

**ARTICLES OF THE WARRANT
FOR THE
BOURNE SPECIAL
AND
ANNUAL TOWN MEETING
MONDAY, MAY 6, 2013
7:00 P.M.
BOURNE HIGH SCHOOL AUDITORIUM**

A VOTER'S HANDBOOK

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

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2013
Annual Town Meeting

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Town of Bourne
Finance Committee Report
for the
Annual Town Meeting

May 6, 2013

7:00 P.M. at the Bourne High School

Finance Committee Members

Michele W. Ford, Chair

Elinor Ripley, Co-Vice Chair

Mary Jane Mastrangelo, Co-Vice Chair

Mark DeCicco

C. Jeffrey Perry

Bill Grant

John Redman

Glenn Galusha

George Slade

Donald Montour

Lisa Groezinger, Secretary

Introduction

It is the Finance Committee's primary responsibility to advise Town Meeting on warrant articles and to give a detailed report stating an opinion of agreement or concern regarding the proposed budgets, which include operating budgets and capital outlay. Secondly, Finance Committees often comment on issues surrounding the budget, and this year is no exception.

This was the fourth year in a row that the Finance Committee met jointly with the Board of Selectmen to review and discuss the merits and impact of the proposed operating and capital budgets. The Town Administrator, Finance Director and department heads appeared before the joint meetings to discuss their budgets. The Finance Committee and Board of Selectmen decided to meet jointly so we could look at the budget and together understand the issues that arise from the fiscal choices we make. The Finance Committee independently determined its support or opposition to any or all parts of the budget. We have met with groups, individuals, and committees that are either sponsors of articles or whose activities have a financial impact on the Town.

This report is intended to give voters a summary of the overall financial condition of the Town with comments on what we see as the fiscal issues facing us today as well as in the future. It includes the following financial data: Sources and Uses, FY14 Capital Plan, and a Long Term Financial Plan.

Overview of FY14 Budget

This fiscal year follows some of the most difficult years since the economy bottomed out. The economy is slowly improving, but State aid continues the downward trend of recent years and our new growth remains weak. This year we maintain the same level of service we budgeted for last year.

Compared to FY13, our total revenues are up \$962,795 after last year's modest increase of \$98,000. It should be noted we then had a decline of almost \$1M in revenue from FY 2011. Our State aid revenues are flat over FY13, while our local receipts are up over \$350,000.

This budget continues the trend of cautious spending and adherence to fiscal policies while providing level services.

We continue to benefit from a positive case history for our health insurance and our Health Care Trust Fund has an ample reserve, in line with our policy. This is an area we continue to watch closely to ensure the Town is receiving an optimal combination of service and cost.

Our bond rating continues to be favorable, in part because of our strong reserve policy. This provides better rates on items and facilities purchased via bonding. Our Capital Outlay Committee has continued its fine work refining the comprehensive view of capital needs for the Town, and their FY14 recommended Capital Outlay projects are detailed in their report in the warrant. While recommending a large number of projects, we have town-wide capital needs of \$50 – 70 million for the major capital projects that have been identified as priorities for the Town: a Police Station, Pocasset Fire Station, Peebles School and the Buzzards Bay Fire Station. Each year that passes without addressing items

prioritized as necessities by the Capital Outlay Committee, means that the future cost of addressing the needs will be greater than today's costs.

The Town is able to fund the same level of service as we provided in last year's budget.

The budget proposes using \$1.4M in reserves to fund the operational budget.

We have also kept the expense budgets for our departments lean, as we have in recent budgets. However, as the Town Administrator stated in his budget message, "there are a number of areas that continue to require attention."

This budget is the result of a thoughtful examination of our town's priorities, as evidenced by where we spend our money. The budget is our town's values translated into dollars and cents.

Fiscal 2014 Budget

Sources and Uses of Funds

Included in your Voter Handbook is a report titled Fiscal 2014 Sources and Uses of Funds. This report summarizes the monies that go into and out of our government and is developed by our Finance Director and Town Administrator. More detail regarding the individual departmental budgets can be found in the FY14 Operating Budget in your Voters Handbook.

Revenues

The contracted salary increases and modest expense increases make it necessary for the Town to raise the levy limit by 2 ½% as allowed by Massachusetts state law. The following table provides a history of our tax levy history:

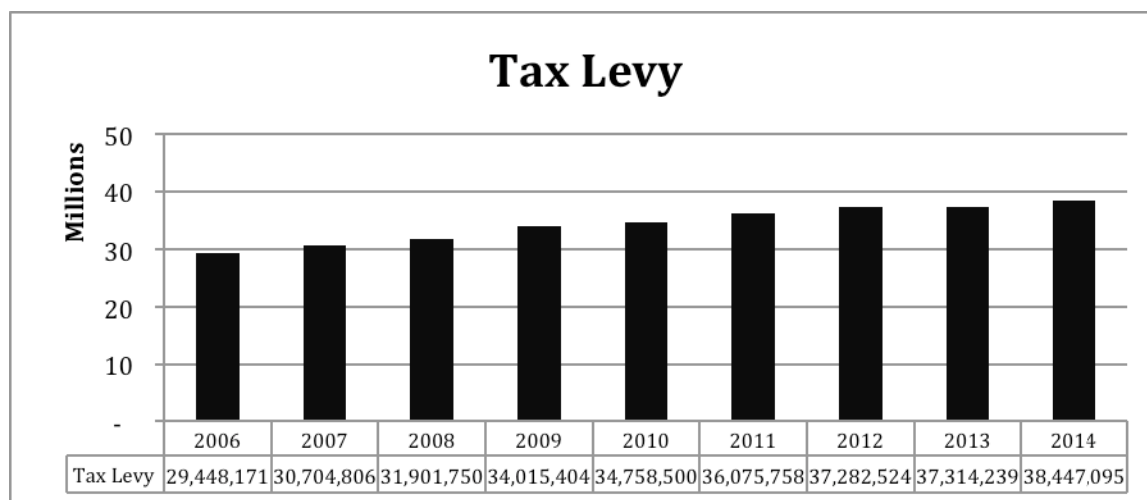


Figure 1 - History of Tax Levy in Bourne

State Aid

State aid has declined steadily since the high point in 2008. We are now receiving less state aid than in 2006, the year we passed a Proposition 2 ½ override.

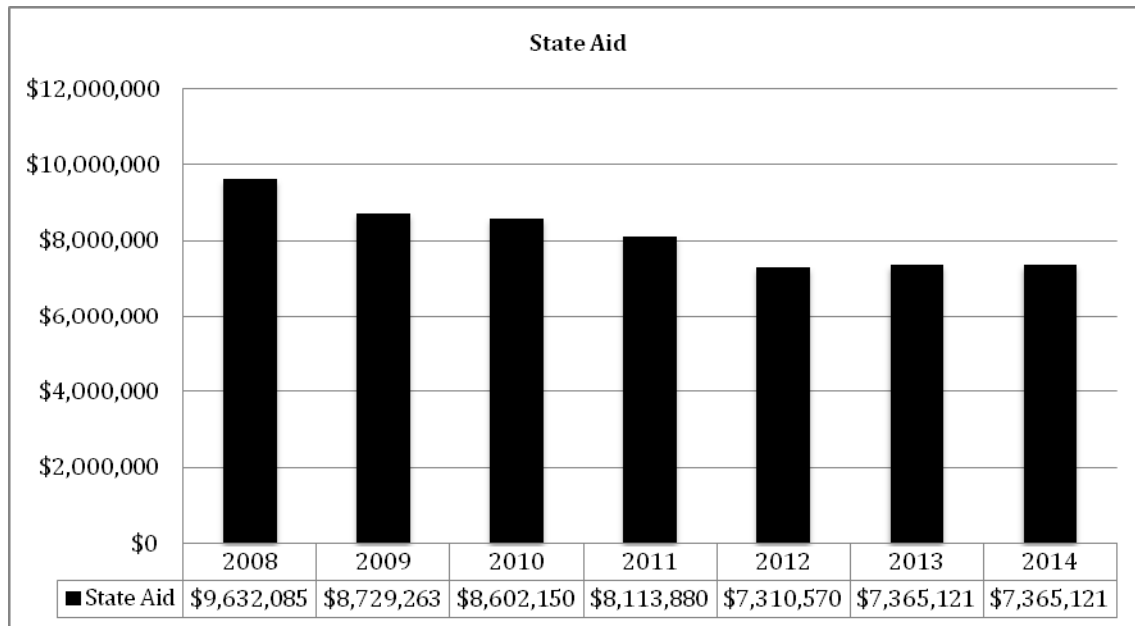


Figure 2 - History of State Aid to Bourne

Local Receipts

Local receipts are also down compared to prior years. The economy has a direct impact on our local receipts, as can be seen in the following chart:

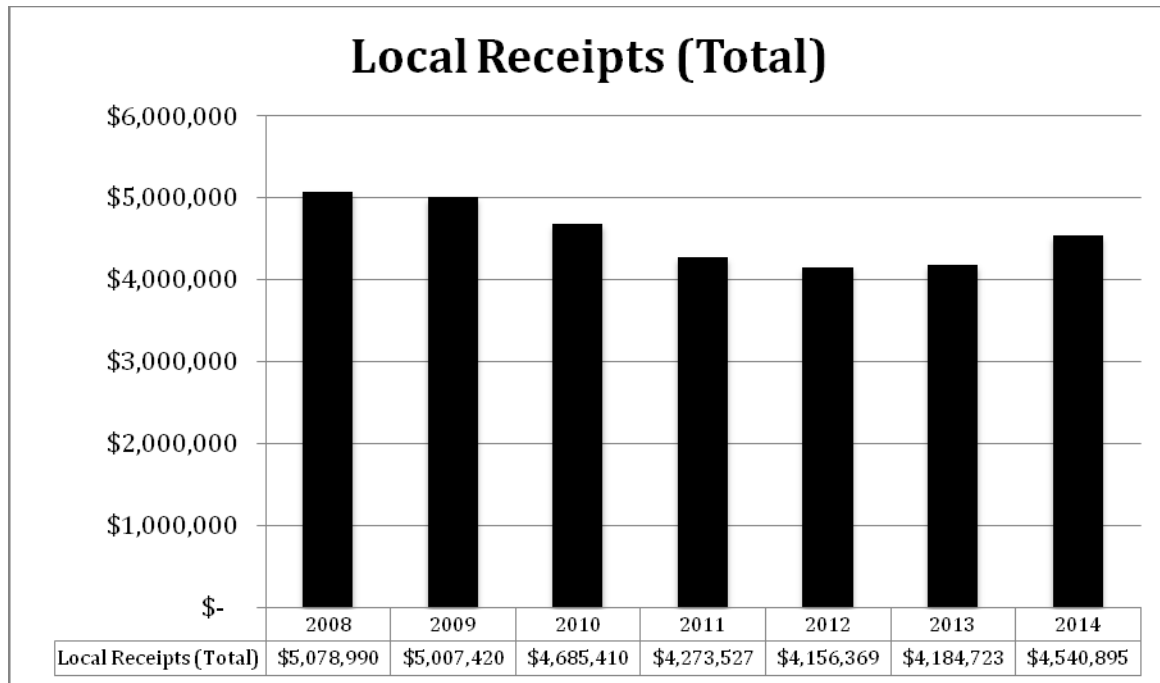


Figure 3 - History of Local Receipts in Bourne (2014 estimated)

The table below details each local receipt line. As can be seen, we are projecting modest increases in many of the lines for a total increase of \$356,172 over FY13.

	2008	2009	2010	2011	2012	2013	2014
Motor Vehicle Excise	2,209,908	2,190,644	1,981,213	1,785,060	1,695,000	1,775,000	2,020,000
Other Excise	139,331	131,412	140,223	130,000	122,939	125,000	130,000
Penalties & Interest	202,649	244,991	273,870	260,000	272,280	300,000	300,000
Payments in Lieu	25,094	27,738	22,816	25,000	24,000	25,000	25,000
Marinas	1,105,218	1,132,719	1,146,435	1,035,000	1,031,000	1,040,000	1,075,000
Other Dept Revenue	226,753	218,293	243,050	220,000	240,000	240,000	285,000
Licenses & Permits	496,266	486,235	467,769	425,000	441,000	445,000	465,000
Fines & Forfeits	132,492	151,792	139,539	135,000	108,000	110,000	110,000

Investment Income	466,039	203,253	81,813	80,000	53,000	33,538	35,000
Misc.	75,240	220,343	188,682	178,467	168,650	91,185	115,895

Figure 4 – Detailed History of Local Receipts in Bourne

Other Revenue Sources

We have increased the ISWM Host Community Fee by \$125,000 to \$600,000, reflecting an expectation that business will be more profitable. PL874 is the impact aid we receive from the Federal government to reimburse us for educating children whose families live on the Massachusetts Military Reservation and do not pay local property taxes. There is no way to accurately project the amount of these funds, as the program is subject to Congressional appropriation, but the Town is anticipating a reduction of \$40,000 compared to FY13.

Operating Expenses

Overall, our operating expenses are \$53.560 million not including State assessments, capital or our ISWM and Sewer Enterprise operations. The FY14 budget maintains operations without expansion of services. Over the prior year we have assumed responsibility for many of the programs and offerings of the Council on Aging. We also filled the Municipal Facilities Manager position which was included in last year's budget. Departmental requests and expense accounts were kept at bare minimum levels. The Finance Committee recognizes the need to be frugal, but we also understand that the town will not be able to sustain ongoing operations without some investment.

Public Safety

The police budget has been increased.

This is the year we will have fulfilled the objectives of the override. We will have a full complement of officers, including our first K9 drug sniffing dog.

Health Care

Group health insurance has had a sixth straight year of relative stability after a period of volatility. Our insurance trends continue to be favorable, more favorable than many of our surrounding communities. The Town Administrator and Treasurer monitor the monthly expenditures and trust fund balances. The health care trust funds reserve policy calls for three month's reserve or \$1.6 million.

Education

The Bourne School Department's budget is increased by \$290,000 from FY13. The schools are the single largest department in town and the Finance Committee commends the Superintendent for his open budget process. The Bourne School budget meets the minimum requirements for Foundation Budget and Net School Spending set by the State.

The Upper Cape Cod Regional Technical School's budget is \$373,000 higher than last year. The number of students Bourne sent to the school is a total of 138 students for FY14.

Our educational system is by many standards underfunded, even though we are spending more than the state-mandated foundation level. If class sizes increase we may be in default of our moral responsibility to provide a standard of education which provides our students the opportunity to compete in an ever more complex world market. Our parents are making up the difference for sports and other extra-curricular activities in order to provide enrichment activities we cannot fund. We need to continue to prepare our children for the technology-enabled society they will enter.

Reserves and Fiscal Policy

Our fiscal policy is well documented and has guided the Town for several years. We have been the beneficiaries of improvements in process, procedure and efficiency in the Town's departments which result in turn-backs to Free Cash at the end of the fiscal year. We have added these savings to our reserves but can no longer depend on large turn-backs to augment our reserves, as we have budgeted expenses closely. While we have reserves at the Town's policy level, and the numbers seem quite large, it bears reminding that we could spend down all our reserves in 2-3 years time if we used them to cover the cost of a full complement of services. The reserves help sustain us, as they have in this budget, but they cannot be an ongoing substitute revenue source.

A summary of the Town's reserve accounts and their associated policy guidelines follows:

- Certified Free Cash policy is for 5% of the General Fund operating budget and is usually certified only at the end of each fiscal year by the Department of Revenue.
- Stabilization Fund – policy calls for 7% of the operating budget. This is a “rainy-day” fund which requires a vote of 2/3 of Town Meeting to spend money from this fund.
- Capital Stabilization Fund – a relatively new fund established to reserve cash for future capital expenditures. Its primary funding source has been ISWM Host Community Fees.
- Employer Health Insurance Trust Fund – policy is to have either four (4) months of average costs or no less than \$1.6 million.
- Overlay Reserve – a reserve fund for tax abatements and exemptions which is established and controlled by the Assessors. It is based on an analysis of historic data and specific circumstances such as a recent property revaluation.
- Reserve Fund – an annual Reserve Fund to be spent under the authority of the Finance Committee for unexpected and unforeseen budget needs. For FY14 this is \$250,000, which is the amount the Town has historically put in this fund.

Capital Expenditures

According to our Fiscal Policy, the Town is required to establish and maintain a five year capital improvements plan and to develop capital financing strategies consistent with our fiscal policies. The Capital Outlay Committee has continued its hard work over the last year, working to deliver on the Municipal Facilities Plan for the Town. The plan is the basis for the capital recommendations in the FY14 budget is a model for this type of planning in the town, resulting in well-thought out recommendations. The current year's plan and the long-term capital plan can be found in your handbook.

This year's recommendations for capital spending come after exhaustive study by our Capital Outlay Committee. The recommendations include normal replacement items and a new DPW facility. A full report by the Capital Outlay Committee will be made at Town Meeting. The committee has worked to identify funding sources other than new borrowing in order to make the best use of all available dollars.

ISWM

The Integrated Solid Waste Management (ISWM) operation is a regional landfill and transfer center. It benefits the Town by paying for the pickup and disposal of our household trash, curbside recycling collection, the cost of the recycling center at the landfill, and disposal of hazardous materials and waste generated by our DPW. Additionally, ISWM pays the Town a Host Community Fee based on the tonnage flowing through the gate.

The ISWM business continues to be challenging due to the economy. However there is expected to be a \$125,000 increase in the Host Community Fee, to \$600,000.

Community Preservation Act

The Town adopted the CPA at its April, 2005 election, replacing the Open Space Act and allowing the Town to receive matching state funds based on a 3% tax levy surcharge. The provisions of the CPA allow money to be allocated to open space, historic preservation, affordable housing and recreation. This year we anticipate revenue of \$1.4M from the tax levy surcharge and State matching funds.

Under the CPA a Community Preservation Committee has been formed and has made the recommendations found in the chart in the Voter's Handbook.

The Finance Committee met with the Community Preservation Committee and reviewed sixteen projects for Community Housing, Historic Preservation and Open Space.

Long Term Plans

The Finance Director and Town Administrator have been working with the Finance Committee since FY05 to establish and refine a long term financial plan. The Long Term Financials in the Voter's Handbook is one piece of the long term planning puzzle. The Capital Outlay Committee's work to establish our needs, priorities, and funding sources is another piece of the puzzle. However, financial planning cannot be done in a vacuum and must include additional needs in the community, including personnel. A comprehensive plan will allow voters to see the effect of our debt service, structural deficits, changes in reserves, adjustments to the tax rate and state aid impacts.

The table below demonstrates what will happen to the Town's finances if we attempt to maintain the status quo. It assumes we maintain the same level of revenue increases as we have historically shown, assumes no overrides, and assumes our contracted personnel costs maintain their increases. It does not allow for expansion of any services, nor does it provide for capital spending. This is but one projection of the future – the Finance Committee, in conjunction with the Finance Director, Town Administrator, and Board of Selectmen, have reviewed other long range projections with differing assumptions.

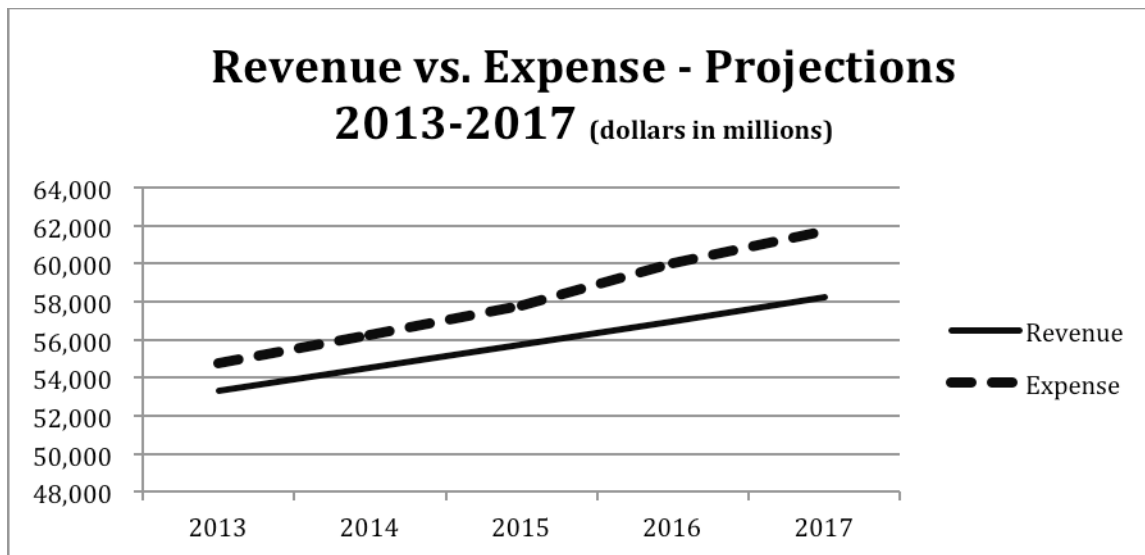


Figure 5 – Budget Projections Based on FY2013 Budget

As can be seen, we cannot maintain our current level of spending (the dotted line) with the current revenue levels (solid line). We look forward to continuing the work with the Board of Selectmen and Town Administrator in the development of a long term plan and addressing the future funding needs of the Town.

Summary

The Town of Bourne has benefitted from the prior years of fiscal prudence. This budget allows us to maintain services, while remaining sustainable. Despite this good news, we face the retirement in coming years of long-term personnel, and must plan for an orderly transition before they leave, taking their institutional knowledge with them. There is also a pressing need in multiple departments to provide additional staff in order to provide the level of service we as residents demand.

The Town has benefitted from professional financial management. This has allowed us to weather the declines in state aid and a poor economy, while starting to address long-standing needs in the Town.

Respectfully submitted,

The Finance Committee, Town of Bourne

SOME ABC'S ABOUT TOWN MEETING

THE PLAYERS

As you face the front of the auditorium, you see before you 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 and behind him is the Town Clerk and staff who record the proceedings. Seated from left to right: Finance Committee; School Committee; Planning Board; Town Administrator and Board of Selectmen; and, Town Counsel.

WHO MAY VOTE

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

THE QUORUM

One hundred twenty five (125) voters present constitute a quorum required for commencing the business of Town Meeting.

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 Selectmen, 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 and invocation, the Moderator reviews the basic rules under which the meeting will be conducted. Special Resolutions are presented and acted upon. The Moderator then proceeds with the reading of the first article, invites motions, discussion and vote. This procedure is followed for each article until the warrant has been completed. If necessary, due to time constraints, additional meetings will be scheduled. With certain exceptions, the order of articles is determined by random draw.

MOTIONS

When an article reaches the floor, the Moderator will usually ask if the Finance Committee has a recommendation and a motion 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 report and 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 Finance Committee 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 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.

VOTING

Generally, after appropriate motion and discussion, if any, the Moderator will call for a voice vote. If he is not clear as to which response constitutes a majority, he will call for a standing vote, which will be counted by designated checkers. On votes requiring other than a majority, if the result is not unanimous, a standing vote is required. On certain occasions, a secret ballot may be taken if requested by at least 15 voters.

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 may be helpful:

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 both into and from the Stabilization Fund requires a 2/3 vote.

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 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.

STATEMENT OF THE MODERATOR TOWN MEETING PROCEDURES

1. At the beginning of the meeting the Moderator designates rows of seats in the left rear section of the auditorium for seating of *non-voters*. 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. We respectfully request that children under age 6 not be brought 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 rise and be first recognized by the Moderator. If a person is physically challenged, please so advise the Moderator, and the tellers will provide a portable microphone so that person can speak from his/her seat.
4. Large print town meeting handbooks are available for individuals with limited eyesight. Individuals with hearing difficulty need to contact the selectmen’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. 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.
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 removed from the meeting by the Sergeant-at-Arms or a Constable and held until the conclusion of the meeting.
7. The meeting is video taped by the local cable television company for later re-broadcast on the local cable access channel.
8. There is a stenographer keeping an official written transcript of the meeting.

9. 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 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.

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 article. An amendment may consist of adding, deleting, or substituting words in the motion. It may take the form of a "motion to substitute" 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 on the Warrant, that 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 an 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 article. On the other hand, a motion to change the word "feat" (a misspelling) to "feet" will generally be allowed.

12. Pursuant to Bourne Town Bylaw, notice of intention to reconsider action on an article may only be given *within one hour of continuous meeting time*. Depending on the hour the 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.

13. Because it is a matter of long time custom and practice in the Town of Bourne, the Moderator will not allow 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*.

14. 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.

15. 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 video-taped by the local cable access 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.

16. Most articles in the town meeting warrant are drawn by lottery. Because of this, voters interested in a particular article do not know when that article will be drawn, sometimes making it difficult to take even a bathroom break during the 3+ hour meeting. Because of this, the Moderator may call one or more brief recesses during the meeting to allow voters (and the Moderator, too!) to take a brief break.

17. Persons running for public office, and their supporters, and persons distributing literature promoting action on a warrant article or other matter of public interest, must remain not less than 50 feet from the outside entrance to the auditorium, except when they themselves are entering the town meeting for the purpose of attending the meeting, or when they are actually in attendance at the meeting.

18. If the Moderator determines that an article in the warrant is seeking a sense of the meeting on a matter, the Moderator will treat the article as a 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.

Thank you for attending Town Meeting!

Robert W. Parady, Esq.
Town Meeting Moderator

Special Town Meeting Articles

ARTICLE 1: To see if the Town will vote to appropriate a sum of money for the purpose of the payment of **unpaid bills** from a previous year that are legally unenforceable due to the insufficiency of appropriation or take any other action in relation thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

This article is a general housekeeping article that needs the approval of Town Meeting in order for the listed vendors to be paid. The bills submitted arrived after the Town's books were closed for that given fiscal year. The bill is for a total of \$345.00. Town Meeting approval requires an affirmative 9/10th vote for this bill to be paid.

The Finance Committee voted unanimously (8 to 0) to recommend approval of the article

ARTICLE 2: To see if the town will vote pursuant to G. L. Ch. 60, s. 15 to set the demand fee from the current fee of Five (\$5.00) to fee in the amount of Fifteen (\$15.00) Dollars as issued by the Town Collector to be added to and collected as part of the tax, with the **new fee of Fifteen (\$15.00)** to be effective July 1, 2013, or to take any other action related thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

A demand fee is a charge assessed to a taxpayer who has not paid a tax within the due date to offset the cost of sending a subsequent billing. The taxpayer will also be responsible for additional interest which is added to the original amount due. General Law Chapter 60, Section 15 allows a town to charge up to \$30.00 for additional billing.

The Finance Committee voted unanimously (8 to 0) to recommend approval of the article.

ARTICLE 3: To see if the Town will vote to appropriate a sum of **money to provide for wage, salary and other contractual adjustments for certain collective bargaining units and employees** of the Town of Bourne the Fiscal Year's 2011 and 2012 or take any other action in relation thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

This article provides funding for retroactive pay increases as agreed upon in collective bargaining contracts.

The Finance Committee voted unanimously (8 to 0) to recommend approval of the article

ARTICLE 4: To see if the Town will vote to **transfer a sum of money between the salary and wage** and expense portions of various Fiscal Year 2013 appropriations, or take any other action in relation thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

This article adjusts a variety of line items in the FY13 budget. It does not change the total amount appropriated for FY13, it moves money among line items between departments. This adjustment requires Town Meeting approval.

The Finance Committee voted (8-0) to recommend approval of this article.

ARTICLE 5: To see if the Town will vote to appropriate a sum of money for the purpose of accepting proceeds from insurance for a loss at the Department of Integrated Solid Waste Management and to meet this appropriation to transfer said sum from the **insurance recovery fund**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

This article appropriates the insurance proceeds received from the loss of a 2000 Caterpillar 25 ton excavator at ISWM. The unit caught fire and was deemed a total loss by the insurance company. Appropriation of the insurance proceeds is required so the funds can be applied towards the replacement of the equipment.

The Finance Committee voted unanimously (8 to 0) to recommend approval of the article

ARTICLE 6: To see if the Town will vote to appropriate a sum of money for the purpose of **emergency repairs** in the Sagamore Beach area, or take any action in relation thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

This article allows us to pay for the emergency repairs at the public beach and parking areas in Sagamore Beach village. There was erosion of the beach and damage of the parking area.

The Finance Committee voted unanimously (8-0) to recommend approval of this article.

ARTICLE 7: To see if the Town will vote to appropriate a sum of money for the **CMED Operation Dispatch System**, or take any action in relation thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

This article requests an appropriation in the amount of (\$) 8,876.16 for the CMED Operation Dispatch System. In past fiscal years, this communication system between our town ambulances and hospitals was provided and paid for by the Barnstable County Sheriff's Department. Due to their budget cuts, they no longer provide this service for free. This is an essential communication service that must be provided.

The Finance Committee voted unanimously (7 to 0) to recommend approval of this article.

ARTICLE 8: To see if the Town will vote to **transfer the funds entitled ISWM Future Solid Waste Reserve** from the ISWM Enterprise fund into a Future Solid Waste Stabilization Fund.

Sponsor – Board of Selectmen

Finance Committee Recommendation

The ISWM Future Solid Waste Reserve Fund was established by the Board of Selectman to help defray the cost of solid waste disposal after ISWM closes. This article transfers the funds held in the reserve fund to a new stabilization fund with the same purpose.

The Finance Committee voted unanimously (8 to 0) to recommend approval of the article

ARTICLE 9: To see if the Town will vote to authorize the Town Administrator to enter into an employment contract with the **Public Works Facilities Director**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

The town must authorize the Town Administrator to enter into agreements with senior management, as has been done with the Human Resource Director.

The Finance Committee voted unanimously (8 to 0) to recommend approval of the article

ARTICLE 10: Whereas, Massachusetts Emergency Management Agency (MEMA) Director Kurt Schwartz has acknowledged that Cape residents and visitors are “in harms way” in the event of a radiological accident at the **Pilgrim Nuclear Power Station in Plymouth;**

Whereas MEMA has determined that Cape Cod residents and visitors will not be evacuated but plans to relocate Cape citizens after exposure to dangerous radioactive materials released in an accident;

Whereas citizens of the Town of Bourne find this State response to Pilgrim’s threat to our health and safety unacceptable and in violation of the public trust;

Therefore, be it resolved that we the people of Bourne respectfully request the Governor of the Commonwealth to call upon the Nuclear Regulatory Commission to uphold their mandate to shut Entergy’s Pilgrim Nuclear Power Station in Plymouth because the public safety, particularly Cape Cod and Island residents and visitors cannot be assured.

Sponsor – Margaret Stevens and others

The Finance Committee voted unanimously not to take a position on this article.

ARTICLE 11: To see if the Town will vote to appropriate a sum of money from the proceeds of the **Cable TV Contract** paid to the Town by Comcast, or take any other action relative thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

The purpose of this article is to move the \$95,000.00 that was reimbursed by Comcast upon the execution of the new contract to free cash.

The Finance Committee voted unanimously (8 to 0) to recommend approval of the article

**ANNUAL TOWN MEETING
MONDAY, MAY 6, 2013**

ARTICLE 1: To see if the Town will vote the following **regularly required authorizations** or actions, or take any other action in relation thereto.

Sponsor – Board of Selectmen

a. Assumption of liability in the manner provided by Section 29 and 29A of Chapter 91 of the General Laws, 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, (including the Merrimack and Connecticut Rivers) in accordance with Section II of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth, and further to assume liability pursuant to Section 1 of Chapter 814 of the Acts of 1972.

b. That the Selectmen may contract with the Massachusetts Department of Public Works and the County Commissioners for the construction and maintenance of public highways for the ensuing year.

c. Authorize the Board of Selectmen from time to time to apply for, receive, and expend assistance funds under the Federal and State Small Cities Program of the Department of Housing and Urban Development as from time to time amended, to be used for such projects as the Selectmen in their discretion shall deem necessary, and proper, and to do such acts and enter into such contracts as may be necessary, proper or desirable to obtain such aid.

d. Pursuant to the provisions of Section 12 of Chapter 30B of the Massachusetts General Laws, as amended and supplemented, to authorize the Town of Bourne to enter into contracts in excess of three years' duration for school bus transportation and for the lease or lease-purchase of equipment, subject to appropriation and all other approvals as may be required by law with respect to any particular such contract.

e. Authorize the Treasurer and the Town Collector, pursuant to Chapter 44, Section 53F, Massachusetts General Laws, as amended and supplemented, with the approval of the Board of Selectmen, to enter into agreements for periods not to exceed three years with banking institutions to maintain deposits in exchange for banking services.

f. Authorize the Board of Selectmen, pursuant to Chapter 44, Section 72, Massachusetts General Laws, as amended and supplemented, 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.

Finance Committee Recommendation

This article comes before town meeting each year and is a housekeeping article. State law requires us to vote on these authorizations each year. This article authorizes various town officials to take certain actions such as enter into contracts, agreements, apply for grants and take other actions that are necessary to conduct the town's business.

The Finance Committee voted unanimously (9 to 0) to recommend approval of this article.

ARTICLE 2: To see if the Town will vote to fix the **salaries and compensation of all elected officials** of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws as amended, and raise and appropriate a sum of money therefore, or take any other action in relation thereto.
Sponsor – Board of Selectmen

The Finance Committee Recommendation will be made at Town Meeting

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to defray the **regular annual expenses** of the Town, or take any other action in relation thereto.
Sponsor – Board of Selectmen

The Finance Committee Recommendation will be made at Town Meeting

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 **Sewer Department**, or take any other action in relation thereto.
Sponsor – Board of Sewer Commissioners

Finance Committee Recommendation

The proposed budget basically level funds the department except for relatively slight increase in equipment costs and legal fees.

The Finance Committee voted unanimously (9 to 0) to recommend approval of the article

ARTICLE 5: 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 for the construction, reconstruction and improvement on all approved public ways 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 D.P.W. Superintendent, with the approval of the Board of Selectmen, or take any other action in relation thereto.

Sponsor - D.P.W. Superintendent

Finance Committee Recommendation

Each year the governor's budget appropriates Chapter 90 funds for distribution among the cities and towns in Massachusetts. This local aid is earmarked for maintaining safety and accessibility for roads and bridges within the Commonwealth. Because the dollar amount varies from year to year, we must vote to allow our Department of Public Works to spend the appropriation at the Annual Town Meeting.

The Finance Committee voted unanimously (9-0) to recommend approval of this article.

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

Sponsor - Board of Selectmen

Finance Committee Recommendation

Each year the Town establishes a Reserve Fund to provide for unforeseen but necessary expenses. These monies are spent only with the approval of the Finance Committee and any balance at the end of the year is returned to the Town's General Fund.

The Finance Committee voted unanimously (9-0) to recommend approval of this article.

ARTICLE 7: 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 - Board of Selectmen

Finance Committee Recommendation

This article approves the operating budget of ISWM for the coming year including the ISWM Operational Budget, Salaries and Wages, Host Community Fee, the ISWM Reserve Fund and the General Fund Administration Fees. The ISWM budget includes the costs associated with the disposal of the town's municipal solid waste and the residential drop off center. In addition, ISWM will continue to pay for curbside trash pickup and curbside recycling.

The Finance Committee voted unanimously (9 to 0) to recommend approval of the article

ARTICLE 8: To see if the Town will vote under authority of M.G.L., Chapter 44, Section 53E ½ to establish **Revolving Funds** to be known as described below, or take any other action in relation thereto.

Sponsor – Board of Selectmen

#	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY 2014 Spending Limit
1	Recreation Programs Fund	Recreation Department with the approval of the Town Administrator	All fees charged for all programs run by the Recreation Department	Purchase & Acquire recreational equipment and materials and part-time seasonal staff to facilitate seasonal recreational programs	\$ 90,000.00
2	Shellfish Propagation Fund	Department of Natural Resources with the approval of the Town Administrator	Fees for commercial shellfish licenses	Part-time salaries & expenses related to the propagation, cultivation, protection & study of shellfish	\$ 30,000.00

3	Transportation Revolving Fund	School Department with the approval of the School Committee	Fees for transportation services	To pay for transportation fees	\$ 75,000.00
4	Public Library Book Fund	Library with the approval of the Town Administrator	Fines & Fees received from overdue, lost, damaged materials	To purchase additional library books and materials	\$ 20,000.00
5	COA Supportive Day/Bridging the Years	COA with the approval of the Town Administrator	Fees from and for Clients for Program Services	To pay for services and expenses related to providing supportive day programs	\$ 100,000.00
6	COA Programs	COA with the approval of the Town Administrator	Fees & Charges from COA classes and programs	To pay the instructors and expenses of programs offered.	\$ 100,000.00
7	Community Building Rental fund	Community Building director with the approval of the Town Administrator	Fees from renting the building	To pay part time salaries and expenses related to the extra hours used for the rental of the building	\$ 10,000.00
				Total Spending	\$ 425,000.00

Finance Committee Recommendation

Revolving funds are created to allow certain departments to raise specific funds to be appropriated without further town meeting action. The law is very explicit as to how this is done, and it requires that the funds be reauthorized every year in order to be sure that each fund is being used as intended. This fiscal year the number of Revolving Fund Accounts have been reduced from nine (9) to seven (7). The After School Activity Revolving Fund and Composting Bins Revolving Fund have been eliminated. Spending limits for six of the seven accounts remain the same as last fiscal year. The revolving fund for the Council on Aging Programs is being recommended for a spending limit increase from 50,000 dollars to 100,000 dollars.

The Finance Committee voted 8 to 1 to recommend approval of this article.

See Appendix "C" Supporting Information Page 87

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding **capital improvements and capital projects**, or take any other action in relation thereto.

Sponsor – Capital Outlay Committee

CAPITAL OUTLAY REPORT 2014					
ITEM	DEPART.	PROJECT DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
1	Police Dept	Cruisers	\$ 159,400.00	Ch 44, Sec 7(9)	Borrowing
2	Police Dept	Cruiser Computers	\$ 21,695.00		Free Cash 2,791.37. Transfer 447.43 from Art. 10-9 Technology Plan Upgrade of May 2010 ATM , 3,543.31 from Art 10-7 Technology Plan Upgrade of May 2011 ATM , 10,149.87 from Art 10-10 Peebles Heating System Upgrade of May 2011 ATM, 1,254.00 from Art. 9-15 School Maintenance Truck May ATM 2012, 1,552.98 from Art 10-10 DPW Dump/Sander of May 2010 ATM , 376.01 from Art 10-2 Police Cruisers of May 2011 ATM, 1,580.03 from Art 10-5 Fire Rescue Vehicle of May 2011 ATM.
3	Police Dept	Portable Radios	\$ 35,400.00	Ch 44, Sec 7(9)	Borrowing
4	Fire Dept	Ambulance 133	\$ 245,000.00	Ch 44, Sec 7(9)	Borrowing
5	Fire Dept	Car 141 Replacement	\$ 45,000.00	Ch 44, Sec 7(9)	Borrowing
6	Fire Dept	Laptops	\$ 15,000.00		Transfer 2,079.00 from Art 10-10 Peeble Heating System Upgrade of May 2011 ATM , 5,471.00 from Art 9-29 BOH Pick up Truck of May 2012 ATM , 7,450.00 from Art 9-28 Estuaries Project of May 2012 ATM
7	Fire Dept	Portable Radios	\$ 30,000.00		Transfer 30,000.00 from Art 9-28 Estuaries Project of May 2012 ATM
8	Fire Dept	Equipment Grant Match	\$ 50,000.00	Ch 44, Sec 7(9)	Borrowing
9	Natural Resources	Hen Cove Pier and Dinghy Dock Renovations	\$ 200,000.00	Ch 44, Sec 7(17)	Borrowing
10	Natural Resources	Install Security Cameras Taylors Pt and Monument Beach Marinas	\$ 20,000.00		20,000.00 from Art 9-28 Estuaries Project of May 2012 ATM

11	Bourne Schools	Technology Plan	\$ 214,000.00	Ch 44 Sec 7(28 & 29)	Borrowing 214,000.00.
12	Bourne Schools	Purchase/Replaced SPED Mini Bus	\$ 52,000.00		Free Cash 2,000.00. Transfer 50,000.00 from Art 21 Keith Field Electric Wiring Oct 2008 STM
13	Bourne Schools	Asbestos Abatement	\$ 110,000.00	Ch 44, Sec 7(31)	Borrowing
14	DPW	M2 1/2 Ton Pickup	\$ 33,000.00	Ch 44, Sec 7(9)	Borrowing
15	DPW	R1 Recycle Truck	\$ 140,000.00	Ch 44, Sec 7(9)	Borrowing from ISWM
16	DPW	T1 Dump/Sander Truck	\$ 145,000.00	Ch 44, Sec 7(9)	Borrowing
17	ISWM	5 Cubic Yard Wheel Loader	\$ 300,000.00	Ch 44, Sec 7(9)	Borrowing
18	ISWM	25 Ton Hydraulic Excavator	\$ 220,000.00	Ch 44, Sec 7(9)	Borrowing
19	ISWM	Phase IV Stage II Liner Construction	\$ 1,503,835.00	Ch 44, Sec 8(24)	Borrowing
20	Sewer	Sewer Grinder Pumps	\$ 62,000.00	Ch 44, Sec 7(9)	Borrow 54,800.00 Transfer 7,200.00 from Art 10u Sewer Control Panel Main St May 2008 ATM.
27	Shore & Harbor	Dredging Ramp & pier maintenance	\$ 95,000.00		Waterways 84,575.14. Transfer 10,000.00 from Art 1 DNR Survey Facilities Barlows Landing Rd Oct 2008 STM, 424.86 from Art 10-5 DNR Work Boat/skiff May 2010 ATM
28	Facilities Maintenance	Emergency Power Upgrades	\$ 437,762.00	Ch 44, Sec 7(9)	Borrow 410,000.00. ISWM Retained Earnings 19,682.00. Sewer Retained Earnings 8,080.00
			<u>\$ 4,134,092.00</u>		

Finance Committee Recommendation

This article requests the appropriation of \$4,134,092 for the FY14 Capital Improvement Budget recommendations of the Capital Outlay Committee. The items recommended in this article are those which have been deemed to have the highest priority. The recommendation and request for funds for the replacement of the DPW Facility is in a separate article.

More details and an explanation of the individual expenditures will be provided at Town Meeting.

The Finance Committee voted unanimously (8 to 0) to recommend approval of the article

ARTICLE 10: 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 - Board of Selectmen

Finance Committee Recommendation

This article will give Town Committees an opportunity to submit a report to Town Meeting.

The Finance Committee voted unanimously (9-0) to recommend approval of this article.

ARTICLE 11: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to **repair and resurface Cove Lane, Pocasset** pursuant to petitions submitted by abutters under Section 3.1.28 of the Town of Bourne Bylaws, said funds to be repaid to the Town through betterment assessments to abutters as provided in Section 3.1.28 of the Town of Bourn Bylaws and under Massachusetts General Laws, or take any other action in relation thereto.

Sponsor – Board of Selectmen

The Finance Committee Recommendation will be made at Town Meeting

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the cost of **planning, constructing, originally equipping and furnishing of a Department of Public Works facility** and ancillary space on town-owned land, including the payments of all costs incidental and related thereto, provided, however, that any authorized borrowing hereunder shall be contingent on passage of a vote at a regular or special Town election to exempt amounts required to pay any authorized bonds or notes from the provisions of Proposition 2 1/2, so-called, or take any action in relation thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

This article will authorize the town to borrow the necessary funds to construct a new DPW facility on town-owned land in Bournedale. The existing facility, built

in 1967, is in deplorable condition and long overdue for replacement. It is grossly inadequate to house, maintain and repair town-owned equipment. If left on its present site which is Phase 6 of the landfill, the town will lose two years of ISWM revenue in excess of \$22 million and two years of the Host Community Fee or \$1.2 million, which is used in funding the town's annual budget.

The Finance Committee voted unanimously(9-0) to recommend approval of this article.

ARTICLE 13: To see if the Town will vote to **rescind the authorization** for unissued debt that has been determined is no longer needed for the completion of various projects, or take any action in relation thereto.

Sponsor – Board of Selectmen

Debt Authorized & Unissued		
TOWN MEETING VOTE	PURPOSE	UNISSUED AUTHORIZATION
Article 28, 2003 ATM	New Elementary School Design & Construction	\$14,687,500.00
Article 10-19, 2011 ATM	ISWM Phase 4 Liner Construction	\$655,850.00
Article 9-20, 2012 ATM	ISWM Replace 826G Compactor	\$235,000.00
Article 9-21, 2012 ATM	ISWM Replace Cat 6R Dozer	\$95,000.00
	GRAND TOTAL	\$15,673,350.00

Finance Committee Recommendation

The purpose of this article is to rescind the authorization of debt as the projects were completed without having to use these funds.

The Finance Committee voted unanimously (9 to 0) to recommend approval of this article.

ARTICLE 14: To see if the Town will vote to raise and appropriate or transfer from available funds, or borrow a sum of money for the **Canal Centennial Committee**, or take any action in relation thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

The purpose of this article is to provide the sum of \$25,000.00 to the Canal Centennial Committee for the 100 anniversary of the Cape Cod Canal. These funds will primarily be used for public safety.

The Finance Committee voted unanimously (9 to 0) to recommend approval of this article.

ARTICLE 15: To see if the Town will vote to **close out and transfer available balances** in previous Town Meeting Articles whose purposes have been satisfied or take any other action in relation thereto.

Sponsor – Board of Selectmen

	ARTICLE DESCRIPTION		Balance	Return To
0				
	Community Preservation Articles			
1	Land Bournedale 2.2 Acres 199 Herring Pond	Article 2 of STM May 2011	\$54.75	Open Space
2	Sagamore Property Site Assessment	Article 13i of ATM May 2006	\$300.00	Community Housing
3	Affordable Housing Specialist	Article 26a of ATM May 2010	\$12,695.24	Community Housing
4	Upgrade Electric Continental Apartments	Article 26b of ATM May 2010	\$ 6,971.90	Community Housing
	Upgrade Electric Continental Apartments	Article 26b of ATM May 2010	\$13,966.00	Undesignated Fund Balance
5	Clark Multi Use Field	Article 14i of ATM May 2008	\$1,250.00	Undesignated Fund Balance
6	Preservation 19th Century Town Records	Article 33b of ATM May 2007	\$3,127.35	Historic
7	Library Repairs	Article 16 of STM Oct 2008	\$17,275.00	Historic
8	Move Memorial Stones to Town Hall	Article 18 of STM Oct 2008	\$16,050.00	Historic
9	Restore Aptucxet Trading Post	Article 18 of STM Oct 2008	\$29,611.10	Historic
10	Replace Window School	Article 20c of		Undesignated

	Admin Bldg	ATM May 2011	\$939.72	Fund Balance
11	Cataumet Schoolhouse	Article 20e of ATM May 2011	\$360.00	Historic
12	Roof Replace School Admin Bldg	Article 13m of ATM May 2012	\$13,228.94	Historic
13	Restore Fire Station Clock	Article 13g of ATM May 2012	\$220.32	Historic
			\$116,050.32	TOTAL

Finance Committee Recommendation

The purpose of this article is to close out a number of old Community Preservation articles where the project has been completed and available funds are still outstanding.

The Finance Committee voted unanimously (8 to 0) to recommend approval of this article.

ARTICLE 16: To see if the Town will vote to authorize the Board of Selectmen to grant to the United States of America, its successors and assigns, an easement for twenty-five years in, on, over, and across **Williams Avenue, Lake Drive, and Lake Drive Extension**, for use by the United States, its representatives, agents, contractors, and assigns, as a work area for environmental investigation and response, together with the right of ingress and egress on, over and across the adjacent lands of the owner(s) herein, in order to facilitate the Government's access to and use of the easement land for the purposes listed herein to wit: the right to store, move, and remove equipment and supplies; investigate, collect, and remove samples; install, construct, operate, maintain, alter, repair, patrol, inspect and remove six (6) groundwater monitoring wells and appurtenances thereto and other devices for the monitoring and treatment of contamination in water, soil, and air; and perform any other such work as may be necessary and incident to the Government's use for the Army Environmental Center (AEC) MMR Impact Area Groundwater Program; together with the right to trim, cut, fell, and remove therefrom certain trees, underbrush, obstructions and other vegetation, or obstacles within the limits of the right-of-way; subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; reserving, however, to the owner(s), it's heirs, executors, administrators, successors and assigns, all such right, title, interest and privilege as may be used and enjoyed without interfering with or abridging the rights and easement hereby acquired.

Sponsor – Board of Selectmen

Finance Committee Recommendation

The purpose is to allow access for the Army Environmental Center to place equipment and perform all necessary activity related to ground water monitoring.

The Finance Committee voted unanimously(9-0) to recommend approval of this article.

ARTICLE 17: To see if the Town will vote to authorize the Board of Selectmen to grant to the United States of America, its successors and assigns, an easement for twenty-five years in, on, over, and across **Albert Road, Williams Avenue, and Mundo Road**, for use by the United States, its representatives, agents, contractors, and assigns, as a work area for environmental investigation and response, together with the right of ingress and egress on, over and across the adjacent lands of the owner(s) herein, in order to facilitate the Government's access to and use of the easement land for the purposes listed herein to wit: the right to store, move, and remove equipment and supplies; investigate, collect, and remove samples; install, construct, operate, maintain, alter, repair, patrol, inspect and remove three (3) groundwater monitoring wells and appurtenances thereto and other devices for the monitoring and treatment of contamination in water, soil, and air; and perform any other such work as may be necessary and incident to the Government's use for the Army Environmental Center (AEC) MMR Impact Area Groundwater Program; together with the right to trim, cut, fell, and remove therefrom certain trees, underbrush, obstructions and other vegetation, or obstacles within the limits of the right-of-way; subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; reserving, however, to the owner(s), it's heirs, executors, administrators, successors and assigns, all such right, title, interest and privilege as may be used and enjoyed without interfering with or abridging the rights and easement hereby acquired.

Sponsor – Board of Selectmen

Finance Committee Recommendation

The purpose is to allow access for the Army Environmental Center to place equipment and perform all necessary activity related to ground water monitoring.

The Finance Committee voted unanimously(9-0) to recommend approval of this article.

ARTICLE 18: To see if the Town will vote to authorize the Board of Selectmen to grant to the United States of America, its successors and assigns, one or more easement(s) for twenty-five years in, on, over, and across **County Road**, for use by the United States, its representatives, agents, contractors, and assigns, as a work area for environmental investigation and response, together with the right of ingress and egress on, over and across the adjacent lands of the owner(s) herein, in order to facilitate the Government's access to and use of the easement land for the purposes listed herein to wit: the right to store, move, and remove equipment and supplies; investigate, collect, and remove samples; install, construct, operate, maintain, alter, repair, patrol, inspect and remove one(1) groundwater monitoring well and appurtenances thereto and other devices for the monitoring and treatment of contamination in water, soil, and air; and to install, construct, operate, maintain, alter, repair, patrol, inspect and remove up to two (2) additional wells if the United States determines a program need; and perform any other such work as may be necessary and incident to the Government's use for the Army Environmental Center (AEC) MMR Impact Area Groundwater Program; together with the right to trim, cut, fell, and remove there from certain trees, underbrush, obstructions and other vegetation, or obstacles within the limits of the right-of-way; subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; reserving, however, to the owner(s), it's heirs, executors, administrators, successors and assigns, all such right, title, interest and privilege as may be used and enjoyed without interfering with or abridging the rights and easement hereby acquired.

Sponsor – Board of Selectmen

Finance Committee Recommendation

The purpose of this article is to allow access for the Army Environmental Center to place equipment and perform all necessary activity related to ground water monitoring.

The Finance Committee voted unanimously(9-0) to recommend approval of this article.

ARTICLE 19: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, eminent domain, or otherwise or receive by gift a certain **parcel of land situated in Sagamore Beach**, Barnstable County, Massachusetts, approximately 10.95 acres in area as shown on a plan of land a copy of which is on file at the office of the Town Clerk, for the purposes set forth in Massachusetts General Law Chapter 44B (Massachusetts Community Preservation Act) as amended; and to raise and appropriate, borrow or transfer from available funds a

sum of money for such acquisition including costs incidental and related to such acquisition; and to further authorize the Board of Selectmen and the Open Space Committee to take all acts necessary to implement this vote; and said funds are to be spent under the direction of the Community Preservation Committee, or take any other action in relation thereto.

Sponsor: Community Preservation Committee

The Finance Committee Recommendation will be made at Town Meeting

See Appendix “C” Supporting Information Page 81

ARTICLE 20: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, eminent domain, or otherwise or receive by gift a certain **parcel of land situated in Buzzards Bay**, Barnstable County, Massachusetts, approximately 3.98 acres in area as shown on a plan of land a copy of which is on file at the office of the Town Clerk, for the purposes set forth in Massachusetts General Law Chapter 44B (Massachusetts Community Preservation Act) as amended; and to raise and appropriate, borrow or transfer from available funds a sum of money for such acquisition including costs incidental and related to such acquisition; and to further authorize the Board of Selectmen and the Open Space Committee to take all acts necessary to implement this vote; and said funds are to be spent under the direction of the Community Preservation Committee, or take any other action in relation thereto.

Sponsor - Community Preservation Committee

The Finance Committee Recommendation will be made at Town Meeting

See Appendix “C” Supporting Information Page 82

ARTICLE 21: . To see if the Town will vote to amend **Article 3.10 Solid Waste Management** of the Town Bylaws by making the following changes or take any other action thereto:

Under Section 3.10.2:

Plastics- delete the words “and vinyl siding”.

Yard Wastes – Delete the current wording: “Leaves, garden waste, lawn clippings, weeds, hedge clippings and tree and brush prunings under two (2) inches in diameter and under six (6) feet in length”.

and substitute in its place; “Leaves, garden waste, lawn clippings, weeds, hedge clippings, tree and brush prunings and stumps.”

Electronic Devices – Delete the current wording: “Television sets, VCR’s, computers, radios and other electronic devices, including ni-cad and metal hydride batteries.”

And substitute in its place: “Television sets, VCR’s, computers, radios and other electronic devices, including rechargeable batteries such as ni-cad, lithium, lead-acid and metal hydride batteries. Lithium sulfur dioxide batteries are not accepted.”

Add the following new definition:

“Metal – Any discarded items that are predominately metal including tire rims, gas grills, bed frames and appliances.”

Delete the current Section 3.10.4 Leaf and Yard Waste Composting Program in its entirety and substituting the following new Section 3.10.4:

“All leaves and yard waste, whether collected at curbside or brought to the Residential Recycling Center will be composted or otherwise diverted and shall not be disposed of as solid waste.

Any person who has an approved Residential Recycling Center Sticker may bring leaves, yard waste and tree or brush pruning’s into the composting area free of charge.”

Sponsor – Bylaw Committee

Finance Committee Recommendation

The purpose of this Article is to provide language that will more appropriately define items that are disposed at the ISWM Landfill as well as indicate specific items that will not be accepted for disposal.

The Finance Committee voted unanimously (9-0) to recommend approval of this article.

See Appendix “C” Supporting Information Page 83

ARTICLE 22: To see if the Town will vote to amend the **Town of Bourne Bylaws** by adding a new Section, **Section 1.1.11 Two-thirds Votes** to read as follows, or act anything in relation thereto:

Section 1.1.11

Two-thirds votes: If a two-thirds vote of the Town Meeting is required by statute a count shall not be taken unless it is deemed necessary in the discretion of the Moderator. Notwithstanding the foregoing, if a two-thirds vote so declared by the Moderator is immediately questioned by seven or more voters, the Moderator shall verify it by polling the voters or by dividing the meeting.

Sponsor – Bylaw Committee

Finance Committee Recommendation

This is a proposed new bylaw to be added to Section 1.1.1 Annual Town Meeting and Election. This article states that if a two thirds vote is required by statute, a count shall not be taken unless it is deemed necessary by the Moderator. When a count is not taken by the Moderator that decision, if immediately questioned by seven or more voters, the Moderator shall verify the count by polling the voters or by dividing the meeting.

The Finance Committee voted unanimously (8-0) to recommend approval of this article.

ARTICLE 23: To see if the Town will vote to amend the Town of **Bourne Bylaws Section 1.1.5 Reconsideration**, in Article 1.1 Town Meetings, by adding the following new language at the end of the current Section 1.1.5, to read as follows:

“Reconsideration may only be moved or requested by a voter who voted on the prevailing side of the original vote on the main motion. No vote on a main motion, after being once passed at a meeting, shall be reconsidered at the meeting or at an adjournment thereof, except by a two-thirds vote. If the motion to reconsider is defeated, a motion to reconsider the vote on that article may not be made again. A motion to reconsider may be denied by the Moderator, if, in the opinion of the Moderator, the motion made is arbitrary, capricious, or made as a parliamentary maneuver, and is totally lacking in a new or compelling reason to warrant reconsideration”, or act anything thereon.

Sponsor – Bylaw Committee

Finance Committee Recommendation

This article seeks to amend the current bylaw. The current bylaw states as follows:

Section 1.1.5

Reconsideration. No vote shall be reconsidered unless notice of intention to ask for reconsideration shall have been given within one hour of meeting time after the vote to which such notice relates has been announced.

The proposed changes as stated in the article above, would be added to the current bylaw. The changes to the bylaw would limit who may move or request reconsideration and would limit a motion to reconsider to one per article. Also, the changes to this bylaw would grant more authority to the Moderator to prevent arbitrary, capricious or parliamentary maneuvering.

The Finance Committee voted 7 to 1 to recommend approval of this article.

See Appendix “C” Supporting Information Page 83

ARTICLE 24: To see if the Town will vote to amend the Town of Bourne Bylaws Article 3.8 **Underground Storage Regulation**, Sections 3.8.3, 3.8.4 and 3.8.6 by deleting references to “527 CMR 9.24” and substituting in their place references to “527 CMR 9.05”, or take any action in relation thereto.

Sponsor – Bylaw Committee

Finance Committee Recommendation

This article simply revises the reference numbers in our Bylaw so that they match the number that the State is now using in its regulations.

The Finance Committee voted unanimously (8 to 0) to recommend approval of this article

See Appendix “C” Supporting Information Pages 84-85

ARTICLE 25: To see if the Town will vote to amend the Town of Bourne Bylaws by adding a new Section 3.1.43 **Downtown Blight and Vacant Buildings** to read as follows or act anything in relation thereto:

Sponsor – Bylaw Committee

Section 3.1.43 Downtown Blight and Vacant Building

- a. **Purpose and Intent:** The purpose of this bylaw is to help to protect the health and welfare of the residents of the Town of Bourne and to help promote Bourne’s Downtown by preventing and eliminating blight. The

existence of blighted or abandoned properties impacts property values and affects the reputation and neighborhood integrity.

b. Applicability: This bylaw applies to all blighted buildings, structures or parcels of land occupied, vacant or abandoned in the Downtown Zoning District as defined in the Town of Bourne Zoning Bylaw Section 2812, excluding the Downtown Neighborhood district (DTN).

c. Definitions: For the purpose of this section the following words, terms and phrases shall have the following meanings:

1. Blighted:

Shall mean any building, structure or parcel of land that contributes to unsanitary or unsafe conditions and is detrimental to the public health, safety, or welfare, prevents economic growth, or causes devaluation by reason of abandonment, dilapidation, deterioration, age or obsolescence, including properties with illegally dumped trash, graffiti, deterioration of site or other improvements, or the existence of conditions that endanger life or property by fire or other causes, or any combination of such factors.

2. Building:

A combination of any materials fixed to the ground and having a roof, enclosed within exterior walls, built to form a structure for the shelter of persons, animals or property.

3. Structure:

Shall mean anything erected at a fixed location on the ground, including but not limited to fences, signs, light poles, and towers.

4. Inspector of Buildings:

Inspector of Buildings of the Town of Bourne or his designee.

5. Owner:

A person or entity who, alone or severally with others who has legal or equitable title to any building or has care, charge or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or

i. is a tenant a legal right to possess an entire building; or

- ii. is a mortgagee in possession of any building; or
- iii. is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building; or
- iv. is an officer or trustee of an association of unit owners of a condominium or cooperative which contains a vacant building.

6. Abandoned or Vacant Building:

Any building which is not legally occupied, vacant, abandoned or not used for a period of at least forty-five (45) consecutive days.

7. Legally Occupied:

Occupied in accordance with the provisions of the Massachusetts State Building Code.

d. Registration:

Prior to or not more than seven (7) days after the building becomes vacant, the owners must register the building with the Inspector of Buildings on forms provided by the Inspection Department. All registrations must state the individual's name, phone number and mailing address as well as an emergency contact, if not the same. This registration must state if the property is vacant at the time of filing, and if so for how long. None of the required addresses shall be a Post Office Box. Once the building is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of lawful occupancy to the Inspector of buildings.

e. Maintenance requirements:

1. Properties subject to this bylaw shall be maintained in accordance with all applicable local and state Sanitary Codes, Building Codes and Fire Codes, in addition the exterior shall be maintained as not to appear; decayed, deteriorated, neglected or *dilapidated*.
2. The owner of a vacant building must promptly repair all broken windows, doors, other openings and any unsafe conditions at the

vacant building. Boarding up of open or broken windows and doors is prohibited except as a temporary measure for no longer than thirty (30) consecutive days, unless the Inspector of Buildings determines that, due to vandalism or security reasons and due to circumstances out of the owner's control, the proper boarding of windows and doors is necessary for a period of time longer than thirty (30) consecutive days. Boards or coverings must be fitted to the opening size and colored to blend with the existing building color scheme.

3. The owner must maintain the building and property for the duration of the vacancy or abandonment. The owner is responsible to maintain the condition of the building and property to appear not to be vacant. Upon notice by the Inspector of Buildings, any accumulated trash and/or graffiti shall be taken off or removed from the property within (7) days. The Inspector of Buildings is responsible for documenting all violations. The owner of any building vacant for a period exceeding six (6) months whose utilities have been shut off shall have those utilities removed or cut and capped to prevent accidents if deemed necessary by the Inspector of Buildings.
4. Compliance with this bylaw shall not relieve the owner of any applicable obligations set forth in any other bylaw, regulation, code, covenant conditions or restrictions and/or association rules and regulations. In case of a conflict with these rules and regulations, the stricter of the rules and regulations shall apply.

f. Maintenance Standards:

Buildings

1. All exterior components of every building and structure including but not limited to walls, roofs, chimneys, cornices, gutters, downspouts, drains, porches, canopies, awnings, steps, landings, fire escapes, exterior stairs, windows, shutters, and doors, shall be kept in sound condition and good repair, substantially free of deterioration, including but not limited to loose or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling or deteriorated paint.

2. Vacant or abandoned buildings and structures shall be maintained in compliance with this bylaw and be kept secure from use or occupation by unauthorized persons.
3. Overhanging structures, including canopies, awnings, exterior stairways, fire escapes, and other overhanging extensions shall be maintained in sound condition, good repair and be securely anchored.
4. All buildings and structures damaged by fire, explosion, weather or other cause shall be repaired and returned to their former condition or in compliance with this bylaw, or be razed within six (6) months unless granted an extension by the Inspector of Buildings.

Land, premises and landscape elements

5. Each owner or occupant shall keep premises and land, including but not limited to steps, walks, driveways, fences, retaining walls and vegetation, in good condition.
6. All steps, fences, retaining walls and landscape features shall be firmly anchored and maintained in good structural repair.
7. All premises shall be maintained substantially free from overgrowth of vegetation which constitutes a suitable habitat for vermin, otherwise poses a hazard to the health and safety of any person in the vicinity of the premises, or is so overgrown as to have a clear adverse affect on the value of surrounding properties.
8. Water shall not be permitted to continuously stagnate outside of any building or structure for more than ten (10) days except under natural conditions. Nothing in this subsection shall operate as a waiver or exception to any other law, rule or regulation for the storage or handling of water.

g. Investigation: The Inspector of Buildings shall undertake an investigation of any alleged violation of this bylaw upon his own initiative or upon receipt of a complaint from any individual, civic organization or other governmental agency.

h. Penalties and Enforcement: The Inspector of Buildings or his designated agents shall be responsible for the enforcement of all the

provisions of this bylaw and shall institute all necessary administrative or legal action to assure compliance. Any owner found to be in violation of this bylaw shall first receive: a written warning and a minimum seven (7) days to remedy all violations, prior to the institution of any enforcement action.

The Inspector of Buildings, acting on behalf of the Town of Bourne, may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this bylaw.

- i. **Violations.** Any person who fails to adhere to this bylaw after the seven (7) day warning shall be punished by a fine of \$50.00 dollars per day for (30) days thereafter \$100.00 per day for an additional (30) days, and thereafter \$200 per day until the violation is remedied.
- j. **Severability:** If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

Finance Committee Recommendation

This article seeks to address the problem of blighted or abandoned buildings, structures, and property in the commercial area of Buzzards Bay by adding a new section 3.1.43. This important and logical next step in the revitalization of Buzzards Bay is consistent with the enhancements recently completed. This would have an added, timely benefit of preparing the town to host many visitors expected to be in town to celebrate the Cape Cod Canal Centennial festivities in 2014. This is a thorough plan to remedy the villages nearly 40% blighted properties. It is well thought out, fair, and demonstrates community commitment to make the village a source of pride.

The Finance Committee voted unanimously (8to 0) to recommend approval of this article

See Appendix "C" Supporting Information Page 86

ARTICLE 26: To see if the Town will vote, upon recommendation of the Community Preservation Committee, to appropriate a sum of money for the

following Community Preservation Fund purposes, and to meet said appropriation, to transfer from available funds, or reserve from the FY2014 Estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action relative thereto:

Sponsor – Community Preservation Committee

Item	Sponsor	Project Description/Request	CPA Purpose	Community Preservation Committee Recommend
A	Open Space Committee	Phase 2: Improvements to Main St. Parcel \$135,000.00	Open Space	\$135,000.00 from Open Space Estimated Revenues
B	Open Space Committee	Updating the Open Space/Recreation Plan \$15,000.00	Open Space	\$15,000.00 from Open Space Estimated Revenues
C	Bourne Affordable Housing Trust	Building of two (2) Affordable homes \$110,000.00	Community Housing	\$110,000.00 from Community Housing Estimated Revenues
D	Bourne Affordable Housing Trust	Provide day-to-day staff support to the Housing Partnership; Affordable Housing Trust; assist the Town Planner when needed \$50,575.00	Community Housing	\$22,647.00 from Community Housing Estimated Revenues & \$27,928.00 from Community Housing Reserves
E	Bourne Affordable Housing Trust	Continue to provide technical assistance for low income homeowners to rehabilitate/and preserve their homes \$9,000.00	Community Housing	\$9,000.00 from Community Housing Estimated Revenues
F	Bourne Housing Partnership	Housing needs assessment & action plan update \$5,000.00	Community Housing	\$5,000.00 from Community Housing Estimated Revenues
G	Town Clerk	Binding/re-binding of permanent Town vital records: birth, death, marriage, etc. \$20,000.00	Historic Preservation	\$20,000.00 from Historic Resources Estimated Revenues
H	Town Clerk	Scanning of permanent Town records: Clerk & Inspection \$72,000.00	Historic Preservation	\$72,000.00 from Historic Resources Estimated Revenues
I	Town Clerk	Installation of a new vault in Town Hall basement \$10,000.00	Historic Preservation	\$10,000.00 from Historic Resources Estimated Revenues
J	Cataumet Cemetery Assoc	Cataumet cemetery gravestone restoration \$16,750.00	Historic Preservation	\$16,750.00 from Historic Resources Estimated Revenues
K	Bourne Conservation	Cataumet Railroad Station platform restoration	Historic Preservation	\$13,000.00 from Historic Resources Estimated

	Trust	\$13,000.00		Revenues	
L	Bourne Archives	Organize, store, make accessible cemetery survey information \$19,204.00	Historic Preservation	\$14,897.00 from Historic Resources Estimated Revenues & \$4,307.00 from Historic Resources Reserves	
M	Jonathan Nelson: Facilities Director	Roofing repairs to Town hall \$15,840.00	Historic Preservation	\$15,840 from Historic Resources Reserves	
N	Bourne Society for Historic Preservation	Briggs-McDermott House: restoration of rear door/door frame and west kitchen window frame \$4,560.00	Historic Preservation	\$4,560.00 from Historic Resources Reserves	
O	Buzzards Bay Beautification Group	Bournedale Schoolhouse: ADA access ramp \$6,800.00	Historic Preservation	\$6,800.00 from Historic Resources Reserves	
P	Buzzards Bay Beautification Group	Bournedale Schoolhouse: Façade restoration & repairs, bell tower restoration & repairs, painting \$25,500.00	Historic Preservation	\$449.00 from Historic Resources Reserves \$25,051.00 from Undesignated Fund Balance	
Q	Community Preservation Committee	Reserve for Open Space	Open Space	\$327,250.00	2014 Open Space Estimated Revenues
R	Community Preservation Committee	Reserve for Community Housing	Community Housing	\$0	2014 Community Housing Estimated Revenues
S	Community Preservation Committee	Reserve for Historic Resources	Historic Resources	\$0	2014 Historic Resources Estimated Revenues
T	Community Preservation Committee	2012 Budgeted Reserve	All CPA Purposes	\$0	2014 All CPA Purposes Estimated Revenues

Finance Committee Recommendation

All of the proposed expenditures meet the standards for use of CPA funds and are worthwhile and of benefit to the town.

The Finance Committee voted unanimously (8-0) to recommend approval of this article

ARTICLE 27: 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

Finance Committee Recommendation

This Article covers the usual operating expenses, which have now become a standard authorization, and funding for a new non-benefited administrative assistant position. The new position is justified given the substantial expenditures of the Committee and the number of ongoing projects.

The Finance Committee voted unanimously (8 to 0) to recommend approval of this article.

ARTICLE 28: To see if the Town will vote to approve the **Upper Cape Cod Regional Technical School District Committee's vote** on January 10, 2013 to establish a Stabilization Fund, pursuant to Section 16G1/2 of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund, or take any other action relative thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

This article would allow Upper Cape Tech to have a stabilization fund. This fund is very similar to our own Stabilization Funds.

The Finance Committee voted unanimously (9-0) to recommend approval of this article.

ARTICLE 29: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to **repair and resurface Whimbrel Drive, Pintail Circle and Sanderling Road** pursuant to petitions submitted by abutters under Section 3.1.28 of the Town of Bourne Bylaws, said funds to be repaid to the Town through betterment assessments to abutters as provided in Section 3.1.28 of the Town of Bourne Bylaws and under Massachusetts General Laws, or take any other action in relation thereto.

Sponsor – Board of Selectmen

Finance Committee Recommendation

Town of Bourne Bylaws Sections 3.1.28 provide for making the improvements that will be paid for, through betterment assessments, by owners of properties that have frontage on the above listed roads.

The Finance Committee voted unanimously (8to 0) to recommend approval of this article

ARTICLE 30: To see if the Town will vote to amend the Town of **Bourne** Bylaws by adding a new Section, **Section 2.4.6 Quorums** to read as follows or act anything in relation thereto:

Section 2.4.6

Quorums: Unless otherwise specified in the Town Bylaws a quorum of any Town Committee or Board shall consist of a simple majority of the members currently serving on that body.

Sponsor- Bylaw Committee

Finance Committee Recommendation

This article will define the quorum requirement for our boards and committees as a majority of the members serving on the body board or committee.

According to the state Attorney General, the Open Meeting Law defines a quorum as a simple majority of the members. When there is a vacancy on a public body, a quorum is still measured by the number of members of the public body as constituted. However, a general or special law, executive order, or other authorizing provision, such as a provision in the public body's governing documents, may provide for the quorum of a public body to be a majority of the members serving on the body. For example, if this article is passed, if the town creates a seven (7) member public body and, in constituting the public body, sets the quorum as a majority of the members serving on the body. There are two (2) vacancies on the public body, leaving (5) members serving on the public body. Because the governing document says that quorum is measured as a majority of the five (5) serving members, quorum is now three (3) members. Prior to this bylaw change, the quorum would have been 5.

The Finance Committee voted (8-0) to recommend approval of this article.

ARTICLE 31 To see if the Town will vote to **rescind the vote taken on Article 8 of the November 14, 2012 STM** to authorize the Board of Selectmen to acquire by purchase a parcel of land known and numbered as 9 Sandwich Road, shown as

Parcel 16 of Bourne Assessors Map 24.3 for municipal purposes and to appropriate the sum of \$250,000.00 from free cash.

Sponsor – Board of Selectmen

Finance Committee Recommendation

The purpose of this article is to rescind the vote that authorized the Board of Selectmen to make an offer to purchase this parcel for \$250,000.00. The land was purchased

The Finance Committee voted unanimously (9 to 0) to recommend approval of this article.

ARTICLE 32: To see if the Town will vote to transfer any sums of money received from the **ISWM Host Community Fees** in excess of \$600,000.00 in FY2014 to a fund entitled “Capital Expenditure Stabilization Reserve Fund”, or take any other action in relation thereto.

Sponsor - Board of Selectmen

Finance Committee Recommendation

Passage of this article will allow any FY 14 Host Community Fees generated by ISWM which are in excess of \$600,000 to be added to the Capital Expenditures Stabilization Fund that was established at the 2007 Annual Town Meeting.

The Finance Committee voted unanimously (8 to 0) to recommend approval of this article.

APPENDIX A

FISCAL YEAR 2014

OPERATING BUDGET

APPENDIX B

FISCAL YEAR 2014

CAPITAL BUDGET

APPENDIX C

FISCAL 2014

SUPPORTING INFORMATION

- A. Article 19 – Sagamore Beach Property**
- B. Article 20 – Buzzards Bay Property**
- C. Article 21 – Solid Waste Managment**
- D. Article 23 - Reconsideration**
- E. Article 24 – Underground Storage Regulations**
- F. Article 25 – Downtown Blight and Vacant Buildings**
- G. Article 8 – Revolving Funds**
- H. Long-Term Financial Planning Model**

C.

Section 3.10.2 Solid Waste Management

For the purpose of this Bylaw, the following words and phrases shall have the meanings ascribed to them by this section.

Solid Waste – garbage, rubbish, yard waste and all materials normally collected at curbside or accepted at the ISWM Residential Recycling Center.

Recyclable Materials – the following are considered recyclable materials and will be collected at curbside or accepted at the Residential Recycling Center.

Glass – food and beverage containers. Excluded are mirrors, auto glass, light bulbs, glassware and glass commonly known as window glass.

Paper – corrugated cardboard boxes, newspaper, magazines, chipboard, craft and office paper.

Metal – Food Containers – aluminum and tin cans and all other aluminum food foil containers including aluminum foil.

Plastics – HDPE – polyethylene containers such as milk jugs (No.2), PET polyethylene terphthalate containers such as soda bottles, detergent bottles (No.1), and vinyl siding.

Yard Wastes – Leaves, garden waste, lawn clippings, weeds, hedge clippings and tree and brush prunings under two (2) inches in diameter and under six (6) feet in length.

Electronic Devices – Television sets, VCR's, computers, radios and other electronic devices, including ni-cad and metal hydride batteries.

Section 3.10.4 Leaf And Yard Waste Composting Program

All leaves and yard waste, whether collected at curbside or brought to the Residential Recycling Center will be composted and shall not be disposed of as solid waste.

Any person may bring leaves, yard waste and tree or brush prunings under two (2) inches in diameter and under six (6) feet into the composting area free of charge.

D.

Section 1.1.5 Reconsideration

Reconsideration. No vote shall be reconsidered unless notice of intention to ask for reconsideration shall have been given within one hour of meeting time after the vote to which such notice relates has been announced.

E.

Sections 3.8.3, 3.8.4 and 3.8.6 Underground Storage Regulation

Section 3.8.3

Tank Registration. The following regulations shall apply to

1. All underground tanks containing toxic or hazardous materials as defined above which are not currently regulated under 527 CMR 9.24 - Tanks and Containers, to
2. All underground tanks containing fuel oil, whose contents are used exclusively for consumption on the premises, and to
3. Farm and residential tanks of 1,100 gallon capacity, or less, used for storing motor fuel for non-commercial purposes.

a. Owners shall file with the Board of Health, on or before August 15, 1988 the size, type, age and location of each tank, and type of fuel or chemical stored in them. Evidence of date of purchase and installation, including fire department permit, if any, shall be included along with a sketch map showing the location of such tanks on the property. Upon registering the tank with the Board of Health, the tank owner will receive a permanent metal or plastic tag, embossed with a registration number unique to that tank. This registration tag must be affixed to the fill pipe in such a location as to be visible to any distributor when filling the tank and to any inspector authorized by the Town.

b. Effective August 15, 1988 every petroleum and other chemical distributor, when filling an underground storage tank, shall note on the invoice or bill for the product delivered, the registration number appearing on the tag affixed to the tank which was filled. Every petroleum and other chemical distributor shall notify the Board of Health of the existence and location of any unregistered or untagged tank which they are requested to fill. Such notification must be completed within two (2) working days of the time the distributor discovers that the tank registration tag is not affixed to the fill pipe.

c. Prior to the sale of a property containing an underground storage tank, the fire department must receive from the current owner a change of ownership form for the registration of the underground storage tank. Such form can be obtained from the fire department.

Section 3.8.4

Testing. The tank owner shall have each tank and its piping tested for tightness fifteen (15) years after installation and annually after twenty (20) years. A tank

shall be tested by any final or precision test, not involving air pressure, that can accurately detect a leak of 0.05 gal/hr, after adjustment for relevant variables, such as temperature change and tank end deflection, or by any other testing system approved by the Board of Health, as providing equivalent safety and effectiveness. Piping shall be tested hydrostatically to 150 percent of the maximum anticipated pressure of the system. Certification of the testing shall be submitted to the Board of Health by the owner, at the owner's expense. Those tanks subject to the testing requirements of this regulation shall submit the certification of testing to the Board of Health by November 1, 1988. Tanks which are currently tested under the provisions of 527 CMR 9.18 are exempt from this section.

Section 3.8.6

Tank Removal. Prior to the removal of an underground storage tank governed by this regulation, the owner shall first obtain a permit from the head of the fire department, pursuant to M.G.L. C. 148. Any person granted a permit by the Marshal or the head of a local fire department to remove a tank under the provisions of M.G.L., C. 148 or 527 CMR 9.00, shall within 72 hours provide the permit granting authority with a receipt for delivery of said tank to the site designated on the permit. Before any person is granted a permit by the Marshal or head of a local fire department to remove a tank under the provisions of M.G.L., C. 148 or 527 CMR 9.00, and said tank is not being transported to an approved tank yard, the person requesting the permit shall provide the permit-granting authority with written approval from the owner/manager of the disposal site. (Reference: 502 CMR 3.00 for tank removal and disposal procedure).

F.

Map from Zoning Bylaw Section 2812

