

**ARTICLES OF THE WARRANT  
FOR THE  
BOURNE SPECIAL TOWN MEETING  
  
MONDAY, OCTOBER 21, 2013**



**7:00 P.M.  
  
BOURNE HIGH SCHOOL AUDITORIUM**

Special Town Meeting  
October 21, 2013

**RESOLUTION – BOURNE RULE**

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

**“RESOLUTION:** Be It Resolved that, at the commencement of this special town meeting, the Moderator shall ask the Finance Committee and the Board of Selectmen to certify whether or not the total of all Finance Committee funding recommendations on all matters voted at the May 2013 annual town meeting and prior special town meetings, and contained in the warrant for this special town meeting if voted are equal to the maximum property tax levy limit for the Town of Bourne established by law for FY 2014. If the answer is in the negative, the Finance Committee and the Board of Selectmen shall certify the dollar amount which exceeds the Finance Committee dollar recommendations on all of the articles in the warrant, but is less than the maximum tax levy limit, which certified dollar amount shall be available for appropriation by this special town meeting. If the answer is in the affirmative, then during this special town meeting any motion to raise and appropriate funds in order to increase any appropriation recommended by the Finance Committee must state an equal dollar reduction in another recommended appropriation or appropriations. A recommendation of indefinite postponement by the Finance Committee shall be construed as a zero dollar funding recommendation.”

## STATEMENT OF THE MODERATOR

### TOWN MEETING PROCEDURES

1. At the beginning of the town 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 you do not bring children under age 6 to town meeting.
2. Moderator rulings and procedure at the Town meeting are governed by Federal and Massachusetts laws, the Town Charter, Town Bylaws, and “Roberts Rules of Order” as interpreted in the book entitled *Town Meeting Time*.
3. The Moderator will not entertain shouted motions from the floor to Move the Question, or to challenge a quorum, or for any other purpose. Any person wishing to speak must 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.

13. 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.

14. 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*.

15. It is solely within the discretion of the Moderator to allow non-voters to address the town meeting. It has been a matter of long time custom and practice in Bourne that the Moderator will generally allow non-voters to address the town meeting.

16. A town meeting is a public meeting. There are no expectations of privacy at a public meeting. A transcript of the meeting is kept. The meeting is 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.

17. 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.

18. 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.

19. 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 without further discussion.

20. Except with advance approval from the Moderator in the case of special presentations associated with the subject matter of an article, speakers are asked to confine their remarks to no more than five (5) minutes. Generally, five minutes is more than sufficient time to make a point or state a position. Be concise. Speak only to the motion on the floor.

21. Opinion of Town Counsel. Opinions of Town Counsel are reserved for elected and appointed municipal officials. Please do not ask for an opinion of Town Counsel unless you are an elected or appointed Bourne official with an interest in the opinion. Even then, it is up to Town Counsel to determine if he wishes to render an “off-the-cuff” opinion without the benefit of more detailed research and reflection.

22. All questions must be directed through the Moderator. You will not be allowed to engage in a back and forth dialogue with one particular official. Whenever possible, try to get your specific questions answered prior to town meeting.

Thank you for attending Town Meeting!  
Robert W. Parady, Esq.  
Town Meeting Moderator

**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 fiscal year that are legally unenforceable due to the insufficiency of appropriation or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**MOTION:** *We move that the Town vote to appropriate the sum of \$9,837.70 to pay the following bills that are legally unenforceable because of insufficiency of appropriation:*

***General Fund***

<b><i>Human Resource Exp-Tristen Medical</i></b>	<b><i>\$ 90.00</i></b>
<b><i>Town Building Maint Exp-No Sagamore Water Distr.</i></b>	<b><i>35.00</i></b>
<b><i>Fire Department Exp-No Sagamore Water Distr.</i></b>	<b><i>35.00</i></b>
	<b><i><u>\$160.00</u></i></b>

***ISWM***

<b><i>Salaries-P Watt</i></b>	<b><i>\$9,032.70</i></b>
<b><i>Contract Services-Carlisle Engineering</i></b>	<b><i><u>645.00</u></i></b>
	<b><i><u>\$9,677.70</u></i></b>

***And to meet this appropriation to transfer the sum of \$160.00 from free cash and \$9,677.70 from ISWM Retained Earnings.***

**The Finance Committee voted unanimously (11-0) to recommend approval of this article.**

**ARTICLE 2:** To see if the Town will vote to amend the Town of Bourne **Zoning Bylaws** by adding a new **Section 4830** to read as follows:

***Sponsor – Planning Board***

**SECTION 4830. TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**

**Section 4831 PURPOSE**

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health has issued regulations regarding implementation on May 8, 2013.

Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town and the regulations promulgated by the State Department of Public Health will provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

#### **Section 4832 DEFINITION**

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

#### **Section 4833 TEMPORARY MORATORIUM**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through September 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Centers and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses. Or take any action in relation thereto.

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



**The Finance Committee voted (10-1) to recommend indefinite postponement of this article.**

**ARTICLE 3:** To see if the Town will vote to appropriate, transfer from available funds, or borrow a sum on money for the purpose of funding the following **capital improvement and capital projects**, or take any other action in relation thereto.

***Sponsor – Capital Outlay Committee***

Description of Work		Amount
Fire Station 3 Work		
	Parapet wall repairs	\$15,000.00
Fire Station 1 Work		
	SCBA Compressor Asbestos Work	\$15,600.00
	Bathroom repairs	\$10,500.00
Town Hall		
	Entrance Flooring Replacement	\$8,000.00
	Server Room Air Conditioning	\$12,000.00
	Electric/Hybrid Vehicle	\$29,000.00
Total		<b>\$90,100.00</b>

**MOTION:** *We move that the Town vote to appropriate the sum of \$90,100.00 for the Capital Improvement Projects listed in the Capital Improvement schedule in Article 3 and to meet this appropriation to transfer \$90,100.00 from Free Cash.*

**The Finance Committee's recommendation will be made at Town Meeting**

**ARTICLE 4:** To see if the Town will vote to appropriate, borrow or transfer from available funds the sum of **\$50,000.00 to supplement FY2014 Sewer Budget** expenses as voted under Article 4 of the 2013 annual Town Meeting, or take any action in relation thereto.

***Sponsor – Board of Selectmen***

**MOTION:** *We move that the Town vote to appropriate the sum of \$50,000.00 to supplement the FY2014 Sewer Budget Expenses, and to meet this appropriation to transfer \$50,000.00 from Sewer Retained Earnings.*

**The Finance Committee voted unanimously (11-0) to recommend approval of this article.**

**ARTICLE 5:** To see if the Town will vote to amend the following departmental budgets for Fiscal Year 2014 annual budget as voted under **Article 3 of the 2013 Annual Town Meeting**, or take any action in relation thereto.

***Sponsor – Board of Selectmen***

**Department**

Town Administrator Salaries  
Finance-IT expenses  
Town Planner Salaries  
Fire Department Salaries  
Town Hall Maintenance  
Salaries  
Facilities Management  
Expenses  
DPW Expenses  
Library Expenses  
COA Expenses  
Other Debt Service Expense

**MOTION:** *We move that the Town vote to amend the following departmental budgets of the Fiscal Year 2014 budget voted under Article 3 of the 2013 Annual Town Meeting and to appropriate the sum of \$107,800.00 from Free Cash as follows:*

<b><i>Increase Town Administrator Salaries: transfer \$25,000.00 from free cash</i></b>
<b><i>Increase Finance-IT expenses: transfer \$10,000.00 from free cash</i></b>
<b><i>Increase Town Planner Salaries: transfer \$9,300.00 from free cash</i></b>
<b><i>Increase Fire Department Salaries: transfer \$27,500.00 from free cash</i></b>
<b><i>Increase Facilities Management Expenses: Transfer 4,000.00 from free cash</i></b>
<b><i>Increase DPW Expenses: Transfer \$14,000.00 from free cash</i></b>
<b><i>Increase Library Expenses: Transfer \$4,000.00 from free cash</i></b>
<b><i>Increase COA Expenses: Transfer \$14,000.00 from free cash</i></b>

*Further, to transfer 50,000.00 from Town Hall Maintenance Salaries to Facilities Management Expenses;*

*And we further move to Decrease \$14,135.00 from Other Debt Service Expenses and \$14,135.00 from the appropriation from Community Preservation Fund Estimated Revenues to be returned to the Open Space Reserves.*

**The Finance Committee voted unanimously (11-0) to recommend approval of this article.**

**ARTICLE 6:** To see if the Town will vote to appropriate, borrow or transfer from available funds the sum \$50,000.00 to supplement the vote taken under **Article 14 (Centennial Celebration)** of the 2013 Annual Town Meeting, or take any other action in relation thereto.

*Sponsor – Board of Selectmen*

**MOTION:** *We move that the Town vote to appropriate the sum of \$50,000.00 to supplement the vote taken under Article 14 Centennial Celebration and to meet this appropriation to transfer \$50,000.00 from free cash.*

**The Finance Committee voted unanimously (11-0) to recommend approval of this article.**

**ARTICLE 7:** To see if the Town will vote to accept the provisions of **M.G.L. Chapter 60, Section 2** relative to unpaid tax commitments less than \$10.00, or take any other action in relation thereto.

*Sponsor – Finance Director*

**MOTION:** *We move that the Town vote to accept the provisions of M.G.L. Chapter 60, Section 2.*

**The Finance Committee voted unanimously (11-0) to recommend approval of this article.**

*See Appendix “A” Supporting Information Page 15*

**ARTICLE 8:** To see if the Town will vote to appropriate a sum of money for the purpose of funding the Town’s **OPEB liability**, or take any other action in relation thereto.

*Sponsor – Finance Director*

**MOTION:** *We move that the Town vote to appropriate the sum of \$100,000.00 for the purpose of funding the Town’s other Post Employment Benefits Liability and, to meet this appropriation, to transfer \$100,000.00 from free cash.*

**The Finance Committee voted unanimously (11-0) to recommend approval of this article.**

**ARTICLE 9:** To see if the Town will vote to acquire, by purchase, gift or eminent domain, a parcel of land, approximately 9.7 acres, being a portion of the parcel identified on Bourne Assessors Map as Map 34, Parcel 57, all as shown on a Plan of Land on file at the Office of the Town Clerk, and to appropriate a sum of money for this acquisition, and to meet this appropriation, to vote, upon, upon recommendation of the **Community Preservation Committee**, to raise and appropriate, borrow, or transfer from available funds a sum of money for the purposes of this Article or take any other action in relation thereto.

*Sponsor – Community Preservation Committee*

**MOTION:** *We move that the Town vote, on the recommendation of the Community Preservation Committee, to appropriate the sum of \$170,000.00 from the Open Space Reserves of the Community Preservation Fund to acquire, by purchase, gift or eminent domain, a parcel of land, approximately 9.7 acres, being a portion of the parcel identified on Bourne Assessors Map as Map 34, Parcel 57 including costs incidental and related thereto; and further the Open Space Committee and the Community Preservation Committee are hereby directed and authorized to take any and all acts necessary to implement this vote.*

**The Finance Committee voted unanimously (11-0) to recommend approval of this article.**

*See Appendix “A” Supporting Information Page 16*

**ARTICLE 10:** To see if the Town will vote, upon recommendation of the **Community Preservation Committee**, to appropriate from the Community Preservation Fund a sum of money for the following Community Preservation Fund purposes: to reimburse the Bourne Society for Historic Preservation, Inc. for payments made by the Society for emergency repairs, renovation and restoration work done on the Briggs McDermott House, including costs incidental thereto; and further the Historic Commission and the Community Preservation Committee are

hereby authorized and directed to take any and all acts necessary to implement this vote, or take any other action relative thereto.

*Sponsor: Historic Commission and the Community Preservation Committee*

**MOTION:** *We move that the Town vote, on the recommendation of the Community Preservation Committee, to appropriate the sum of \$15,800.00 from the Historic Resources Reserves of the Community Preservation Fund to reimburse the Bourne Society for Historic Preservation, Inc. for payments made by the Society for emergency repairs, renovation and restoration work done on the Briggs McDermott House including costs incidental and related thereto; and further the Community Preservation Committee are hereby directed and authorized to take any and all acts necessary to implement this vote.*

**The Finance Committee voted unanimously (11-0) to recommend approval of this article.**

**ARTICLE 11:** To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to fund the costs related to payment of **accrued contractual compensated absences** upon retirement, or take any other action in relation thereto.

*Sponsor – Board of Selectmen*

**MOTION:** *We move that the Town vote to appropriate the sum of \$70,000.00 for the purpose of funding the Town's Accrued Contractual Compensated Absences and, to meet this appropriation, to transfer \$70,000.00 from free cash.*

**The Finance Committee voted unanimously (11-0) to recommend approval of this article.**

**ARTICLE 12:** 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*

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

**The Finance Committee voted unanimously (11-0) to recommend approval of this article.**

**ARTICLE 13:** To see if the Town will vote to authorize the Board of Selectmen to negotiate and execute an **easement with One Trowbridge Road, LLC** for the purpose of access serving 9 Sandwich Road as shown on the plan on file with the Town Clerk's Office, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**MOTION:** *We move that this article be indefinitely postponed.*

**The Finance Committee's recommendation will be made at Town Meeting.**

*See Appendix "A" Supporting Information Page 17*

**ARTICLE 14:** To see if the Town will vote to authorize the Board of Selectmen to negotiate and execute an **easement with One Trowbridge Road, LLC** for the purpose of maintaining, repairing and replacing utilities, landscaping and grading serving 1 Trowbridge Road as shown on the plan on file with the Town Clerk's Office, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

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

**The Finance Committee voted (10-1) to recommend approval of this article.**

*See Appendix "A" Supporting Information Page 18*

**ARTICLE 15:** To see if the Town will vote to authorize the Board of Selectmen to negotiate and execute an **easement with David P. Delancey, Trustee of DPD Realty Trust** for the purpose of maintaining existing landscaping and outdoor patio area serving 290 Shore Road as shown on the plan on file with the Town Clerk's Office, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**MOTION:** *We move this article be indefinitely postponed.*

**The Finance Committee voted unanimously (11-0) to recommend approval of this article.**

*See Appendix "A" Supporting Information Page 19*

