHO MAY VOTE?

All registered voters of the Town of Bourne who have been checked in at the registration desks, and who display their identification tag.

THE QUORUM

One hundred twenty five (125) voters present constitute a quorum required for commencing the business of Town Meeting. Once the meeting opens, the quorum drops to one hundred (100) voters.

THE WARRANT

The official listing of articles compiled, publicly posted and distributed to voters at Town Meeting.

ARTICLES

Articles are the individual subjects to be acted on by Town Meeting. They have been submitted by Town Boards and Departments, by the Select Board, and by private petition endorsed by ten or more registered voters (for an annual town meeting) or one hundred or more registered voters (for a special town meeting).

ORDER OF BUSINESS

The Moderator determines when a quorum is present and calls the meeting to order. Following the pledge of allegiance, the Moderator reviews the basic rules under which the meeting will be conducted. Special Resolutions, if any, are presented and acted upon. With some exceptions, articles are called by lottery, discussed, and voted upon. This procedure is followed for each article until the warrant has been completed. If necessary, due to time constraints, additional meetings will be scheduled.

MOTIONS

When an article reaches the floor, the Moderator will usually ask if the Select Board has a recommendation and a motion to offer. The Moderator will then ask if the Finance Committee has a recommendation to offer. This is because Town Bylaw requires the Finance Committee to review and make recommendations on all articles in the warrant. On articles presented by the Planning Board, the Moderator will ask them to present a motion and their official report. The Finance Committee will then make its recommendation. Motions not related to subjects in the warrant or to the conduct of the meeting are not permitted.

INDEFINITE POSTPONEMENT

A motion to indefinitely postpone action on an article is a motion not to take positive action at this town meeting.

NEGATIVE RECOMMENDATIONS

If the action recommended by the Select Board on an article other than zoning bylaw articles is negative, the Moderator will ask if any voter present wishes to make a positive motion. If so, the person making the motion must also be prepared to submit the motion in writing to the Moderator.

AMENDMENTS

Any voter present may request to be recognized by the Moderator for purposes of offering an amendment to any motion under discussion. The motion to amend must be in writing and include the specific words to be deleted in the original motion as well as those to be substituted.

PARTICIPATION

If you have a question of clarification concerning an article or motion under discussion, or wish to participate in such discussion, please do so. To be recognized by the Moderator, raise your hand or if necessary, stand in place. When recognized, step forward to the nearest microphone as quickly as possible and state your name. Speak slowly and clearly into the microphone. Be as concise and brief as possible, and by all means stick to the point at hand. Keep your remarks to 3½ minutes or less.

VOTING

Generally, after appropriate motion and discussion, if any, the Moderator will call for a ballot vote using electronic keypads. The Moderator, at her discretion, may use electronic balloting for any or all votes.

DEFINITIONS

For the benefit of those who may not be familiar with some of the financial terms appearing in or used in the course of considering various articles, the following much simplified definitions maybe helpful:

CONSENT ARTICLE

The Consent article is an exception to the general process of Town Meeting. In consultation between Town Counsel, the Moderator, the Finance Committee, and the Select Board, several articles that are usually voted separately have been combined into one article. These articles, which are related to each other, not likely to be controversial and not likely to generate debate, have been combined into one article to allow a single motion and voted as one unit. At the call of the Consent Article the Moderator will refer to each section of the article, one by one. If any voter calls out "hold" in a loud voice, that particular section is laid aside for separate consideration. After reading all of the article sections, the Moderator will entertain motion on the sections not set aside to be voted as one unit. After that vote, the meeting will consider the sections set aside and takes them up in order for discussion and possible amendment, rejection or other disposition.

GENERAL FUND

The account in which general and/or undesignated revenues are deposited for use in paying the

general expenses of the Town.

STABILIZATION FUND

Monies appropriated by the Town to fund capital expenditures for equipment, land, or large-scale projects or for any other lawful purposes. An appropriation into the stabilization fund requires a majority vote and a 2/3 vote is required to appropriate money from the Stabilization Fund.

RESERVE FUND

Monies appropriated by the Town to cover extraordinary or unforeseen expenses during the fiscal year as approved by the Finance Committee.

FREE CASH

The amount of the Town's surplus revenue over and above uncollected taxes of prior years.

RAISE AND APPROPRIATE

The authority voted by the Town to raise by taxation and spend Town Funds for purposes stated in various articles in the warrant. The dollar amount, which can be raised by taxation, is limited by the state law known as "Proposition 2-1/2". After the setting of the tax rate, no funds may be raised and appropriated by taxation at a special town meeting.

TAX LEVY

The maximum amount of money that by State law may be raised through property taxes in any given year. The Tax Levy is by far the largest of a number of revenue sources for the Town, accounting for over half of the total. The maximum tax levy is limited by Proposition 2-1/2.

TAX RATE

The dollar amount per \$1000 of property valuation required to collect the Tax Levy through property tax bills.

THE BOURNE RULE

The "Bourne Rule" controls unlimited spending by town meeting in violation of Proposition 2-1/2. The rule, adopted at the beginning of town meeting by resolution, requires any amendment seeking funding in excess of the amount recommended by the Finance Committee to state an equal dollar reduction in another appropriation or appropriations in order to maintain all spending in balance so that the tax levy will not exceed the maximum levy limit imposed by Proposition 2-1/2.

RULES OF DEBATE:

1. All debate will be conducted in a respectful and courteous manner and in a calm and collected tone.
2. All comments and inquiries will be directed to the moderator and are specifically limited to the subject matter being debated.
3. Confine your remarks to a maximum of 3½ minutes, unless you have *prior approval* to speak longer. If you attempt to use your speech to incite the crowd, you may be removed from the auditorium by the Sgt. at Arms, at the discretion of the moderator.

4. Speak only to the motion on the floor. Do not be repetitive. Be concise and to the point.
5. No comments of a personal nature are allowed.
6. No applause for any speaker is allowed.
7. No boos, catcalls, or similar interference with the speaker's remarks may be directed against any speaker.
8. Any person unwilling or unable to comply with these rules may, by state law, be removed from the auditorium by the Sgt. at Arms at the sole discretion of the moderator.

Even though a crowd of persons may be booing, applauding, or engaged in other bad behavior, the moderator may start singling out one or two persons at a time engaged in this bad behavior to be removed from the auditorium by the Sgt. at Arms. This is going to continue until all the offending conduct ceases.

RULES OF THE MODERATOR

TOWN MEETING PROCEDURES

1. Non-Voter Seating. At the beginning of the meeting the Moderator designates rows of seats for seating of *non-voters*.
 - 1A. Non-Voter Minor Children. With the permission of a doorkeeper, voter(s) attending town meeting with a child(ren) may be allowed to sit with their child(ren) in voter seating. That said, we respectfully request that you do not bring children under age 6 to town meeting.
2. Moderator rulings and procedure at the Town meeting are governed by Federal and Massachusetts laws, the Town Charter, Town Bylaws, and “Roberts Rules of Order” as interpreted in the book entitled Town Meeting Time.
3. The Moderator will not entertain shouted motions from the floor to Move the Question, or to challenge a quorum, or for any other purpose. Any person wishing to speak must first rise and be recognized by the Moderator. If a person has a mobility or physical disability, please notify the tellers, and the tellers will provide a portable microphone so that person can speak from their seat.
4. Individuals with hearing difficulty need to contact the Select Board’s office at town hall at least three business days prior to the town meeting so that language signers can be made available for the meeting.
5. Speakers. Before speaking, state your name clearly for the record. Speak concisely and speak to the motion on the floor. Speak only long enough to make your point. Do not repeat what prior speakers have already said. Three to five minutes should be more than enough time to make a point, if the speaker is clear and concise.
6. The Moderator will not tolerate personal attacks, cat-calling, applause, booing, heckling, or any other form of disruption during the meeting. Pursuant to Massachusetts law, any person disrupting the town meeting may be caused by the Moderator to be taken into custody and removed from the meeting by the Sergeant-at-Arms or a Constable and held until the conclusion of the meeting.
7. The meeting is now televised live by the local Comcast cable television company, and is later also re-broadcast on the local cable access channel.
8. There is a stenographer keeping an official written transcript of the meeting.
9. Voter Tags. If there is a counted, standing vote, or a secret ballot, voters must have their voter tag visible and be in a seat in the voter’s section in order to be counted. The tellers will not count anyone not seated in a seat in the voter’s section or anyone without a voter tag.

10. Fifteen (15) or more registered voters may request a secret ballot. In the event of a secret ballot, the doorkeepers will call everyone into the auditorium who wishes to vote, and then close the doors. You may leave the auditorium at any time, but you will not be allowed to return to the auditorium until the Moderator declares that vote casting is concluded, and the doorkeepers may open the doors.
11. If a voter wishes to change a motion in some fashion, the procedure is to amend the motion. All motions to amend must be in writing and must state exactly how the voter wishes to change the motion on the floor. That way, the Moderator can know exactly what it is the voter wants to do before ruling on the motion or putting it to a vote. A voter who wishes to amend a main motion must have the amendment in writing and available to hand to the Moderator before rising to offer the amendment. The Moderator may refuse to put to the Meeting an amendment which is not immediately available in writing - The Moderator also will rule out of order any motion to amend which changes the original motion so drastically that, in the Moderator's opinion, the motion is no longer within the "four corners" (the scope) of the posted warrant article. An amendment may consist of adding, deleting, or substituting words in the motion. It may take the form of a "motion to substitute", i.e., a different motion. Sometimes a speaker tries to amend "the article", but this is improper language. It is the motion on the floor, not the article in the Warrant, which is to be amended. A motion to amend requires only a majority vote, even though the main motion to be amended may require two-thirds or more for final passage. If you need assistance drafting a motion to amend, please ask for it, and the deputy moderator will help you.
12. Articles in the warrant seeking to amend the Bourne Zoning Bylaw or Zoning Map require special treatment. Some Moderators refuse to allow any amendment to a main motion on a zoning article. I generally will allow a motion to amend to correct a clerical matter, misspelling, or similar non-substantive change. For example, if the main motion is to increase minimum lot size from 40,000 to 50,000 square feet, a motion to amend to increase only to 45,000 square feet, will not be allowed, as it is a substantive change to the published zoning article. On the other hand, a motion to change the word "feat" (*sic*) to "feet" will generally be allowed to correct a clerical error.
13. Reconsideration – One Hour Rule. Pursuant to Bourne Town Bylaw, notice of intention to reconsider action on an article may only be given *within one hour of continuous town meeting time*. Depending on the hour the original vote is taken and officially recorded by the Town Clerk, this one hour may carry over to a subsequent session of the same town meeting in which the original vote is taken. The subsequent session of town meeting may reconvene several days after the original vote is taken.
14. Reconsideration – Vote on Prevailing Side. Because it is a matter of long time custom and practice in the Town of Bourne, the Moderator will not allow a notice of intention to reconsider or a motion to reconsider a vote except from a voter *who voted on the prevailing side of the original vote*. If "Aye" was the prevailing vote, the voter who wishes to file a notice of intention to reconsider, and/or to move reconsideration, must have voted "Aye". The Moderator will ask the voter which way they voted. The person who files a notice of intention to reconsider, and who makes the actual motion to reconsider, *need not be the same person, but both must have voted on the prevailing side*. Notice of intention to reconsider is only allowed on the main motion. A vote to reconsider an amendment must be made *before*

the next vote is taken. A notice of intention to reconsider is not allowed for an amendment to the main motion.

15. It is solely within the discretion of the Moderator to allow non-voters to address the town meeting. It has been a matter of long time custom and practice in Bourne that the Moderator will generally allow non-voters to address the town meeting.
16. A town meeting is a public meeting. There are no expectations of privacy at a public meeting. A transcript of the meeting is kept. The meeting is televised live and also video-taped by the Comcast local cable access channel for later re-broadcast on that cable channel. Press photographers are present taking photographs, including photographs of standing, counted votes. The Moderator does not allow still or motion photography *at the ballot boxes* of voter's casting their votes during a secret ballot.
17. In order to maintain the continuity of a session of a town meeting, if the Moderator needs a brief break, the Moderator may state that the Deputy Moderator, "has the gavel" for the short time the Moderator is absent from the podium, but still present in the building. There is no need to elect a temporary moderator unless the duly elected moderator is actually absent from the building for an extended period of time. If the moderator cannot attend a town meeting, or has to leave a town meeting due to illness, for example, the town clerk (or Select Board chairman, if the town clerk is absent or unable) will hold an election for a temporary moderator to run the town meeting.
18. Persons running for public office, and their supporters, persons distributing literature promoting pro or con action on a warrant article or other matter of public interest, and persons soliciting signatures for candidates or for membership in a political group or organization, must remain not less than 50 feet from any entrance of the meeting location, except when they themselves are entering the town meeting for the purpose of attending the town meeting, or when they are actually in attendance at the town meeting.
19. If the Moderator determines that an article in the warrant is seeking a sense of the meeting on a matter of a celebratory nature, or not involving the Town of Bourne directly, the Moderator will treat the article as a non-binding resolution. As such, one person will be allowed five minutes to speak in favor of the resolution, and one person the same amount of time to speak in opposition to the resolution. The motion will then be put to a vote without further discussion. If, on the other hand, the article is seeking a sense of the meeting on a matter directly involving the Town of Bourne, the Moderator will still treat it as a non-binding resolution, but they *may* allow normal debate on the substance of the article.
20. Except with advance approval from the Moderator in the case of special presentations associated with the subject matter of an article, speakers shall confine their remarks to no more than 3 ½ minutes. Generally, 3 ½ minutes is more than sufficient time to make a point or state a position. Be concise. Speak only to the motion on the floor.
21. Town Counsel. Opinions of Town Counsel are reserved for the benefit of elected and appointed municipal officials. Please do not ask for an opinion of Town Counsel unless you are an elected or appointed Bourne official with an interest in the opinion. Even then, it is up to Town Counsel to determine if they wish to render an "off-the-cuff" opinion without the benefit of more detailed research and reflection.

22. All questions must be directed through the Moderator. You will not be allowed to engage in a back and forth dialogue with one particular official. Whenever possible, try to get your specific questions answered prior to town meeting. Town meeting should be for debate and not for questions and answers.
23. Presentations. If a speaker wants to use a PowerPoint®, videotape, slide, or similar presentation requiring lowering the screen on the stage, the proposed presentation must be in the hands of the Moderator for her review no less than 72 business hours prior to the town meeting, or the Moderator may not allow the presentation.
24. Please put your cell phones and pagers on vibrate or some other silent alarm, so as not to disturb the proceedings.
25. Question a Ruling or Vote. Seven (7) or more registered voters may question a ruling or a vote declaration of the moderator. The question must be raised immediately and before the next action or the next article. For example, if the moderator on a voice vote on the main motion declares “the ayes have it, the motion passes”, that ruling must be questioned before the next article is drawn by the town clerk and the article number announced by the moderator. If an amendment is declared as passed on a voice vote, this declaration must be questioned before the next speaker. If a voice vote declaration is questioned, the moderator will generally ask the tellers to take a standing counted vote.
26. Lobby Displays. No person shall erect or maintain a table or a display in without approval from the Moderator obtained at least 48 hours prior to the town meeting. No display may interfere with the free passage of voters to and from the registration table and the entrance to the meeting location. The Moderator reserves the right to decline to approve any display that they deem to be too large. Also, the size of the lobby limits the total number of displays, from three to five in most cases. The doorkeepers, as agents of the moderator and town clerk, may require relocation of displays in the lobby if the displays are interfering with the free flow of foot traffic.

Thank you for attending Town Meeting!

Amy B. Kullar
Town Meeting Moderator

Special Town Meeting

ARTICLE 1: To see if the Town will vote to raise and appropriate or transfer from available funds including but not limited to the Integrated Solid Waste Management (ISWM) Enterprise Fund retained earnings, a sum of money for the purpose of funding owner's project manager (OPM), architectural, engineering and other design services in order to develop plans, specifications and estimates (PSE) suitable for public bidding to build a new office and maintenance garage building at the ISWM Facility, or take any other action in relation thereto.

MOTION: *We move that the Town vote to appropriate the sum of \$1,917,000 for the purposes of this article and to meet this appropriation to transfer the sum of \$1,917,000 from ISWM Retained Earnings.*

EXPLANATION

A YES or AYE vote in favor of the motion would approve the expenditure of funds to secure an OPM and Architect to design a new office and maintenance garage, and prepare the necessary plans and documents to put the project out for public bid.

A NO or NAY vote opposed to the motion would mean that the funds would not be available to design the new building and the project would not go forward.

Finance Committee Recommendation:

Select Board Recommendation:

Annual Town Meeting

ARTICLE 1: To see if the Town will vote to approve each of the following articles, as a single Consent Agenda motion pursuant to a single vote, or pass any vote or take any other action relative thereto.

Sponsor – Select Board

1. **Regular Required Authorizations** - To see if the Town will vote to approve the following regularly required authorizations:
 - a. Assumption of Liability – to assume liability as specified in Section 1 of Chapter 814 of the Acts of 1972, in the manner provided by G.L. c. 91, §§ 29 and 29A, as most recently amended, for all damages that may be incurred by work performed by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, and, further, to authorize the Select Board to execute and deliver a bond of indemnity therefore to the Commonwealth.
 - b. Road Contracts - to authorize the Town Administrator to enter into a contract with the Massachusetts Highway Department Commissioner or the Federal Government for the construction and maintenance of public highways in the Town of Bourne for the ensuing year.
 - c. Grant Program Authorization - to authorize the Select Board and/or the Town Administrator to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Bourne by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program.
 - d. Contracts in Excess of Three Years - to authorize the Town Administrator or the Superintendent of Schools, in accordance with the provisions of G.L. c. 30B, § 12(b), to solicit and award contracts for terms exceeding three years, including any renewal, extension, or option, provided in each instance that the term in excess of three years is determined to be in the best interest of the Town by a vote of the Select Board (if solicited and awarded by the Town Administrator) or the School Committee (if solicited and awarded by the Superintendent).
 - e. Banking Institution Agreements – to authorize the Treasurer and the Town Collector, pursuant to G.L. c. 44, § 53F, and with the approval of the Select Board, to enter into agreements with banking institutions to maintain deposits in exchange for banking services, for periods not to exceed three years.
 - f. Medicaid Medical Services Program – to authorize the Select Board, pursuant to G.L. c. 44, § 72, to allocate any funds received as part of the Medicaid Medical Services Program to the School Committee for use, without further appropriation, for the benefit of educational programs.
2. **Elected Officials Salaries** - To see if the Town will vote to fix the salaries and compensation of the following elected officials of the Town, as provided by G.L. c. 41, § 108, for the fiscal year commencing July 1, 2024 as follows:
 - a. Town Moderator: \$644
 - b. Select Board 4 @ \$3,570 for total of \$14,280
 - c. Select Board (Chair) 1 @ \$4,590 for a total of \$4,590
 - d. Town Clerk: \$46,822

3. Chapter 90 - To see if the Town will vote to appropriate a sum of money from funds received or to be received from the Commonwealth of Massachusetts, pursuant to G.L. c. 90, for the construction, reconstruction, preservation, maintenance, and improvement of all public ways accepted by the Town, the acquisition of easements and other interests in real property related to the laying out of ways, and other related costs, which qualify under the State Aid Highway (Chapter 90) guidelines adopted by the Public Works' Commission, said funds to be expended under the direction of the DPW Director, with the approval of the Select Board.
4. Revolving Funds - To see if the Town will vote to set the total amount that may be expended from each revolving fund established by Article 2.10 of the General Bylaws, pursuant to G.L. c. 44, § 53E½, for the fiscal year beginning July 1, 2024, as follows:

Revolving Fund	FY 2025 Spending Limit
Recreation Programs Fund	\$ 175,000
Shellfish Propagation Fund	\$ 75,000
Transportation Revolving Fund	\$ 50,000
Public Library Book Fund	\$ 20,000
COA Supportive Day/Bridging the Years	\$ 100,000
COA Programs	\$ 100,000
Community Building Rental fund	\$ 10,000
Tax Title Collection Fund	\$ 60,000
	\$ 590,000

5. Accrued Contractual Compensated Absences - To see if the Town will vote to raise and appropriate, transfer from available funds, otherwise provide the sum of \$100,000 to fund the costs related to payments of accrued contractual compensated absences.

MOTION: *We move that the Town vote to approve the use of a consent agenda including each of the Articles set forth in the Warrant in Article 1, and, further, that the Town vote to approve Article 1 as set forth in the Warrant and, further, that with respect to Article 1-6, to transfer \$100,000 from Free Cash to fund costs related to payments for Accrued Contractual Compensated Absences.*

Vote Required: Simple Majority
Designated as an Essential Article

EXPLANATION

The items listed in the Consent Agenda reoccur annually and are housekeeping in nature.

A YES or AYE vote in favor of the motion would approve all the consent articles at one time, and authorizes a cost of living allowance (COLA) increase of 2.5% for the Town Clerk. All other salaries for Elected Officials, Revolving Fund Spending Limits, and funding for Accrued Contractual Compensated Absences will remain the same as the prior fiscal year.

A NO or NAY vote opposed to the motion would mean that Town Meeting would vote on the items individually.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 2: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to defray the regular annual expenses of the Town, or take any other action in relation thereto.

Sponsor – Select Board

MOTION: *We move that the sum of Seventy Nine Million One Hundred Forty Eight Thousand Nine Hundred Fifty Nine Dollars (\$79,148,959) be hereby appropriated from the funding sources listed below to defray the expenses of the Municipal Town Departments in the chart entitled “These Amounts are to be Voted” as shown below for the fiscal year starting on July 1, 2024 to and including June 30, 2025:*

Funding Sources:

Raise and Appropriate from the FY25 Tax Levy and other General Revenues from the Town	\$ 76,489,961
PL874 Grant Funds	125,000
Ambulance Fund	1,500,000
Conservation Commission Receipts Reserved for Appropriation	30,000
Community Preservation Fund Revenues for Debt Expense	260,975
Community Septic Management Program	10,023
Waterway Improvement Fund	140,000
Capital Stabilization for Debt Expense	593,000
	-
Total	<u>\$ 79,148,959</u>

These Amounts are to be Voted:

General Government	\$ 4,614,181
Public Safety	13,232,474
Public Works	3,540,128
Health & Human Services	1,031,069
Culture & Recreation	1,065,186
Bourne Public Schools	26,652,537
Upper Cape Cod Regional Technical High School	3,750,754
Shared Costs	19,329,055
Debt Service	5,933,575
Total	<u>\$ 79,148,959</u>

Vote Required: Simple Majority
Designated as an Essential Article

EXPLANATION

The proposed FY25 budget maintains a level service budget, compared with last year. There are no new staff positions proposed or additional personnel. Most of the increase is due to contractual increases for both employees and service vendors. There are no new initiatives proposed in this budget.

The proposed appropriations for the FY 2025 Operating Budget is an increase of 2.01% over the previous year's appropriation.

Like prior years, capital stabilization funds are a proposed funding source for the FY 2025 general fund budget. Due to recent legislative changes, the quantum of votes to appropriate funds from a special purpose

stabilization fund is now a simple majority, not a two-thirds vote.

This changed was passed in “AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2023 FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS” and became effective December 2023.

A YES or AYE vote in favor of the motion would approve the General Fund Operating Budget for FY25 from July 1, 2024 through June 30, 2025.

A NO or NAY vote opposed to the motion would mean that there would be no approved operating budget for FY25.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 3: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to operate the Sewer Department, or take any other action in relation thereto.

Sponsor – Board of Sewer Commissioners

MOTION: *We move the sum of \$1,601,438 be authorized to be expended by the Sewer Commissioners for the operation of the Sewer System for the fiscal year starting on July 1, 2024 to and including June 30, 2025 as follows:*

<i>Salaries & Wages</i>	<i>\$ 226,050</i>
<i>Expenses</i>	<i>\$1,275,388</i>
<i>Reserve Fund</i>	<i>\$ 100,000</i>

And we further move that the sum of \$161,764 be transferred to the General Fund to offset Sewer Enterprise indirect expenses, and in order to meet this appropriation, we move that the sum of \$1,613,202 be raised from Sewer Enterprise Receipts and \$150,000 be transferred from Sewer Retained Earnings.

Vote Required: Simple Majority
Designated as an Essential Article

EXPLANATION

A YES or AYE vote in favor of the motion would approve the sewer enterprise operating budget for FY 2025 from July 1, 2024 through June 30, 2025.

A NO or NAY vote opposed to the motion would mean that there would be no approved sewer enterprise operating budget for FY 2025.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Integrated Solid Waste Management Program, or take any other action in relation thereto.
Sponsor – Select Board

MOTION: *We move the sum of \$12,289,397 be authorized to be expended for the operation of the Integrated Solid Waste Management Department for the fiscal year starting on July 1, 2024 to and including June 30, 2025 as follows:*

<i>Salaries & Wages</i>	<i>\$2,416,219</i>
<i>Expenses</i>	<i>\$8,348,178</i>
<i>Reserve Fund</i>	<i>\$ 600,000</i>
<i>Host Community Fee</i>	<i>\$ 925,000</i>

And we further move that the sum of \$2,503,413 be transferred to the General Fund to offset ISWM Enterprise indirect expenses, and in order to meet this appropriation, we move that the sum of \$14,792,810 be raised from ISWM Enterprise Receipts.

Vote Required: Simple Majority
Designated as an Essential Article

EXPLANATION

A YES or AYE vote in favor of the motion would approve the ISWM enterprise operating budget for FY 2025 from July 1, 2024 through June 30, 2025.

A NO or NAY vote opposed to the motion would mean that there would be no approved ISWM enterprise operating budget for FY 2025.

Finance Committee Recommendation:

Select Board Recommendation

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum of money for the purpose of funding the Fiscal Year 2025 Capital Budget, or take any other action in relation thereto.

Sponsor – Capital Outlay Committee and Select Board

MOTION: *We move that the Town vote to appropriate \$4,367,200 to pay costs of the capital outlay projects listed in the schedule printed below and to meet this appropriation, we move to: (1) transfer the sum of \$978,200 from Free Cash; (2) transfer the sum of \$52,000 from Sewer Retained Earnings; (3) transfer the sum of \$1,012,000 from ISWM Retained Earnings; and (4) transfer the sum of \$225,000 from Waterways Improvement Fund. We further move to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$2,100,000 under and pursuant to Chapter 44, Sections 7 of the General Laws as amended and supplemented, or any other enabling authority and to issue bonds or notes of the Town therefor. 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, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.*

Capital Budget – Fiscal Year 2025					
	Department	Category	Purpose	Amount	Source
1	Police	Transportation	ATV replacement	\$35,000	Free Cash
2	Police	Transportation	5 Police vehicles	\$434,800	Free Cash
3	Police	Equipment	Rifle replacement	\$147,900	Free Cash
4	Facilities	Infrastructure	Town Hall elevator	\$200,000	Free Cash
5	Facilities	Infrastructure	Interior/exterior doors & ADA controls	\$70,000	Free Cash
6	Natural Resources	Equipment	Replace Y-57 Carolina skiff 60 HP engine	\$15,500	Free Cash
7	Public Works	Equipment	Trash & recycling carts	\$18,000	ISWM Retained Earnings
8	Public Works	Infrastructure	Traffic signals at Academy Dr & Main St	\$35,000	Free Cash
9	Public Works	Equipment	Vehicle refurbishment for sanitation & recycling trucks	\$114,000	ISWM Retained Earnings
10	Schools	Equipment	BMS compressor replacement	\$40,000	Free Cash
11	Schools	Planning	Jackson Field bleachers design & engineering	\$30,000	Free Cash
12	Schools	Infrastructure	WWTP repairs	\$2,100,000	Borrowing
13	Shore & Harbor	Infrastructure	Annual Dredging/Ramp/Pier Repair	\$225,000	Waterways Improvement Fund
14	Sewer	Transportation	Replace M9 – Ford F250	\$52,000	Retained Earning

12	ISWM	Equipment	2020 CAT bulldozer	\$646,000	Retained Earning
13	ISWM	Infrastructure	Replace paper net – East Road	\$174,000	Retained Earning
14	ISWM	Infrastructure	CCTV camera upgrade	\$60,000	Retained Earning

Vote Required: Simple Majority
Designated as an Essential Article

EXPLANATION

A YES or AYE vote in favor of the motion would approve the capital expenditures recommended by the Capital Outlay Committee for FY 2025.

A NO or NAY vote opposed to the motion would mean that the capital expenditures recommended by the Capital Outlay Committee would not be funded and these needs would not be addressed in FY 2025.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 6: To see if the Town will vote to hear Reports and Recommendations of Committees and Town Officers, or take any other action in relation thereto.

Sponsor – Select Board

MOTION: *We move that the Town vote to hear reports and recommendations of Committees and Town Officers.*

Vote Required: Simple Majority

EXPLANATION

A YES or AYE vote in favor of the motion would allow communities to address Town Meeting and provide an update on their work.

A NO or NAY vote opposed to the motion would not allow the committee representatives to provide a report to Town Meeting.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 7: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money to fund a feasibility study to rehabilitate the outdoor recreation areas at Pocasset, Chester Park, Keith Field, and Clark Field, and to meet said appropriation, to transfer from available funds or reserve from the FY2025 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action in relation thereto.

Sponsor – Community Preservation Committee

MOTION: We move that the Town vote, upon recommendation of the Community Preservation Committee, to raise and appropriate and reserve the sum of \$150,000 for the outdoor recreation feasibility study, and to transfer \$150,000 from Open Space/Recreation Reserves.

Vote Required: Simple Majority

EXPLANATION

A YES or AYE vote in favor of the motion provides funding for the proposed project, as recommended by the Community Preservation Committee.

A NO or NAY vote opposed to the motion means that the funding would not be provided, and the project cannot proceed at this time.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 8: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money to fund construction an all-wheel skate park and to redesign the softball field at the Veterans Community Memorial Center, and to meet said appropriation, to transfer from available funds or reserve from the FY2025 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action in relation thereto.

Sponsor – Community Preservation Committee

MOTION: We move that the Town vote, upon recommendation of the Community Preservation Committee, to raise and appropriate and reserve the sum of \$500,000 for the construction of an all-wheel skate park and to redesign the softball field at the Veterans Community Memorial Center, and to transfer \$500,000 from Open Space/Recreation Reserves.

Vote Required: Simple Majority

EXPLANATION

A YES or AYE vote in favor of the motion provides funding for the proposed project, as recommended by the Community Preservation Committee.

A NO or NAY vote opposed to the motion means that the funding would not be provided, and the project cannot proceed at this time.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 9: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money to fund roof repairs at the Anna's Pals Beach House for Immunocompromised Children (former Hoxie Schoolhouse) and to meet said appropriation, to transfer from available funds or reserve from the FY2025 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action in relation thereto.

Sponsor – Community Preservation Committee

MOTION: We move that the Town vote, upon recommendation of the Community Preservation Committee, to raise and appropriate and reserve the sum of \$135,000 to fund roof repairs at the Anna's Pals Beach House for Immunocompromised Children (former Hoxie Schoolhouse), and to transfer \$115,000 from Historic Preservation Reserves.

Vote Required: Simple Majority

EXPLANATION

A YES or AYE vote in favor of the motion provides funding for the proposed project, as recommended by the Community Preservation Committee.

A NO or NAY vote opposed to the motion means that the funding would not be provided, and the project cannot proceed at this time.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 10: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money to fund affordable housing units at 9 Sandwich Road, and to meet said appropriation, to transfer from available funds or reserve from the FY2025 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action in relation thereto:

Sponsor – Community Preservation Committee

MOTION: We move that the Town vote, upon recommendation of the Community Preservation Committee, to raise and appropriate and reserve the sum of \$80,000 to fund affordable housing units at 9 Sandwich Road, and to transfer \$80,000 from Affordable Housing Reserves.

Vote Required: Simple Majority

EXPLANATION

A YES or AYE vote in favor of the motion provides funding for the proposed project, as recommended by the Community Preservation Committee.

A NO or NAY vote opposed to the motion means that the funding would not be provided, and the project cannot proceed at this time.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 11: 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 Fund purposes, and to meet said appropriation, to transfer from available funds or reserve from the FY2025 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action in relation thereto:

Sponsor – Community Preservation Committee

MOTION: *We move that the Town vote, upon the recommendation of the Community Preservation Committee, to raise and appropriate and reserve the sum of \$2,010,354.23 for the Community Preservation Fund Projects and Special Purpose Reserves listed in the Community Preservation Fund Committee report as printed below; and to meet the appropriations and reserve, to appropriate the sum of \$1,681,854.23 from FY2024 Estimated CPA Revenues, transfer \$29,000 from Historic Preservation Reserves, and transfer \$99,500 from Community Housing Reserves, and transfer \$200,000 from FY2025 Community Housing Revenues.*

Item	Sponsor	Project Description	CPA Purpose	Community Preservation Committee Recommend	
A	Cataumet Schoolhouse Preservation Group	Cataumet School Fumigation	Historic Preservation	\$29,000 from Historic Preservation Reserves	
B	Bourne Affordable Housing Trust	Bourne Affordable Housing Services and Support	Community Housing	\$99,500 from Community Housing Reserves	
C	Bourne Housing Authority	Windswept Acres: Certain Repairs to Buildings 78, 79-81, 80, 82 & 84 Waterhouse Road	Community Housing	\$200,000 from Community Housing Revenues	
			SUBTOTAL REQUESTS	\$328,500	
D	Community Preservation Committee	Reserve for Open Space	Open Space	\$1,274,597.73	
E	Community Preservation Committee	Reserve for Community Housing	Community Housing	\$203,628.25	
F	Community Preservation Committee	Reserve for Historic Preservation	Historic Preservation	\$203,628.25	
			SUBTOTAL RESERVES	\$1,681,854.23	2025 Open Space/Rec Estimated Revenues
			TOTAL REQUESTS & RESERVES	\$2,010,354.23	2025 Housing Estimated Revenues

Vote Required: Simple Majority

EXPLANATION

A YES or AYE vote in favor of the motion provides funding for the proposed projects, as recommended by the Community Preservation Committee.

A NO or NAY vote opposed to the motion means that the funding would not be provided, and the projects cannot proceed at this time.

Finance Committee Recommendation:

Select Board Recommendation:

DRAFT

ARTICLE 12: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the purposes of the administrative and operating expenses of the Community Preservation Committee, or take any other action in relation thereto.

Sponsor – Community Preservation Committee

MOTION: We move that the Town vote, upon the recommendation of the Community Preservation Committee, to appropriate the sum of \$75,000 for the purposes of administrative and operating expenses of the Community Preservation Committee for FY 2025 and to meet this appropriation to transfer the sum of \$75,000 from the Community Preservation Undesignated Fund Balance.

Vote Required: Simple Majority

EXPLANATION

A YES or AYE vote in favor of the motion would fund the annual operating and administrative expenses of the Community Preservation Committee.

A NO or NAY vote opposed to the motion would mean that the CPC would not have funding to pay expenses related to administration and regular operations.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to the Stabilization Fund, or take any other action in relation thereto.

Sponsor – Select Board

MOTION: *We move that the Town vote to appropriate the sum of \$200,000 for the purposes of this article and to meet this appropriation to transfer the sum of \$200,000 from free cash.*

Vote Required: Simple Majority
Designated as an Essential Article

EXPLANATION

The financial policy guideline for stabilization reserves establishes a target of 6% of General Fund Operating Budget expenses to be held in reserve. At the time of this writing, there has been some market volatility that is impacting the Town's investment revenue in the short term. By the end of the Fiscal Year, it is anticipated that the fund will be within the stated financial policy guideline.

A YES or AYE vote in favor of the motion would authorize additional funds to be placed in the Stabilization Fund.

A NO or NAY vote opposed to the motion would mean that no additional funds would be deposited into the Stabilization Fund and would not be consistent with stated financial policies.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to the Capital Stabilization Fund, or take any other action in relation thereto.

Sponsor – Select Board

MOTION: *We move that the Town vote to appropriate the sum of \$296,000 for the purposes of this article and to meet this appropriation to transfer the sum of \$296,000 from free cash.*

Vote Required: Simple Majority

Designated as an Essential Article

EXPLANATION

The goal of the Capital Stabilization Fund is to maintain 3-5 years of debt payments in reserve, and the Town is currently exceeding 5-years at the current level of debt service.

A YES or AYE vote in favor of the motion provides funding to increase the capital stabilization fund. This will help ensure that funds continue to be set aside for the long-term maintenance of the town's capital assets.

A NO or NAY vote opposed to the motion would not provide additional funding for the capital stabilization fund, and would not be consistent with stated financial guidelines.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the Human Services Grant program, or take any other action in relation thereto.

Sponsor – Select Board

MOTION: *We move that the Town vote to appropriate the sum of \$20,000 for the purposes of this article and to meet this appropriation to transfer the sum of \$20,000 from free cash.*

Vote Required: Simple Majority

EXPLANATION

A YES or AYE vote in favor of the motion would provide funding for the Human Services Grant Program for FY 2025, consistent with prior years.

A NO or NAY vote opposed to the motion would mean that the Human Services Grant Program would not have funds to use in FY 2025.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 16: To see if the Town will vote to reduce the size of the Bourne Cultural Council from 11 members to 5 members, the minimum required by MGL c. 10, §58, or take any other action in relation thereto.

Sponsor – Bourne Cultural Council

MOTION: *We move that the Town vote to approve this article as set forth in the Warrant.*

Vote Required: Simple Majority

EXPLANATION

A YES or AYE vote in favor of the motion would reduce the number of members on the Cultural Council.

A NO or NAY vote opposed to the motion would maintain the status quo.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 17: To see if the Town will vote to amend the Town of Bourne Bylaws by deleting all references to “thirty (31) days” and all such similar references and replacing the same with “thirty (30) days” or other similarly appropriate text, or take any other action in relation thereto.

Sponsor – Select Board

MOTION: *We move that the Town vote to approve this article as set forth in the Warrant.*

Vote Required: Simple Majority

EXPLANATION

A YES or AYE vote in favor of the motion would correct 11 instances of scriveners’ errors in the General Bylaw.

A NO or NAY vote opposed to the motion would maintain the status quo and not correct the errors.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 18: To see if the Town will vote to amend the Town of Bourne General Bylaw, Article 1.5, Section 1.5.6, by adding the **bolded** text and deleting the struck through text as follows:

Section 1.5.6

Capital Outlay Items Defined. Any proposed article meeting the definition of a capital outlay item as herein defined shall be presented to the Capital Outlay Committee for review as a Capital Outlay item. A Capital Outlay item will refer to any activity that meets one or more of the following criteria:

- a. The acquisition of land or buildings.
- b. The new construction, reconstruction, repair, replacement, or improvement of buildings or other public facilities, drainage facilities, streets, sidewalks, parks or improvements of land with a cost in excess of ~~\$20,000~~ **\$25,000**.
- c. The purchase of major equipment, including motor vehicles, with a cost in excess of ~~\$10,000~~ **\$25,000**.

or take any other action in relation thereto.

Sponsor – Select Board

MOTION: *We move that the Town vote to approve this article as set forth in the Warrant.*

Vote Required: Simple Majority

EXPLANATION

A YES or AYE vote in favor of the motion would amend the General Bylaw to raise the threshold for a “capital project” to at least \$25,000.

A NO or NAY vote opposed to the motion would maintain the status quo and the threshold would not be increased.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 19: To see if the Town will vote to amend the Town of Bourne Wetland Protection Bylaw, Article 3.7, Section 3.7.9 – Consultant Fees – by adding the **bolded** text and deleting the struck through text as follows:

Section 3.7.9

Consultant Fees. ~~The Commission is authorized to impose reasonable fees require the applicant, to pay the reasonable costs and expenses borne by the Commission (Town) for specific expert engineering and consultant services deemed necessary by the Commission to review the notice of Intent and/or the Request for Determination of Applicability, up to a maximum of two thousand and five hundred dollars (\$2,500.00).~~

As provided by MGL Ch. 44 § 53G, the Commission can impose reasonable fees for the employment of outside consultants, engaged by the Conservation Commission, for specific expert services deemed necessary by the Commission to review the Notice of Intent and/or the Request for Determination of Applicability.

Said payment can be required at any point in the deliberations prior to a final decision being rendered. Said services may include but are not limited to wetland resource area surveys and delineations, wetland resource area reports, hydrogeological and drainage analysis, wildlife evaluation, shellfish surveys, and environmental/land-use law.

~~The Commission is hereby authorized to charge for said fee when the Notice of Intent and/or the Request for Determination of Applicability proposes any of the following: 500 square feet or greater alteration of a coastal or inland wetland resource area: 50 linear feet or greater of bank alteration to an inland or coastal waterway: 500 square feet or greater alteration to the buffer zone: alteration of greater than 500 square feet of land under a water body or the ocean: discharge of any pollutants into or contributing to surface or groundwater or the wetland resource area or buffer zone: or the construction of any detention or retention basin or water control structure. Any applicant aggrieved by the imposition of, or the size of, the fee, or any act related thereto, may appeal according to the provisions of Massachusetts General Laws.~~

The applicant has a right to appeal the selection of the outside consultant pursuant to MGL Ch. 44 § 53G.

or take any other action in relation thereto.

Sponsor – Conservation Commission

MOTION: We move that the Town vote to approve this article as set forth in the Warrant.

Vote Required: Simple Majority

EXPLANATION

A YES or AYE vote in favor of the motion would amend the Wetland Protection Bylaw.

A NO or NAY vote opposed to the motion would maintain the status quo and the Wetland Protection Bylaw would not be changed.

Finance Committee Recommendation:

Select Board Recommendation:

DRAFT

ARTICLE 20: To see if the Town will vote to accept G.L. c. 10, §38, which authorizes the Select Board to grant local approval of beano licenses, or take any other action in relation thereto.

Sponsor – Select Board

MOTION: *We move that the Town vote to approve this article as set forth in the Warrant.*

Vote Required: Simple Majority

EXPLANATION

A YES or AYE vote in favor of the motion would allow the Select Board to issue local licenses.

A NO or NAY vote opposed to the motion would mean that the Select Board would not be able to issue any local licenses.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 21: To see if the Town will vote to amend the Bourne Zoning Bylaw Section 1238A.4.b Traffic and Internal Circulation by deleting “25” as follows:

Where access by fire vehicles or other large trucks is not anticipated, access adequacy shall reflect consistency with the performance intent of the geometric standards of Subdivision Regulations of the Bourne Planning Board and the fire equipment access requirements of 527 CMR ~~25~~.

or take any other action in relation thereto.

Sponsor – Planning Board

MOTION: *We move that the Town vote to approve this article as set forth in the Warrant.*

Vote Required: 2/3 Supermajority

EXPLANATION

This article is to amend section 1238A.4.b of the Zoning Bylaw relative to Site Plan Review for traffic and internal circulation for fire equipment access. The amendment would delete “25” from the “527 CMR 25.” Several years ago the Massachusetts Fire Code was rearranged and chapter 25 is not chapter 18. It is recommended to delete the chapter language and keep the CMR to encompass the entire fire code.

A YES or AYE vote in favor of the motion would amend the Zoning Bylaw.

A NO or NAY vote opposed to the motion would maintain the status quo and the Zoning Bylaw would not be changed.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 22: To see if the Town will vote to amend the Bourne Zoning Bylaw Section 1242.1 by deleting the word “two” and replacing with “three” as follows:

1242.1 Enforcement: Any Site Plan – Special Permit approval issued under this section shall lapse within **three** ~~two~~ years if a substantial completion of the requirements of the Site Plan has not taken place. Such permit may be extended for reasonable cause.

or take any other action in relation thereto.

Sponsor – Planning Board

MOTION: *We move that the Town vote to approve this article as set forth in the Warrant.*

Vote Required: 2/3 Supermajority

EXPLANATION

Under the current Zoning Bylaw, a special permit lapses within two years if substantial completion of the project has not taken place. This article would change from a two year to a three year timeframe for consistency with Chapter 40A of the Zoning Act.

A YES or AYE vote in favor of the motion would amend the Zoning Bylaw.

A NO or NAY vote opposed to the motion would maintain the status quo and the bylaw would not change.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 23: To see if the Town will vote to amend the Bourne Zoning Bylaw Section 3343 Interim Egress Control by deleting “Until June 1, 2020, or, if earlier” as follows:

3343. Interim Egress Control. ~~Until June 1, 2020, or, if earlier, u~~ Until opening of a limited-access highway connecting the Mid-Cape Highway (Route 6) with MacArthur Boulevard (Route 28) or Route 25, all development in the Traffic Management District shall be subject to the following:

- a) Access separation. No new street, driveway, or other means of vehicular access to an arterial street shall be created unless it is separated from all other means of vehicular access on the same side of the street by at least 1,000 feet, measured centerline to centerline along the edge of the street right-of-way, unless granted a special permit under Section 3344 authorizing less separation. However, each lot or set of contiguous lots held in ownership separate from that of all abutting land as of the date of adoption of this provision shall be allowed a single access to an abutting arterial street, provided that the access shall be located so as to minimize movement conflicts with all other accesses to the same road.
- b) Land division and sale. No land in the Traffic Management District shall hereafter be divided into separate lots or ownerships unless each resulting building lot will be entitled to vehicular access under these provisions, through one or more of the following:
 - having location and configuration making it feasible to meet the requirements of Section 3343(a), or
 - having an alternative means of access, such as an authorized shared driveway (see Section 3342), or
 - having frontage on a non-arterial street, or
 - having been granted a special permit under the provisions of Section 3344.
- c) Other requirements. The standards of the table in Section 3341 (except for the required driveway centerline separation) must be met by all uses, regardless of trip generation level.

or take any other action in relation thereto.

Sponsor – Planning Board

MOTION: *We move that the Town vote to approve this article as set forth in the Warrant.*

Vote Required: 2/3 Supermajority

EXPLANATION

This article would remove the expired sunset date from the Interim Egress Control section. The purposes of this section is to aid in reducing the impacts of new access points on Scenic Highway and Sandwich Road until the opening of a limited-access highway connecting Route 6 with MacArthur Boulevard or Route 25. Both Scenic Highway and Sandwich Road are impacted significantly by traffic and new access points should be limited. This section was originally adopted in 1996 with an original expiration date of 2006, and extended to 2020.

A YES or AYE vote in favor of the motion would amend the Zoning Bylaw.

A NO or NAY vote opposed to the motion would maintain the status quo and the Zoning Bylaw would not change.

Finance Committee Recommendation:

Select Board Recommendation:

DRAFT

ARTICLE 24: To see if the Town will vote to amend the Bourne Zoning Bylaw Section 2821 Downtown District Table of Allowable Uses (DTD-1) Functional Standards and Special Permit Criteria for a Home Occupation Office Use by deleting “4120” in its entirety and replacing the same with “4110” as follows:

OFFICE USES		
Veterinary Clinic/Animal Hospital	SP	Animal hospitals shall not be located closer than one hundred (100) feet to any residential property, restaurant or hotel. All animals must be housed overnight in completely enclosed buildings. The SPGA may stipulate that appropriate sound mitigation devices be installed and that fences, walls, and/or vegetation be installed to screen the site where animals will be maintained out of doors.
Home Occupation.	SP	See Section 4110 4120
Professional Office	P	See Section 2827

or take any other action in relation thereto.

Sponsor – Planning Board

MOTION: We move that the Town vote to approve this article as set forth in the Warrant.

Vote Required: 2/3 Supermajority

EXPLANATION

A “Home Occupation” is listed as a use in the Downtown District. The functional standards and special permit criteria for the home occupation had an incorrect section reference for the home occupation as “4120,” however, the correct section is “4110.”

A YES or AYE vote in favor of the motion would amend the Zoning Bylaw.

A NO or NAY vote opposed to the motion would maintain the status quo and the Zoning Bylaw would not change.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 25: To see if the Town will vote to amend the Bourne Zoning Bylaw as follows:

Section 2220 Use Regulation Schedule; section 4120-4123 Accessory Dwelling; section 2821 Downtown District Table of Allowable Uses (Table DTD-1); section 2853 Table of Required Parking Spaces (Table DTD-3); and section V Definitions.

Amend the following sections:

2220. Use Regulation Schedule

DISTRICT	R-40 R-80	V-B B-1	B-2 B-4	B-3	GD
ACCESSORY USES					
Accessory dwelling (See Section 4120)	<u>Yes</u> BA	<u>Yes</u> BA	<u>Yes</u> BA	No	No

(BA = Board of Appeals)

4120. Accessory Dwelling.

The purpose of the accessory dwelling bylaw is to broaden the range of housing choice by increasing the number of small dwelling units available in Bourne's housing supply. The Building Commissioner/Chief Zoning Enforcement Office shall administer and enforce the provisions of this section. ~~A special permit authorizing one.~~ **An** accessory dwelling may be granted only if consistent with the following:

4121. Development Requirements.

- a) **One accessory dwelling is permitted as a by right use to a lawful single-family use on the same lot.** ~~In conformance with Section 2450.~~
- b) **Septic capacity or sewerage deemed satisfactory.** ~~The Board of Health must have documented to the Board of Appeals that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on the site.~~
- c) ~~Parking as required at per~~ Section 3320 shall be provided either in a garage or **designated area** ~~on paved surfaces not located within any required yard.~~ **One parking space shall be designated per bedroom. Refer to section 2853 for parking requirements in the Downtown District (DTD).**
- d) **Minimum lot size is 5,000 square feet. Less than 5,000 square feet requires conformance with section 2450.**
- e) **The maximum size of an accessory dwelling is 1,500 square feet and contains no more than two bedrooms.**
- f) **An ADU is attached or detached to the primary structure and designed to maximize the appearance of a single-family residential property. It is subordinate to and no greater than 50% of the existing primary single-family dwelling floor area calculated as first floor, second floor, basements 50% above-grade, attics over**

6'6" floor to ceiling height, and garages.

- g) **The following types of properties or developments are not eligible for an accessory dwelling: deed restricted affordable housing units; all lots developed under a Comprehensive Permit (Chapter 40B); lots with more than one single-family dwelling unit; and lots created under section 4600 Open Space Community.**
- h) **Accessory dwelling units lawfully created prior to adoption of this section may continue to be used, maintained, and occupied.**

4122. Occupancy Requirements

- a) Either the principal or the accessory unit must be owner-occupied. , except for temporary absences. **Fractional ownership is prohibited.**
- b) An accessory unit **dwelling and primary dwelling** authorized under these provisions shall not be used for **short-term rental**, summer rental, boarding and lodging, or other commercial use **except for a home occupation according to Section 4110.**
- c) **The ADU and primary dwelling may not be rented for periods shorter than 90 days at a time, and are prohibited from any use as rental units on a weekly or daily basis.**
- d) **The primary dwelling and ADU must remain in common ownership which cannot be severed.**

4123. Procedural Requirement

~~a) To approve a special permit for an Accessory Dwelling, the Board of Appeals must make a determination that all of the above requirements have been met, and also that the particular circumstances of the case make such use appropriate, including consideration of whether lot area or other site characteristics assure mitigation of any impacts on the neighborhood, whether there is enforceable assurance that occupancy of the unit will serve significant community purposes, such as facilitating care for the elderly or handicapped, or providing housing at unusually low cost, and whether site and building design will effectively avoid any departure from the character of the neighborhood.~~

~~b) A Certificate of Occupancy for an Accessory Dwelling shall be issued for a period no greater than three years. Continued occupancy beyond that shall require a new Certificate of Occupancy, to be granted only upon documentation to the Inspector of Buildings that the relationships satisfying Section 4122 or on which the decision under paragraph a) was based are still in existence.~~

~~c) Upon termination of occupancy satisfying Section 4122, or a condition of the special permit, separate occupancy of the accessory dwelling shall not be reestablished unless a new special permit is granted, on grounds that either the requirements of Section 4122 and the original special permit will again be satisfied, or that special circumstances of the structure or its occupants would make single family occupancy a hardship, and that the granting of such Special Permit would not be detrimental to the neighborhood.~~

~~d) A Certificate of Compliance with the above paragraph must be provided by the owner to the Inspector of Buildings upon transfer of any beneficial interest in the property, and recorded at the Registry of Deeds.~~

DOWNTOWN DISTRICT

2820. ALLOWABLE USES**2821. Table of Allowable Uses**

The Table of Allowable Uses (Table DTD-1) establishes the uses that are permitted by right (P), by Special Permit (SP), or not permitted (N) in the Downtown District (DTD). For all uses allowed by Special Permit in the Downtown Zoning Districts, the Planning Board shall be the Special Permit Granting Authority (SPGA).

TABLE DTD-1: ALLOWABLE USES IN THE DOWNTOWN DISTRICT		
LAND USE CLASSIFICATION	PERMITTED BY:	FUNCTIONAL STANDARDS AND SPECIAL PERMIT CRITERIA
RESIDENTIAL USES		
Accessory Apartment Dwelling Unit	P SP	See Section 2827 (except subdistrict DTN see Section 4120)

2853. Table of Required Parking Spaces

Where on-site or controlled parking is necessary and required, the applicant shall provide at a minimum the amount required in the table below. This reduced parking requirement compared to Section 3300 of the Zoning Bylaw recognizes the availability and broad distribution of existing public parking and the pedestrian characteristics of the Downtown District.

TABLE DTD-3: REQUIRED PARKING SPACES IN THE DOWNTOWN DISTRICT	
TYPE OF USE	REQUIRED PARKING
RESIDENTIAL USES	
Accessory d Dwelling or Live/Work Dwelling Unit	Minimum of 1 space per dwelling unit

SECTION V DEFINITIONS

In this Bylaw the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings.

Accessory Building

A building devoted exclusively to an accessory use as herein defined, and not attached to a **primary** ~~principal~~ building by any roofed structure.

Accessory Dwelling Unit (ADU)

A subsidiary dwelling unit ~~created as an extension to an existing single family dwelling.~~ **incorporated within a lawful primary single-family dwelling or as a detached accessory building and on the same lot as a lawful primary single-family dwelling use. This definition does not include a mobile home trailer, however mounted.**

Accessory Use

A use customarily incidental to, and on the same lot as, a ~~principal~~ **primary** use and occupying less than 30% of the ~~habitable~~ **gross** floor area on the premises and less than 50% of the lot area. **This definition does not include ADUs.**

Dwelling Unit

A building or portion of a building suitable for living quarters for a single family, having a single set of kitchen facilities (a stove ~~plus either or both~~ **in addition to either** a refrigerator ~~and~~ **or a** kitchen sink) not shared with any other unit; or quarters for up to six persons in a lodging house, dormitory, congregate housing, or similar

group dwelling.

Fractional ownership

The cost of an asset or property is split among individuals, corporate entities/trusts, each getting a share.

or take any other action in relation thereto.

Sponsor – Planning Board

MOTION: *We move that the Town vote to approve this article as set forth in the Warrant.*

Vote Required: 2/3 Supermajority

EXPLANATION

One of the zoning strategies identified in the Town of Bourne Local Comprehensive Plan and Housing Production Plan is to revise the current Accessory Dwelling Bylaw and encourage the creation of “in-law” and/or year-round accessory dwellings that can provide significant year-round housing opportunities for residents. An accessory dwelling unit (ADU) is a separate unit within an owner-occupied home, typically as part of a surplus space in a single-family home. ADUs are separate from the principal dwelling and have their own kitchen, bathroom, and living facilities.

A YES or AYE vote in favor of the motion would amend the Zoning Bylaw.

A NO or NAY vote opposed to the motion would maintain the status quo and the Zoning Bylaw would not be changed.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 26: To see if the Town will vote to (a) authorize the Select Board to acquire by purchase, gift, or eminent domain, the fee and/or permanent and/or temporary easements and/or other real property interests, for the purposes of establishing, constructing, operating, and maintaining a shared use path for non-motorized transportation, open space, and recreation purposes and for all other purposes for which shared use paths are now or hereafter may be used in the Commonwealth, including, without limitation, for the construction, installation, maintenance, improvement, repair, replacement, and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, guardrails, slopes, grading, rounding, landscaping, parking areas, and other appurtenances and/or facilities, to enable the Town to undertake the Bourne Rail Trail – Phase 1 Project, and for any and all purposes incidental or related thereto, in, on, over, across, under, and along all or any portion of the certain parcels of land located on or near the railroad right of way, running from Monument Neck Road at Presidents Road to the intersection with the Cape Cod Canal Bike Path at the Railroad Bridge, and approximately shown on a plan entitled “Massachusetts Department of Transportation Highway Division, Plan and Profile of Bourne Rail Trail – Phase 1 in the Town of Bourne, Barnstable County, Preliminary Right of Way Plans,” dated October 6, 2020, prepared by Green Seal Environmental, Inc., a copy of which is on file with the Town Clerk, and as may be amended and/or incorporated into an easement plan(s); and (b) transfer the care, custody, management, and control of a portion or portions of the Town-owned property or properties shown on the aforesaid plan from the board having the custody of the same for the purposes for which such properties are currently held to the Select Board for roadway purposes and for purposes of a shared use path and purposes incidental to the use thereof, and further to dedicate said portions of Town-owned properties to the foregoing purposes; and (c) raise and appropriate, transfer from available funds, and/or borrow a sum of money in support of the foregoing project and any and all costs incidental or related thereto, including but not limited to the cost of any easement acquisitions, appraisals, and survey; and further (d) to authorize the Select Board 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 action relative thereto.

Sponsor – Select Board

MOTION: *We move that the Town vote to approve this article as set forth in the Warrant.*

Vote Required:

EXPLANATION

A YES or AYE vote in favor of the motion would allow the Select Board to acquire the necessary easements to construct the Rail Trail.

A NO or NAY vote opposed to the motion would mean that the Town could not acquire the easements and could not move forward with construction.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 27: To see if the Town will vote to authorize the Select Board, on its behalf, to petition the General Court for passage of a special law regarding a permanent easement from the Division of Capital Asset Maintenance and Management on land under the care and custody of the Massachusetts Armory Commission and identified on Bourne Assessor's map as Parcel 181 on Map 19.4, and referenced at Barnstable County Registry of Deeds at Book 877, Pages 67 and 68, for purpose of replacing a subsurface municipal water line and all necessary supporting appurtenances and consistent with the terms of the temporary license originally granted in January 2019, and further, to authorize Town Officials to take any action in relation thereto.

Sponsor – Select Board

MOTION: *We move that the Town vote to approve this article as set forth in the Warrant.*

Vote Required:

EXPLANATION

A YES or AYE vote in favor of the motion would allow the Town to file special legislation to acquire a utility easement from the Commonwealth to serve the newly constructed Police Station.

A NO or NAY vote opposed to the motion would mean that the Town could not seek the necessary easement from the state.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 28: To see if the Town will vote to authorize the Select Board to convey an easement in a portion of the land under or near Worcester Ave., approximately 262 square feet, or less or more, as more specifically described in the plan on file with the Town Clerk's Office titled "Exhibit 'A' Plan Sewage Disposal System Easement in Bourne, MA, Prepared for Town of Bourne, Monument Avenue," prepared by Bracken Engineering, Inc. and dated March 21, 2024, said easement to be used for a sewage disposal for the benefit of the parcel known and numbered as 1 Monument Ave., upon such terms and conditions as the Select Board may deem to be in the Town's best interests or take any other action relative thereto.

MOTION: We move to authorize the Select Board to convey an easement in a portion of the land under or near Worcester Ave., approximately 262 square feet, or less or more, as more specifically described in the plan on file with the Town Clerk's Office titled "Exhibit 'A' Plan Sewage Disposal System Easement in Bourne, MA, Prepared for Town of Bourne, Monument Avenue," prepared by Bracken Engineering, Inc. and dated March 21, 2024, said easement to be used for a sewage disposal system for the benefit of the parcel known and numbered as 1 Monument Ave., upon such terms and conditions as the Select Board may deem to be in the Town's best interests.

Vote Required:

EXPLANATION

A YES or AYE vote in favor of the motion would allow the Select Board to grant an easement to the homeowner so that they could build a portion of their septic system in the public road layout.

A NO or NAY vote opposed to the motion would mean that the homeowner could not use any are located within the public road layout to construct a new septic system.

Finance Committee Recommendation:

Select Board Recommendation:

ARTICLE 29: Remove a portion of Shore Rd. property from Article 97 protection to build a fire station.

Sponsor – Select Board

MOTION:

Vote Required: 2/3 Supermajority

EXPLANATION

A YES or AYE vote in favor of the motion would allow the Town to file special legislation to remove a portion of land from Article 97 conservation protection in order to use it for a future fire station.

A NO or NAY vote opposed to the motion would mean that the Town could not pursue using the property as a fire station.

Finance Committee Recommendation:

Select Board Recommendation:

DRAFT

Appendix A

Finance Committee Roll Call Votes

DRAFT

Appendix B

Fiscal Year 2025 Operating Budgets

DRAFT

Appendix C

Fiscal Year 2025 Capital Budget

DRAFT

Appendix D

Supporting Information

DRAFT

Appendix E

Bourne Rule

Annual Town Meeting
May 6, 2024

RESOLUTION – BOURNE RULE

Ms. Moderator, on behalf of the Select Board, I move the following Resolution:

RESOLUTION: Be It Resolved that, at the commencement of this annual 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 to be voted at the May 6, 2024 annual town meeting, and contained in the warrant for this town meeting if voted are equal to the maximum property tax levy limit for the Town of Bourne established by law for FY 2025. If the answer is in the negative, the Finance Committee and the Select Board 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 annual town meeting. If the answer is in the affirmative, then during this annual 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.

Respectfully submitted,
SELECT BOARD

South Side Fire Station – Talking Points – meetings Week of April 1

- Taking conservation land out of Article 97 protection should be considered an “option of last resort.” The Town has spent the previous 5-years searching for an appropriate site to build a new fire station.
 - 3 RFPs issued
 - August 2021: 1 response for “motor way” was received – the lots for sale only had frontage on a paper street – no real access to the road network.
 - October 2022: 1 response for “motor way” was received – the lots for sale included frontage on MacArthur Blvd this time – owner ended negotiations and withdrew the offer to sell.
 - February 2023: 1 response received – land was located outside of the response time area by a considerable distance – not recommended for a fire station location.
 - All RFPs were publically advertised – newspaper, ComBuys, Central Register, and were put into the hands of property owners who expressed interest previously, or who own property in key locations.
 - Approximately 19 sites reviewed and discussed over the years – all were eventually ruled out for various reasons, including rebuilding at both the existing Fire Stations (Pocasset and Monument Beach).
 - Town Forest – County Rd.
 - Conservation Land – Shore Rd.
 - County Land – Dr. Julius Kelly
 - Water District County Rd
 - 111 Barlows Landing
 - 79 Barlows Landing
 - 226 Barlows Landing Rd
 - 683 County Rd
 - 315 Barlows Landing Rd.
 - 117 Barlows Landing Rd
 - 169 Clay Pond Rd
 - Motor Way
 - Henry Dr
 - 30 Barlows Landing – Santander Bank
 - 790 Macarthur Blvd – Campbell’s Boat Yard
 - 14 Thomas Philbrick Rd.
 - 420 Shore Road
 - 50 Portside Dr
 - Northbound Macarthur Blvd by State DOT barn
 - *NOTE: Site selection matrix is attached showing analysis of some of the parcels.*
- The Fire Department engaged a professional consultant to conduct a response time study to help determine where to locate the new station.
 - The Shore Road property allows for a 4-minute (or less) response to 69.8% of the calls for service and allows for an 8-minute (or less) response to 96.6% of the calls for service.

- Clearly responding to calls in a town with a canal and 2 congested bridges provides an added layer of complexity and challenge to responding to emergency calls.
- *NOTE: the map showing the 4-minute response (yellow area); and 8-minute response (green area) and a slide showing some of the factors to consider when siting a station are attached.*
- Required actions that will need to be taken over the upcoming months
 - Environmental Resource studies and surveys – we have to understand the ecological value of the land that is proposed to come out of Article 97 protection.
 - Mitigation land will need to be identified or acquired – we are actively working on finding an equal amount of land to put into Article 97 protection, so the end result will be no net loss of protected open space.
 - If successful at Town Meeting – special legislation will need to be filed with the state legislature
 - Will need to comply with all requirements of the Executive Office of Energy and Environmental Affairs.
 - The Conservation Commission will need to vote unanimously to approve the plan to remove the area from Article 97 protection.
- The need for new stations is acute. The current stations are no longer able to provide adequate service.
 - The Pocasset station is closed and out of service. The apparatus bay floor has failed and cannot support the weight of the trucks. The living quarters are unfit for habitation.
 - The Monument Beach station does not contain living quarters – crews are housed in a temporary trailer. The station is severely undersized and obsolete. The Town had to make expensive and difficult modifications to the door headers to fit the new ambulance in the existing station.

BOURNE FIRE SITE SELECTION MATRIX

September 19, 2022 - DRAFT

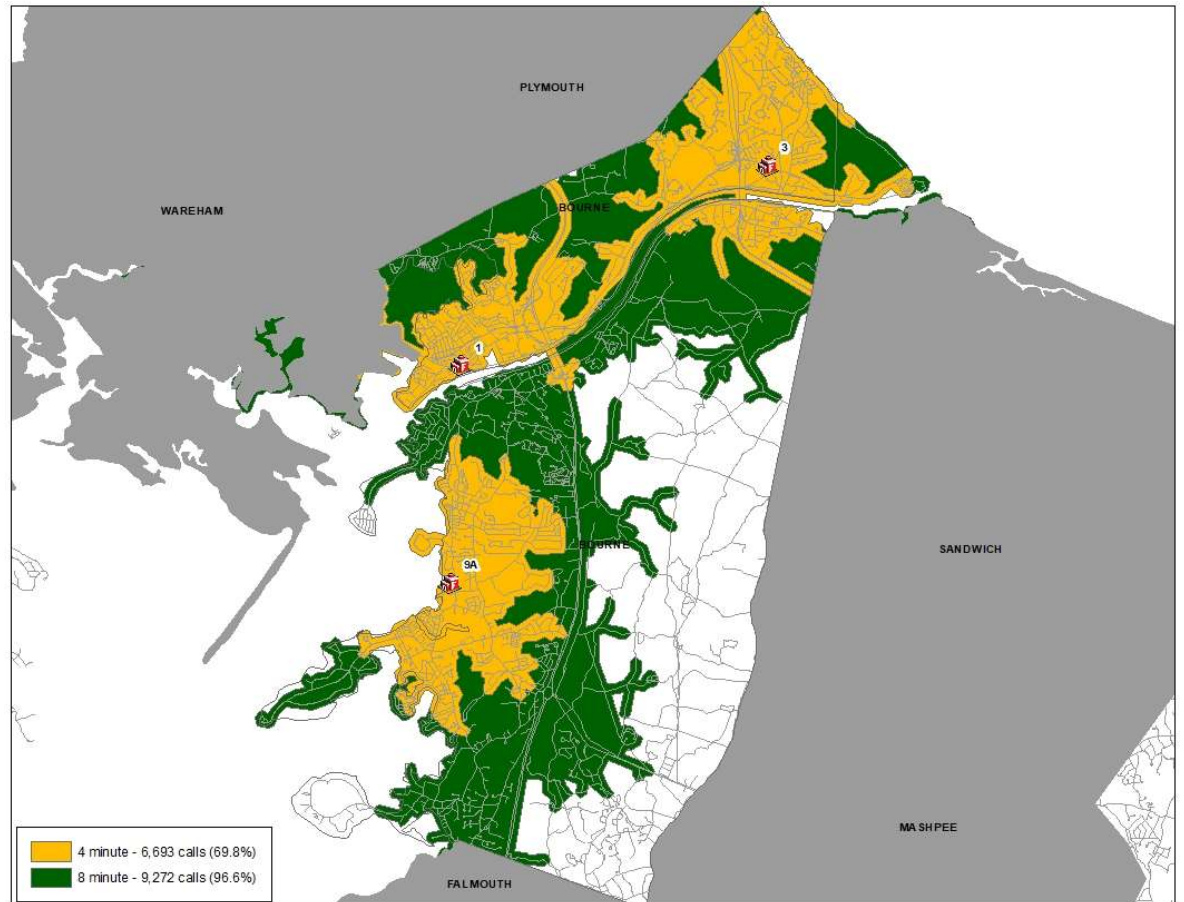
CRITERIA		SITES											
CRITERIA RANKINGS - 1.00 (EXCELLENT), .85 (GOOD), .50 (FAIR), .25 (POOR), 0.0 (UNCCEPTABLE)		Town Ball Field - Shore Road	SUB-TOTAL	Dr. Julius Way - County Road	SUB-TOTAL	Motor Way - McArthur Blvd	SUB-TOTAL	340 McArthur Blvd	SUB-TOTAL	Station No 4 - Monument Beach	SUB-TOTAL	Open	SUB-TOTAL
SITE - LOT SIZE / PROGRAM,FIT		43 acres		Property card indicates 49.8 acres, earlier notes indicate 65 acres (50 acres restricted/15 acres non), potential land swap offset for other Town projects.		Reportedly 10 acres of a 40 acre parcel.		7.89 Acres					
	MAX. VALUE:	12	0.00		0.00		0.00		0.00		0.00		#REF!
SITE - BUILDABILITY (TOPO / SOILS / COST)		Survey and Geotech will be needed.		Survey and Geotech will be needed. Need to determine "utility easement" status.		Survey and Geotech will be needed.		Survey and Geotech will be needed.					
	MAX. VALUE:	10	0.00		0.00		0.00		0.00		0.00		0.00
SITE & BUILDING AQUITION / POTENTIAL DEMO (COSTS PRIMARILY)		Town Owned, would require a replacement ball field to be created.		County owned, purchase approved by Town		Private parcel, need offer value and to understand the site. Owner offer rear lots and Town pays for roadway. Town Meeting approval needed, loss of tax revenue.		Needs to be purchased, existing building on site. Explore opportunities for potential re-use and cost of demo.					
	MAX. VALUE:	10	0.00		0.00		0.00		0.00		0.00		0.00
LOCATION - RESPONSE TIME - WITH (3) STATION MODEL - 4 MIN/8 MIN		69.8%/96.6%, Closer to bridge to cover for ambulance calls		70%/96.2% based on May 2022 report. Have requested clarification.		75.0%/95.2%, closer to bridge to cover for ambulance calls.		75.0%/95.2%, closer to bridge to cover for ambulance calls.		60.3%/94.2%			
	MAX. VALUE:	10	0.00		0.00		0.00		0.00		0.00		0.00
SITE - UTILITIES		Need to confirm		Utilities available from County Road, may require utility easements. Bourne Water District connection available? Onsite wastewater treatment plant may have excess availability.		All utilities available on Rt. 28. Need to confirm. Assume on-site septic.		All utilities available on Rt. 28. Need to confirm. Assume on-site septic.					
	MAX. VALUE:	8	0.00		0.00		0.00		0.00		0.00		0.00
LOCATION - VEHICULAR INGRESS / EGRESS		Traffic Study?		Potential shared driveway with housing. MDOT curb cut permit required if off of County Road. Traffic Study? Limited line of site on County Road. Existing drive may require widening.		Curb cut/s required, no north access, MDOT jurisdiction, traffic light, added lane/s, potential turn around. Traffic Study?		MDOT Jurisdiction, has deceleration lane in road already, traffic light, potential turn around. Traffic Study? Curb cut/s required?					
	MAX. VALUE:	8	0.00		0.00		0.00		0.00		0.00		0.00
SITE - LAND ACQUISITION COSTS		Extensive - Legislative approval required for transfer Article 97 (1.5 to 4 years), Town Meeting approval required, ConsCom approval required, potential neighbor opposition.		Need to determine if Barnstable County would sell or donate and how to deal with Cape Cod Comm senior living restriction.		Need proposed purchase price.		Need proposed purchase price.					
	MAX. VALUE:	8	0.00		0.00		0.00		0.00		0.00		0.00
TEMPORARY FACILITIES REQUIRED (ADDED COST)		NO		No		No		No		Yes			
	MAX. VALUE:	8			0.00		0.00		0.00		0.00		0.00
LOCATION - NEIGHBORHOOD IMPACT		Need to relocate existing ball field. Potential neighborhood impact.		No apparent impact		None		None					
	MAX. VALUE:	6	0.00		0.00		0.00		0.00		0.00		0.00

BOURNE FIRE SITE SELECTION MATRIX

September 19, 2022 - DRAFT

CRITERIA		SITES											
CRITERIA RANKINGS - 1.00 (EXCELLENT), .85 (GOOD), .50 (FAIR), .25 (POOR), 0.0 (UNCCEPTABLE)		Town Ball Field - Shore Road	SUB-TOTAL	Dr. Julius Way - County Road	SUB-TOTAL	Motor Way - McArthur Blvd	SUB-TOTAL	340 McArthur Blvd	SUB-TOTAL	Station No 4 - Monument Beach	SUB-TOTAL	Open	SUB-TOTAL
SITE - WETLANDS		Reportedly yes, survey would need to be completed.		Survey required.		Survey required.		Survey required.					
	MAX. VALUE: 6		0.00		0.00		0.00		0.00		0.00		0.00
LOCATION - VISIBILITY		Need to determine site lines		Need to determine site lines		Need to determine site lines		Need to determine site lines					
	MAX. VALUE: 5		0.00		0.00		0.00		0.00		0.00		0.00
LOCATION - LOCAL TRAFFIC IMPACT		Traffic Study?		Traffic Study?		Traffic Study?		Traffic Study?					
	MAX. VALUE: 5		0.00		0.00		0.00		0.00		0.00		0.00
LOCATION - FUTURE EXPANSION CAPABILITIES		Yes		Potential campus expansion for Town use for Community Gardens,		Yes		Unknown					
	MAX. VALUE: 3		0.00		0.00		0.00		0.00		0.00		0.00
LOCATION - ZONING / SETBACKS		ConsCom restriction, state transfer required/Article 97, no setback issues due to size of lot.		Conservation Restrictions, CCC Senior Living Restriction		Needs to be researched		Needs to be researched					
	MAX. VALUE: 3		0.00		0.00		0.00		0.00		0.00		0.00
TOTAL MAXIMUM VALUE: 102													

Scenario 1: Shore Road Ball Field



Key Considerations in Bourne?

- Significant area of land is outside the department's responsibility.
- Canal bisects the community.
- Population centers both north and south of the canal – calls are ~ 50% N/S.
- Road network has strengths and challenges.
- Hospital locations impact "refill" rate for medical calls.
- EMS calls drive workload.





TOWN OF BOURNE
Office of the Town Administrator


TOWN HALL
24 PERRY AVE.
BUZZARDS BAY, MA 02532
PHONE: 508-759-0600 x1308 • FAX: 508-759-8026
Email: mmccollem@townofbourne.com



Memorandum

To: Conservation Commission
Select Board
Finance Committee

CC: South Side Fire Station Building Committee

From: Marlene McCollem, Town Administrator 

Date: March 26, 2024

Re: Removing land from Article 97 protection

The Town of Bourne owns approximately 43.4 +/- acres of land on Shore Road (Parcel ID 34.0-31-0) which currently contains a youth baseball field. The property is under the jurisdiction of the Conservation Commission and is protected by Article 97 of the Massachusetts Constitution as open space because it was acquired for conservation purposes pursuant to M.G.L. c. 40, § 8C.

In order to use any portion of this land for a Fire Station, it must be removed from Article 97 protection, which involves:

- A unanimous vote of support from the Conservation Commission
- 2/3 vote of Town Meeting
- 2/3 vote in both houses of the state legislature
- Approval from the Executive Office of Energy and Environmental Affairs (EOEEA) pursuant to the Public Lands Preservation Act (M.G.L. c. 3, § 5A)
- Obtaining suitable replacement land, so there is no net loss of conservation land.

On March 12, 2024, the South Side Fire Station Building Committee voted unanimously to pursue the process of using approximately 3.4-acres of this site for the location of a new Fire Station (see attached locus map). The area identified for future Fire Department use is directly north of the current baseball field. It is in the corner of the parcel, and situated to limit the amount of habitat fragmentation as much as possible. The remaining 40+/- acres will remain under Article 97 protection and will not be disturbed.

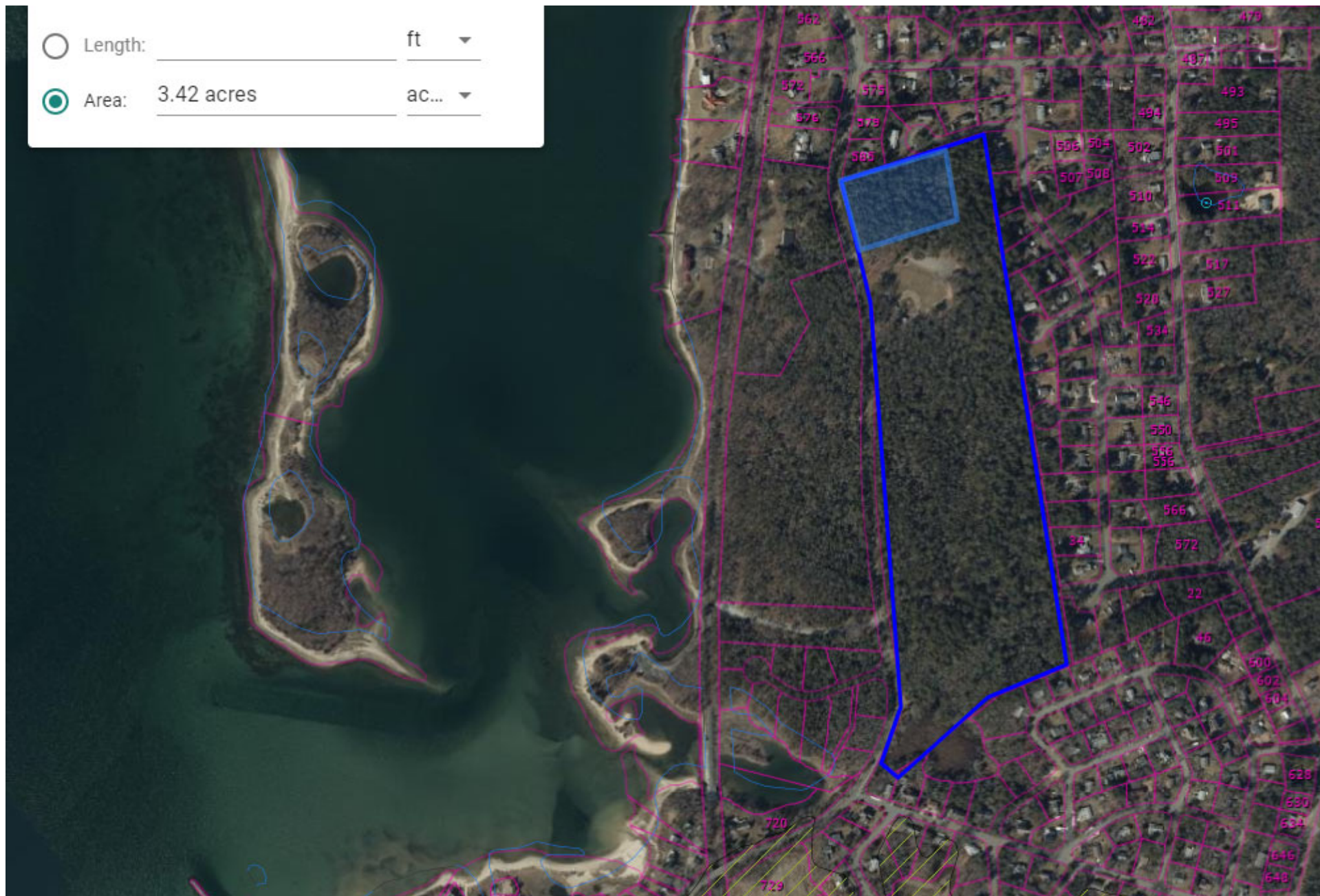
The process for removing the site from Article 97 protection are extensive, and will take significant effort to conduct the analysis. The Town is committed to fully satisfying EOEEA's requirements and providing all the necessary documentation to both the Conservation Commission

and EOEEA. Additional information describing the requirements can be found on EOEEA's website at: <https://www.mass.gov/info-details/article-97-the-public-lands-preservation-act#:~:text=Article%2097%20of%20the%20Amendments,the%20citizens%20of%20the%20Commonwealth>.

The current (2.18.98) EOEEA policy for the Disposition of Article 97 Land, Guidance Document and FAQ Sheet are also attached to this memo for reference.

We look forward to working cooperatively with all of the interested stakeholders over the upcoming months on this important initiative.

###



Town of Bourne Shore Road Parcel

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

EOEA ARTICLE 97 LAND DISPOSITION POLICY
FEBRUARY 19, 1998

I. Statement of Policy

It is the policy of EOEa and its agencies to protect, preserve and enhance all open space areas covered by Article 97 of the Article of Amendment to the Constitution of the Commonwealth of Massachusetts. Accordingly, as a general rule, EOEa and its agencies shall not sell, transfer, lease, relinquish, release, alienate, or change the control or use of any right or interest of the Commonwealth in and to Article 97 land. The goal of this policy is to ensure no net loss of Article 97 lands under the ownership and control of the Commonwealth and its political subdivisions. Exceptions shall be governed by the conditions included in this policy. This policy supersedes all previous EOEa Article 97 land disposition policies.

An Article 97 land disposition is defined as a) any transfer or conveyance of ownership or other interests; b) any change in physical or legal control; and c) any change in use, in and to Article 97 land or interests in Article 97 land owned or held by the Commonwealth or its political subdivisions, whether by deed, easement, lease or any other instrument effectuating such transfer, conveyance or change. A revocable permit or license is not considered a disposition as long as no interest in real property is transferred to the permittee or licensee, and no change in control or use that is in conflict with the controlling agency's mission, as determined by the controlling agency, occurs thereby.

II. Conditions for Disposition Exceptions

EOEA and its agencies shall not support an Article 97 land disposition unless EOEa and its agencies determine that exceptional circumstances exist. A determination of "exceptional circumstances" is subject to all of the following conditions being met:

1. all other options to avoid the Article 97 disposition have been explored and no feasible and substantially equivalent alternatives exist (monetary considerations notwithstanding).

Note: The purpose of evaluating alternatives is to avoid using/affecting Article 97 land to the extent feasible. To that end, the scope of alternatives under consideration shall be commensurate with the type and size of the proposed disposition of Article 97 land, and must be performed by the proponent of the disposition to the satisfaction of EOEa and its agencies. The scope of alternatives extends to any sites that were available at the time the proponent of the Article 97 disposition first notified the controlling agency of the Article 97 land, and which can be reasonably obtained: (a) within the appropriate market area for private proponents, state and/or regional entities; or (b) within the appropriate city/town for municipal proponents.

2. the disposition of the subject parcel and its proposed use do not destroy or threaten a unique or significant resource (e.g., significant habitat, rare or unusual terrain, or areas of significant public recreation), as determined by EOEa and its agencies;

3. as part of the disposition, real estate of equal or greater *fair market value* or *value in use of proposed use*, whichever is greater, and significantly greater resource value as determined by EOEA and its agencies, are granted to the disposing agency or its designee, so that the mission and legal mandate of EOEA and its agencies and the constitutional rights of the citizens of Massachusetts are protected and enhanced;
4. the minimum acreage necessary for the proposed use is proposed for disposition and, to the maximum extent possible, the resources of the parcel proposed for disposition continue to be protected;
5. the disposition serves an Article 97 purpose or another public purpose without detracting from the mission, plans, policies and mandates of EOEA and its appropriate department or division; and
6. the disposition of a parcel is not contrary to the express wishes of the person(s) who donated or sold the parcel or interests therein to the Commonwealth.

III. Procedures for Disposition

Although legislation can be enacted to dispose of Article 97 land without the consent of an EOEA agency, it is the policy of EOEA to minimize such occurrences. To that end, and to ensure coordination, EOEA agencies shall:

1. develop an internal review process for any potential Article 97 land disposition to ensure that, at a minimum, the conditions in Section II above are met;
2. develop, through the Interagency Lands Committee, a joint listing of all requests, regardless of their status, for the disposition of Article 97 land;
3. notify the Interagency Lands Committee of any changes to the Article 97 land disposition list;
4. monitor all legislation that disposes of Article 97 land, and communicate with legislative sponsors regarding their intent;
5. recommend to the Secretary that the Governor veto any legislation that disposes of Article 97 land, the purchase, improvement, or maintenance of which involved state funds, on and for which the EOEA agency has not been consulted and received documentation (including information on title, survey, appraisal, and a MEPA review, all at the proponent's expense);
6. obtain the concurrence of the Secretary of EOA for any proposed Article 97 land disposition decision prior to finalizing said decision;
7. if recommending an Article 97 disposition, attach to all Article 97 legislative recommendations and TR-1 forms a justification of the disposition and an explanation of how it complies with this policy, signed by the EOEA agency head;
8. ensure that any conditions approved by EOEA and its agencies to any Article 97 land disposition are incorporated within the surplus declaration statement submitted to and published by DCPO as required by M.G.L. C. 7, §40F and 40F1/2 and throughout the disposition process, and if such conditions are not incorporated in said statement throughout the disposition process, the EOEA agency head shall recommend to the Secretary that the Governor veto any resulting legislation;
9. recommend to the Secretary that the Governor veto legislation that disposes of Article 97 land of which the agency disapproves; and

10. ensure that any Article 97 land disposition is authorized by enacted legislation and approved by all municipal, state and federal agencies, authorities, or other governmental bodies so required and empowered by law prior to conveyance.

IV. Applicability of the Policy to Municipalities

To comply with this policy, municipalities that seek to dispose of any Article 97 land must:

1. obtain a unanimous vote of the municipal Conservation Commission that the Article 97 land is surplus to municipal, conservation and open space needs;
2. obtain a unanimous vote of the municipal Park Commission if the land proposed for disposition is parkland;
3. obtain a two-thirds Town Meeting or City Council vote in support of the disposition;
4. obtain two-thirds vote of the legislature in support of the disposition, as required under the state constitution;
5. comply with all requirements of the Self-Help, Urban Self-Help, Land and Water Conservation Fund, and any other applicable funding sources; and
6. comply with EOEA Article 97 Land Disposition Policy [note: the municipality must also file an Environmental Notification Form with EOEA's MEPA office].

After the effective date of this policy, any municipality that proposes, advocates, supports or completes a disposition of Article 97 land without also following the terms of this policy, regardless of whether or not state funds were used in the acquisition of the Article 97 land, shall not be eligible for grants offered by EOEA or its agencies until the municipality has complied with this policy. Compliance with this policy by municipalities shall be determined by the EOEA Secretary, based on recommendations by the EOEA Interagency Lands Committee.

*Trudy Coxe, Secretary
Executive Office of Environmental Affairs*

Guidance on Public Lands Preservation Act Implementation

February 2023

The enactment of *An Act Preserving Open Space in the Commonwealth* (Ch. 274 of the Acts of 2022, codified at M.G.L. c. 3, § 5A), also known as the Public Lands Preservation Act and referred to herein as the Act or the PLPA, established in statute requirements and a process for submission to the Legislature of petitions to authorize the use for another purpose or disposition of land or an interest in land subject to [Article 97 of the Amendments to the Constitution of the Commonwealth](#) (Art. 97). Under this Act, the Executive Office of Energy and Environmental Affairs (EEA) must receive alternatives analyses and consider requests for waivers or modifications of the replacement land requirement or the payment of money in lieu of providing replacement land.

This document is intended to aid the public in understanding and complying with the new law. However, in doing so, this document is not to be construed as encouraging the use for another purpose or disposition of land protected by Art. 97. EEA and its agencies will not authorize, approve or support a change in use or disposition unless in accordance with the EEA Article 97 Policy. This document is not intended to, may not be relied upon to, and does not create any right, benefit or duty, substantive or procedural, enforceable at law or equity by any party in any matter, civil, criminal or administrative. This guidance shall not be construed to create any right to judicial review involving the compliance or noncompliance of EEA, its agencies, its officers or employees, or any other person with this guidance.

Applicability:

The Act applies to land or interests in land held by public entities for Art. 97 purposes¹ including EEA and other state agencies, municipalities, boards and commissions, quasi-public agencies, and other public instrumentalities and subdivisions of the Commonwealth. Any proponent of a change in use or disposition of land or interests in land subject to Art. 97 must comply with the Act. In some cases, this is the public entity with care and control of the Art. 97 land. However, many proposals to dispose or change the use of Art. 97 land are made by public or private parties other than the public entity with care and control of the land. In such cases, the party seeking the disposition or change in use (the proponent) will be expected to submit required information (including documentation of consultation with the public entity with care and control of the land) and undertake other actions necessary for the disposition or change in use to comply with the PLPA.

¹ “Public entity” is defined in the Act as “the commonwealth, any agency, authority, board, bureau, commission, committee, council, county, department, division, institution, municipality, officer, quasi-public agency, public instrumentality or any subdivision thereof.”

The Act applies to any change in use or disposition of land or interests in land subject to Art. 97. A change in use or disposition (referred to herein as an “Art. 97 Action”) means, and the PLPA applies to, any of the following when related to land or interests in land protected by Art. 97:

1. transfer or conveyance of ownership or another property interest, whether by deed, easement, lease or any other instrument effectuating such transfer or conveyance;
2. change in physical or legal control; or
3. change in use of the land.

EEA does not consider the issuance of a revocable permit or license of limited duration a disposition of land subject to Art. 97 or the PLPA, provided that:

1. no interest in land is transferred to the permittee or licensee, and
2. the permit or license does not authorize a change in use of the land.

Key requirements for Art. 97 Actions a proponent must comply with include: (i) notification; (ii) an alternatives analysis; and (iii) identification and dedication of replacement land to Art. 97 purposes. In certain cases, the replacement land requirement may be waived or modified by the Secretary of EEA, or provision of funding may be authorized in lieu of replacement land. Each of these requirements is addressed below in more detail.

Submission and Review Process:

EEA has created a PLPA website and Portal to enable proponents subject to the Act to meet certain obligations under the Act. Proponents must use the PLPA Portal to notify EEA of proposed Art. 97 Actions and to make submissions required under the Act, including: (i) the alternatives analysis, (ii) requests for the Secretary to waive or modify the replacement land requirement, and (iii) requests for the Secretary to make required findings with respect to the provision of funding in lieu of replacement land. Prior to making any submission, proponents must engage in discussions with the public entity with care and control of the involved Art. 97 land.

Submissions via the PLPA Portal also must include information needed for EEA, the public entity that has care and control of the Art. 97 land, and the Legislature to review proposed Art. 97 legislation, such as documentation of the location and ownership of the affected and replacement land. The information required will vary based on the type of project and the materials available to the proponent. The Portal guides users through a series of fields that gather required information. More detail on the information and documentation to be submitted is provided in this guidance below.

EEA will review submissions to determine consistency with the Act and with EEA’s Article 97 Policy. Based on this review, the Secretary will make requested determinations and findings on waivers, modifications, and in lieu funding proposals. EEA will post on the PLPA website all waivers or modifications granted by the Secretary and all findings reported to the Legislature on proposals to provide funding in lieu of replacement land. These determinations or findings shall

not be construed as support for the proposed disposition or change of use by EEA or the public entity with care and control of the Art. 97 land, or such public entity's agreement with the determinations or findings, or the proposed Art. 97 Action.

Notification:

The Act requires proponents of an Art. 97 Action to notify the public and the Secretary of EEA of the Art. 97 Action and to make public the alternatives analysis submitted to the Secretary. The public notification and the alternatives analysis must provide sufficient information on the current Art. 97 values and uses of the land, the public purpose of the disposition or change in use, and the replacement land for the public to clearly understand the proposed Art. 97 Action.

EEA will post the alternatives analysis and other material submitted via the PLPA Portal to the PLPA website in order to facilitate compliance with public notice provisions of the PLPA and provide a centralized location for Art. 97 information. Project proponents are encouraged, and may be legally required under other statutes and regulations, to notify the public of proposed Art. 97 Actions via means other than posting materials on the EEA website. Solicitation and collection of and response to public comment are encouraged of all PLPA proponents and required for those seeking a finding allowing funding in lieu. Public comment is the sole responsibility of proponents and not the responsibility of EEA.

Alternatives Analysis:

The Act requires all proponents of an Art. 97 Action to submit to EEA and make public "an alternatives analysis demonstrating that all other options to avoid or minimize [the Art. 97 Action] have been explored and no feasible or substantially equivalent alternative exists". The purpose of evaluating alternatives is to avoid using or impacting Art. 97 land or interests in land to the extent feasible, to minimize the use of such land or interests in land to the extent impacts are unavoidable, and to protect the public rights afforded by Art. 97.

Alternatives analyses may be brief, but they must be in writing and must make the required demonstrations. A compliant alternatives analysis should: (i) explain the proposed Art. 97 Action and identify the public purpose that it will serve; (ii) identify the alternatives considered; and (iii) describe why each alternative not selected is not feasible or substantially equivalent to the proposed Art. 97 Action. If applicable, the alternatives analysis should also summarize the proponent's discussions with the public entity with care and control of the Art. 97 land and the public entity's stated position and/or comments, if any, on the proposed Art. 97 Action.

Proponents must consider alternatives that are commensurate with the type and size of the proposed Art. 97 Action. Alternative sites for consideration are those that were available at the time the proponent first notified the public entity that holds the land subject to Art. 97 and can be reasonably obtained: (a) within the appropriate market area for private proponents, state and/or regional entities; or (b) within the appropriate city or town for municipal proponents. Proponents

should describe clearly why each alternative that would avoid or reduce Art. 97 impacts is infeasible or not substantially equivalent to the proposed Art. 97 Action. In addition, the analysis should describe the steps that have been or will be taken to minimize the amount of impact (land area or type/degree of alteration) when changing the use or disposing of a parcel of Art. 97 land cannot be avoided.

Alternatives should include privately held parcels available for the intended use at a price consistent with the current market value.

If a submitted analysis is found to be inadequate, EEA will request additional information, which may include a request that the proponent identify and evaluate additional alternatives.

Replacement Land:

In order for an Art. 97 Action to occur the public entity with care and control of the land subject to the Art. 97 Action must take, acquire or dedicate in perpetuity replacement land or an interest in land that meets the requirements set forth in the Act, absent a waiver or modification from the Secretary or approval by the Legislature of in lieu funding (which must be used to purchase replacement land within three years). Where the proponent of an Art. 97 Action is not the public entity with care and control of the Art. 97 land, the proponent must work with the public entity to identify replacement land and must compensate the public entity for its acquisition costs.

Replacement land must meet requirements set out in the PLPA, as follows.

1. Replacement land cannot already be subject to Art. 97 or otherwise protected in perpetuity.
2. Replacement land must be located in a comparable location to the impacted area. This does not require that the parcels be in the same municipality or census block, but locating replacement land in the same municipality is generally preferable and (for projects by municipal entities) easier than conserving land in a different municipality. However, providing replacement land in a nearby community can be appropriate and in keeping with the intent of the PLPA. For example, if an impacted parcel protects a reservoir, the acquisition of replacement land located in a different town but closer to the reservoir might be prudent and result in a net benefit to the public.
3. Replacement land must be equal or greater than the impacted area with respect to: (i) acreage; (ii) monetary value as determined by an appraisal of the fair market value or value in use, whichever is greater; and (iii) natural resource value, as determined by the Secretary of EEA. Additional detail on each of these requirements is provided below.

Identification of land that meets these criteria shall not be construed to mean that EEA approves a proposal or that the replacement land is acceptable to the public entity with care and control of the involved Art. 97 land. The proponent of the Action should be mindful that additional legal requirements, apart from the PLPA, may apply to a public entity for the acquisition or disposition of interests in land.

In order to monitor public entity compliance with the conditions of legislation authorizing an Art. 97 Action and to report to the Legislature on implementation of the Act, EEA expects to receive documentation that the replacement land or interest in land was taken, acquired or dedicated in perpetuity by an instrument properly recorded or registered at the Registry of Deeds or Land Court, as applicable, solely for the same Art. 97 purpose, and improved as needed to provide for comparable use, so that the requirements of the PLPA are met and the constitutional rights of Massachusetts residents are protected and enhanced.

Land Descriptions and Acreage:

Proponents must describe the land subject to the Art. 97 Action and the replacement land. The description of each must be specific enough to be included in legislation. In particular, the acreage, location, and boundaries of the Art. 97 land and the replacement land must be provided. Options for the legal description of land include a deed reference, metes and bounds, or reference to areas clearly delineated on a provided site plan. An assessors' map and parcel reference may also be provided for clarity. However, in most cases these and conceptual plans do not sufficiently delineate property boundaries and they therefore should be viewed as supplemental materials.

Appraisals:

The Act requires all appraisals to include a determination of both fair market value and value in use. Value in use addresses the circumstance where the value is increased by the context and intended use in relation to its surroundings. The appraisals must show that the fair market value or value in use of the replacement land, whichever is greater, exceeds that of the area impacted by the Art. 97 Action. Unless waived, appraisals of the monetary value of both the impacted and the replacement land must be submitted to EEA via the PLPA Portal and to the Legislature with a proposed Art. 97 bill.

Proponents should contact the public entity with care and control of the land or interest in land subject to Art. 97 to determine what type of appraisal is required. Where the public entity determines that an independent appraisal is sufficient, the appraisal should meet EEA's [appraisal standards](#). In other cases, the public entity holding the land subject to the proposed Art. 97 Action may have its own appraisal requirements. For example, an Art. 97 Action affecting land owned by the Commonwealth will generally require the appraisals to be commissioned by the state Division of Capital Asset Management and Maintenance and paid for by the proponent. Disposition or change in the use of land subject to federal restrictions may require the appraisal to be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book).

Natural Resource Value:

Natural resource value is the benefit that land provides to the public, such as clean air and water, healthy food, climate change mitigation, wildlife habitat, or recreation. EEA will exercise its best judgement, utilizing available natural resource information, to determine whether comparably located land provides equal or greater resource value.

Replacement land should advance the same Art. 97 purpose(s) as the land to be lost. There are many Art. 97 purposes covering a wide range of natural resource and recreational values. Proponents should obtain, and where necessary improve, replacement land that has the same natural resource value and uses as the land that will be impacted. To do so, proponents should clearly identify the Art. 97 purposes for which the parcel is being used and replicate those purposes and uses on the replacement land. For instance, if the land to be disposed is a softball field (active recreation) then the replacement land should be of a sufficient size and configuration to support a similar active recreational use and include the construction of a field and other improvements equivalent to those to be lost. Similarly, should the land to be disposed be important habitat and used for hiking and other passive recreation then the proponent of the Art. 97 Action should provide replacement land of the same habitat type and passive recreation value.

Waivers & Modifications:

The PLPA provides that in two circumstances the Secretary may consider requests to waive or modify the replacement land requirement of the Act. Accordingly, EEA will accept waiver or modification requests via the PLPA Portal for the following two scenarios.

- 1) Transfer of legal control between public entities without a change in use: Entities seeking this type of waiver or modification should explain in their alternatives analysis the reason for the transfer.
- 2) Transfer of a parcel less than 2,500 square feet in area and with insignificant natural resource and recreation value that serves a significant public interest: Entities seeking this type of waiver or modification must explain in their alternatives analysis the significant public interest being advanced and why the land in question has insignificant recreation or natural resource value. EEA cannot waive or modify the replacement land requirement if it determines that the land has any significant recreational or natural resource value.

The Secretary has discretion to determine whether to approve a request for a waiver or modification. Once the Secretary has made a decision, the proponent will be notified and the waiver or modification determination posted on the PLPA website.

Funding in Lieu:

The PLPA allows proponents to provide funding in lieu of replacement land, or a combination of land and funding, only if specific conditions are met. One condition is that the Secretary must report to the Legislature explicit findings that:

1. the Art. 97 Action serves a significant public interest;
2. the Art. 97 Action will have no adverse impact on an environmental justice population²;
3. the alternatives analysis has been subjected to public notice and comment and demonstrates that, for specifically stated reasons, no feasible or substantially equivalent alternative exists to avoid or minimize Art. 97 impacts; and
4. it is not feasible to contemporaneously designate replacement land.

In addition, any legislation with a funding in lieu provision must require the proponent to provide to the public entity with care and control of the Art. 97 land not less than 110% of the higher of the appraised fair market value or value in use of the Art. 97 land; and the public entity shall hold the funds in a fund for acquiring Art. 97 land, and use the funds within three years to acquire land that qualifies as replacement land under the Act. The PLPA stipulates that funds shall be deposited by a municipality in the Community Preservation Fund and dedicated solely for the acquisition of land for Art. 97 purposes or another already established municipal account for land preservation purposes or, if the municipality lacks such a fund, in a segregated account and dedicated solely for the acquisition of land for Art. 97 purposes.

In their submission via the PLPA portal, proponents seeking findings allowing them to provide funding in lieu must:

1. Demonstrate that, having considered EEA's [Environmental Justice Policy](#) and analyzed the proposed Art. 97 Action using [the environmental justice map viewer](#), the Art. 97 Action will not have an adverse impact on an environmental justice population³;
2. Provide a sufficient alternatives analysis that i) shows that the proposed Art. 97 Action serves a significant public interest, ii) describes efforts made to identify replacement land, including geographic area and means considered, and why they were not feasible or substantially equivalent, and iii) explains how public comment on the alternatives analysis was solicited and collected and provides comments and responses, if any;
3. Specify the account in which funds will be deposited if the request to provide funding in lieu is approved; and
4. Indicate how funds will be used to obtain replacement land within 3 years of the Art. 97 Action.

² "Environmental justice population" is defined in [M.G.L. c. 30, § 62](#).

³ Proponents are encouraged to consult EEA's Environmental Justice Director.

The Secretary has discretion as to the content and timing of findings issued in response to a request.

If the Legislature enacts legislation approving in lieu funding, the public entity holding the in lieu funds will be required to submit an annual update to EEA on the status of acquiring replacement land until it confirms in writing to EEA that replacement land has been conserved.

Submission of Legislation:

Pursuant to the PLPA, a petition to file Art. 97 legislation must be accompanied by:

- Documentation of public notification;
- The alternatives analysis;
- A description of the replacement land (if not waived);
- A copy of the required appraisals (if not waived);
- If applicable, a copy of any waiver or modification by the Secretary; and
- If applicable, a copy of the report of findings of the Secretary regarding funding in lieu.

Proponents should work with their legislative delegation to submit a bill to obtain the required two-thirds roll call vote of each branch of the Legislature. As the timely filing deadline for the 2023/2024 session (January 20, 2023) fell before the effective date of the PLPA, EEA recognizes that bills may have been filed that do not conform to PLPA requirements. For these bills, EEA staff stand ready to work with proponents and legislators to address missing documents while bills are being considered. Bills filed after the effective date of the PLPA (February 17, 2023) in the 2023/24 legislative session and those filed in future legislative sessions must be accompanied by the required documents.

Approval by Public Entities:

Proponents of an Art. 97 Action should refer to EEA's Art. 97 Policy regarding approval of proposed projects. In all cases, proponents are encouraged to consult with the public entity with care and control of the land or interest in land subject to Art. 97 well in advance of submitting materials to EEA or filing a bill. In some cases, notably those authorizing an Art. 97 Action by a municipality, one or more formal votes is required by law and/or EEA's Article 97 Policy.

If applicable, drafters should be aware that language approving these votes must be consistent with the language of the subsequent legislation advancing the Art. 97 Action. Because legislative language frequently changes between the time a bill is filed and when it is enacted a new vote may be required where vote language does not authorize necessary changes. For this reason, it is strategic to be clear on what is authorized without being overly limiting. Drafters may benefit by reviewing examples of prior Art. 97 legislation and the [Legislative Research and Drafting Manual](#), consulting counsel, and seeking review by EEA in advance of finalizing vote language.

Funding Program Requirements:

Proponents of an Art. 97 Action should research past federal or state investment in the Art. 97 land in question. If an Art. 97 Action is proposed for land that was acquired or improved with funding from either EEA and its agencies and offices (such as a Self-Help grant) or the federal government (such as the Land and Water Conservation Fund), then approval of the Art. 97 Action and the replacement land by the funding entity is likely required under the terms of a project agreement. In most instances, arrangements that comply with the Act will also meet funding program requirements. However, new project agreements are typically needed, which must be separately negotiated and executed. When federal funding was accepted, and National Park Service (NPS) approval is required, the timeline for obtaining their approval is uncertain but usually lengthy. Proponents should contact the [Division of Conservation Services](#) at EEA as soon as possible after discovering that federal or state funding was provided for the land. DCS staff will assist in determining what actions are required.

Compliance:

EEA will address noncompliance with Art. 97 and the Act following the terms outlined in the Compliance section of the EEA Article 97 Policy.

Information on PLPA Implementation:

Consistent with the intent of the PLPA to make information on Art. 97 Actions available to the public and to assist with implementation of the Act, EEA has created a Public Lands Preservation Act website. Content includes:

- PLPA Portal (Submission of PLPA Documents & Data)
 - Submission of Alternatives Analyses and Waiver, Modification, & Funding in Lieu Requests
- PLPA Tracker (Access to PLPA Submissions & Decisions)
 - Information on Submissions Received (Proposed Art. 97 Actions)
 - Waiver/Modification Determinations & Funding in Lieu Findings
- [Guidance Document](#) (Assistance in Understanding & Complying with the PLPA)
- [Frequently Asked Questions](#)
- [EEA Appraisal Standards](#)
- [Article 97 Policy](#)

- [*An Act Preserving Open Space in the Commonwealth*](#) (Chap. 274 of the Acts of 2022, otherwise known as the Public Lands Preservation Act)

Consultation:

EEA policy, legal, and legislative staff will collaboratively answer questions regarding Art. 97 Actions. A dedicated email address, plpa@mass.gov, has been established to accept requests for assistance. All PLPA related inquiries are properly directed to this address including:

- Questions on the use of the PLPA Portal, the application itself, the status of a submission, or the availability of information on PLPA submissions;
- Policy oriented or substantive questions about Art. 97; and
- Technical questions around the proper drafting of PLPA legislation

Public Lands Preservation Act: Frequently Asked Questions

February 2023

1. Where can I find the *Act to Preserve Open Space in the Commonwealth*, otherwise known as the Public Lands Protection Act?

The Act can be viewed [here](#), and will be codified at M.G.L. c. 3, § 5A.

2. What types of activities are subject to the Act?

The Act applies to changes in use or dispositions of land or interests in land subject to Article 97 (otherwise referred to as an “Art. 97 Action”) owned by a public entity. More detail can be found in the Applicability section of the PLPA [Guidance](#).

3. What is a public entity under the Act?

The Act defines public entities to include a wide range of state, municipal, quasi-governmental, and other entities. These include but are not limited to EEA agencies, other agencies of the commonwealth, cities and towns, conservation commissions, water and fire districts, quasi-public agencies, and conservation districts. If in doubt about whether an entity is a “public entity”, refer to the statute or contact EEA.

4. What is Article 97? How does it relate to the PLPA?

Article 97 is an amendment to the Constitution of the Commonwealth of Massachusetts. It provides, in part, that “Lands and easements taken or acquired for [Article 97] purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.” Article 97 purposes include dedication of public land to open space, conservation, natural resources, or other related purposes.

The Act provides that in order to use for another purpose or dispose of Article 97 land proponents must notify the public and the Secretary of Energy and Environmental Affairs, conduct an alternatives analysis and submit it to the Secretary and make it public, and provide replacement land of equal or greater natural resource value, acreage, and monetary value. In specific limited circumstances, these requirements may be waived or modified or funding may be provided in lieu of replacement land. The Act also states that the legislation required by Art. 97 must be accompanied by the alternatives analysis, a description of the replacement land, an appraisal, and a copy of any applicable waiver decision of finding regarding a request to use funding in lieu.

5. What steps do I need to take before filing a bill?

The Act requires 4 basic steps before a bill can be filed:

1. Notify the public and EEA of the proposed action.
2. Draft an alternatives analysis and submit it to EEA. EEA has provided [guidance](#) to assist with drafting. The alternatives analysis must be submitted, and EEA will post it on its website.
3. Describe the land to be affected and identify replacement land with an equivalent or greater acreage, monetary value, and natural resource value. EEA will determine whether the natural resource value of the replacement land is sufficient, as described in the [guidance](#). In some cases, the Act allows the Secretary to determine that the replacement land requirement may be waived or modified. Contact EEA if you believe your project may be eligible for a waiver or modification or if you intend to seek approval to mitigate for the loss of Article 97 land via funding in lieu of land.
4. Draft legislation and obtain authorization for the filing of a bill. For municipalities this requires approval at Town Meeting or City Council. EEA can assist by reviewing draft legislation and local vote language, which can make the bill approval process smoother.

6. The Act requires appraisal of the Article 97 land and the replacement land. Regarding the required appraisals, what is “value in use” or “value in proposed use”?

“Value in use” is a method of valuation that requires an appraiser to consider a property’s value not standing alone, but in the context of the land in question. For example, disposition of a small area of Article 97 land could enable access to a much larger, landlocked parcel, allowing development of the landlocked parcel. In this case, the Article 97 land would have a much higher “value in use” than would be the case if it was appraised in isolation. Similarly, a small parcel of land can often be combined with adjacent land holdings to enable development that might not otherwise have been possible. In these instances, the Act requires proponents to compensate the people of the Commonwealth for the full appraised amount of the value in use.

7. When is a waiver or modification allowed, and what is needed?

The requirements of the Act can be waived or modified only under specific circumstances provided in the Act and when approved by the Secretary in writing. Waivers or modifications of the replacement land requirement can be granted for:

- the exchange of land between eligible public entities without a change in use or other change, and
- projects that serve a significant public interest and impact less than 2,500 square feet in area of land of insignificant natural resource or recreational value.

Those seeking a waiver or modification should submit a request to the Secretary via the relevant section of the PLPA Portal.

8. When is funding in lieu of replacement land allowed, and what is needed?

In the rare case that it is not possible to provide replacement land to fully mitigate for the loss of Article 97 land, the Act allows mitigation in the form of funding. The Secretary must make specific findings, after a public process, for funding to be used to mitigate impacts to Article 97 land. Proponents seeking to use in lieu funding should contact EEA early in the project development process to better understand whether a project may be appropriate for consideration of in lieu funding and to understand the process.

9. What materials need to be submitted to the legislature with an Article 97 bill?

1. An alternatives analysis
2. A description of the replacement land or interest in land to be dedicated
3. A copy of the appraisal of the land to be disposed and of the replacement land
4. If applicable, a copy of any waiver or modification granted by the Secretary
5. If applicable, a copy of the report of the findings of the Secretary for in lieu funding

10. How can the public notification requirement of the PLPA be met?

The Act requires that a project proponent notify the public about the project and make the alternatives analysis public.

The public will be notified about a potential project when the responsible public entity considers it for approval. The Commonwealth's Open Meeting Law requires public bodies to notify the public about all meetings, including those at which a body will consider an Art. 97 Action. EEA also suggests additional notification of a project and provision of access to associated materials (like the alternatives analysis and a description of the replacement land) by posting on a website or other means. EEA will post alternatives analyses and other information it receives on its PLPA webpage, helping to notify the public and provide a central place to go for information.

11. EEA previously reviewed proposed Art. 97 Actions under its (now superseded) Art. 97 Policy. What is different about review under the PLPA as compared to the Policy?

The main difference between the prior process and the process under the Act is that the process now is more formal and public. In addition, the Legislature has provided certain specific substantive requirements that every bill seeking a waiver or modification, or the use of in lieu funding, must meet. Key differences are:

- **Notice:** In the past, proponents did not always publicize a project before submitting a bill to the Legislature. Public notice and notice to EEA are now required.
- **Alternatives analysis:** In the past EEA staff would discuss alternatives examined with proponents and work with them to ensure that any impact was properly mitigated. Now

all proponents must also provide a written analysis of the alternatives to the Article 97 Action and make it available to the public.

- **Waiver or modification:** In the past, an Art. 97 bill might be enacted without providing an equal amount of replacement land, if the proponent demonstrated, in consultation with EEA and legislative staff, that waiver or modification was appropriate. Now a waiver or modification makes explicit the specific, limited situations when a waiver or modification may be considered and requires a request for approval by the Secretary and the Secretary's approval before it can occur. The Secretary's waiver or modification must be submitted with a proposed bill.
- **In lieu funding:** In the past, an Art. 97 bill might be enacted allowing partial or full funding in lieu of replacement land if the proponent demonstrated, after consultation with EEA and legislative staff, that the project complied with EEA's Art. 97 Policy. Now, proponents seeking to use in lieu funding must submit a formal request to EEA, the alternatives analysis must be subjected to public notice and comment, the project must meet substantive criteria (such as no adverse impact on an environmental justice population), and the Secretary must report specific written findings to the Legislature. If approved, proponents are also subject to specific requirements governing the handling of funds and when replacement land must be acquired.

12. When providing replacement land can we change one type of active recreation to another if that other type is more needed?

In general, EEA's Article 97 policy requires that the replacement land be dedicated to the same Article 97 purpose as the land being lost. For example, land used for active recreation should be replaced with land dedicated to active recreation. Occasionally, legislation may be more specific as to the type of active recreation occurring. In such cases, EEA has supported legislation providing a slightly different but comparable Art. 97 use within the same category of Art. 97 purpose. For example, data from a community's Open Space and Recreation Plan or records of field use could show that an underutilized softball field should be replaced by a soccer field. Contact EEA to discuss questions about specific parcels of land under consideration.

13. There is a waiver provision that allows transfers of protected land between conservation entities so long as the use does not change. Why would that happen?

This provision describes a "land swap" and is generally done to facilitate more effective management of the property in question. For example, a state agency may transfer a playground to a municipal parks department, or a municipal conservation commission may transfer a parcel of land that protects a public water supply to the water department. In such cases, the land does not leave Article 97 protection, and its use does not change.

14. There is a provision allowing waivers or modification for impacts under 2,500 square feet. Can you provide some examples illustrating how EEA will consider if a project qualifies for this waiver?

The replacement land requirement can be waived or modified for small projects that serve a significant public interest and impact land with insignificant natural resource and recreation value. Public infrastructure projects are expected to be the primary projects that qualify for this provision. Roads and bridges, gas and electric lines, water and sewer pipes, and other public infrastructure frequently traverse Art. 97 land. Projects to repair and replace this infrastructure often have limited ability to avoid and minimize impacts to Article 97 land. Thus, for example, a proposal to repair a bridge abutment or to replace a utility pole next to a roadway could reasonably argue that the project serves the significant public purpose of public safety and welfare, and EEA may determine that the land affected has insignificant environmental or recreational value. Land that might qualify as of insignificant value could include parking lots or roadways that are protected by Art. 97 because of their presence on or association with public park land. Conversely, a public interest project under 2,500 square feet but in an area of Priority Habitat, of very high recreational value, or in an environmental justice population may not qualify. The Secretary will determine whether to grant a waiver or modification request based on the facts of each case.

15. Can land already owned by a community, but not dedicated for an Art. 97 purpose, be used as replacement land?

Yes. While already protected land cannot be used to meet the replacement land requirement, this does not mean that other held land by a public entity for other purposes cannot be conserved and provided as mitigation. For instance, many communities hold land in general municipal ownership or have tax title parcels that may be used for replacement.

16. Can you provide some examples of protected land that would not qualify for use as replacement?

Replacement land must protect a parcel that is not already protected in perpetuity. Land already held for conservation and recreation purposes by a parks department or conservation commission is already subject to Article 97 and does not qualify as replacement land. Other lands that EEA will not view as acceptable replacement land include privately owned land subject to a conservation restriction precluding development in perpetuity, land held by a land trust or other non-profit for conservation purposes, or land required to be protected as a condition of any permit or other approval (e.g., open space required as a condition of a cluster subdivision permit).

17. Must replacement land be in the same community as the land subject to the Art. 97 Action?

Replacement land must be in a “comparable location” to the land subject to the Article 97 Action. This does not require that the parcels be in the same municipality or census block, but proponents should seek replacement land that is as nearby as feasible. Locating replacement land in the same municipality is generally preferable and (for municipal entities) easier than conserving land in a different municipality. However, providing replacement land in a nearby community can be appropriate and in keeping with the intent of the PLPA. For example, if an impacted parcel protects a reservoir, the acquisition of replacement land located in a different town but closer to the reservoir might be prudent and result in a net benefit to the public.

18. Is there any consequence for lack of compliance with the PLPA?

The Act requires the Secretary to report on instances where funding in lieu of replacement land is authorized by legislation. In this report, EEA will identify any municipality or other public entity that fails to comply with the requirements for handling the in lieu funds or acquiring replacement land.

Consistent with EEA’s Article 97 Policy, the Secretary may determine that a municipality or other public entity will be ineligible for grants from EEA and its agencies and offices if that municipality or entity changes the use or disposes of land in violation of Article 97 or the PLPA, or if it fails to perform any of the conditions required by legislation enacted pursuant to Article 97.

19. What is expected regarding solicitation, collection, and response to public comments?

Solicitation, collection, written response to, and submission of public comment is encouraged of all PLPA proponents and required of those seeking a finding allowing funding in lieu of replacement land. The project proponent is responsible for soliciting, accepting, and responding to public comment. Comments should be submitted to the proponent. EEA will not directly accept or post public comments on projects. However, EEA will receive and post alternatives analyses, which may include public comment.

20. What are the standards for the required “description of the replacement land” that must accompany legislation?

The legislation must include a sufficient legal description of the replacement land to identify the area to be dedicated. Acreage must be indicated, and the location and boundaries of the land described precisely. This description may be done via reference to a deed or areas clearly delineated on a provided or recorded site plan, or via metes and bounds. Additional description

may be beneficial, such as a reference to the assessor's parcel. Plans used for reference do not need to be recorded prior to filing legislation but must be available for review.

Information on the replacement land accompanying the bill must include appraised value, an explanation of how the natural and recreational value of the impacted parcel is being replicated, and information on the location of the replacement land to support assessment of whether the land is comparably located.

21. What is the range of alternatives to a proposed Art. 97 Action that must be considered?

The scope of alternatives considered must be commensurate with the type and size of the proposed disposition or change in use of Article 97 land or interest in land. The expected scope of alternatives extends to any sites that were available at the time the proponent first notified the controlling public entity, and which can be reasonably obtained: (a) within the appropriate market area for private proponents, state and/or regional entities; or (b) within the appropriate city or town for municipal proponents. Additional information on the alternatives analysis is available in EEA's [guidance](#).

22. How will EEA determine that replacement land is of equal or greater natural resource value?

EEA will utilize available information on natural resources, such as BioMap, to determine whether comparably located replacement land provides equal or greater natural resource value. In the past comparably located land of the same land cover type as that subject to the Art. 97 Action has generally been acceptable. For example, replacing 2 acres of forested land with 3 acres of forested land a ¼ mile away often provides equal or greater resource value.

23. EEA posted an alternatives analysis on its PLPA website. Does this mean that EEA supports the project?

No. EEA posts all materials submitted via the PLPA Portal to make them available to the public, and their posting does not mean that EEA supports or does not support a project. EEA works with all proponents to ensure that legislation authorizing an Art. 97 Action complies with the PLPA and EEA's Art. 97 Policy.

From: [Esip, Brandon M.](#)
To: [Marlene McCollem](#)
Subject: Request for Disposal/Trade and Transfer
Date: Friday, March 15, 2024 4:49:36 PM

Marlene,

Can you add the following to the Selectboards Agenda? These are the vehicles that we will be trading in to McGovern Automotive Group (the vendor we have purchased our vehicle upfits from). One vehicle will also be transferred to ISWM. The vehicles traded to McGovern will be credited towards our upfit costs of the four vehicles they are currently working on so we are able to complete the vehicle purchases and upfits from the approved capital request.

The vehicle transfer to ISWM seems to be a welcome acquisition by Dan and does not impact our budget for the capital expenditure.

THE BOURNE POLICE DEPARTMENT REQUESTS PERMISSION TO DISPOSE OF THE FOLLOWING FOUR VEHICLES VIA TRADE-IN CREDIT AS THEY ARE NO LONGER OF OPERATIONAL USE TO THE POLICE DEPARTMENT:

<u>Vehicle</u>	<u>Reason for Trade</u>	<u>Value</u>	<u>Equipment with Trade</u>
2013 Ford Explorer 4x4 Y(38) <i>1FM5K8B84DGB21009</i>	100,000 + miles, age/maintenance issues. <i>Not useable by other departments.</i>	\$2,000	Obsolete strobe lights/siren/controller Obsolete console
2016 Ford Interceptor (Y37) <i>1FM5K8AR7GGA72404</i>	Former K9 vehicle, many electrical issues, frequent check engine issues. HVAC not reliable. <i>Not useable by other departments.</i>	\$2,800	Obsolete strobe lights/siren/controller Obsolete computer mounts Obsolete console
2011 Ford Taurus Sedan (Y31) <i>1FAHP2HW2BG179774</i>	Permanently Out of Service Due to Safety Issues. Rus/rot on frame that would be too costly to repair. <i>Not useable by other departments.</i>	\$1,500	Obsolete strobe lights/siren/controller
2020 Ford Interceptor SUV (Y23) <i>1FM5K8AB9LGA72028</i>	Upon Arrival of Replacement	\$4,500	Obsolete strobe lights/siren/controller Obsolete computer mounts Obsolete console

THE POLICE DEPARTMENT, IN CONSULT WITH ISWM, REQUESTS TO TRANSFER THE FOLLOWING VEHICLE TO ISWM AS THE POLICE DEPARTMENT DOES NOT

HAVE AN OPERATIONAL USE FOR THE VEHICLE; HOWEVER ISWM DOES HAVE AN OPERATIONAL USE FOR THE VEHICLE:

Vehicle	Reason for Trade
2020 Ford Interceptor SUV (Y5) <i>1FM5K8ABXLGD00828</i>	100,000 + miles, no viable for public safety use, ISWM requested it for their needs.

I am also working on a transfer of a Bourne Police Department trailer to the DPW with them transferring one of their trailers to us. Both Matt and I agree that this would be for the benefit of both departments. The larger Emergency operations trailer used by the PD is too large for our needs, and the newer, but smaller trailer the DPW has is too small for their specific needs. We will both be able to make better use of this equipment by transferring. Matt and I will get you the details on the VINS for those trailers next week. I've included Matt on this email so is aware of the vehicle disposals.

Thank-you,

Chief Brandon Esip

PoliceChief@townofbourne.com

Bourne Police Department | 35 Armory Rd | Buzzards Bay, MA 02532

OFFICE DIRECT: (774) 247-5525

OFFICE EXTENSIONS: (508) 759-4420 EXT 8003

Homepage: <http://www.bournepolice.com> **Facebook:** <http://www.facebook.com/BournePolice> **Twitter:** [@BournePD](https://twitter.com/BournePD)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Consent Agenda – Special Events

Event Organizer	Type of Event	Location	Date	Rain Date
Kind Hearts for Kids	Kindness Festival	Buzzards Bay Park	9/7/24	9/8/24
Habitat for Humanity	Bike Ride	Town Roads	9/15/24	n/a
Habitat for Humanity	One Day Liquor License	Aptucxet Trading Post	9/15/24	n/a
Denise Wright	Pickleball Fundraiser	Clarke Field	6/29/24	6/30
PanMass Challenge	Bike Ride	Town Roads	8/3-8/4	n/a
PanMass Challenge	One Day Liquor License	Mass Maritime Academy (101 Academy Dr)	8/3/24	n/a
BHS Girls Lacrosse	Car Wash	Pocasset Fire Station	5/4/24	5/11
Samantha Moran	Wedding Ceremony	Buzzards Bay Park	10/5/24	n/a
Rachel Edwards	1 st birthday party	Buzzards Bay Park	4/20/24	n/a
Amanda Bryant	Family Reunion	Buzzards Bay Park	7/27/24	n/a
Best Buddies International	Bike Ride	Town Roads	6/1/24	n/a



261 Whites Path, Unit 2
South Yarmouth, MA 02664
p: 508.790.3040
f: 508.790.4069
capecodfoundation.org

OFFICERS

Patricia Meservey
Chairman
Lisa F. Sherman
Vice Chairman
Mark Quinn
Treasurer
Lisa J. Oliver
Clerk
Ramani Ayer
Immediate Past Chairman

DIRECTORS

Craig H. Boyce
Matt Cronin
Paul Houlihan
Diana Lam
James Morton
Sara Lou Sherman
Michael Stack
Janet Taylor
William Trachsel

FOUNDING DIRECTORS

John P. English
Donald B. Foresman
Mary K. Morgan
James H. Rice
S. Murray Rust, Jr.
William C. Snow

PRESIDENT and CEO

Kristin O'Malley

March 14, 2024

Ms. Irja Finn
Jonathan Bourne Public Library
19 Sandwich Road
Bourne, MA 02532

Dear Ms. Finn:

Congratulations! The Board of Directors of The Cape Cod Foundation has awarded you a grant of \$14,381.00 from the Fund for the Benefit of Jonathan Bourne Public Library to be used for an annual distribution.

Please keep The Cape Cod Foundation informed of your publicity plans related to this grant award. Please acknowledge the **Fund for the Benefit of Jonathan Bourne Public Library of The Cape Cod Foundation** in all printed and electronic materials such as press releases, brochures, website pages, posters, and local announcements regarding this grant award. We would appreciate copies of these materials for our files.

By accepting this grant, the organization understands that any portion of this grant not needed for the designated purpose will be repaid to the Foundation, unless permission to do otherwise is expressly given in writing by an authorized representative of the Foundation. **If you cannot use the grant funds as stated herein, you must contact the Foundation as soon as possible.**

Should you have any questions or concerns, please do not hesitate to contact us at 508.790.3040 or info@capecodfoundation.org.

Sincerely,

Kristin O'Malley
President and CEO

Dara Gannon
Vice President of Programs and Donor Services

Enclosure

Select Board Policy

Public Road Layout and Acceptance

1.0 Authority

In accordance with MGL Ch. 82, §§17-32 and Section 3.1.37 of the Town of Bourne General Bylaws: “Layout and Acceptance of Private Ways,” the Select Board adopts this Public Road Layout and Acceptance Policy. This policy supersedes all previous Town of Bourne Select Board policies related to “Laying Out of Town Ways”, and any previously policy is hereby repealed. .

2.0 Purpose

This policy has been prepared to ease and facilitate the process by which private roads are laid out and accepted as public ways within the Town of Bourne and further to ensure a thorough and complete review of all ways proposed to be accepted as public ways.

This policy contains the procedures required by Massachusetts law, Town bylaw, and the Town of Bourne’s other requirements that must be followed by petitioners and others to lay out and accept an existing private roadway as a public way. Compliance with this policy is the financial and legal responsibility of petitioners and not the Town of Bourne. This policy is not intended and should not be construed as providing legal advice.

Petitioners and all other interested parties should note that the layout and acceptance of a road as a public way involves three steps.

First, the Select Board must “lay out” the public way by establishing the metes and bounds and physical location of the way, in accordance with MGL Ch. 82, §§21-24, which includes a referral of the proposed layout to the Planning Board.

Second, Town Meeting must vote to accept the way, as laid out by the Select Board, as a public way and to authorize the Select Board to acquire the necessary ownership interests for the same.

Third, the Select Board must then acquire the fee or an easement in the street and all necessary easements for appurtenances, including drainage, utility, access, slope, and other similar items.

Each of these three steps must be completed (some under specified statutory timeframes) for a road to become a public way and there is no legal obligation that the Town approve any of the three steps, even if some have previously been completed.

This policy is not intended to and shall not create any legal rights or entitlements

of any kind for any person. This policy is solely and completely intended to serve as guidance to create an orderly procedure for the Select Board's review of petitions for the layout and acceptance of private ways. The Select Board's decision-making under this policy shall be solely at its discretion and the Select Board reserves the ability to amend this policy at any time for any reason.

3.0 Preliminary Requirements

As appropriate, the Planning Board process for subdivision road construction and oversight shall be completed prior to petitioning the Select Board for Road Layout and Acceptance of a subdivision road.

4.0 Layout

The "laying out" process establishes the metes and bounds and physical location of the way. It does not, by itself, constitute either the acquisition of an interest in the underlying land or acceptance of the way as a public way. The laying out process is, however, an essential prerequisite to the formal vote of acceptance by Town Meeting.

4.1 Petition Process (*Prior to July 1st*)

The laying out of a town way may be initiated by the Select Board /Road Commissioners or by one or more inhabitants of the Town of Bourne (MGL Ch.82, §§17 and 21). In conjunction with Section 3.1.37 of the Town of Bourne General Bylaws, the petition shall be submitted prior to July 1st in order to be considered for acceptance at the Annual Town Meeting in the following May.

The Select Board shall only consider the first four fully completed petitions containing all the documents required to be submitted with the petition as set forth below, for consideration for the following fiscal year. This may be exceeded by the Select Board if the Town determines it is within their best interest to do so. The remaining petitions will be put on a list in the order in which they are fully completed for consideration for the following fiscal year. Inclusion on this list shall not create any right, entitlement, or property interest of any kind. This list shall be maintained solely as an aid for the Town's and Select Board's subsequent year review of petitions. The Town and Select Board reserve the right to modify or otherwise deviate from this list at any time for any reason.

Petitions will only be considered for layout of roads that are determined by the Engineering Department to be in good condition, free of significant defects, and that meet the standards specified in the Planning Board's Subdivision Rules and Regulations. Petitions for roads not meeting these criteria may be considered by the Select Board provided that the abutters of the subject road(s) agree to betterments to be assessed by the Town for one hundred (100%) percent of the costs to improve the road(s) in accordance with the aforementioned criteria.

Prospective petitioners are encouraged to meet with DPW and Engineering

Department staff prior to submission to review the layout and acceptance process.

4.2 Content of the Petition (Prior to July 1st)

The layout petition shall include the following comprehensive documentation to be considered for layout and acceptance:

- a) Petition - copy of the petition for road layout and acceptance as a public way by 75% of the owners of the abutting property agreeing to accept and pay the cost estimated to be apportioned to each abutter or;

If the petition for road layout and acceptance is less than 75% of the owners of the abutting property agreeing to accept and pay the cost estimated, proof of a prior 4/5ths certified vote from the Select Board shall be necessary;

- b) Signed and notarized originals of the approved legal documents (ie. deeds, easements, title search, etc.) ready to be executed by the Select Board. These documents will be held by the Select Board until Town Meeting approval, and then the acquisition process will commence;
- c) a certified list of abutters from the Town Assessor's Office of all property owners having frontage along the way that is proposed to be accepted as well as any land owners of the way to be laid out and any other owners of property that contain easements associated with the way (ie. slope, drainage, utility, etc.);
- d) a metes and bounds legal description of the way including a metes and bounds legal description of all easements to be included as part of the way;
- e) two (2) paper plots of the layout plans (full-sized) and seven (7) paper plots (half-scale) showing all metes and bounds of the proposed public way as well as any associated easements. The layout plan and profile of the existing roadway shall meet the requirements of the Town of Bourne Planning Board Subdivision Rules and Regulations for an "as-built" plan, prepared and certified by a Massachusetts Registered Professional Land Surveyor. These layout plans shall show information and notes as is required for recording at the Barnstable County Registry of Deeds. One mylar copy is to be provided at the time of the layout meeting for signature.
- f) Coring and/or test hole logs showing existing pavement structure performed and certified by a Massachusetts Registered Professional Engineer approved by the Town of Bourne Engineering Department. Said corings and/or test holes shall be taken at the limits of the petitioned

road and at points every 300 feet in between, or at the midpoint if less than 300 feet.

4.3 Engineering Review and Preliminary Select Board Vote (*Prior to September 1st*)

The Engineering Department will conduct a preliminary review of all petitions, which may include an onsite inspection of the road proposed for layout and shall prepare a brief, written report of its findings and recommendations addressed to the Select Board.

At the discretion of the Engineering Department and the Town Administrator's Office, the Town may require a preliminary legal review, by Town Counsel's office, of any petition and its supporting documents. The Town may require that petitioners agree to reimburse the Town for the reasonable costs incurred by the Town for such a review.

Once the Engineering Department has completed its preliminary review of the petitioned road, the Select Board may hold a preliminary vote of intent to layout the road as a public way. Alternatively, if the Engineering Department concludes that one or more requirements for road acceptance are not met, the Engineering Department will review materials submitted with the petition and other such materials as may be appropriate and will develop a list of road conditions not meeting current Planning Board Rules & Regulation Standards and submit to the Planning Board.

4.4 Recommendation (*September*)

Following an affirmative preliminary vote to layout a road as a public way, pursuant to MGL c. 41, §81G, the Select Board will refer the matter to the Planning Board for a recommendation. Upon receipt of the Planning Board's report or 45 days having elapsed since the petition was referred to the Planning Board, whichever is the earlier, then the Select Board may hold a meeting to vote on the layout of the road as a public way.

The Engineering Department will then develop preliminary estimates of betterment including legal and survey costs, in order for the road to be laid out as a public way and determines cost per abutter based on appropriate method (i.e. per lot, frontage, etc.). The Select Board then notifies each abutter by certified mail of the estimated betterment cost. The notice shall include the terms for the payment of the betterment.

If at any point the petition doesn't meet the signature requirement of 75% of abutters, the petition will be removed from consideration or the petitioners will require a 4/5ths vote from the Select Board.

Upon approval from the Engineering Department, a letter from Town Counsel

indicating that all necessary legal documents (ie. deeds, easements, title search, assents of mortgages, subordination agreements with the lender, etc.) are acceptable as to form and an original title certification for all roads, ways and easements being petitioned along with a letter from Town Counsel indicating the document is acceptable as to form will be provided to the Select Board.

4.5 Notification of Layout Public Meeting (*October*)

At least seven (7) days prior to laying out the way, notice of the meeting at which the layout will be considered must be given to owners of any land or easements to be taken for the roadway, including any slope, drainage, or other easements. Notification shall be by U.S. Mail and shall be posted in a public place in the Town. The notice shall contain a metes and bounds description of the proposed layout and a description, by reference to assessors map and parcel numbers, of all land or easements to be taken, as well as the time and place of the layout meeting and shall also advise of the time and place the layout plans may be viewed. The Select Board/Road Commissioners shall be responsible for providing notice of this public meeting.

4.6 Action (*October/November*)

Once the meeting has been held concerning the layout, the Select Board/Road Commissioners may vote to adopt the layout as shown on the metes and bounds plan.

For any petition where 75% or more of the abutting property owners have agreed in writing to accept and pay the cost estimated to be apportioned to each abutter, said vote of the Select Board shall require a simple majority for approval. (General Bylaws Section 3.1.37(b)). For all other petitions, said vote of the Select Board shall require a 4/5 majority for approval with a finding by the Select Board that a compelling public necessity exists for layout and acceptance of the road in question. (General Bylaws Section 3.1.37(b)).

4.7 Article for Annual Town Meeting Warrant (*February/March*)

The Select Board shall place an article on the Town Meeting Warrant for acceptance of the road as a public way at the beginning of February. If land or easements need to be acquired by the Town, the Article should authorize the acquisition of the land or easements by purchase, gift or eminent domain and, if necessary, appropriate funds therefor. If an Article is placed on the warrant, the Petitioner shall submit Layout Plans, and Construction plans if necessary.

Final estimated betterment costs are calculated using lowest acceptable construction bid at this time.

4.8 Town Clerk Filing (*April*)

The layout description, as voted, including any plan, must then be filed with the

Town Clerk (c. 82 §§22 and 23), who must record such decision in a book kept for this purpose within 10 days (c. 82 §32) and no later than 7 days preceding the Town Meeting date on which a vote of acceptance is to be taken as to said road (c. 82, §23).

5.0 Acceptance (*Town Meeting - Typically First Monday in May*)

“Acceptance” is the procedure whereby Town Meeting votes to recognize and accept responsibility for the street layout adopted by the Select Board/Road Commissioners. In order for acceptance to occur, the Select Board shall have voted positively to layout the way as a public way and all of the backup documentation required under Sections 4.1 and 4.2 herein shall have been submitted and approved in final form prior to warrants closing for the Annual Town Meeting.

6.0 Acquisition (*Within 120 Days After ATM*)

If the Town will be acquiring the land or an easement in the way or any necessary easements associated with the way, such as slope or drainage easements, the Select Board/Road Commissioners must, within 120 days after the termination of the Town Meeting at which the public way was accepted, either:

- (1) acquire the land by gift or purchase, or
- (2) adopt an order of taking under MGL c. 79, or
- (3) institute proceedings for a taking under MGL c. 80A (c. 82, §24).

If an order of taking is adopted under MGL c. 79, that order must be recorded in the Barnstable County Registry of Deeds within 30 days of such adoption (c. 79, §3).

Town Counsel prepares the necessary documentation for the grant of easements to the Town or taking of easements by the Town and records all documents and plans at the Barnstable Registry of Deeds or the Barnstable Registry District of the Land Court once they have been executed by the Select Board or the property owners, depending upon the circumstances.

If necessary, the Town will undertake the necessary improvements to the way in accordance with the bidding procedures under the Massachusetts Public Construction Laws.

Upon completion of the betterments, each abutting owner shall be billed for their proportionate share of the actual total costs of laying out and accepting the road as a public way, and not the estimated costs. The assessment of betterments shall be governed by the applicable provisions of the General Laws.

7.0 Waiver

Adopted by the Board of Selectmen – April 2, 2024

The Select Board/Road Commissioners may waive any part of this policy as regards to the timing and/or deadlines provided that all statutory requirements are complied with for the purpose of public street layout and acceptance.

**Board of Selectmen
Minutes of Tuesday, October 18, 2022
Bourne Veterans' Community Center – Rm 2
Buzzards Bay, MA**

TA Marlene McCollem

Board of Selectmen

Peter Meier, Chair
Jared MacDonald, Vice Chair
Melissa Ferretti, Clerk
Judith Froman
Mary Jane Mastrangelo

Others: Kate Lena, Elizabeth Griffin, Joe Carrara (virtual), Lori Cooney, Karen Wilson, and Bill Macuch.

Note this Zoom videoconference meeting is being televised, streamed, or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time.

Zoom Meeting ID: 869 5775 5505 Password: 529740

All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Selectmen.

7:00 PM Call Public Session to Order in Open Session

- 1. Moment of Silence to recognize our Troops and our public safety personnel.**
- 2. Salute to the Flag.**
- 3. Vision:** Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.
- 4. Mission:** Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable, and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.
- 5. Public Comment on Non-Agenda Items** – Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.
- 6. Presentation by Kate Lena (Barnstable County) regarding opioid settlement funds.**

Kate Lena apologized for not having her slide presentation with her, although she did email it to the Board of Selectmen prior to the meeting. Mary Jane Mastrangelo said that these slides are on the calendar on the Town's website with the agenda packet. Ms. Lena introduced herself as the Substance Use Prevention Program Manager with the Barnstable County Department of Human Services.

Ms. Lena said that in 2021, Massachusetts Attorney General, Maura Healey, announced a federal 26-billion-dollar settlement agreement with opioid distributors and manufacturers for their role in the over prescribing of opioids, with 500 million dollars going to the Commonwealth of Massachusetts. The intent is to bring relief to people struggling with substance use disorder. Funds were provided directly to individuals as well as their families, to Towns and Cities, to Counties, and to the State Department of Public Health.

Ms. Lena said the funds to Cities and Towns will be dispensed in yearly amounts over the next 18 years. In addition to the financial penalties the settlement requires industry changes, which are designed to prevent this from ever happening again. To support this work at the State level, the Department of Health has created the Opioid Recovery and Remediation Fund Advisory Council with representation all over the State. She said that the funds cannot be used to fund care that is already being reimbursed by the State.

Ms. Lena said that the 7 different topics that are the requirements for the way a municipality should be spending the funds are: opioid use disorder treatment, supporting people in treatment and recovery, connections to care, harm reduction programming, addressing the needs of criminal justice involved people, supporting pregnant and parenting women and their families, including babies with neonatal abstinence syndrome, and preventing misuse of opioids and implement prevention education.

Ms. Lena talked about the recommendations from the Regional Substance Addiction Council (RSAC). They are a group of providers working in the field as well as community members impacted by substance abuse. They put together their recommendations from community and workgroup meetings. She gave examples of programs that could be used with the funds. There was some discussion about the funds being pooled with the County.

Elizabeth Griffin, a School Adjustment Counselor at Upper Cape Tech., and Private Clinician and Co-Founder of the Bourne Substance Free Coalition was asked to say a few words. She said that she and many members of the Bourne community are committed to making a positive difference in kids' lives. She said that there is a huge ripple effect with substance abuse, and they have recognized that this was a problem many years ago, and they have held various activities and created a 501c3.

7. Recreation Committee recommendations – youth basketball and 4th of July Parade.

Lori Cooney, Vice-Chair of the Recreation Committee (Rec. Committee), and Karen Wilson, Clerk of the Recreation Committee, presented the recommendations by the committee regarding youth basketball and the 4th of July Parade. Ms. Cooney said that at their last meeting the Rec. Committee unanimously voted to recommend the Bourne Rec. Dept. discontinue the SWISH

basketball program to create a wider variety programs offered for active and passive recreation for residents of all ages and abilities. She said that 10 years ago the SWISH program was under volunteered, and the Rec. Dept. took it over and there is only 2 people in the Rec. Dept. that are trying to run the program. She said that there is a group of people, the Bourne Basketball Association, that are willing to take youth basketball over.

Ms. Wilson added that the Rec. Committee had a long meeting with the Bourne Basketball Association and there were many questions asked and answered and it seems to be for the Rec. Dept. that this is a win-win situation. She said that this can provide programs for all residents of the Town. There was some more discussion about the Rec. Dept. losing the program, and about how it can be good for the Department and the Town.

Jared MacDonald said that before the Board of Selectmen can give any direction to the Town Administrator, they need to see an outline of the direction in which the Recreation Dept. is going, and the timeframes for the staff. Mary Jane Mastrangelo said that they have a recommendation from the Recreation Committee and as a Board they need to put this back on the Town Administrator and the Recreation Department Director to figure out what they would do with the time and a transition plan if this program is freed up.

Town Administrator Marlene McCollem said that these are the type of decisions that are made at budget time, and the budget is already set, and this is out of order. She said that they are going into building the FY 24 budget, and at the end of November she will be sitting down with all departments to talk about their goals and priorities. Ms. McCollem said that this program was built into the budget for this winter, and she feels that is disingenuous to present a budget to the Board of Selectmen, the Finance Committee and to Town meeting, and then not do what they said they were going to do. She said that if the Board wants to change it for this winter, then she wants guidance and direction of what the priorities are.

There was more discussion about making the change and who decides how the transition would take place. Bill Macuch of the Bourne Basketball Association said that they have had several discussions which included Krissanne Caron, the Recreation Director. He said that at the first meeting Ms. Caron recommended the SWISH program dissolved for this year. He said that at a subsequent meeting it was indicated that the Bourne Basketball Association will be able to use the Bourne Community Center in place of SWISH. He said that they have already started registering people in the league for this winter. He said that they do plan to run the league and would like to run the league with the Town's blessing, but if they do not get it, they still will be running their league.

There was more discussion about the money that was budgeted for two full time positions and Ms. McCollem said it puts her in an uncomfortable position where she is changing people's jobs on the fly. She said that although they will make it work, she does not recommend operating this way, especially with full time union employees and set operating budgets. There was a discussion about a timeframe to make the transition and what the transition will be, and about the next steps.

Chair Meier said that he was informed that the Recreation Committee did not recommend taking on the 4th of July Parade as a task. Ms. Wilson said that Jen Kennedy was invited to a meeting

and there was a discussion with her, and Ms. Caron, and a few months later, at another meeting they voted on it. She said that it doesn't seem to fit in as a recreation, and they do not feel that they are the right committee for the parade. The Recreation Department and Ms. Caron did give Ms. Kennedy some suggestions on how to run the parade. There was some discussion about forming a parade committee and obtaining 501c status.

8. Selectmen's Business

- a. Discussion and possible vote to accept donation to Library.**
- b. Debrief retreat, held on August 12, 2022, and vote to confirm annual goals.**
- c. Ratification of LIUNA, DPW Memorandum of Agreement – FY23-25.**
- d. Discussion and possible vote on the South Side Fire Station Committee's designer recommendations.**
- e. Review and act upon Town Meeting articles or motions, if necessary.**

8.a. Discussion and possible vote to accept donation to Library.

Voted: Jared MacDonald moved, and Judith Froman seconded to accept a gift in the amount of \$86. from Ms. Lillis Palmer of Bourne.

Vote: 5-0-0.

8.b. Debrief retreat, held on August 12, 2022, and vote to confirm annual goals.

Chair Meier listed the annual goals that were a result of the retreat that was held on August 12th, 2022 and the Board discussed the goals.

Voted: Mary Jane Mastrangelo moved, and Judith Froman seconded to confirm that the Strategic Plan and the following priority areas of focus for the Town Administrator as annual goals are: Investigating and Making a Plan for Information Technology Improvements; Updating and Revising Policies; 5-and-10-year Capital Plans and a 5- year Long Term Financial Plan; Reorganizing the Facilities Department; Continuing progress on the CWMP (Comprehensive Wastewater Management Plan).

Vote: 5-0-0.

8.c. Ratification of LIUNA, DPW Memorandum of Agreement – FY23-25.

Ms. McCollem said that the Board did discuss this last week and there is a motion in front of the Board to ratify the Memorandum of Agreement.

Voted: Melissa Ferretti moved, and Mary Jane Mastrangelo seconded to ratify the FY23-25 Memorandum of Agreement between the Town of Bourne and LIUNA, DPW as discussed in executive session on October 11, 2022, with the materials to remain privileged.

Vote: 5-0-0.

8.d. Discussion and possible vote on the South Side Fire Station Committee's designer recommendations.

Chair Meier said that earlier in the day the Southside Fire Station Committee interviewed 2 firms. The committee voted to recommend Saccoccio & Associates Architects.

Voted: Mary Jane Mastrangelo moved, and Jared MacDonald seconded to accept the recommendation of the South Side Fire Station Building Committee to retain Saccoccio & Associates, Architects, as the design firm for a new fire substation, and to further direct the Town Administrator to negotiate a contract with the selected firm.

Vote: 5-0-0.

8.e. Review and act upon Town Meeting articles or motions, if necessary.

Ms. McCollem said that the Voter's Handbook has been finalized and it is on the web and at the printer's and she said she is meeting with the Finance Committee tomorrow evening.

9. Town Administrator Report

Ms. McCollem said that she does not have anything else this evening.

10. Minutes: 8/12/22 and 9/27/22.

Voted: Mary Jane Mastrangelo moved, and Jared MacDonald seconded to approve the minutes of August 12th, 2022, as presented.

Vote: 5-0-0.

Voted: Melissa Ferretti moved, and Mary Jane Mastrangelo seconded to approve the minutes of September 27th, 2022.

Vote: 3-0-2. Jared MacDonald and Judith Froman abstained.

11. Correspondence

Chair Meier read aloud the correspondence:

- Environmental Partners presentation of Pocasset, 4 corners.
- Letter regarding heating oil spill at 299 Wing's Neck Road.
- Commonwealth search for space to lease
- DEP letter

Chair Meier said that the letter about the oil spill was regarding about 10 gallons of heating oil that spilled into the crawlspace. It was carbon copied to the Chair of the Board of Health, Stanley Andrews, and Chair Meier spoke to Mr. Andrews and he was not aware of the issue.

These are all on the Town's website.

12. Committee Reports

Judith Froman gave out handouts from the meeting that she attended the previous evening of the Cape Cod Metropolitan Planning Organization (CCMPO). She said there were some highlights from the meeting that she wanted to share with the Board.

She said that one item was the Cape Cod Safety Study report, and she provided the link to the report on the handout for the Board to check out. She went over the report with the Board regarding car accidents. There was some discussion about the accidents at the Bourne Bridge Rotary.

Ms. Froman also said that the public meeting about the bridges will be on November 15th.

Mary Jane Mastrangelo said that they had a Pedestrian and Bike Path meeting last week and they are pretty much done with the 75% design of phase 1 and are getting it submitted for final review by DEP and DOT. She said they also talked about having a public information session on phase 4.

13. Other Business – None.

14. Upcoming Meetings – Town Meeting - October 24, 2022, and November 1st is the next regular Board of Selectmen meeting.

15. Adjourn

Voted: Jared MacDonald moved, and Melissa Ferretti. seconded to adjourn.

Vote: 3-0-0.

This meeting of the Bourne Board of Selectmen was adjourned at 8:53 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary

**Select Board
Minutes of Tuesday, March 12, 2024
Bourne Veterans' Community Center
Buzzards Bay, MA
Or Virtually**

**TA Marlene McCollem
ATA Liz Hartsgrove**

Select Board

Mary Jane Mastrangelo, Chair
Melissa Ferretti, Vice Chair
Anne-Marie Siroonian, Clerk
Jared MacDonald
Peter Meier

Others: Michael Rausch, Bourne Enterprise, Jim Sullivan, Chair, Finance Committee, Tom Joyce, Wayne Sampson (7:03), Amanda Bongiovanni (remote), Priscilla Harcourt (remote), Carla Emmons (remote), Erica Flemming, Finance Director, (remote), Jennifer Copeland, Town Planner, (remote), Debora Oliviere, Director, Council on Aging (COA), (remote), Liz Brown (remote), Sara Salvi (remote), Judith Froman (remote 7:06), Michael Ellis, Town Accountant (remote 7:25), Kaitlyn Shea (remote 7:25), Jack Marshall (remote 7:25), John Duggan (remote 7:25), Jeanne Azarovitz (remote 7:25), Matt Sawicki, DPW Director (remote 7:50), and Tim Lydon, Engineering (remote 8:20).

Note this meeting is being televised, streamed, or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time. Use of flash photography during Select Board meetings is prohibited.

Michael Rausch, Bourne Enterprise, acknowledged that he was recording this meeting.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099**.

Zoom Meeting ID: 869 5775 5505 Password: BOURNE

The Zoom Chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute.

All items within the meeting agenda are subject to deliberation and vote(s).

7:00 PM Call Public Session to Order in Open Session

1. Moment of Silence to recognize our Troops and our public safety personnel.

Chair Mastrangelo said that they are sending their support for the Bourne Boys' Basketball Team at the MIAA Final Four game this evening.

2. Salute to the Flag.

3. Reading of the Vision and Mission Statements:

Vision: Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to its citizens a healthy, active lifestyle.

Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable, and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

4. **Public Comment on Non-Agenda Items** – Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).
5. **Joint Meeting with Finance Committee – presentation and discussion – FY 2023 audited financial statements by CLA.**

Finance Committee Chair Jim Sullivan called the Finance Committee meeting to order at 7:03 PM.

Sara Salvi, Audit Director on the Town's Financial Statements and Single Audits, said that she has been on the town's audit for about 5 to 6 years. Ms. Salvi gave a slide presentation on the Town of Bourne's Financial Statements Audit.

Chair Mastrangelo said that the full audit is available on the Town's website under the Finance Department Audits, and this is the FY23 Audit.

Ms. Salvi explained the terms of engagement and said that they had not changed. She said that from year to year they express opinions on whether the basic financial statements are presented, in all material respects, in accordance with GAAP. She said that Bourne received an unmodified opinion, which is the best opinion that you can get, and that the financial statements are fairly presented, in accordance with GAAP. She said that they also express opinions related to federal awards and programs.

Ms. Salvi said that they provide reports on internal controls over financial reporting and compliance with laws, regulations, contracts, grants, and compliance related to major federal award programs. She also said that they provide a management letter based on identified control deficiencies.

Ms. Salvi said that regarding the single audit, they audited ARPA and ESSER as the major grants this year, and they are waiting on finalizing compliance procedures for the ARPA program. She said that there is nothing to report at this time. Ms. Salvi also talked about all the financial highlights which included the governmental activities, the General Fund, the Sewer Enterprise Fund, the Landfill Enterprise Fund, long term obligations, OPEB, and the pension plan.

Finance Committee Chair Jim Sullivan asked Ms. Salvi to define discount rate in this context. She said that the discount rate is a rate that is determined by the actuary which is a combination of a few things. She said that it is described in the actuarial evaluation.

Ms. Salvi said that for the Management Letter there are two comments reported, which are DPW Inventory Tracking and DPW Capital Expenses. She said that as part of their audit procedures, they investigate internal controls over financial reporting. She said that some years they focus on a certain department, and some years they focus on a certain control that is going to have a major impact on financial reporting.

Ms. Salvi said that this year they looked at DPW as a department and their first recommendation is inventory tracking. She said that there are no formal procedures for inventory tracking currently and they recommended a software that the DPW currently has, and they recommend that they utilize it.

Ms. Salvi said that regarding DPW Capital Expenses, it is in relation to operating expenses being charged to capital line items. She said that they did not discover this in their audit, and it was brought to their attention by the Finance team. She said that adjustments were made by the town prior to the audit. She said that they did look at a few purchased items, and they were not being charged to the correct lines. She said that their recommendation is to get some internal controls in place, and to make sure that those expenses are being charged to the right budget line.

Finance Director Erica Flemming summarized the responses to the Management Letter. She said that regarding the DPW inventory tracking, she said that DPW has begun the process of re-implementing the use of the digital asset management software tools. She said that are also evaluating other software to find a program that will maximize the efficiency of what they need software to do. She said that regarding DPW Capital Expenses, she said that they came up with a plan that the DPW Director and the Finance Department will review procedures to ensure that expenditures are being properly charged.

Anne-Marie Siroonian asked if there was a reason why the inventory software was not being used. Town Administrator Marlene McCollem said that she cannot answer that. She said that she does not know why or when they stopped using the software. Ms. Salvi said that her team did ask that question, and the response was manpower – they said that the manpower to operate a system like that, and to do their day-to-day activities, made it unfeasible at that time to use the software.

Chair Mastrangelo added that the town has been working hard and has taken great strides at being strong financially. She gave kudos to the staff, administration, the Finance Committee, and the Select Board for a good job.

Voted: Tom Joyce moved, and Wayne Sampson seconded to adjourn the Finance Committee meeting.

Vote: Carla Emmons – yes, Priscilla Harcourt – yes, Amanda Bongiovanni – yes, Wayne Sampson – yes, Tom Joyce – yes, and Chair Sullivan – yes. 6-0-0.

The Finance Committee meeting was adjourned at 7:39 PM.

6. Update from the South Side Fire Station Building Committee

Wayne Sampson, South Side Fire Station Building Committee Chair, said that they put out another RFP last month and they did not approve the one response that they received because it was out of the area, and for the cost. He said that they knew that this day might be coming relative to what their options are. He said that at their meeting earlier in the day, the South Station Fire Station Building Committee voted to recommend to the Select Board, and seek their support, to remove approximately 3 acres of land out of Chapter 97 land on Shore Drive, north of the ballfield. He said that the reason for this is that they cannot find any available land in town, and that 70% of all calls for service on the south side of the bridge lay in that overlay district. He said that in addition to this, they will preserve all the recreational facilities at both locations. He said this will also be a huge savings to the community.

Peter Meier said that part of the process to move forward is that they first need to go to the Conservation Commission. He said that if anyone takes anything out of Article 97, it needs to be a unanimous vote from the Conservation Commission. He said that after that the Select Board would have to put an article in at Special and Annual Town Meetings, which would need a 2/3rds vote. He said that if that does happen, then it goes to Boston, and there is a whole separate process there as well.

Chair Mastrangelo added that when you want to take money out of Chapter 97 land, you must demonstrate that there is no feasible alternative. She said that this information needs to be available to the public. She said that the South Side Fire Station webpage needs to be updated. She said that documentation about all the sites that have been looked at needs to be updated, and she would like them to present this documentation to the Select Board before they go to the Conservation Committee.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded, to support the South Side Fire Station Building Committee's recommendation to move forward with taking some land out of Article 97 from the Shore Road property for a fire station.

Vote: 5-0-0.

7. Consent Agenda:

- a. Library donation totaling \$125.04.**
- b. Seasonal licenses renewal for Jarvis, Inc d/b/a The Chart Room at 180 Shore Road**
 - i. Common Victualler, Common Victualler All Alcoholic, Weekday and Sunday Entertainment.**
- c. Class II Auto Dealer Renewal – Cape Cod Restoration Inc. at 4 Crane Circle.**
- d. Authorize the DPW to use Ch. 90 funds to update the pavement management plan.**
- e. Appointment of Richard Kantor as a full-time member of the Historic Commission with a term expiring June 30, 2024.**

Voted: Peter Meier moved, and Jared MacDonald seconded to approve the consent agenda.

Vote: 5-0-0.

8. Review Town Meeting Articles

- a. Continued discussion – septic easement request from 1 Monument Avenue.**

Ms. McCollem said that this is a request from the homeowner to use part of the road layout for an advanced I/A septic system to replace a cesspool. She said that the Select Board had previously asked DPW and the Health Department for some recommendations as far as conditions that would make the staff confident that this is something that the town could move forward with, if desired. She said that there are memos from both DPW and the Health Department in the Select Board's meeting packet.

Matt Sawicki, DPW Director, said that they would like a performance bond from the contractor to protect the town in case there is any damage to the road. He listed some other requirements that the DPW would have, with one being that a temporary 6-foot fence be set up around the excavation, and another that they reach out to the Bourne Water District regarding separations in water and septic pipes. He said they would also want them to work within a certain timeframe.

Ms. McCollem said that this is a private request from a property owner, and rather than having it come up through a petitioned article, her preference is that it is a Select Board sponsored article due to logistical purposes and control of the article.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to sponsor an article for the easement and to accept the recommendations of the DPW Director for terms and conditions to be a part of the agreement.

Vote: 5-0-0.

b. Article 6 – Committee Reports

Ms. McCollem said that this is a standing standard article to allow committees, boards, and officers to make a report to Town Meeting. She said that the only group that she knows that intends to make a report so far is the South Side Fire Station Committee.

c. Article 15 – Human Services Grant Program

Deb Oliviere, COA Director, said that she is the Co-Chair of the Human Service Committee. She said that this article is to see if the town will vote to raise the appropriated funds in the sum of \$20,000. for the Human Service Program. She said that this has been level funded at \$20,000. for the past few years. She said that this program awards grants to about 9 to 10 local human service agencies every year. Ms. Oliviere said that they are all non-profit human service agencies that service Bourne residents, and the grants are awarded in August.

Chair Mastrangelo asked about the number of applications that they received last year. Ms. Oliviere said that they had 10 applications and the total dollar amount requested was \$40,200., and they only had \$20,000. to award to those 10 agencies that applied. The year before they had requests of \$32,000. Chair Mastrangelo would like to see the requests received to determine if they need to think about additional funding in the Fall.

d. Article 16 – Reduce membership on Cultural Council

Chair Mastrangelo said that due to a lot of people being interested in serving on the Cultural Council they increased the membership. She said that interest has waned, and now they need to

decrease the membership to be able to meet quorums. There was some discussion about the membership numbers.

e. Article 17 – Bylaws scriveners’ errors

Ms. McCollem said that there are about 11 instances in the general bylaws where the word thirty is followed by (31), and they would like to change it to thirty (30), as it should be.

f. Article 18 – Capital Bylaw, increase threshold to \$25,000.

Ms. McCollem said that this came out of a discussion with the Financial Policy Working Group. She said that right now there are two thresholds in the Capital Bylaw - one for \$10,000. for equipment, and the other is \$20,000. for items that are associated with structures. She said that \$10,000. really is not enough.

g. Zoning:

- **Article 21 - Section 1238: SPR Traffic and circulation plan.**

Town Planner, Jennifer Copeland, said that Article 21 is Section 1238 which is for traffic and internal circulation. She said that this article would delete the chapter language and keep the CMR to encompass the entire section of that fire code.

- **Article 22 – Section 1242: Change special permit time lapse from two to three years.**

Ms. Copeland said that Article 22 is for Section 1242.1 to change the 2-year time limit to 3 years for consistency with Chapter 40A of the Zoning Act.

- **Article 23 – Section 3343: Remove June 1, 2020, sunset date for Interim Egress Control in the Traffic Management District.**

Ms. Copeland said that Article 23 is to remove the expired sunset date of 2020 from the Interim Egress Control section, so that there is no expiration date. She said that this section was originally adopted in 2006 and was extended once to 2020.

- **Article 24 – Section 2821: Table of Allowable Users.**

Ms. Copeland said that Article 23 is to correct an incorrect reference number from 4120 to 4110.

- **Article 25 – Section 4120: Accessory Dwelling update.**

Ms. Copeland said that Article 25 is to update the Accessory Dwelling Bylaw. She showed some slides with the proposed accessory dwelling bylaw. She said that the current bylaw requires a special permit, and it regulated through 4120. She also gave a housing summary for Bourne regarding accessory dwellings. She said that there are many goals of the proposed amendments, and they are listed in the shown slides.

Chair Mastrangelo said that she has been to many meeting regarding this bylaw, and a lot of good work has been done on it. Priscilla Harcourt said that the work done on this has been very good, and it is in line with the intent of the town. She gave examples of another town and how Bourne has done a very good job with their accessory dwelling bylaw update.

9. Town Administrator's Report

Ms. McCollem said that the Division of Marine Fisheries held a stakeholder meeting yesterday regarding the classification of shellfish growing areas in Buzzards Bay, and it only pertains to land off the New Bedford and Fairhaven coasts, and they anticipate studying the canal area in the future.

Ms. McCollem said that regarding the Tobey Island ramp repairs, work is anticipated to begin in early April with paving in early May.

Ms. McCollem said that DPW is going to be installing a small, town seal emblem on street signs for town owned roads, which will assist the crews in confirming that they are working on public roads.

Ms. McCollem also said that she attended a briefing about a county initiative to establish a shared regional housing services program, which could potentially be a good opportunity for Bourne.

Ms. McCollem also said that by the end of February, ISWM had diverted 2.54 tons of food waste from the landfill. She also wanted to remind everyone to renew their dog licenses.

10. Authorize the Town Administrator to sign the HOME program modification request documents for 20 High Ridge Drive.

11. Voted: Peter Meier moved, and Jared MacDonald seconded to authorize the Town Administrator to sign the HOME program modification request documents for 20 High Ridge Drive.

Vote: 5-0-0.

12. Policy

- a. 2nd reading – Layout & Acceptance of Private Ways by petition.

Chair Mastrangelo said that this has been reviewed by Town Counsel and he has made some comments. She said that they made the few changes that were discussed at the last meeting.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to move this to 3rd reading.

Vote: 5-0-0.

13. Minutes: 12/5/23, 2/6/24, 2/13/24, 2/20/24.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to approve the minutes of 12/5/23.

Vote: 5-0-0.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to approve the minutes of 2/6/24.
Vote: 5-0-0.

Voted: Peter Meier moved, and Melissa Ferretti seconded to approve the minutes of 2/13/24.
Vote: 5-0-0.

Voted: Peter Meier moved, and Jared MacDonald seconded to approve the minutes of 2/20/24.
Vote: 5-0-0.

14. Committee reports

Mr. Meier said that he attended the Executive Session meeting of the Police Building Committee, and he attended the South Side Fire Station Building Committee meeting. He said that the Fire Station committee presented earlier.

Melissa Ferretti said that she attended the Joint Base Cape Cod monthly meeting this past week. She said that she would like to coordinate with Chair Mastrangelo and Ms. McCollem before the next meeting to see if anything should be shared with the group by her.

Ms. Siroonian said that CITAC met, and they are having another meeting this Thursday. She said that one of the big issues right now is the Digital Equity plan that just came out. She also said that she attended a Mass Development meeting with Joint Base Cape Cod and all the constituents. She said that it is important to establish good communication with Mass Development and they are in the beginning stages of their feasibility study, and it is an important process that the town needs to have a voice in from the start.

Ms. Ferretti said that she attended the Historic Commission meeting earlier in the day and she brought some literature to the Commission regarding the town seal. She said that it was a good meeting, and it was nice to discuss some of the elements of the seal, and it is on the move.

Chair Mastrangelo said that she attended a meeting with the Cape and Island Water protection Management Board, and they are looking to make a change to the bylaws that would change the ways projects are funded to continue the 25% subsidy for projects.

Ms. Siroonian said that the first Bourne Community Engagements Committee meeting was held, and they had recommended language change from Town Counsel with respect to the application process. She said that they are taking out the 501(c)(3) requirement.

15. Correspondence

Anne-Marie Siroonian read aloud the correspondence for March 12th, 2024:

- DEP letter – Fire Training Area 1 Lysimeter Work Plan.
- 90 Adams St., Sagamore Boosters reconveyance.
- Cape Cod Regional Pond Monitoring Program 2023.
- Cape Cod Commission Developments of Regional Impact Funding.
- Cape Cod Regional Pond Monitoring Program 2023 data.
- J. Spinale – talent bank form – ZBA – Bylaw Committee.

- Freshwater Initiative Stakeholder Engagement Process.
- Steamship Authority Parking.
- Conservation Notice to Abutters – 166 Wings Neck Rd. – Septic.
- Letter re former AmeriGas leased property.
- DEP Waterways application – pier and ramp at 394 Scraggy Neck.
- DEP letter – CSE Phase 2 Ammunition Supply Point.

These are all on the Town's website.

16. Future Agenda Items.

Mr. Meier said that they should have Mass Maritime come in over the summer.

17. Next meeting dates:

March 13 – Marijuana Policy Workshop

March 19: April 2, 9, & 16.

Chair Mastrangelo said that the legislative update will be April 30th.

18. Adjourn

Voted: Anne-Marie Siroonian moved, and Peter Meier seconded to adjourn.

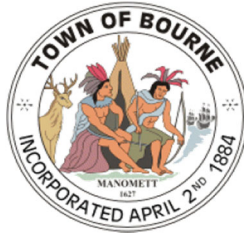
Vote: 5-0-0.

This meeting of the Bourne Select Board was adjourned at 9:01 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an email to kthut@townofbourne.com or call the Town Administrator's Office at 508-759-0600 x1503.



Select Board's Correspondence

April 2, 2024

- A. DEP letter – Old K Range Munitions Response Area
- B. DEP letter – Feasibility Study Otis Gun Club Munitions Response Area
- C. 7 Gainsboro Drive – Waterways Regulation License
- D. Barnstable Co. Sheriff's Office – Year in Review 2023
- E. Plymouth Co. Parking Quarterly
- F. Upper Cape Tech – FY25 budget
- G. Upper Cape Tech 2.8.24 Committee minutes
- H. Xfinity channel changes



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

March 25, 2024

Air Force Civil Engineer Center/JBCC
Attn: Ms. Kimberly J. Gill
Remediation Program Manager
322 East Inner Road
Otis ANG Base, Massachusetts 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0000037
Joint Base Cape Cod (JBCC)
**Draft Record of Decision, Old K Range
Munitions response Area (EPA Operable
Unit 26), Comments**

Dear Ms. Gill:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the document **“Draft Record of Decision, Old K Range Munitions Response Area (EPA Operable Unit 26)”** (Draft ROD) dated January 2024. The Draft ROD was prepared by the Air Force Civil Engineer Center (AFCEC) to present the selected remedy chosen by the United States Air Force (USAF) to eliminate or mitigate exposure to munitions and explosives of concern (MEC), munitions constituents (MC) and risks to human health and ecological receptors at the Military Munitions Response Program (MMRP) Old K Range Munitions Response Area (MRA). The Old K Range MRA is currently regulated under the MMRP managed by the USAF at JBCC.

The 145-acre Old K Range MRA is a former small arms and rocket range contained within the northern portion of Camp Edwards and the Upper Cape Water Supply Reserve, originally leased from the Commonwealth of Massachusetts to the Army in 1940 and utilized primarily during the Second World War. The U.S. Coast Guard (USCG) is the current tenant at the Old K Range MRA and has been leasing the property from the Commonwealth of Massachusetts for use as a Communications Station. Numerous inert and live ordnance items have been recovered from the Old K Range MRA. MassDEP has the following comments on the Draft ROD.

1. MassDEP reviewed the AFCEC Memorandum of Resolution (MOR2) dated April 6, 2023, issued for MassDEP comments dated November 9, 2022, December 23, 2022, and March 7, 2023, for the document **“Draft Proposed Plan for Old K Range Munitions Response Area”** (the Draft Proposed Plan) dated October 2022. The MOR2 included a revised draft of the Proposed Plan dated April 2023. MassDEP additionally reviewed the AFCEC MOR3 dated June 26, 2023, issued for the U.S. Environmental Protection Agency (EPA) comments dated May 10, 2023, for the Draft Proposed Plan. The MOR3 included a red-lined strikeout version of the Proposed Plan (the Draft Final Proposed Plan) dated June 2023. MassDEP provided comments to the MOR2 and MOR3 on August 28, 2023. The

AFCEC provided a response to those comments on September 7, 2023, and requested that MassDEP provide any further comments during the 30-day public comment period beginning on September 8, 2023, on the Draft Final Proposed Plan. The **“Final Proposed Plan for the Old K Range Munitions Response Area”** (final Proposed Plan) was issued by the AFCEC on October 19, 2023; however, MassDEP comments on the Draft Final Proposed Plan remain unresolved. MassDEP recommends that the AFCEC, the EPA and MassDEP meet to discuss the resolution of MassDEP comments on the Draft Final Proposed Plan and Draft Record of Decision, with the goal of creating a path forward for the Old K Range MRA that is mutually agreeable.

MassDEP provided the following oral comment during the AFCEC public meeting on September 13, 2023, on the Draft Final Proposed Plan:

- The Old K Range Munitions Response Area Draft Final Proposed Plan was prepared by the Air Force Civil Engineer Center to identify the preferred remedy to eliminate or mitigate exposure to munitions and explosives and risks to human health and the environment at the Old K Range. The remedy is necessary to protect public health, safety, and the environment from explosive hazards and actual or threatened releases of hazardous substances into the environment. The Massachusetts Department of Environmental Protection will state a preference for a remedy for the Munitions Response Area after consideration of comments received from the public. At this time MassDEP would like to make the following statement for the Administrative Record:

As presented in the Proposed Plan, the Air Force’s preferred remedy for the Old K Range is long-term management with groundwater monitoring, unexploded ordnance construction support, annual investigations for munitions items, land use controls, and five-year remedy reviews. Under this remedy, long-term management will include the implementation of land use controls and the use of physical, administrative, and legal measures to limit the possibility that people might be exposed to munitions and explosives.

The U.S. Coast Guard is the current tenant at the property where the Old K Range is located and has been leasing the property from the Commonwealth of Massachusetts for use as a Communication Station since 1976. The Old K Range is located within the Upper Cape Water Supply Reserve. This Water Supply Reserve is co-located with the northern 15,000-acre training area known as Camp Edwards. The Water Supply Reserve was established by Chapter 47 of the Acts of 2002 as public conservation land dedicated to three primary purposes: first, water supply and wildlife habitat protection; second, the development and construction of public water supply systems; and third, the use and training of military forces of the Commonwealth; provided that, such military use and training is compatible with the natural resource purposes of water supply and wildlife habitat protection. The future use of the property is anticipated to remain consistent with current use by the U.S. Coast Guard as a Communications Station as part of its mission to ensure safe maritime shipping and transit.

The Air Force preferred remedy does not include complete subsurface removal of munitions and explosives and therefore does not mitigate an unacceptable explosive safety hazard and the potential for explosives leaching to the Sole Source Aquifer within the Upper Cape Water Supply Reserve. The remedy was selected by the Air Force because of current limited access to the Old K Range and of a series of difficulties/concerns in implementing a more comprehensive remedy, including extensive underground infrastructure around the antennas and the radiation hazard posed by the antennas to workers who might be conducting subsurface munitions removal.

Despite these rationales, it is MassDEP's position that the Air Force preferred remedy poses an unacceptably elevated public safety risk on land owned by the Commonwealth.

MassDEP's first preference was that the Air Force implement remedy alternative "5" which consists of the measures in Alternative 3, the Air Force's preferred remedy, with the addition of full munitions and explosives removal at the Rocket Range Munitions Response Site, which is the area shaded red in the Air Force's slides 8 and 15. The munitions and explosives removal would be conducted at as close to 100% as achievable given the presence of and interference from the USCG antenna's above and underground infrastructure. Full munitions and explosives removal of the Rocket Range Munitions Response Site would mitigate the excessive risk posed by the presence of munitions in that area. According to the Air Force's Munitions and Explosives of Concern Hazard Assessment, this Rocket Range currently scores as a Hazard Level of "2", the second highest potential explosives hazard condition. The same assessment concluded that subsurface removal of munitions and explosives would lower the hazard level to a "4", the lowest explosive hazard condition at a site where explosives could have been used. MassDEP's first preference stems from a concern that leaving a Hazard Level of "2" will be unacceptable to the Commonwealth.

MassDEP could support the Air Force preferred remedy, but only if the Air Force commits to full munitions and explosives removal of the Rocket Range Munitions Response Site if and to the extent the U.S. Coast Guard Communications Station is rebuilt, reoriented, decommissioned or otherwise substantially modified in the future. To date, the Air Force has only committed to reevaluating the preferred remedy if the land use changes, but such a commitment is insufficient and MassDEP maintains that the Air Force must make a more definite commitment to munitions and explosives removal.

In summary, fuller munitions and explosives removal of the Rocket Range Munitions Response Site would reduce the risk from the explosive hazard associated and reduce potential impacts to the Sole Source Aquifer/Upper Cape Water Supply Reserve from future releases associated with weathered or leaking munitions and explosives that remain at the Old K Range. Fuller munitions removal is effective, implementable, and is significantly more protective than relying on land use maintenance and controls only, to prevent exposure to munitions and explosives left in place.

The AFCEC response on page 3-5, Section 3, Responsiveness Summary in the Draft ROD to the MassDEP oral comment is not adequate. As stated in the Draft ROD, the Air Force has only committed to reevaluating the preferred remedy if the land use changes. MassDEP maintains that to receive MassDEP support for the selected remedy, the Air Force must make a more definite commitment to munitions and explosives removal of the Rocket Range Munitions Response Site.

2. Page 2-1, Section 2, Decision Summary, 2.1, Site Name, Location, and Brief Description:

Please add the following text to the third paragraph, *"The Upper Cape Water Supply Reserve is co-located with Camp Edwards' 15,000-acre northern training area and was established by Chapter 47 of the Acts of 2002, as public conservation land dedicated to three primary purposes: water supply and wildlife habitat protection; the development and construction of public water supply systems; and the use and training of military forces of the commonwealth provided that such military use and training is compatible with the natural resource purposes of water supply and wildlife habitat protection. The Old K Range MRA and USCG Communications Station Boston are located within the boundary of the*

Upper Cape Water Supply Reserve and, as such, use of the land must align with the purposes outlined in Chapter 47 of the Acts of 2002.”

3. Page 2-39, Section 2, Decision Summary, 2.11, Comparative Analysis of Alternatives, 2.11.2, Comparison of Alternatives, State Acceptance:

The text states **“MassDEP reviewed the remedial alternatives presented for the Old K Range MRA and reviewed comments received during the 30-day public comment period and supports USAF’s and EPA’s selection of Alternative 3, LTM with Groundwater Monitoring, UXO Construction Support, and Full Annual MEC Sweeps.”** MassDEP does not support the selection of Alternative 3, LTM with Groundwater Monitoring, UXO Construction Support, and Full Annual MEC Sweeps. To receive MassDEP support for the selected remedy, the Air Force must make a more definite commitment to munitions and explosives removal of the Rocket Range Munitions Response Site. Unless the selected remedy is revised to address MassDEP concerns, please change the text to *“MassDEP reviewed the remedial alternatives presented for the Old K Range MRA and comments received during the 30-day public comment period. MassDEP’s position is that the AFCEC’s preferred remedy poses an unacceptably elevated public safety risk on land owned by the Commonwealth. MassDEP’s first preference is for the AFCEC to implement remedy Alternative 5, which consists of the measures in Alternative 3, with the addition of full munitions and explosives removal at the Rocket Range Munitions Response Site.”*

4. Page 2-42, Table 2-9, Comparative Analysis of Alternatives, State Acceptance:

The text states, **“MassDEP has reviewed the remedial alternatives presented for the Old K Range MRA and reviewed comments received during the 30-day public comment period and supports USAF’s and EPA’s selection of Alternative 3, LTM with Groundwater Monitoring, UXO Construction Support, and Full Annual MEC Sweeps.”** Please change the text to *“MassDEP’s position is that the AFCEC’s preferred remedy poses an unacceptably elevated public safety risk on land owned by the Commonwealth. MassDEP’s first preference is for the AFCEC to implement remedy Alternative 5, which consists of the measures in Alternative 3, with the addition of full munitions and explosives removal at the Rocket Range Munitions Response Site.”*

5. Page 3-5, Section 3, Responsiveness Summary, 3.1.2, Oral Comments Received During Public Comment Period, Oral Comment 1 (MassDEP):

The AFCEC response to the MassDEP oral comment states **“Per CERCLA guidance, contingency remedies may be appropriate when there is significant uncertainty about the ability of remedial options to achieve cleanup levels (e.g., cleanup of an aquifer to MCLs or non-zero MCLGs or for MMRP, mitigation of human direct contact with MEC). For example, a contingency ROD may be appropriate when the performance of a treatment technology (or a demonstrated technology being used on a waste for which performance data are not available) appears to be the most promising option, but additional testing will be needed during remedial design to verify the technology’s performance capabilities; in this case, a more “proven approach” could be identified as a contingency remedy.”** MassDEP notes that the referenced contingency remedy is not stated in the description of the selected remedy in Section 2.12, Selected Remedy. MassDEP recommends that the AFCEC, the EPA and MassDEP meet to discuss the contingency remedy/contingency ROD referenced in the AFCEC response to the MassDEP comment.

Please incorporate this letter into the Administrative Record for the Old K Range Munitions Response Area for the Military Munitions Response Program at Joint Base Cape Cod. If you have any questions regarding this letter, please contact me at (617) 694-2644.

Sincerely,

A handwritten signature in black ink, appearing to read "Pinaud", enclosed within a circular outline.

Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region

MassDCAMM (Division of Capital Asset Management & Maintenance)
Attn: Martha McMahon, Esq., Deputy General Counsel

Steven Simpson, Program Manager, Environmental Health & Safety, USCG Base Cape Cod



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

March 25, 2024

Air Force Civil Engineer Center/JBCC
Attn: Ms. Kimberly J. Gill
Remediation Program Manager
322 East Inner Road
Otis ANG Base, Massachusetts 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0000037
Joint Base Cape Cod (JBCC)
Draft Revision 1 Feasibility Study, Otis Gun Club Munitions Response Area, Skeet and Trap Range Munitions Response Site, Pistol Range Munitions Response Site, Comments

Dear Ms. Gill:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the document **"Draft Revision 1 Feasibility Study, Otis Gun Club Munitions Response Area, Skeet and Trap Range Munitions Response Site, Pistol Range Munitions Response Site"** (Draft Revised Feasibility Study) dated January 2024. The Draft Revised Feasibility Study develops and evaluates potential remedial alternatives for addressing lead from small arms historically used at the Otis Gun Club Munitions Response Area (MRA). The MRA includes three contiguous small arms military munitions response sites (MRS) referred to as the Skeet and Trap Range MRS, Rifle Range MRS, and Pistol Range MRS. In addition, MassDEP has reviewed the U.S. Environmental Protection Agency (EPA) comment letter dated March 8, 2024, to the Air Force Civil Engineer Center on the Draft Revised Feasibility Study. MassDEP supports the comments made by the EPA.

MassDEP provided comments on February 3, 2021, on the **"Draft Feasibility Study, Otis Gun Club Munitions Response Area, Skeet and Trap Range Munitions Response Site, Pistol Range Munitions Response Site"** dated November 2020 (the Draft FS). The AFCEC provided responses on July 29, 2021, to the MassDEP comments. MassDEP comments on the Draft FS have been addressed and MassDEP has no comments on the Draft Revised Feasibility Study.

Please incorporate this letter into the Administrative Record for the Otis Gun Club Munitions Response Area for the Military Munitions Response Program at Joint Base Cape Cod. If you have any questions regarding this letter, please contact me at (617) 694-2644.

Sincerely,

A handwritten signature in black ink, appearing to read "Pinaud", enclosed within a circular scribble.

Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region

PUBLIC NOTICE

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Notice of Simplified License Application pursuant to M.G.L. Chapter 91
24-WW-PRE-0022-APP**

NOTIFICATION DATE: March 29, 2024

PERMITTEE: Ian E. Davies

PROJECT SITE ADDRESS: 7 Gainsboro Drive, Bourne

Public notice is hereby given of the application for a Chapter 91 Simplified License by **Ian E. Davies** to construct/maintain a **seasonal pier, ramp and float** in the waters of **Buttermilk Bay at 7 Gainsboro Drive, Bourne, Barnstable County**.

The Department will consider all written comments on this Waterways application received within 30 days of the "Notification Date". Failure of any aggrieved person or group of ten citizens or more to submit written comments to the Waterways Regulation Program will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c). The group of citizens must include at least five citizens who are residents of the municipality in which the proposed project is located.

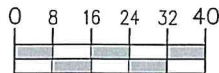
Project plans for this Waterways application are on file for public viewing electronically, by request to dep.waterways@mass.gov. If you do not have access to email, please leave a voicemail at (617) 292-5929 and you will be contacted with information on alternative options.

It is recommended that public comments be filed electronically with dep.waterways@mass.gov when possible. Alternatively, comments may be mailed to the Waterways Regulation Program at: 1 Winter Street, 5th Floor, Boston, MA 02108.

LICENSE NO.

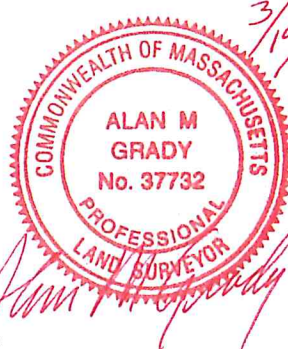
APPROVED BY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DATE:

PLAN SCALE

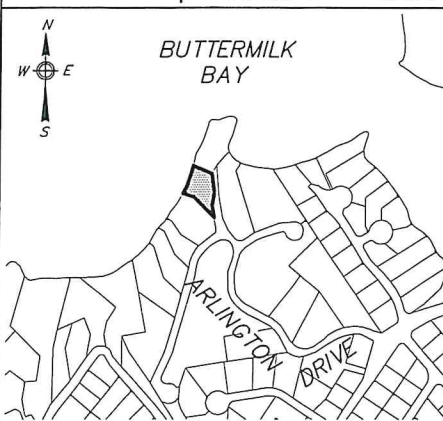


1 inch = 40 feet

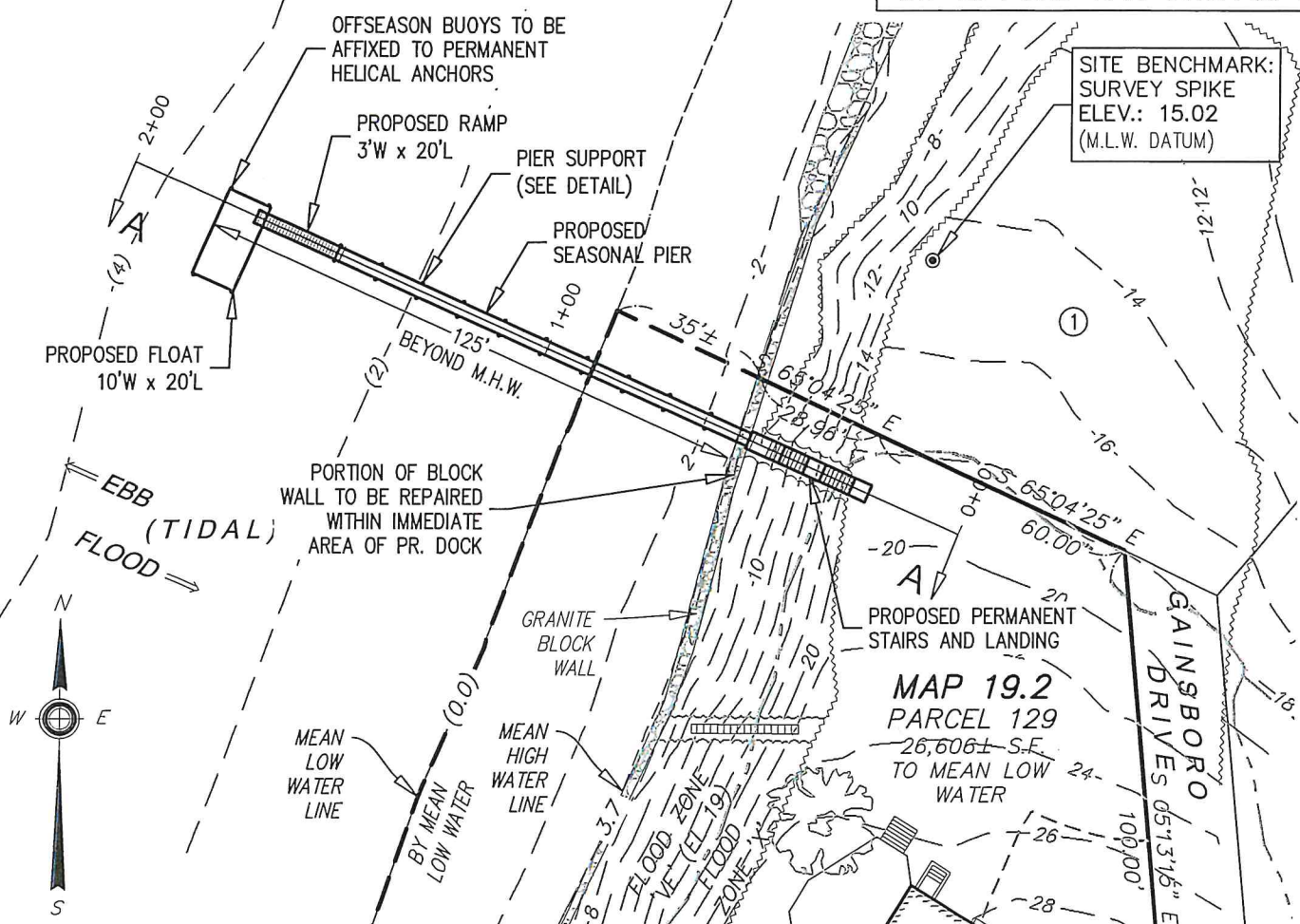
BUTTERMILK BAY



Locus Map Scale: 1" = 1,000'



SITE BENCHMARK:
SURVEY SPIKE
ELEV.: 15.02
(M.L.W. DATUM)



PURPOSE: SIMPLIFIED LICENSING

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:

- ① Ian E. Davies Revocable Trust & Jacobs Family Trust

Buttermilk Bay Realty Trust
(South west of subject parcel)

PLAN ACCOMPANYING PETITION OF:
IAN E. DAVIES REVOCABLE TRUST
of #7 GAINSBORO DRIVE



49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508-833-0070
(fax) 508-833-2282

19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508-325-0044
www.brackeneng.com

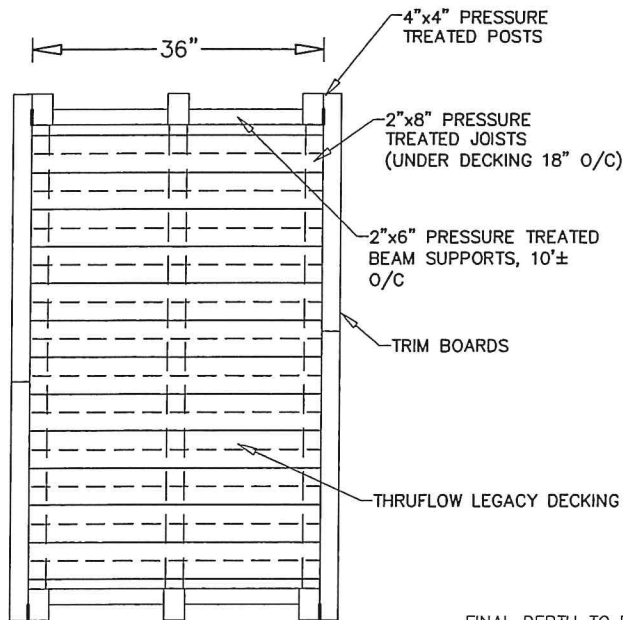
PROPOSED PIER, RAMP
& FLOAT

IN BUTTERMILK BAY
AT #7 GAINSBORO DRIVE, BOURNE
COUNTY OF BARNSTABLE, MA.

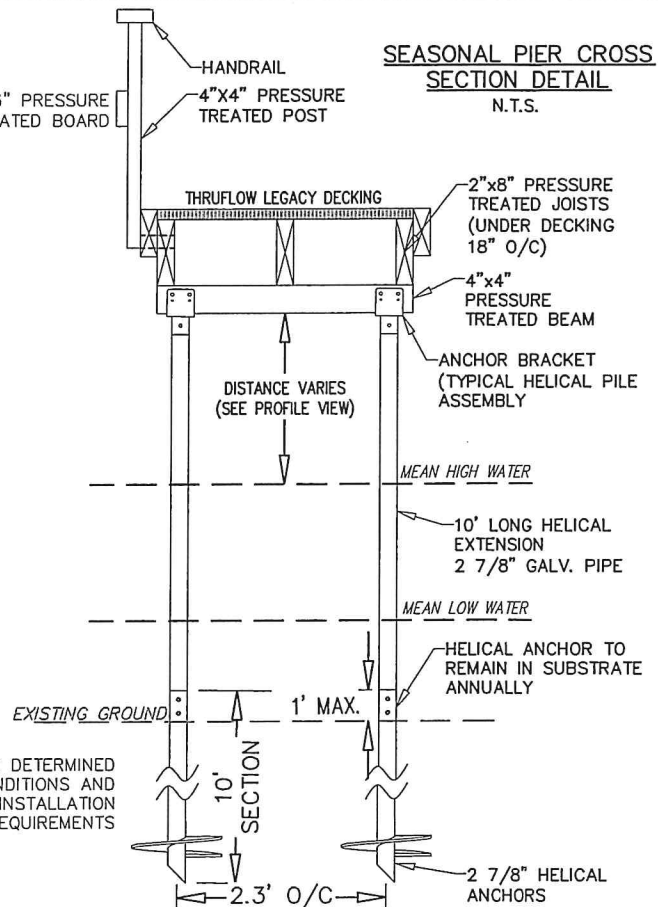
APPLICATION BY:
IAN E. DAVIES REVOCABLE TRUST
DATE: 03/19/24 SHEET 1 OF 2

LICENSE NO.

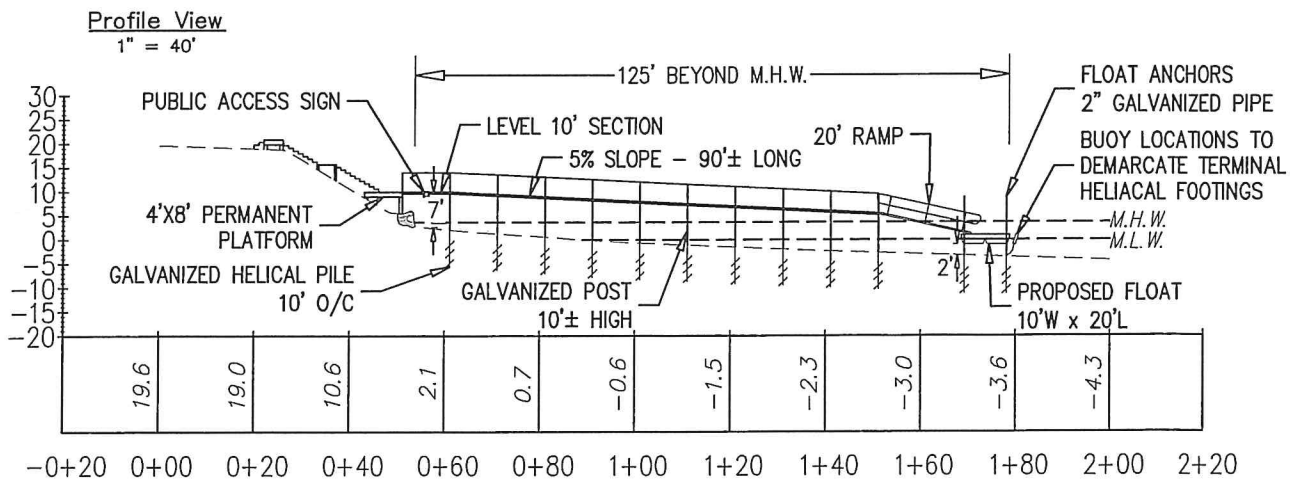
APPROVED BY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DATE:



DECK DETAIL
N.T.S.



**SEASONAL PIER CROSS
SECTION DETAIL**
N.T.S.



PURPOSE: SIMPLIFIED LICENSING

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:

- ① Ian E. Davies Revocable Trust & Jacobs Family Trust
- ② Buttermilk Bay Realty Trust (South west of Subject Parcel)

PLAN ACCOMPANYING PETITION OF:
IAN E. DAVIES REVOCABLE TRUST
of #7 GAINSBORO DRIVE



49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508-833-0070
(fax) 508-833-2282

19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508-325-0044
www.brackeneng.com

PROPOSED PIER, RAMP
& FLOAT

IN BUTTERMILK BAY
AT #7 GAINSBORO DRIVE, BOURNE
COUNTY OF BARNSTABLE, MA.

APPLICATION BY:
IAN E. DAVIES REVOCABLE TRUST
DATE: 03/19/24 SHEET 2 OF 2

An aerial photograph of a large steel arch bridge spanning a wide river. The sky is filled with vibrant orange and red clouds from a sunset. The bridge's reflection is visible in the water, along with the wake of a small boat. The surrounding landscape includes green trees and some buildings in the distance.

YEAR IN REVIEW 2 0 2 3

Barnstable County Sheriff's Office

Photograph by Parth Patel



The Barnstable County Sheriff's Office has always been dedicated to improving public safety. This historic and overarching goal has not changed. With a new sheriff in office, however, the approach is different. In 2023, we set our sights on three main objectives: prevention of criminal behavior, providing quality care for incarcerated individuals, and helping the individuals succeed once they are back in society.

As one of 14 Massachusetts sheriffs, the BCSO runs a correctional facility that houses people who have committed lower-level crimes with sentences no longer than 2.5 years. Our incarcerated individuals are our neighbors, family members, employees, and students. The majority of them have grown up with severe trauma, addiction, and/or mental health struggles. Many have been abused as children, raised in foster care, and multi-generational dysfunction.

We must address the root causes of their behavior if we want them to get well. That means providing mental and medical care, job placement, and vocational classes while they are here and connecting them to appropriate services when they are released.

To that end, we reallocated our resources by ending our relationship with U.S. Immigration and Customs Enforcement. We gave away our patrol boat. We ended our contract with a private for-profit healthcare vendor and hired our own in-house Health Services Department. We invested in Youth Programs in 2023 and plan to do even more in 2024.

Bridges are an important symbol of this new course of action. Only by creating relationships with outside organizations, can we build a safety net that assists both youth-at-risk and those already in the criminal justice system.

Providing quality care means caring for the staff. Among other professional development and support, we added mental health first aid classes for the employees this year to bolster a training department that is already second to none. It's exciting to think about what we can accomplish together in 2024.

A new system is rising that prioritizes rehabilitation and treatment. It will improve public safety for all of us.

Very truly yours,

Donna D. Buckley
Barnstable County Sheriff





Welcome to the Barnstable County Sheriff's Office

The Barnstable County Sheriff's Office was founded in 1692. We have evolved with the criminal justice system in both our physical spaces and our philosophies. The original six-cell "Old Jail" at 3353 Main Street, Barnstable operated from 1692 to 1820 and is the oldest wooden jail in the United States. For the past 20 years, the Barnstable County Correctional Facility has been at 6000 Sheriff's Place, in Bourne.

As it has for centuries, our main mission today continues to be operation of a correctional facility and the care and custody of incarcerated individuals.

We are a part of the Cape's public safety community in many other ways. Between our Regional Emergency Communications Center and our Bureau of Criminal Investigations, we respond to most public safety emergencies throughout Cape Cod on a daily basis. Whether it's our officers participating in undercover investigations, or our youth programs director redirecting teenagers before they commit crimes, we are helping keep this county safe and improving outcomes for those who are incarcerated.



The Barnstable County Correctional Facility, which opened in 2004, can hold up to 588 incarcerated individuals and consists of three houses made up of 12 different pods or housing units. These units house both male and female pre-trial and sentenced inmates.

We receive most of our funding (\$32.8 million in 2023) from the Commonwealth of Massachusetts. We also were awarded \$3.7 million in grants in 2023.

Incarceration Population Trends

A total of 1,028 people were taken into custody this year, 183 (17.8 %) women to 845 males. They include 616 pre-trial intakes and 56 sentenced, along with 356 people held for warrant management/

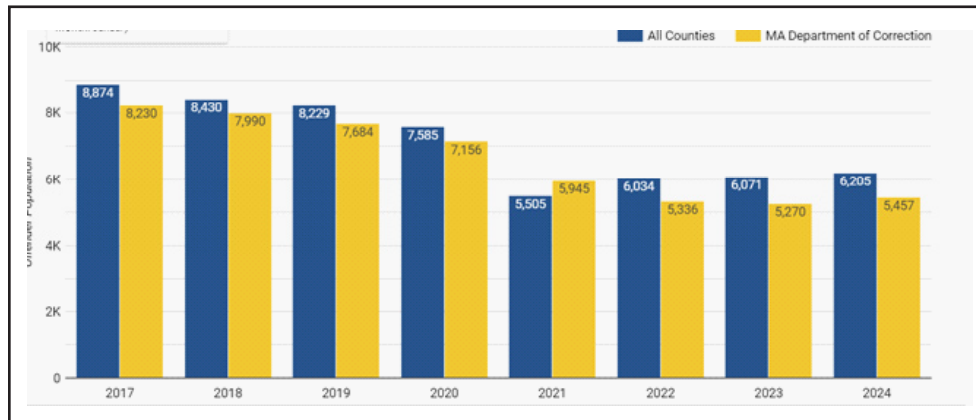
police "safekeeps." (Safekeeps is shorthand for detainees who were arrested after the courts closed. We hold them until they can be arraigned.)

The Five Most Common Charges for 2023

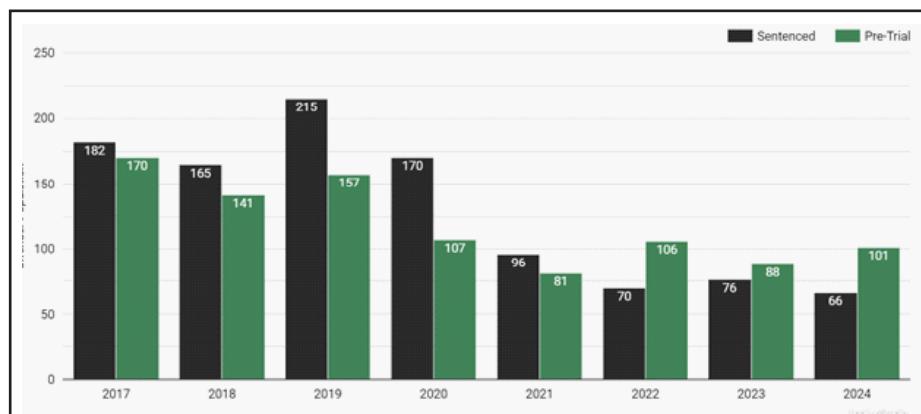
In 2023, the staff booked 1,028 individuals into the Barnstable County Correctional Facility.

- 162 Counts: A&B on Family/Household Member
- 100 Counts: A&B
- 94 Counts: Resist Arrest
- 92 Counts: Threat to Commit Crime
- 85 Counts: Assault W/Dangerous Weapon

Statewide Incarcerated Populations Have Decreased (2017-2024, Snapshot as of Jan 1st by year)



Barnstable County Correctional Facility Population (2017-2024 snapshot as of Jan. 1st by year)



Source: Cross-Tracking System | State & County Correctional Populations | Mass.gov

Programs Department Expands

Human Services and Programs grew rapidly in 2023. Chief of Inmate Programs and Services Barbara Clarkson and her staff have spent the year creating and improving treatments with a focus on trauma-informed care. Programs are designed to address criminal and addictive behaviors, reduce recidivism, and promote community safety.

We have switched to a case-management model, whereby every incarcerated individual (pre-trial and sentenced) is assigned a case manager soon after intake. Re-entry work is embedded into the program, which includes work with Mass Health, provider appointments, and community resources.

During 2023, we prioritized the development of an all-inclusive Women's Therapeutic Treatment Program or WTPP, and began reevaluating the programming available to men.

What else is new programs?

- The Education Department began offering GED testing online.
- The BCSO partnered with Falmouth Public Library to organize our library and improve access to books.
- Goal Setting and Journaling for men.
- Journaling for women
- Memoir Writing for women



Programs Partners 2023:



We Can
Independence House
Learn to Cope
Children's Cove
Amazing Grace
Mass-Hire / Second Chance Employers
Massachusetts Rehabilitation Commission
Department of Transitional Assistance
Housing Assistance Corporation
Grace Yoga
Health Imperatives

Bourne Substance Free Coalition Co-Founder and Licensed Mental Health Counselor Beth Griffin and Chief of Inmate Programs and Services Barbara Clarkson carry Resource Bags donated by the Coalition. The bags contain life-saving Narcan, fentanyl test strips, toiletries, bus schedules, a MBTA Charlie Card, pens, paper and hand sanitizer to be given to the incarcerated individuals when they are released.

Duffy Health Center
Cape Cod Chamber of Commerce
Bourne Substance Free Coalition
Cape Cod Community College
Big Brothers Big Sisters of Cape Cod and the Islands
Community Health Center of Cape Cod
Cultural Center of Cape Cod
Gosnold Behavioral Health
Police Athletic League of Cape Cod

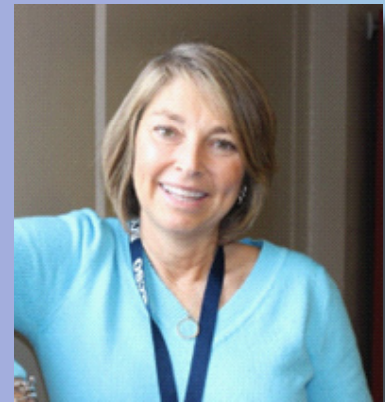
Health Services Came Home in 2023

We want to help, not hurt. Everything we do is designed to improve the outcomes of our incarcerated population. That begins with the most basic of human rights, mental and physical health care.

The Health Services Department at the Barnstable County Correctional Facility opened on August 14, 2023.

Sheriff Buckley terminated the Facility's contract with the private medical vendor and moved forward with her vision for an in-house medical department.

The Health Services Dept. consists of nurses, mental health clinicians, psychiatric staff, and health services administration.



**Licensed Professional Counselor
Shelley Hart**

Phone Calls Became Free in 2023

In December of 2023, Governor Maura Healy signed legislation that hugely improved individuals' ability to communicate with the outside world.

Communicating with spouses, parents, siblings, and friends is tremendously important as a way for incarcerated individuals to maintain strong support systems. Individuals at the BCCF are given tablets, which they use to do everything from making phone calls and texting, to watching movies, and reading books.

On Dec. 1 all inmate telephone communication through provider Securus went from being paid by the incarcerated individuals and their families to a no-cost model. This includes phone calls, text, and video visitation.

The cost of free phone calls

In the first week alone, the call volume increased from 900 phone calls to 2,761 phone calls, a 300% increase. With free phone calls came the need for more resources to protect victims and maintain public safety.

The BCSO's Special Operations Unit (SOU) is responsible for the monitoring of these phone calls. Monitoring protects victims, helps solve crimes, and helps prevent crimes including gang and drug related activity. The SOU also reviews all incoming and outgoing texts and video messages. Texts have increased from an average of 30 incoming and 30 outgoing in the period of a weekend, to 438 incoming and 122 outgoing. Additionally, video messages have increased from 5 videos over a weekend to 90 videos. Finally, there has been approximately a 400% increase in video visitation appointments as well.

Corrections Ink

The print shop serves Barnstable County nonprofit organizations and government agencies by creating flyers, envelopes, brochures, business cards, and booklets at the very low price of what it costs us in materials. The print shop also introduces incarcerated individuals to design and printing skills. Print Shop Director Paul Coyle uses his experience in advertising to design a variety of print material — including what you are reading right now. For more information: BCSOprintshop@bsheriff.net

Other Services to Nonprofits and Government Organizations

- The BCSO lends out tents for outdoor functions.
- Work crews made up of incarcerated individuals do light construction and other jobs.

SHAPING LIVES IN WOOD SHOP

The sawdust started to fly as soon as Lt. Sean Plummer took over the operation of the wood shop in 2023. Construction is one of the main ways to make a living in this area. Teaching incarcerated individuals carpentry and woodworking has always been a goal of the sheriff's office. Lt. Plummer has "built up" the program.

Plummer's lifelong hobby has been woodworking and carpentry. During his first year, Plummer and his students made Adirondack chairs and ottomans, side tables, bat houses, and birdhouses.

His students can be creative. They have made wooden vases, bowls, cribbage boards, and wooden plates. One man designed a piggy bank to keep spare change that looks exactly like a metal motorcycle tank.

Plummer shares his joy for woodworking with his students. Hopefully, it's a lesson they won't forget.



Wood Shop Director Lt. Sean Plummer displays a "piggy bank" fashioned after a motorcycle that was made by an incarcerated individual during woodworking class.

Helping Victims Stay Safe

Domestic violence is the No. 1 charge that led to incarceration at the BCCF in 2023. Unfortunately, violence against intimate partners is extremely common. For 20 years, Victim Services Specialist Jeffrey Ryan has been helping victims who are often scared, traumatized, and vulnerable.

Ryan's job falls under the requirements of the so-called "Massachusetts Crime Victim Bill of Rights," which mandates victims be notified of offenders' release dates. Ryan helps the victims with safety plans and restraining orders.

Ryan also works to bring an end to domestic violence as a community activist. He is a member of the Cape & Islands Domestic Violence Council, the Cape & Islands Domestic Violence High-Risk Task Force, the White Ribbon Project, the Human Trafficking Working Group of Cape Cod, and the Statewide Post-Conviction Victim Services Working Group.

In 2023 Victim Services

- Notified 230 crime victims of incarcerated individuals' custody status.
- In partnership with the Cape & Islands District Attorney's Office, provided over 160 victims with information on pre-trial offenders released on bail.
- Coordinated the service of over 55 restraining orders on individuals in the custody of the BCSO, thus ensuring that the offender cannot contact the victim while incarcerated.



Regional Emergency Communications Center

BCSO has been in the emergency communications business since 1938 when the Massachusetts State Legislature passed Chapter 100, of the Acts of 1938, authorizing the county commissioners to operate a police broadcasting radio system. BCSO was incorporated into this by the county commissioners, and it officially became the Police County Radio system. Since that time many facets of the BCSO operation have changed, and we expect that to continue as the years go by.

In 2023, the ECC handled 47,227 911 calls, 30,603 fire and EMS calls for service, 1,272 mutual aid calls, 48,017 CMED calls, 1,653 BCI calls, and 231 K-9 Calls.

WHO WE ARE: The core of the RECC is the people who work there around the clock. When fully staffed, there are 33 full-time telecommunicators and 10 per diem CMED operators, a training officer, an operations lieutenant, an assistant director, and a director. These are the first, first responders.

WHAT WE DO: The Barnstable County Sheriff's Office Emergency Communications Center (RECC) offers:

- Regional 911 for 8 communities
- Operates the mutual aid center for the county, dispatches BCSO K-9 and Bureau of Criminal Investigation and provides Centralized Medical Emergency Direction (CMED) services for 4 area hospitals.



We provide emergency fire and EMS dispatch services for 10 fire departments on Cape Cod.

Mashpee Fire Department
Orleans Fire Department
Harwich Fire Department
Wellfleet Fire Department
Brewster Fire Department

Bourne Fire Department
West Barnstable Fire Department
Barnstable Fire Department
Dennis Fire Department
Joint Base Cape Cod Fire Department

Radio Tech Division



Radio Tech Owen McLaughlin

The Technical Services Division or "radio shop", maintains and repairs the Barnstable County Sheriff's 2-way public safety radio systems and related subscriber units, security cameras, vehicle emergency lighting, and several other systems.

Additionally, the radio shop offers radio troubleshooting, repair, programming, installation, and other radio services to any public safety agency within the county. The techs work closely with the Massachusetts State Police radio techs in assisting with the statewide 800 MHz trunked radio system that serves the majority of public safety agencies on Cape Cod.

The techs are on call 24/7 for both the BCSO as well as the other public safety agencies we serve.

Civil Process Delivers

The mission of the CPD is to serve civil court papers on behalf of plaintiff attorneys or Pro Se plaintiffs, (plaintiffs who represent themselves in court.) The reason court papers are served by Deputy Sheriffs to defendants in civil matters is to ensure that defendants are legally notified and aware of the pending litigation against them. Not all court papers have to be served by hand, but the CPD attempts to serve all defendants by hand because that is the most reliable form of service.

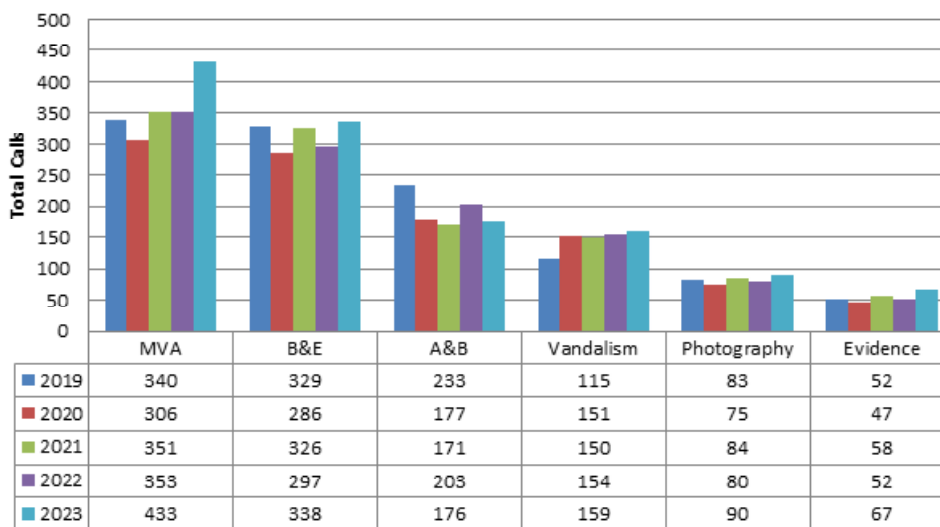


BCI Responded to More Crimes than Ever in 2023

The primary function of the Bureau of Criminal Investigation, or more commonly referred to as BCI, is to provide professional forensic services to

last 5 years, motor vehicle accidents have consistently topped the charts as the most requested service, closely followed by breaking and enterings,

are time-consuming, multi-faceted events that range from scene documentation to evidence collection and processing and ultimately latent fingerprint analysis which combined can be several days of work. The investigation hopefully concludes with the identification of a suspect. Officers within the BCI unit utilize the universally accepted Analysis, Comparison, Evaluation, Verification method or otherwise known as ACE-V, when identifying fingerprints. To reduce cognitive bias in the verification phase, the unit has recently integrated blind verifications into the process. Coupled with technical and administrative reviews of all latent identifications, the result is a professional and transparent work product.



the multiple public safety agencies of Barnstable County through documentation, processing, analysis and reporting. Almost all of the incidents that BCI responds to are based on Locard's Exchange Theory which states "Any action of an individual...cannot occur without leaving a trace." BCI handles a wide variety of incidents, but for the

assault and batteries, vandalism, photography and evidence processing.

BCI assists with motor vehicle accidents on almost a daily basis. For the most part, car accidents require straightforward scene documentation that can be cleared in 30-60 minutes. Conversely, breaking and entering investigations



Law Enforcement: We Have Your Back

The Barnstable County Sheriff's Office's K9 officers, Tactical Response Team, and Special Operations officers assist individual police departments, and state and federal agencies during large-scale investigations, missing person searches, and special responses. Our officers are trained in hostage negotiation and assist in SWAT team operations.

We have drones, bike and ATV patrols that assist towns during major events, like parades and festivals. We offer remote-controlled search robots and a mobile command post.

Our partner law enforcement agencies include:

- **Cape Cod Regional Law Enforcement Council**
- **U.S. Drug Enforcement Agency**
- **Cape Cod Drug Task Force**



In May, Majors Louis Langton and Kevin Fernandes were given the Medal of Valor from the Executive Office of Public Safety and Security for successfully convincing a shooter to surrender. Their successful negotiation protected the other responding officers and citizens in a densely populated neighborhood. They were working as members of the Cape Cod Regional Law Enforcement Council's SWAT team.

Prevention Strategy: Focus on Youth

The best way to keep our community safe is to teach pro-social skills to our young people. The BCSO Youth Academy, which graduated 19 students in 2023, addresses the root causes of anti-social behavior including mental illness, child abuse, and substance abuse in a structured learning environment. The instructors focus on mental health awareness, self-control, respect,

teamwork, integrity, communication, and decision-making skills for students ages 12 to 16. The students bond with each other and form lasting relationships with the group leaders, while they learn about nutrition, mental health, career planning, and team building from some of the best community leaders on Cape Cod.

Our Youth Programs partners include:

- Bay Cove Human Services
- Children's Cove
- YMCA's Camp Lyndon
- The Family Table Collaborative
- West Barnstable Fire Department
- The Cape Cod Chamber of Commerce
- Cape Cod Community College
- People of Action
- Barnstable Police
- Yarmouth Police
- Dennis Police
- Cape Cod Baseball League, Falmouth Commodores



OUR PEOPLE ARE OUR EVERYTHING

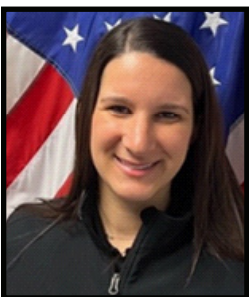


The BCSO held two correctional officer recruit training academies in 2023 and graduated 17 new correctional officers.

The Barnstable County Sheriff's Office hired a total of 59 individuals in 2023. The Human Resources Dept. recruited all year long. They attended 7 career fairs and held two correctional officer academies. We continue to recruit. Jobs at the BCSO are diverse opportunities and can accommodate a variety of talents and interests. Generous state health and retirement benefits are included.

Careers here:

- Corrections Officers
- Telecommunicators
- Radio Technicians
- Human services employees
- Maintenance staff
- Information Technology
- Administrative support
- Criminal identification staff for the Bureau of Criminal Investigation
- Medical employees



First Quarter Employee of the Quarter:
Deputy Brittney Martinsen of the Special Operations Unit



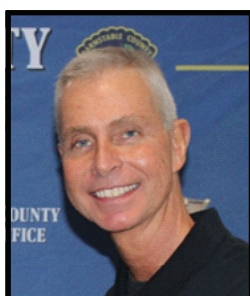
Second Quarter Employee of the Quarter: Sgt. Terry Mumper



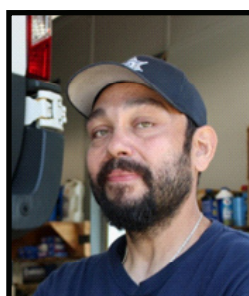
Third Quarter Employee of the Quarter: Deputy Kenneth Finnemore



Correctional Officer of the Year
Brian Garvey



Public Safety Employee of the Year
Andrew de Blank, CMED



Civilian Employee of the Year Award
Patrick DePina

To keep up with the latest news and opportunities at the BCSO follow us on



Barnstable County Sheriff's Office



barnstablesheriff



@bcsosheriff2



Barnstable County Sheriff's Office

Plymouth County Parking Quarterly

A Newsletter for Members and Friends of the Plymouth County Parking Program

FY2024, Q3

VOL 2, No. 2

Legislative Update

Slow, Steady Movement on Parking-Related Bills

By Thomas J. O'Brien
Plymouth County Treasurer

In last spring's issue of *Plymouth County Parking Quarterly*, I provided a breakdown of several bills pending in the state legislature that will have a direct impact on parking enforcement in our communities. These three bills only received a hearing this past fall, and just two have been reported out of committee.

Bill H.3326—*An Act Relative to Parking Enforcement*

This is a bipartisan bill that was drafted by my office, filed by Rep. Susan Williams Gifford (R-Wareham), and co-sponsored by members of both parties. This legislation would increase the maximum parking fines that municipalities and state agencies may impose. While each municipality or state agency may set its own schedule of parking fines, the maximum fines are limited by state law. The proposal would increase allowable maximum fines for those municipalities or state agencies that have

adopted MGL Ch. 90, §20A½. The maximum fines established in §20A½ have not been changed since 2004, nearly twenty years ago.

This bill does not establish any new minimum fines or mandate an increase in any existing fines. It merely gives communities the option to adopt policies that better suit local needs and enforcement priorities without having to secure a home-rule petition from the legislature.

TREASURER, Page 4

Parking Ticket Activity by Entity - FY2024, YTD - July through January					
Entity Name	Tickets Issued	Payments Received	Entity Name	Tickets Issued	Payments Received
Provincetown	3,389	\$ 142,310.00	Fairhaven	63	\$ 2,150.00
BSU	3,050	\$ 100,795.00	Sandwich	35	\$ 1,280.00
Falmouth	2,665	\$ 93,362.59	Rockland	22	\$ 3,330.00
MBTA	2,610	\$ 114,761.00	Carver	14	\$ 230.00
Hull	1,337	\$ 53,265.00	Lakeville	14	\$ 180.00
Wareham	1,305	\$ 55,335.00	Pembroke	13	\$ 290.00
Milton	736	\$ 19,464.00	Easton	12	\$ 495.00
Great Barrington	666	\$ 21,540.00	Middleboro	11	\$ 545.00
Bridgewater	666	\$ 19,665.00	Raynham	9	\$ 2,070.00
Bourne	609	\$ 25,540.00	Massasoit	9	\$ 360.00
Wellesley ¹	596	\$ 6,145.00	Whitman	9	\$ 290.00
Westfield	446	\$ 13,000.00	West Bridgewater	4	\$ 685.00
Yarmouth	387	\$ 12,920.00	Abington	3	\$ 120.00
Duxbury	257	\$ 10,570.00	East Bridgewater	1	\$ 60.00
Concord	205	\$ 4,845.00	Norwell	1	\$ 25.00
Marshfield	151	\$ 6,410.00	Kingston	-	\$ 130.00
Hingham	84	\$ 3,050.00	Lee	-	\$ -
Franklin ²	83	\$ 1,895.00	Millis	-	\$ -
Marion	79	\$ 2,065.00	Rochester	-	\$ -
Mattapoisett	66	\$ 1,045.00	Tyringham	-	\$ -
Freetown	65	\$ 2,060.00	West Stockbridge	-	\$ -

1. Joined November 2023.

2. Joined October 2023.

Grand Total Tickets Issued: 19,672

Grand Total Payments Received: \$722,282.59

A Look Back...Five Years Ago

Remembering the Great Lakeville Ticketing of 2019

Way back when the Red Sox and Patriots regularly won championships, Duck Boat victory parades would draw hundreds of thousands of fans into Boston, crowding public transit. After the Patriots victory in Super Bowl LIII, the Town of Lakeville found itself overwhelmed with parade-goers' illegally-parked cars in the area near its commuter rail station. By day's end, the Lakeville Police would issue 92 tickets - noteworthy enough to make the local newspaper. To put that into perspective, Lakeville issued a total of 92 tickets between 2000 and 2018. As one of our smaller towns, Lakeville doesn't need Plymouth County Parking every day, but we are ready for them—and you—the day they unexpectedly do need us.

Patriots' Fans Return to Ticketed and Towed Cars

The Enterprise

Published February 6, 2019

MIDDLEBORO/LAKEVILLE — As Super Bowl parade-goers returned back to their cars at the Middleboro-Lakeville MBTA commuter rail stations Tuesday, many were greeted with parking tickets.

Others returned to missing vehicles, courtesy of local towing companies.

After the New England Patriots clinched their sixth Super Bowl win Sunday, against the Los Angeles Rams, fans flocked to Boston for a celebratory parade starting at 11 a.m. Officials expected more than 1 million parade attendees and trains were packed with what officials said was record ridership.

On Tuesday morning, area police departments were bombarded with crowd control and parking issues as commuters headed toward the trains.

The Middleboro-Lakeville station at the end of the outbound line, police had a field day with parking tickets.

The Lakeville Police Department made almost \$900 in parking tickets, with 87 parking tickets at \$10 each, as of about 12:45 p.m., Lt. Matt Perkins said. The tickets were issued for parking on sidewalks and blocking

fire hydrants, and police also had one car towed for an expired registration.

"We've ticketed cars before, but we haven't ticketed this many," Perkins said.

Lakeville police saw more parade MBTA riders Tuesday morning than for prior parades, he said. Although the department stationed officers in anticipation of the crowd, he said they were overwhelmed.



"There was a larger crowd," Perkins said. "I think what people have learned is that ... they'll come to the first stop to make sure they'll get on the train because it's getting full as it gets more north. I think we had a lot of extra commuters because of that."

At a wastewater treatment facility managed by Natural Systems Utilities next to the Middleboro-Lakeville commuter rail station, employee Ralph Cardoza watched as tow truck after tow truck pulled up to remove cars illegally parked on the property.

"I came at 6 a.m. and there

was no one here," he said. "I left for an hour and a half and when I came back, there were 17 cars (parked)."

A tractor-trailer was scheduled to come pick up waste material, he said, and wouldn't be able to get by because of the cars.

"They were just jumping out of their cars and running (for the train)," he said. "I even had people pull up and offer me money to park here."

He added: "I would've let them stay if they were a little more considerably parked."

These tows are something the tow companies see every year, said Alex Tutino, an employee with Modern Auto & Towing in Middleboro.

This year was definitely worse, he said, although he understands the influx.

"The chance of us having another parade like this with the Patriots is getting slimmer and slimmer," he said.

Lakeville police stationed extra officers near the stations in anticipation of the parade-goers returning back to their cars after the parade.

"We expect them to be up there drinking and stuff, so we may have some intoxicated people," Perkins said earlier in the day. "Hopefully we'll have that under control."

Outstanding Violations

Each issue we highlight an old parking ticket that is noteworthy for featuring a bygone car make, defunct business, or other quirk that makes it not just unpaid, but outstanding!

This month's Outstanding Violation features another double hit. Both the vehicle make and location are no longer with us.

Founded by Benjamin Bromberg in 1924, discount-retailer Benny's was a beloved institution in Southern New England for over ninety years. Growing to thirty-one stores at its peak, Benny's carried everything from tires, to laundry detergent, to toys, to electronics. If they didn't have it, you didn't need it. The chain remained under the ownership of the Bromberg family until its closure in 2017.

Operating in the shadow of the Big Three, the American Motors Corporation—AMC—was founded in 1954 on the merger of the Nash and Hudson automobile companies. George Romney, father of former Massachusetts Governor Mitt Romney, served as one of the company's earliest chief executives. Known for such cars as the Pacer—made iconic in the *Bohemian Rhapsody* scene of the film *Waynes World*, AMC also produced the classic Jeep Wagoneer and the Javelin muscle car. AMC was acquired by Chrysler in 1987.

VIOLATION		WAREHAM 17274	
STATE <input checked="" type="checkbox"/> MA <input type="checkbox"/> OTHER		REDACTED	
VEHICLE MAKE AMC		VEHICLE COLOR	
PLATE TYPE →	PASG. <input checked="" type="checkbox"/> COMM. <input type="checkbox"/> OTHER <input type="checkbox"/>	PLATE COLOR → <input checked="" type="checkbox"/> G <input type="checkbox"/> R <input type="checkbox"/> A <input type="checkbox"/> M <input type="checkbox"/> S	
WRITE IN			
MONTH 6	DATE 27	YEAR 87	TIME 12:51 A.M. TO P.M.
LOCATION Benny's		METER NO.	
OFFICER		BADGE NO.	

A Few Words About Unpaid Tickets

By Jeff Welch
Deputy Treasurer

Each issue, we've highlighted an interesting unpaid ticket, often decades old. That might beg the question, "What's with these unpaid tickets?"

On average, approximately 90% of tickets are paid within two years of issuance. That figure climbs to about 95% within ten years for Massachusetts-registered vehicles. Since vehicle registrations renew every two years and drivers' licenses renew every five years, the RMV will prompt motorists to settle any outstanding tickets marked in the RMV's records as those renewal deadlines approach.

However, there will be tickets that remain unpaid. The main reason that they remain unpaid is that they could not be marked in the RMV and thus there was no incentive for the motorist to pay. Some of the reasons that a ticket cannot be marked at the RMV are:

- Out of state plate. Only Massachusetts-registered cars can be marked in the RMV.
- No matching registration could be found in the RMV database that was active at the time the ticket was issued. This could be due to an illegible or erroneous plate number on a parking ticket or an attempt to ticket an unregistered vehicle.
- The ticket was more than two years old at the time it was referred to the RMV for marking.

Occasionally, marked tickets will also remain unpaid. Since the RMV will only hold up a license or registration when there are two or more marked tickets, a person with a single marked ticket could renew their license and registration multiple times without being compelled to pay. A person with multiple marked tickets might also evade payment by simply not renewing their license. There are numerous instances of outstanding tickets where the

driver moved out of state, died, lost their license for life due to Melanie's Law, was incarcerated, chose to drive unregistered/unlicensed, or gave up driving entirely.

In many instances, once these tickets have remained on the RMV's books for ten years, the RMV's practice has been to archive them, effectively removing any practical incentive for the violator to settle them.

What to Do?

While unpaid tickets represent only a small fraction of the tickets that your town will issue, these tickets can add up over the years and decades. To an outside observer who is unfamiliar with RMV policies or Chapter 90 procedures, an outstanding balance of decades-old tickets creates the appearance of a problem in need of a solution. While most of the towns served by the Plymouth County Parking Program choose to let sleeping dogs lie and

TREASURER, Continued from Page 1

UPDATE: This bill received a favorable recommendation from the Joint Committee on Transportation and has been referred to the House Committee on Steering, Policy and Scheduling.

Bill H.3261—*An Act Relative to Increasing the Fine for Handicap Parking Violations for City/Town Implementation and Compliance with the Americans with Disabilities Act*

Filed by Rep. Bruce Ayers (D – Quincy), this proposal would permit any city or town that adopts the provisions of this section to increase the fine assessed for violations of handicap parking in the city or town by \$450. The city or town may add the additional \$450 into a special municipal account for the city or town where the violation occurred.

The monies shall be used solely for funding and implementing the Americans with Disabilities Act on public property and in public buildings within the city or town. The city or town's commission on disabilities or a special commission shall investigate the needs of the said city or town for implementation of ADA compliance.

Should this proposal come to pass, Plymouth County Parking is al-

ready equipped to assist any cities and towns who choose to adopt it. Several of our communities already share a portion of their handicapped parking fines with their respective commissions on disabilities. Each month, Plymouth County Parking furnishes them with a report that accounts for handicapped parking fine receipts. A similar report for these monies would also be provided to our cities and towns.

UPDATE: This bill received a favorable recommendation from the Joint Committee on Transportation and was referred to the House Committee on Steering, Policy and Scheduling. The bill has been ordered to a third reading, bringing it to the last step before a full vote of the House.

Bill S.2224—*An Act to Improve RMV Fee Payment, Equity, and Road Safety*

Filed by Sen. Julian Cyr (D–Truro), this proposal would drastically alter the way in which cities and towns enforce parking regulations. A new requirement that Parking Clerks notify parking violators of outstanding violations via repeated electronic communications would be imposed. Hearing Officers would be required to take financial hardship into account when adjudicating appeals, creating a means

test for parking fines.

Under this proposal, cities and towns would no longer be permitted to boot or tow vehicles. Parking violators with delinquent tickets would no longer be subject to the possibility of the non-renewal of their driver's licenses and vehicle registrations. The most effective tool that our communities have at their disposal to ensure compliance with parking regulations is the threat of having a license or registration marked as non-renewable with the RMV.

UPDATE: While this bill did not receive a favorable recommendation from the Joint Committee on Transportation and was sent to study, much of its language survives in a similar bill, S.2227—*An Act to End Debt-based Driving Restrictions and Remove Economic Roadblocks*. Bill S.2227 remains pending before the Joint Committee on Transportation. For up-to-date information regarding the status of this bill, the Committee can be contacted at (617) 722-2400.

*Tom O'Brien can be reached at
tobrien@plymouthcountyma.gov
or (508) 830-9130*

UNPAID, Continued from Page 3

leave the tickets on the books, some towns have made the request to clear the books every so often through blanket dismissals or other action. Chapter 90 itself is silent on sunsetting tickets or blanket amnesties, and the Public Records Retention Schedule speaks only to settled, i.e. paid or dismissed tickets.

The Department of Revenue made a recommendation to one town that the town "develop a parking ticket write-off policy." Yet when pressed to identify any statutory authority for such a write-off, the DOR admitted that there was none.

Research on the matter by our County Attorney's office did not find a statute of limitations for parking tickets, even though the RMV gives up on enforcing marks after a period of years.

Therefore, Plymouth County Parking currently makes no recommendation regarding the dismissal or purging of unpaid tickets that are not marked in the RMV database. Our policy is to retain a computerized record of all parking violations indefinitely, until they are either paid or otherwise disposed of at the direction of the Town Parking Clerk.

New Online Appeals Portal

The Plymouth County Parking

Program is pleased to announce the roll-out of our new online appeals portal. Motorists will now have the ability to file appeals via PlymouthCountyParking.com and to submit backup documentation. Municipal Parking Clerks and Hearing Officers will be able to view the appeals and render their decisions through the portal.

The portal is available as a service at no additional charge to our members on an optional basis. Schedule a demonstration today!

*Jeff Welch can be reached at
jwelch@plymouthcountyma.gov
or (508) 830-9131*

Upper Cape Cod Regional Technical School

220 SANDWICH ROAD, BOURNE, MASSACHUSETTS 02532

www.uppercapetech.com

Roger D. Forget
Superintendent

Telephone: 508-759-7711
FAX: 508-759-7208

March 15, 2024

Ms. Marlene McCollem
Town Administrator
Bourne Town Hall
24 Perry Ave.
Buzzards Bay, MA 02532

Dear Ms. McCollem:

In accordance with Section V(C) of the Regional District Agreement among the towns with respect to the establishment of the Upper Cape Cod Regional Vocational-Technical School District, please be advised that the School Committee has established an Operating Budget of \$21,302,549 and a Capital Budget of \$305,000 for the fiscal year ending June 30, 2025. The impact of this budget on the individual towns is reduced by State Aid, tuition and other receipts in the amount of \$6,435,096 Total Net Operating Costs assessed to the communities, therefore, becomes \$15,172,453 in accordance with budget detail attached. In accordance with the Education Reform Act and the Regional District Agreement formula, the assessment for the Town of Bourne is as follows:

Operating	\$3,699,012.00
Capital	<u>51,742.00</u>
Total Assessment	<u>\$3,750,754.00</u>

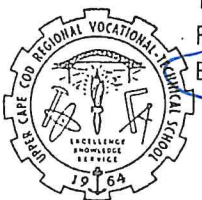
We are available to meet with the Finance Committee and other town officials to discuss this budget and to share with you the school's accomplishments, and the challenges associated with providing our students with quality educational opportunities in today's fiscal environment. If you have any questions, please feel free to contact me.

Sincerely,

Roger D. Forget
Superintendent

Michael Degan
Treasurer, School Committee

cc: Town Clerk
Town Treasurer
Finance Committee
Board of Selectmen



BOURNE - FALMOUTH - MARION - SANDWICH - WAREHAM

BOURNE BOARD OF SELECTMEN
PCD 2024 MAR 18 AM 11:01

UPPER CAPE COD REGIONAL TECHNICAL SCHOOL

BUDGET FUNCTION	Approved FY23	Approved FY24	Approved FY25
1000 Administration			
<u>1100 School Committee</u>			
50.111C District Clerk Salary	3,524	3,603	3,694
50.111C Supplies	6,000	6,000	6,500
50.111C Other	20,000	22,500	22,500
Subtotal	29,524	32,103	32,694
<u>1200 Superintendent's Office</u>			
50.121C Salaries	267,040	273,276	280,684
50.121C Postage & Supplies	5,000	5,000	5,000
50.121C Travel	2,000	2,000	2,000
50.121C Dues & Subscriptions	3,500	3,500	4,000
50.121C Professional Development	5,000	5,000	5,000
50.121C Advertising	3,000	3,000	3,000
Subtotal	285,540	291,776	299,684
<u>1400 Business & Finance</u>			
50.141C Salaries	446,545	452,033	482,966
50.143C Legal Services	17,000	17,000	17,000
50.143C Legal - Auditing	45,000	45,000	45,000
Subtotal	508,545	514,033	544,966
ADMINISTRATION FUNCTION TOTAL	823,609	837,912	877,344
2000 Instruction			
<u>2210 School Leadership</u>			
50.221C Salaries	412,300	425,556	442,855
50.221C Principal Supplies	5,100	5,100	5,100
50.221C Principal Travel	2,000	2,000	2,000
50.221C Principal Printing	5,000	5,000	5,000
50.221C Principal Dues	9,000	9,000	10,000
50.221C Curriculum Development	7,500	7,500	7,500
Subtotal	440,900	454,156	472,455
<u>2220 Curriculum/Department Leaders</u>			
50.222C Salaries & Contractual	438,869	452,675	467,565
Subtotal	438,869	452,675	467,565
<u>2300 Teaching Services</u>			
50.230C Teacher Salaries	6,648,060	7,184,205	7,637,987
50.232C Substitutes	40,000	40,000	40,000
50.233C Instructional Assistants	633,160	798,224	851,762
Subtotal	7,321,220	8,022,429	8,529,749
<u>2350 Professional Development</u>			
50.235C Professional Development	150,152	150,705	151,972
Subtotal	150,152	150,705	151,972

UPPER CAPE COD REGIONAL TECHNICAL SCHOOL

BUDGET FUNCTION	Approved FY23	Approved FY24	Approved FY25
<u>2400 Instruction Materials & Equipment</u>			
50.241C Textbooks	40,000	40,000	45,000
50.243C Supplies	628,900	663,900	675,000
Subtotal	668,900	703,900	720,000
<u>2450 Instructional Technology</u>			
50.2451 Technology Contractual	84,193	85,000	90,000
50.2451 Instructional Tech. Supplies	100,000	100,000	100,000
50.2451 Instructional Tech.-Other	20,400	20,400	21,000
Subtotal	204,593	205,400	211,000
<u>2700 Guidance, Counseling</u>			
50.271C Salaries	718,769	673,527	714,250
50.271C Guidance Supplies	11,800	11,800	12,000
50.271C Guidance Other	15,000	15,000	20,000
50.271C Guidance Recruitment	20,000	20,000	20,000
Subtotal	765,569	720,327	766,250
<u>2800 Psychological Services</u>			
50.280C Psychological Salaries	85,840	90,687	99,342
50.280C Psychological Services	-	90,000	90,000
50.280C Contractual Services	24,110	24,110	25,000
Subtotal	109,950	204,797	214,342
INSTRUCTION FUNCTION TOTAL	10,100,153	10,914,389	11,533,333
<u>3000 Student Services</u>			
<u>3200 Medical/Health Service</u>			
50.320C Salaries	81,464	121,158	131,661
50.320C Health Supplies	4,080	4,080	4,200
Subtotal	85,544	125,238	135,861
<u>3510 Athletic</u>			
50.351C Coaching	194,199	223,214	257,416
50.351C Officials & Fees	50,000	50,000	54,000
50.351C Athletic Supplies	89,880	89,880	110,000
Subtotal	334,079	363,094	421,416
<u>3520 Student Body Activities</u>			
50.352C Student Activities Advisors	83,822	83,822	93,153
50.352C Student Activities Others	70,000	70,000	70,000
Subtotal	153,822	153,822	163,153
<u>3600 School Security</u>			
50.360C Salaries	54,921	55,883	57,280
50.360C School Security-Supplies	30,000	53,680	63,680
Subtotal	84,921	109,563	120,960
STUDENT SERVICES FUNCTION TOTAL	658,366	751,717	841,390

UPPER CAPE COD REGIONAL TECHNICAL SCHOOL

BUDGET FUNCTION	Approved FY23	Approved FY24	Approved FY25
4000 Operations & Maintenance			
<u>4110 Custodial Service</u>			
50.411C Salaries	512,209	524,107	558,812
50.411C Custodial Contractual	5,300	5,300	5,300
50.411C Custodial Supplies	43,760	43,760	50,000
Subtotal	561,269	573,167	614,112
<u>4120-4130 Heating & Utilities</u>			
50.412C Heating Fuel	200,000	200,000	200,000
50.413C Utility Services	340,000	340,000	350,000
Subtotal	540,000	540,000	550,000
<u>4210 Maintenance of Grounds</u>			
50.421C Salaries	106,972	108,332	111,073
50.421C Grounds Supplies	50,000	50,000	57,500
50.421C Grounds Equipment & Snow	10,500	10,500	11,000
Subtotal	167,472	168,832	179,573
<u>4220 Maintenance of Buildings</u>			
50.422C Salaries	194,018	202,702	219,133
50.422C Building Contractual	50,000	50,000	55,000
50.422C Building Maintenance	58,000	58,000	60,000
50.422C Extraordinary Maintenance	30,000	30,000	35,000
Subtotal	332,018	340,702	369,133
<u>4230 Maintenance of Equipment</u>			
50.423C Equip. Repair Supt. Office	16,500	18,000	20,000
50.423C Equip. Repair Principal Office	15,000	17,000	20,000
50.423C Equipment Repair	64,000	64,000	65,000
50.430C Extraordinary & Unanticipated	70,000	70,000	70,000
Subtotal	165,500	169,000	175,000
OPERATION & MAINT. FUNCTION TOTAL	1,766,259	1,791,701	1,887,818
5000 Fixed Charges			
<u>5100 Employee Benefits</u>			
50.510C Health & Life Insurance	2,621,433	3,059,738	3,219,484
50.510C Unemployment Compensation	20,000	20,000	20,000
50.510C Workers Compensation	75,000	81,000	85,000
50.510C FICA	190,000	200,000	230,000
Subtotal	2,906,433	3,360,738	3,554,484
<u>5200 Insurance Program</u>			
50.520C Building & Liability Insurance	185,000	190,000	200,000
50.520C Treasurers Bonds	3,000	3,000	3,000
50.520C Student Insurance	10,500	10,500	11,000
Subtotal	198,500	203,500	214,000
<u>9000 Programs with Other School Districts</u>			
50.910C School Choice	39,000	20,111	49,473
Subtotal	39,000	20,111	49,473
FIXED CHARGES FUNCTION TOTAL	3,143,933	3,584,349	3,817,957

UPPER CAPE COD REGIONAL TECHNICAL SCHOOL

TOTAL FOUNDATION BUDGET	16,492,320	17,880,068	18,957,842
-------------------------	------------	------------	------------

UPPER CAPE COD REGIONAL TECHNICAL SCHOOL

BUDGET FUNCTION	Approved FY23	Approved FY24	Approved FY25
TOTAL FOUNDATION BUDGET	16,492,320	17,880,068	18,957,842
Reductions to Foundation Budget:			
FY23 Anticipated Chapter 70 Aid	3,912,348	4,451,242	4,589,560
FY23 Anticipated Interest Revenues	20,000	30,000	75,000
FY23 Anticipated Tuition Revenues	-	-	-
FY23 Anticipated Mun. Medicaid	10,000	10,000	10,000
E&D Applied	170,000	500,000	
Subtotal	4,112,348	4,991,242	4,674,560
Net Foundation Budget	12,379,972	12,888,826	14,283,282
Transportation			
50.330C Provided by District	326,791	332,624	341,324
50.330C Contract Transportation	801,713	1,157,000	1,179,500
Total Transportation	1,128,504	1,489,624	1,520,824
Anticipated Transportation Aid	844,652	879,921	957,186
Net Transportation	283,852	609,703	563,638
LPN Program			
50.230E LPN Salaries	550,756	713,396	771,883
50.242C LPN Supplies	20,000	50,000	50,000
50.241C LPN Textbooks	2,000	2,000	2,000
Total LPN Program	572,756	765,396	823,883
Anticipated LPN Tuitions	573,000	782,250	803,350
Net LPN Program	(244)	(16,854)	20,533
Combined Net Transportation and LPN	283,608	592,849	584,171
Capital			
50.730C Capital Budget	130,000	130,000	130,000
50.545C Bond Issue - Principal			
50.545C Stabilization Fund	175,000	175,000	175,000
50.545C Bond Issue - Interest			
	305,000	305,000	305,000

Calculation of Operating Assessment

Town	Approved Minimum Contribution	Allocated By Regional Agreement	Net & LPN Transportation Budget	FY24 Operating Assessment	Percentage Operating Budget
Bourne	3,389,488	173,195	136,329	3,699,012	0.23337
Falmouth	3,559,718	176,658	139,056	3,875,432	0.23804
Marion	526,560	27,711	21,813	576,084	0.03734
Sandwich	2,753,082	136,824	107,700	2,997,606	0.18436
Wareham	3,312,295	227,751	179,273	3,719,319	0.30688
	<u>13,541,143</u>	<u>742,139</u>	<u>584,171</u>	<u>14,867,453</u>	<u>100.00%</u>
Net Foundation Budget		<u>14,283,282</u>			

Calculation of Capital Assessment

Town	FY25 Capital Assessment	Percentage Capital Budget	<u>Total</u> FY25 Assessment
Bourne	51,742	0.16965	3,750,754
Falmouth	98,488	0.32291	3,973,920
Marion	23,656	0.07756	599,740
Sandwich	67,374	0.22090	3,064,980
Wareham	63,740	0.20898	3,783,059
	<u>305,000</u>	<u>100.00%</u>	<u>15,172,453</u>

Comparative Total Assessments

	FY2025	FY2024	FY2023	FY2022	FY2021
Bourne	3,750,754	3,624,749	3,262,825	3,274,672	3,337,063
Falmouth	3,973,920	3,498,176	3,442,950	3,378,453	3,177,330
Marion	599,740	487,733	384,291	330,890	274,542
Sandwich	3,064,980	2,871,393	2,668,824	2,433,216	2,135,467
Wareham	3,783,059	3,304,624	3,209,689	3,637,529	3,703,661
	<u>15,172,453</u>	<u>13,786,675</u>	<u>12,968,579</u>	<u>13,054,760</u>	<u>12,628,063</u>

(1) Each member town's share of such operating costs for each fiscal year shall be determined by computing the ratio which that town's pupil enrollment in the regional district school on October 1 of the year next preceeding the year for which the apportionment is school determined bears to the total pupil enrollment from all the member towns in the regional district on the same date. Section IV, (E) Agreement with towns.

(2) Each member town's share of capital costs for each calendar year shall be determined by computing the ratio which its pupil enrollment on October 1 of the year next preceeding the year for which the apportionment is determined bears to the total pupil enrollments for all the member towns on the same date. Section IV, (D) Agreement with towns.

UPPER CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT COMMITTEE
FEBRUARY 8, 2024 MEETING HELD AT THE SCHOOL
220 SANDWICH ROAD, BOURNE, MA 02532

PRESENT: Dominic Cammarano, Thomas Corriveau; Michael Degan; Robert Fichtenmayer; Christine Marcolini; Roger Forget; Josh Greeley; Sharon Brito, Recording Secretary.

ABSENT: Ellen Barber; Mary Crook; David P. Sampson; Maryann Smith.

The meeting was called to order at 6:15 p.m. followed by the Pledge of Allegiance to the Flag. The Chairperson announced that the meeting was being recorded via an audio device.

STUDENT ADVISORY REPRESENTATIVE: No student representatives were present.

The Superintendent welcomed Mary Harris, Falmouth Finance Committee member, to the meeting.

Mr. Degan made a motion, seconded by Mr. Corriveau, to move to Agenda Item 12B, FY25 Preliminary Budget Discussion. Motion passed unanimously.

NEW BUSINESS:

FY25 Preliminary Budget Discussion – The Superintendent presented a Canva presentation comparing the FY2024 approved amounts by line item to the proposed line item amounts for FY2025. He compared the per pupil cost for a town to send a student to UCT as opposed to the DESE profile per pupil costs. Mr. Forget also reviewed the student enrollment by town as well as UCT's growing enrollment, which has increased from 793 in FY24 to 857 in FY25. He demonstrated the ways in which UCT offers assistance to its member towns with projects such as construction of beach docks, repairs to municipal buildings, repainting of town vehicles, and Nero's Law Training to name only a few. Finally, the Superintendent showed the percentages of the different areas of the foundation budget with instruction being the largest percentage at 60.83%. He listed some of the costs that have a significant impact on the proposed budget including contractual obligations, health insurance increases, the cost of vocational shop supplies and the increase in student enrollment. The proposed net foundation budget for FY2025 is \$14,283,282.00.

STUDENT SPOTLIGHT / CURRICULUM UPDATE: None.

PUBLIC PARTICIPATION: None.

APPROVAL OF MINUTES: A motion was made by Mr. Degan, seconded by Mr. Corriveau, for approval of the minutes of the January 11, 2024 regular meeting. Motion passed unanimously.

COMMUNICATIONS: The Superintendent read an email from the parent of a hockey player thanking the staff and coaches for the support and outreach after her son suffered a medical incident. She went on to state "what a wonderful group of young men are amongst the UCT varsity hockey team." He next read a note from representatives of the Mashpee National Wildlife Refuge thanking the Superintendent for meeting with them through Representative Vieira to tour the school and discuss the potential for UCT to assist with the construction of a Visitor's Center. He read a letter from Donald Haynes, Transportation Coordinator, indicating his intention to retire on June 30, 2024. Finally, Mr. Forget read an email from the Community Relations Specialist at Camp Edwards thanking him for a recent lunch meeting to discuss potential collaborations that could benefit both UCT students and Joint Base Cape Cod.

REPORT OF COMMITTEES: None.

TREASURER'S REPORT: Mr. Degan distributed the Treasurer's Report for warrants #30 and #32, highlighting the larger expenditures on the warrants including health benefits, cafeteria and Culinary Arts food, student busing, utilities, technology, and costs associated with the grant-funded construction of the Environmental Technology building. He also discussed revenue received from the wind turbine with ConEd and net metering credits from the solar canopies.

SUPERINTENDENT'S REPORT: Mr. Forget informed the committee of the annual town meeting dates for the member towns which take place in April and May. He then discussed an article that appeared on the front page of today's *Cape Cod Times* regarding a \$1.8 million project on the Bourne Rotary scheduled for the spring. The Superintendent expressed concern that the article made no mention of the ongoing safety concern at the school's entrance/exit and the repeated appeals made to the Department of Transportation for installation of a traffic light there. The Superintendent stated that he has hired LEC Environmental Consultants to assist the school with the Massachusetts Endangered Species Act project review and the development of a plan to protect the Eastern Box Turtle. Finally, Mr. Forget shared that he has spoken with all five of the district town managers to discuss the town's preliminary assessments, all of which are below the figure that they were anticipating.

PRINCIPAL'S REPORT: Mr. Greeley informed the committee that the Varsity Girls' Basketball team has won the Mayflower League for the second year in a row and currently holds a record of 10-0. The Varsity Boys' team is also doing very well this season. The Principal congratulated Tyler Kutil, a senior in Horticulture, who was named the Wareham Elks Student of the Month for January. There were over 200 attendees at the Winter Semi-Formal dance held last Saturday. A Banner Night will be held at the half-time of the Boys' Basketball Game tomorrow evening where the Mayflower Championship banners will be raised for the Golf, Boys' Varsity Soccer, and Girls' Varsity basketball teams. A College and Career Fair will take place on March 14th with over 75 companies and educational institutions expected to be in attendance. The Anatomage Table has arrived with teacher training scheduled for next week. The table is an advanced 3D anatomy visualization and virtual dissection tool for anatomy and physiology education. The American Culinary Federation held their monthly meeting at the school earlier in the week. Over 70 area chefs and restaurant personnel attended as well as *Cape Cod Magazine*. Research is currently underway for the potential addition of Design and Visual Communications as a sixteenth shop offering. Finally, the Principal informed the committee that 170 students have been accepted thus far for admission in the fall.

UNFINISHED BUSINESS:

NEW BUSINESS:

Approval of Out-of-State Field Trip – Chef Joe Ellia, Culinary Arts teacher, presented information to the committee regarding a proposed overnight field trip to Stowe, VT for the seniors in Culinary Arts. He discussed the Culinary-related itinerary in detail including a breakdown of the costs associated with the proposed trip, which would take place on May 3rd and 4th. Chef Ellia would be a chaperone along with Chef Conant and Chef Pacheco, and sixteen students will attend. Only students who are passing their classes and are in good standing with no attendance or discipline issues will be eligible to attend. Chef Ellia also reviewed the consequences students will face if any school rules are broken while on the trip. Mr. Degan made a motion, seconded by Ms. Marcolini, to approve an overnight field trip to Stowe, VT for the seniors in Culinary Arts on May 3 and 4, 2024. Motion passed unanimously.

Approval of 2024-2025 School Calendar – Mr. Cammarano made a motion, seconded by Mr. Degan, to approve the 2024-2025 school calendar as presented. Motion passed unanimously.

MSBA Statement of Interest – Mr. Forget explained that the district's application for roof replacement and construction of a new gymnasium was not selected for funding for the past two years, but he was encouraged by MSBA to submit another application for this round. Mr. Corriveau made a motion, seconded by Mr. Cammarano, having convened in an open meeting on February 8, 2024, prior to the closing date, the School Committee of Upper Cape Cod Regional Vocational-Technical School, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the

Massachusetts School Building Authority the Statement of Interest dated February 16, 2024 for the Upper Cape Cod Regional Technical School located at 220 Sandwich Road in Bourne, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future; specifically for a roof replacement, construction of a new gymnasium, and reconfiguration of existing gymnasium into a cafeteria; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Upper Cape Cod Regional Vocational-Technical School District to filing an application for funding with the Massachusetts School Building Authority. Motion passed unanimously.

Policy – Final Adoption – Mr. Degan made a motion, seconded by Ms. Marcolini, for final adoption of the following policies as presented:

- Policy CBD – Superintendent’s Contract
- Policy EFC – Universal Free School Meals
- Policy EFE – Civil Rights Complaint Policy for Child Nutrition Programs
- Policy GBJ – Personnel Records
- Policy IGA/IGD – Curriculum Development and Adoption

Motion passed unanimously.

Mr. Degan made a motion, seconded by Ms. Marcolini, for removal of the following policies from the district policy manual:

- Policy IE – Organization of Instruction
- Policy IGD – Curriculum Adoption

Motion passed unanimously.

Mr. Corriveau made a motion, seconded by Mr. Degan, to adjourn the regular meeting at 7:44 P.M. Motion passed unanimously.

A True Copy Attest

Date: 3-15-2024
(Seal)


Sharon R. Brito, Secretary

Documents reviewed / referred to:

- 2/8/2024 School Committee Packet
- FY25 Preliminary Budget Presentation
- Email from Parent Dated 2/7/2024
- Thank You Note from Mashpee National Wildlife Refuge
- Retirement Letter from D. Haynes
- Thank You E-Mail from Joint Base Cape Cod Dated 2/1/2024
- 2/1/2024 Treasurer's Report
- Culinary Arts Senior Field Trip Information Packet
- 2/8/2024 Cape Cod Times Article re: Bourne Rotary Project



March 15, 2024

Town Council/Town Attorney
Town of Bourne
24 Perry Avenue
Buzzards Bay, MA 02532

Dear Town Council/Town Attorney:

We are committed to keeping you and our customers informed about changes to Xfinity TV. Please note the following changes to the Xfinity channel line-up in your community:

Effective May 7, 2024, Pursuit Channel SD on channels 307/1238 will no longer be available. On the same day, Pursuit Channel HD will be added on channel 1238. Requires HD programming and an X1 TV Box or Xfinity Internet and a compatible customer owned device to view.

Customers are receiving notice of this information in their bill.

Please do not hesitate to contact me should you have any questions. For your convenience I can be reached at **Michael_Galla@comcast.com**.

Very truly yours,

Michael Galla

Michael Galla, Sr. Manager
Government & Regulatory Affairs

V#3