

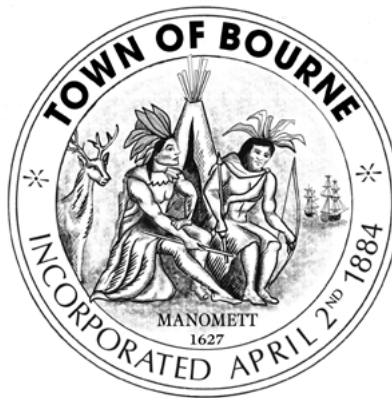
**ARTICLES OF THE WARRANT
FOR THE BOURNE**

SPECIAL TOWN MEETING

MONDAY, October 27, 2014

7:00 P.M.

BOURNE HIGH SCHOOL AUDITORIUM



Special Town Meeting

October 27, 2014

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 2014 annual town meeting, and contained in the warrant for this special town meeting if voted are equal to the maximum property tax levy limit for the Town of Bourne established by law. 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 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 first rise and be 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 posted warrant article. An amendment may consist of adding, deleting, or substituting words in the motion. It may take the form of a "motion to substitute" a different motion. Sometimes a speaker tries to amend "the article", but this is improper language. It is the motion on the floor, not the article in the Warrant, 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 a motion to amend, please ask for it, and the deputy moderator will help you.

12. Articles in the warrant seeking to amend the Bourne Zoning Bylaw or Zoning Map require special treatment. Some Moderators refuse to allow any amendment to a main motion on a zoning article. I generally will allow a motion to amend to correct a clerical matter, misspelling, or similar non-substantive change. For example, if the main motion is to increase minimum lot size from 40,000 to 50,000 square feet, a motion to amend to increase only to 45,000 square feet, will not be allowed, as it is a substantive change to the published 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. In order to maintain the continuity of a session of a town meeting if the Moderator needs a brief break, the Moderator may direct that the Town Clerk, in accordance with state statute, "has the gavel" for the short time the Moderator is absent from the podium, but still present in the area of town meeting.

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 town meeting.

19. If the Moderator determines that an article in the warrant is seeking a sense of the meeting on a matter of a celebratory nature, or not involving the Town of Bourne directly, the Moderator will treat the article as a non-binding resolution. As such, one person will be allowed five minutes to speak in favor of the resolution, and one person the same amount of time to speak in opposition to the resolution. The motion will then be put to a vote without further discussion. If, on the other hand, the article is seeking a sense of the meeting on a matter directly involving the Town of Bourne, the Moderator will still treat it as a non-binding resolution, but he may allow normal debate on the substance of the article.

20. Except with advance approval from the Moderator in the case of special presentations associated with the subject matter of an article, speakers 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 the benefit of elected and appointed municipal officials. Please do not ask for an opinion of Town Counsel unless you are an elected or appointed Bourne official with an interest in the opinion. Even then, it is up to Town Counsel to determine if 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.

23. If a speaker wants to use a PowerPoint ®, videotape, slide, or similar presentation requiring lowering the screen, the proposed presentation must be in the hands of the Moderator for his review no less than 72 business hours prior to the town meeting.

Thank you for attending Town Meeting!

Robert W. Parady, Esq.
Town Meeting Moderator

Article 1. To see if the Town vote to authorize the Board of Selectmen, on terms and conditions by the Selectmen to be in the best interest of the Town, to abandon an existing drainage easement off **Jonathan Bourne Drive** and to substitute in its place a relocated drainage easement, all as shown on Plans on file at the Office of the Town Clerk, or take any other action in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move the Town authorize the Board of Selectmen, on terms and conditions deemed by the Selectmen to be in the best interest of the Town, to abandon an existing drainage easement off Jonathan Bourne Drive and to substitute in its place a relocated drainage easement, all as shown on Plans on file at the Office of the Town Clerk.

The Finance Committee voted (10-0) to recommend approval of this article

See Appendix “A” Supporting Information Page 19

Article 2. To see if the Town will vote to authorize the Board of Selectmen, to grant an **easement** to maintain, repair and replace a subsurface sewage disposal system serving 135 Circuit Avenue as shown on the plan on file with the Town Clerk’s Office, on terms and conditions deemed by the Selectmen to be in the best interest of the Town, or take any other action relative thereto.

Sponsor – Board of Selectmen

MOTION: We move that the Town authorize the Board of Selectmen to grant a perpetual easement to maintain, repair and replace a sewage disposal system serving 135 Circuit Avenue as shown on the plan on file with the Town Clerk’s Office on terms and conditions deemed by the Selectmen to be in the best interest of the Town.

The Finance Committee voted (10-0) to recommend approval of this article

See Appendix “A” Supporting Information Page 20

Article 3. To see if the Town of Bourne will vote to approve an **easement** over the land under the care and custody of the Bourne Conservation Commission and identified as a certain parcel of land located in Bourne, (Sagamore Highlands) known as “**The Strand**” and being Parcel 2 on Bourne Assessors Map 2. Being a portion of Parcel 1 as described in a deed dated and recorded December 16, 1996 at the Barnstable County Registry of Deeds, Book 5456, Page 032 for the purpose of constructing a stone revetment and bio engineered stabilization system on the

bluff in order to prevent further erosion of the coastal bank, as shown on a plan on file at the office of the town clerk. There is no cost to the Town of Bourne, or take any other action relative thereto.

Sponsor - Brenda E. Scandura and others

MOTION: We move the Town vote to authorize the Board of Selectmen to grant an easement over land under the care and custody of the Conservation Commission, known as “the Strand” and identified as Parcel 2 on Bourne Assessors Map 2, being a portion of land described in Book 5456, Page 032 at the Barnstable County Registry of Deeds for the purpose of constructing a stone revetment and bio engineered stabilization system on the bluff, as shown on a plan on file at the Office of the Town Clerk and further to authorize the Board of Selectmen to take any and all action necessary to implement this vote.

The Finance Committee voted (10-0) to recommend approval of this article

See Appendix “A” Supporting Information Page 21

Article 4. 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 Michael 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 two (2) 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) JBCC (formerly 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 as shown on a plan on file at the office of the town clerk or take any other action in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move the Town 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 Michael 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 two (2) 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) JBCC (formerly 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), its 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 as shown on a plan on file at the Office of the Town Clerk.

The Finance Committee voted (10-0) to recommend approval of this article

See Appendix "A" Supporting Information Page 22

Article 5. To see if the Town will vote to appropriate a sum of money for the purpose of funding the Town's **Other Post Employment Benefits liability (OPEB)**, or take any other action in relation thereto.

Sponsor – Finance Director

MOTION: We move that the Town vote to appropriate the sum of \$200,000.00 for the purpose of funding the Town's Other Post Employment Benefits Liability and, to meet this appropriation to transfer \$200,000.00 from free cash.

The Finance Committee voted (5-0-2) to recommend approval of this article

Article 6. 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 \$100,000.00 for the purpose of funding the Town's Accrued Contractual Compensated Absences and, to meet this appropriation, to transfer \$100,000.00 from free cash.

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

ARTICLE 7. 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 in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move that the Town vote to appropriate the sum of \$1,813.82 for the purposes of paying the following unpaid bills and to meet this appropriation to transfer the sum of \$287.46 from Free Cash and \$1,526.36 from ISWM Retained Earnings.

Human Resources	Falmouth Hospital	\$ 225.71
Fire Department	Coastal Motors	\$ 58.00
Facilities Maint.	No. Sagamore Water	\$ 3.75
Total General Fund		\$ 287.46
ISWM	Noonan Brothers Petroleum	\$ 1,466.36
ISWM	Patrick McCrum	\$ 60.00
Total ISWM		\$ 1,526.36

The Finance Committee voted (10-0) to recommend approval of this article

ARTICLE 8. To see if the Town will vote to appropriate or transfer from available funds a sum of money for the repair and replacement of sewer pipes, lines and other necessary repairs on **Old Bridge Road in Buzzards Bay**, or take any other action in relation thereto.

Sponsor – Sewer Commissioners

MOTION: We move that the Town vote to appropriate the sum of \$200,000.00 for repair and replacement of sewer pipes, lines and other necessary repairs on Old Bridge Road in Buzzards Bay and to meet this appropriation, we move to transfer the sum of \$200,000.00 from Sewer Retained Earnings.

The Finance Committee voted (10-0) to recommend approval of this article

ARTICLE 9. To see if the Town will vote to appropriate or transfer from available funds a sum of money to repair and replace the roadway and retaining wall on **Old Bridge Road in Buzzards Bay**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move that the Town vote to appropriate the sum of \$220,000.00 to repair and replace the roadway and retaining wall on Old Bridge Road in Buzzards Bay and to meet this appropriation, we move to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$220,000.00 under and pursuant to Chapter 44, Sections 7(6) & 7(7), of the General Laws as amended and supplemented, or any other enabling authority and to issue bonds or notes of the Town therefore.

The Finance Committee voted (10-0) to recommend approval of this article

ARTICLE 10. To see if the Town will vote to appropriate or transfer from available funds a sum of money for the purpose of **removing derelict and abandoned moorings and boats**, or take any other in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move that the Town vote to appropriate the sum of \$9,173.50 for the purposes of this article and to meet this appropriation, we move to transfer the sum of \$9,173.50 from Article 1 of the October 20, 2008 STM.

The Finance Committee voted (10-0) to recommend approval of this article

ARTICLE 11. To see if the Town will vote to appropriate or transfer from available funds, a sum of money for the purpose of funding **capital improvement and capital projects**, or take any other action in relation thereto.

Sponsor – Capital Outlay Committee

MOTION: We move that the Town vote to appropriate the sum of \$183,000.00 for the capital outlay projects listed below and to meet this appropriation, we move to transfer the sum of \$28,000.00 from free cash and we further move to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$155,000.00 under and pursuant to Chapter 44, Sections 7(9), 7(3A) of the General Laws as amended and supplemented, or any other enabling authority and to issue bonds or notes of the Town therefore.

CAPITAL OUTLAY PROJECTS OCT 2014 STM					
ITEM	DEPART.	PROJECT/DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
1	Fire Dept	Cardiac Compression Device	\$ 28,000.00		Free Cash
2	DPW	Sidewalk Loader/Plow	\$ 95,000.00	MGL Ch 44 Sect 9	Borrowing
3	School BHS	Elevator Repairs/Replace	\$ 60,000.00	MGL Ch 44 Sect 3A	Borrowing
			<u>\$ 183,000.00</u>		

The Finance Committee voted (10-0) to recommend approval of this article

ARTICLE 12. To see if the Town will vote to amend the Town of Bourne Bylaws Chapter 1, **Article 1.8 School Building Committee, Section 1.8.1** by deleting it in its entirety and inserting a new **Section 1.8.1** as follows:

Sponsor – Bylaw Committee

Section 1.8.1

Membership. There shall be a School Building Committee consisting of membership as set forth in Massachusetts Code of Regulations 963 CMR 2.00 as may be from time to time amended. The members as set forth in said Code of Massachusetts Regulations shall be appointed as needed by the Moderator. The provisions of Section 2.4.3 of the bylaws concerning the staggering of appointments shall not be applicable to the appointments to the School Building Committee.

The Moderator shall appoint a successor member to the School Building Committee whenever there is a vacancy due to death, resignation or inability to continue to serve because in order to comply with the membership requirements set forth in the Code of Massachusetts Regulations.

Section 1.8.2 shall be deleted.

Section 1.8.6 shall be deleted and a new Section 1.8.6 shall read as follows:

Section 1.8.6

Term of Service. The Committee Members shall serve until the School Committee votes that the projects and responsibilities for which the members were appointed have been completed. Upon such vote by the School Committee, the School Building Committee shall be disbanded until such time as the Moderator shall

appoint a new Committee in accordance with Section 1.8.1 for a new or different project.

MOTION: We move the Town so vote.

The Finance Committee voted (10-0) to recommend approval of this article

See Appendix “A” Supporting Information Page 23 & 24

Article 13. To see if the Town will vote to amend the Town of Bourne Bylaws **Chapter 2, Article 2.5 Council on Aging** by deleting it in its entirety and inserting a new Article 2.5 Council on Aging.

Sponsor – Bylaw Committee

Article 2.5 Council on Aging

The name of the organization shall be the Bourne Council on Aging, hereinafter referred to as the Council, as established by the town meeting vote of the town of Bourne, Massachusetts, on March 1969 (Article 2.5 of the Town General Bylaws) pursuant to Chapter 40, section 8B, of Massachusetts General Laws (1956).

A. PURPOSE

It shall be the purpose of this Council to carry out programs and services to promote the well-being of the elder population of this community. To accomplish this, our goals are:

- 1) To identify the needs
- 2) To educate the community and enlist support and participation of all citizens about their needs;
- 3) To design, advocate and/or implement services to fill these needs, or to coordinate existing services;
- 4) To cooperate with the Massachusetts Executive Office of Elder Affairs and the programs regarding elders;
- 5) To utilize the abilities of the seniors to serve the community and to strive for intergenerational goals;
- 6) The Board of the Bourne Council on Aging acts in an advisory capacity to the Executive Director.

B. MEMBERSHIP

The Council shall consist of from seven to eleven members and two alternates, appointed by the Board of Selectmen for a term of three (3) years, unless the appointment is to fill the unexpired term of a retiring member. At least five

members shall be over the age of sixty (60) at the time of their appointment.

C. MEETING PROCEDURES

- 1) Roberts Rules of Order shall be the guide to conducting meetings.
- 2) Meetings shall be held on a regularly scheduled monthly and/or needed basis.
- 3) Special meetings may be called by the chair or at the request of three (3) members. A written notice shall be given to each member in accordance with the Open Meeting Law.
- 4) The annual meeting of the Council shall be held at the June meeting at which time officers shall be elected. Each member entitled to vote shall be notified by mail not less than ten (10) days before such meeting.
- 5) A quorum is a majority of the total members (appointed to and sworn in by the Town Clerk) of the Council as and is necessary for the transaction of business.

D. OFFICERS AND DUTIES

- 1) The council shall annually elect a chairman, vice chairman and a secretary from its membership and shall report the fact to the Town Clerk. Officers are elected at the Annual Meeting.
- 2) Upon vacancy of any office, a successor shall be elected by the Council at the next regularly scheduled meeting.
- 3) The duties of the officers shall be as follows:
 - a. Chairperson: Presides at meetings, is the chief executive officer subject to the direction of the members of the Council, acts as a spokesman for the Council and shall appoint all necessary committees as brought forward and recommended and deemed necessary by the Executive Director or Town Administrator and can be an ex-officio member of them. The Director may bring forward recommendations to create standing or time defined committees or sub-committees.
 - b. Vice-Chairperson: presides in absence of Chairperson and performs the Chairperson's functions.
 - c. Secretary: Is responsible for the minutes of the meetings, recording, and submitting to the office of the Town Clerk, 7 days after notice of the minutes have been approved.

E. AMENDMENTS

Proposals to amend these bylaws of the Council on Aging may be submitted at any meeting of the Council called for such purpose. Notification shall be at least fourteen (14) days prior to the meeting, including the proposed text of the

amendments to be considered. Amendments must be approved by a majority of the members of the Council on Aging and then presented to the Town of Bourne Bylaw Committee for review before being submitted for placing on a Warrant for vote by the Town at a Town meeting.

MOTION: We move the Town vote to amend the Town Bylaws by deleting the current Article 2.5 Council on Aging in Chapter 2 and inserting in its place Article 2.5, as printed in the Warrant, with the following additional language: After the last sentence of Section B of Article 2.5, the following sentence be added: “The Council on Aging, being appointed by the Board of Selectmen, shall be responsible to the Board of Selectmen pursuant to Section 3.5 of the Town of Bourne Charter, as amended.”

The Finance Committee voted (10-0) to recommend approval of this article

See Appendix “A” Supporting Information Page 24

Article 14. 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 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	CPA Purpose	Community Preservation Committee Recommend
A	Bourne Historic Commission	Inventory of Historic Homes	Historic Preservation	\$10,000 from the CPA undesignated fund balance
B	Bourne Historical Society	Historical Restoration/Preservation of the Aptuxet Trading Post	Historic Preservation	\$20,000 from the CPA undesignated fund balance
C	Facilities Director	Convert Tennis Court behind the Community Building to a Basketball Court	Recreation	\$60,000 from the CPA undesignated fund balance

MOTION: We move that the Town vote to appropriate the sum of \$90,000.00 for Community Preservation Fund Projects listed in Article 14 and to meet this appropriation, to transfer the sum of \$90,000.00 from the Community Preservation Undesignated Fund Balance.

The Finance Committee voted (10-0) to recommend approval of this article

Article 15. 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 the Town so vote.

The Finance Committee voted (10-0) to recommend approval of this article

Article 16. To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee appointed by the moderator pursuant to Article 1.8 of the Town Bylaws, as amended, for a feasibility study of potential solutions to the problems identified in the Statement of Interest for the **James F. Peebles Elementary School** on Trowbridge Road and to determine the feasibility of the implementation of such potential solutions, including consideration of extraordinary repairs, renovation, addition/renovation, and new construction, and including the payment of costs incidental and related thereto, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA, or act anything in relation thereto. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

Sponsor – School Committee

MOTION: We move that the Town appropriate the amount of Seven Hundred Fifty Thousand and 00/100ths (\$750,000.00) Dollars for the purpose of paying costs of a feasibility study of potential solutions to the problems identified in the Statement of Interest for the James F. Peebles Elementary School on Trowbridge Road and to determine the feasibility of the implementation of such potential solutions, including consideration of making extraordinary repairs, renovation, addition/renovation, and new construction, and including the payment of all costs incidental or related thereto, and for which Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee appointed by the moderator pursuant to Article 1.8 of the Town Bylaws, as amended. To meet this appropriation the Treasurer, with the approval of the Board of Selectmen is

authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA.

The Finance Committee voted (10-0) to recommend approval of this article

APPENDIX “A”

Article 1 - Jonathan Bourne Drive Easement

Article 2 - Circuit Avenue Easement

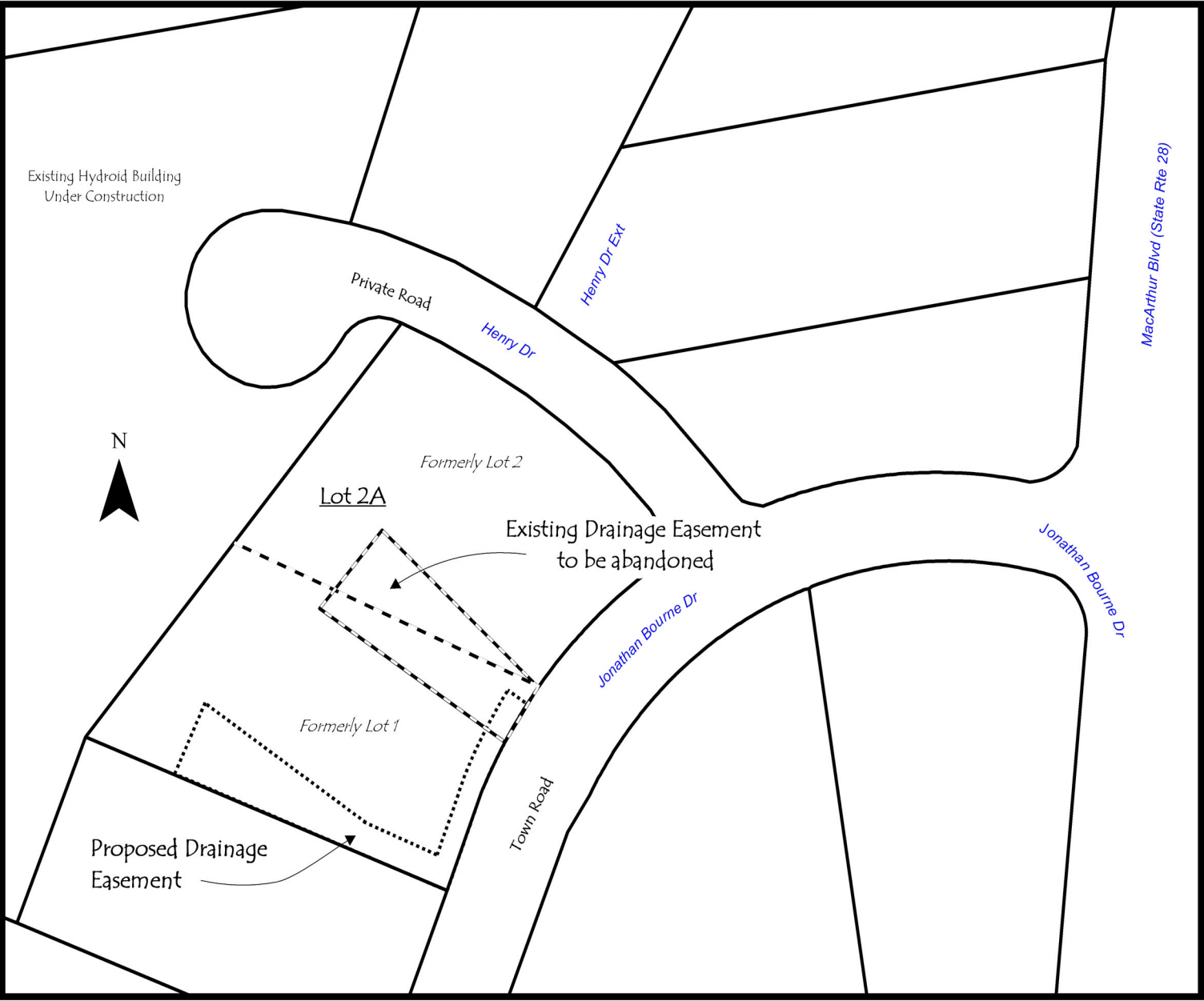
Article 3 - Sagamore Beach Easement “The Strand”

Article 4 - 25 Year Michael Road Easement

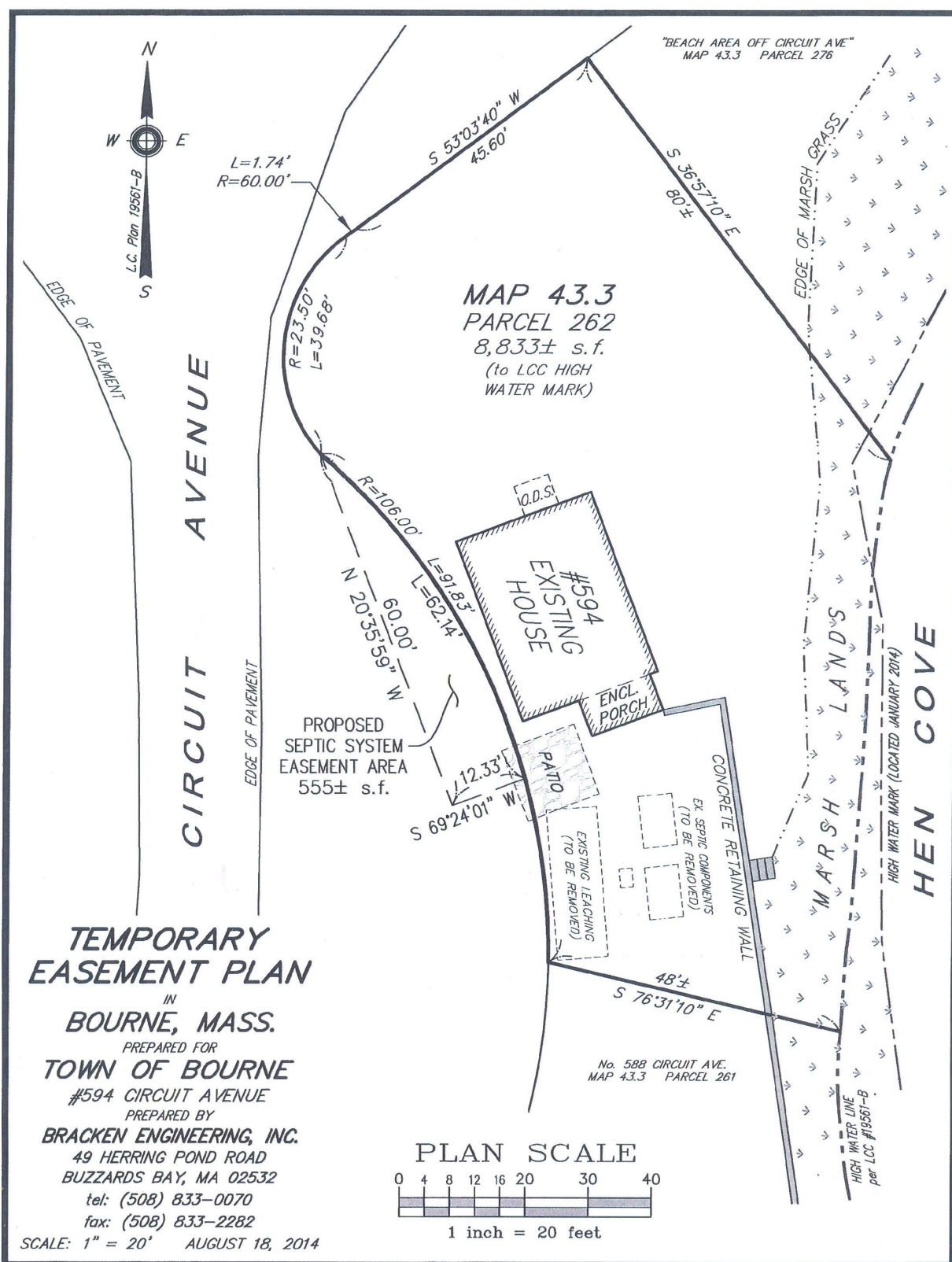
Article 12 – School Building Committee

Article 13 – Council on Aging

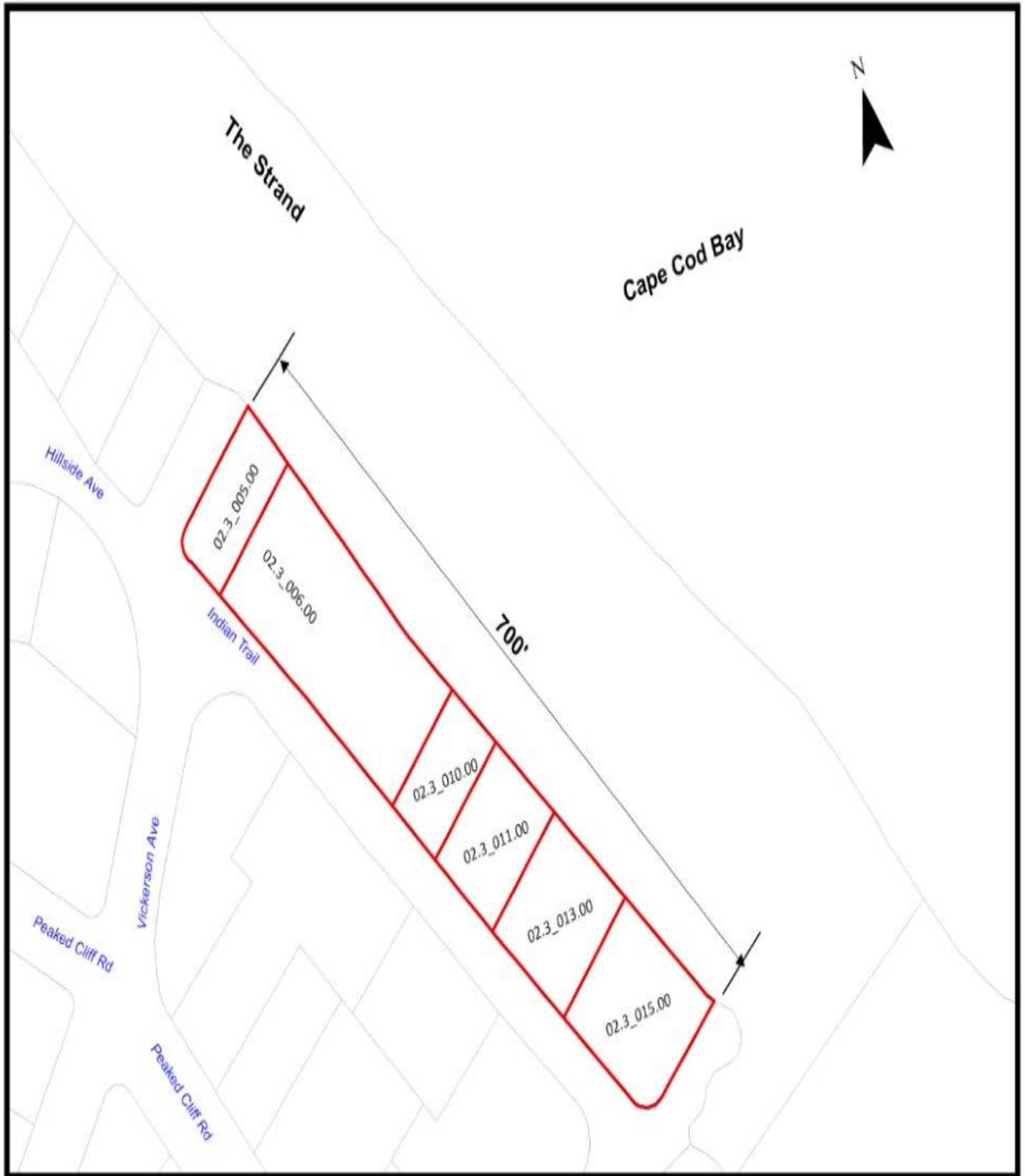
ARTICLE 1



ARTICLE 2



ARTICLE 3



This map shows a section of Michael Road with several property lots. The lots are numbered as follows:

- Along the top of Michael Road: 20, 247, 245, 241, 229, 750, 4, 6, 8, 10, 12, 14, 16, 18, 21.
- Along the bottom of Michael Road: 19, 17, 15, 11, 7, 5, 2.
- Along the left side of Michael Road: 25, 23, 24, 21, 19, 20, 17, 15, 11.
- Along the right side of Michael Road: 1, 5, 7, 8, 6, 4, 3, 2.
- Along the bottom of Michael Road: 22, 20, 16, 8, 6, 4, 2, 1.
- Along the right side of Michael Road: 9, 7, 5, 3, 2.

Two monitoring wells are marked with black dots and labeled:

- #1 Monitoring Well: Located on the left side of Michael Road, near lot 21.
- #2 Monitoring Well: Located on the right side of Michael Road, near lot 2.

Other roads shown include Keith Rd, Oak Ridge Dr, and Valley Rd. A north arrow is located in the bottom left corner.

ARTICLE 12 – Current Bylaw

Article 1.8 School Building Committee

Section 1.8.1

Membership: There shall be a School Building Committee consisting of nine registered voters of the Town of Bourne who shall be appointed as need dictates by the Moderator. Three shall be representatives from the School Committee, one representative from the Planning Board, the Finance Committee, the Board of Selectmen, and three members at large. The Committee members shall serve without compensation.

Section 1.8.2

Superintendent Ex-Officio. The Superintendent of Schools shall be an ex-officio member of the Committee and shall not be entitled to vote on recommendations but shall serve in an advisory capacity during the meetings.

Section 1.8.3

Officers. The Committee shall elect from within its membership a Chairman, Vice-Chairman, and Secretary.

Section 1.8.4

Duties: The Committee shall function on school building projects requiring new construction or an addition to an existing building. The Committee shall assume the responsibility of owner for the purpose of selecting and contracting with the architect and general contractor and shall authorize payments for services rendered. The committee shall be responsible for such other related matters as may, from time to time, be referred to it.

Section 1.8.5

Reports: The Committee shall prepare a report of its activities which shall be submitted to the Board of Selectmen on, or before, the first of July in order that it be included with the town's Annual Report for that year. The Committee shall make such further reports as may be requested by the Selectmen or the School Committee.

Section 1.8.6

Term of Service. The Committee's members shall serve until the School Committee votes that the projects and responsibilities for which the members were appointed have been completed. Upon such a vote by the School Committee, the School Building Committee shall be disbanded until such time as town meeting votes to authorize a new of different project. At the time such a project is authorized by the town meeting, the Moderator shall appoint a School Building

Committee as set forth in Section 1.8.1. The provisions of Section 2.4.3 concerning the staggering of appointments shall not be applicable to said appointments.

The Moderator shall appoint a successor member to the School Building Committee whenever there is a vacancy due to death, resignation or inability to continue to serve because of membership requirements as set forth in section 1.8.1. and/or Section 2.4.4, or act anything thereon.

ARTICLE 13 – Current Bylaw

Article 2.5 Council on Aging

There shall be a Council on Aging in accordance with Chapter 40, Section 8B of the Massachusetts General Laws consisting of 11 registered voters of this Town appointed by the Selectmen for terms not to exceed 4 years for any member. Said terms shall be staggered so that no more than three (3) appointments shall expire in any calendar year. Members can be reappointed. The duties of said council shall be to:

- a. Identify the total needs of the community's elderly population.
- b. Educate the community and enlist support participation of all citizens concerning these needs.
- c. Design, promote and implement services to fill these needs and coordinate present existing services in the community.
- d. Promote and support programs designed to assist the elderly in the community. The Council on Aging shall cooperate with the Massachusetts Department of Elder Affairs and shall be cognizant of all state and federal legislation concerning funding, information exchange, and program planning which exist for better community servicing for the elderly. Said Council on Aging shall submit an annual report to the Board of Selectmen and a copy of said report to the Massachusetts Department of Elder Affairs.

SPECIAL TOWN MEETING INDEX

Article 1. Abandon drainage easement – Jonathan Bourne Drive

Article 2. Perpetual easement – 135 Circuit Avenue

Article 3. Easement - ‘The Strand’ – Sagamore Beach

Article 4. Easement – Michael Road

Article 5. Other Post Employment Benefits Liability (OPEB)

Article 6. Accrued Contractual Compensated Benefits

Article 7. Unpaid Bills

Article 8. Repair & Replacement of Sewer Pipes/Lines

Article 9. Repair & Replace Roadway & Retaining Wall

Article 10. Removing Derelict Abandoned Moorings/Boats

Article 11. Capital Improvement/Capital Projects

Article 12. Bylaw – School Building Committee

Article 13. Bylaw – Council on Aging

Article 14. Community Preservation Committee

Article 15. Reports and Recommendations

Article 16. James F. Peebles Elementary School