

ARTICLES OF THE WARRANT

FOR THE

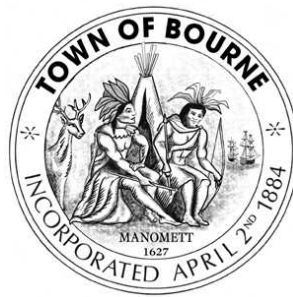
BOURNE

SPECIAL TOWN MEETING

MONDAY, OCTOBER 30, 2017

7:30 P.M.

BOURNE HIGH SCHOOL AUDITORIUM



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

ARTICLE INDEX

**October 30, 2017
Special Town Meeting**

1. Unpaid Bills
2. Future Wastewater and Treatment Options
3. Funding Reserve Fund
4. Supplement FY2018 Regular Annual Expenses
5. OPEB
6. Sewer Department Retained Earnings
7. Sewer Capital Stabilization Account
8. Negotiated Agreement – Fire Department
9. Community Preservation Committee
10. Committee Reports and Recommendations

SOME ABC'S ABOUT TOWN MEETING

THE PLAYERS

As you face the front of the auditorium, you see on the stage various officials and resource people in the following approximate positions: In the middle is the Moderator, an elected town official who conducts the meeting. Beside to your left 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, to the right of the Moderator.

WHO MAY VOTE?

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

THE QUORUM

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

THE WARRANT

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

ARTICLES

Articles are the individual subjects to be acted on by Town Meeting. They have been submitted by Town Boards and Departments, by the 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, if any, are presented and acted upon. With some exceptions, articles are called by lottery, discussed, and voted upon. This procedure is followed for each article until the warrant has been completed. If necessary, due to time constraints, additional meetings will be scheduled.

MOTIONS

When an article reaches the floor, the Moderator will usually ask if the 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 motion and their official report. The Finance Committee will then make its recommendation. Motions not related to subjects in the warrant or to the conduct of the meeting are not permitted.

INDEFINITE POSTPONEMENT

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

NEGATIVE RECOMMENDATIONS

If the action recommended by the 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 registered 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 maybe 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 into the stabilization fund requires a majority vote and a 2/3 vote if required to appropriate money from the Stabilization Fund.**

RESERVE FUND

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

FREE CASH

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

RAISE AND APPROPRIATE

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

TAX LEVY

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

TAX RATE

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

THE BOURNE RULE

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

STATEMENT OF THE MODERATOR
TOWN MEETING PROCEDURES

1. Non-Voter Seating. At the beginning of the meeting the Moderator designates rows of seats in the left rear section of the auditorium (facing the stage) for seating of *non-voters*.

1A. Non-Voter Minor Children. With the permission of a doorkeeper, voter(s) attending town meeting with a child(ren) may be allowed to sit with their child(ren) in voter seating. That said, we respectfully request that you do not bring children under age 6 to town meeting.

2. Moderator rulings and procedure at the Town meeting are governed by Federal and Massachusetts laws, the Town Charter, Town Bylaws, and “Roberts Rules of Order” as interpreted in the book entitled *Town Meeting Time*.

3. The Moderator will not entertain shouted motions from the floor to Move the Question, or to challenge a quorum, or for any other purpose. Any person wishing to speak must first rise and be recognized by the Moderator. If a person is physically challenged, please notify the tellers, and the tellers will provide a portable microphone so that person can speak from his/her seat.

4. 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. Speakers. Before speaking, state your name clearly for the record. Speak concisely and speak to the motion on the floor. Speak only long enough to make your point. Do not repeat what prior speakers have already said. Three to five minutes should be more than enough time to make a point, if the speaker is clear and concise.

6. The Moderator will not tolerate personal attacks, cat-calling, applause, booing, heckling, or any other form of disruption during the meeting. Pursuant to Massachusetts law, any person disrupting the town meeting may be caused by the

Moderator to be removed from the meeting by the Sergeant-at-Arms or a Constable and held until the conclusion of the meeting.

7. The meeting is now televised live by the local Comcast cable television company, and is later also re-broadcast on the local cable access channel.

8. There is a stenographer keeping an official written transcript of the meeting.

9. Voter Tags. If there is a counted, standing vote, or a secret ballot, voters must have their voter tag visible and be in a seat in the voter's section in order to be counted. The tellers will not count anyone not seated in a seat in the voter's section or anyone without a voter tag.

10. Fifteen (15) or more registered voters may request a secret ballot. In the event of a secret ballot, the doorkeepers will call everyone into the auditorium who wishes to vote, and then close the doors. You may leave the auditorium at any time, but you will not be allowed to return to the auditorium until the Moderator declares that vote casting is concluded and the doorkeepers may open the doors.

11. If a voter wishes to change a motion in some fashion, the procedure is to amend the motion. All motions to amend must be in writing and must state exactly how the voter wishes to change the motion on the floor. That way, the Moderator can know exactly what it is the voter wants to do before ruling on the motion or putting it to a vote. A voter who wishes to amend a main motion must have the amendment in writing and available to hand to the Moderator before rising to offer the amendment. The Moderator may refuse to put to the Meeting an amendment which is not immediately available in writing - The Moderator also will rule out of order any motion to amend which changes the original motion so drastically that, in the Moderator's opinion, the motion is no longer within the "four corners" (the scope) of the posted warrant article. An amendment may consist of adding, deleting, or substituting words in the motion. It may take the form of a "motion to substitute", i.e., a different motion. Sometimes a speaker tries to amend "the article", but this is improper language. It is the motion on the floor, not the article in the Warrant, which is to be amended. A motion to amend requires only a majority vote, even though the main motion to be amended may require two-thirds or more for final passage. If you need assistance drafting a motion to amend, please ask for it, and the deputy moderator will help you.

12. Articles in the warrant seeking to amend the Bourne Zoning Bylaw or Zoning Map require special treatment. Some Moderators refuse to allow any amendment to a main motion on a zoning article. I generally will allow a motion to amend to correct a clerical matter, misspelling, or similar non-substantive change. For example, if the main motion is to increase minimum lot size from 40,000 to 50,000 square feet, a motion to amend to increase only to 45,000 square feet, will not be allowed, as it is a substantive change to the published zoning article. On the other hand, a motion to change the word “feat” (*sic*) to “feet” will generally be allowed to correct a clerical error.

13. Reconsideration – One Hour Rule. Pursuant to Bourne Town Bylaw, notice of intention to reconsider action on an article may only be given *within one hour of continuous town meeting time*. Depending on the hour the original vote is taken and officially recorded by the Town Clerk, this one hour may carry over to a subsequent session of the same town meeting in which the original vote is taken. The subsequent session of town meeting may reconvene several days after the original vote is taken.

14. Reconsideration – Vote on Prevailing Side. Because it is a matter of long time custom and practice in the Town of Bourne, the Moderator will not allow a notice of intention to reconsider or a motion to reconsider a vote except from a voter *who voted on the prevailing side of the original vote*. If “Aye” was the prevailing vote, the voter who wishes to file a notice of intention to reconsider, and/or to move reconsideration, must have voted “Aye”. The Moderator will ask the voter which way he/she voted. The person who files a notice of intention to reconsider, and who makes the actual motion to reconsider, *need not be the same person, but both must have voted on the prevailing side*. Notice of intention to reconsider is only allowed on the main motion. A vote to reconsider an amendment must be made *before the next vote is taken*. A notice of intention to reconsider is not allowed for an amendment to the main motion.

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

16. A town meeting is a public meeting. There are no expectations of privacy at a public meeting. A transcript of the meeting is kept. The meeting is televised live and also video-taped by the Comcast local cable access channel for later re-broadcast on that cable channel. Press photographers are present taking photographs,

including photographs of standing, counted votes. The Moderator does not allow still or motion photography *at the ballot boxes* of voter's casting their votes during a secret ballot.

17. In order to maintain the continuity of a session of a town meeting, if the Moderator needs a brief break, the Moderator may state that the Deputy Moderator, John Fuller, "has the gavel" for the short time the Moderator is absent from the podium, but still present in the building. There is no need to elect a temporary moderator unless the duly elected moderator is actually absent from the building for an extended period of time. If the moderator cannot attend a town meeting, or has to leave a town meeting due to illness, for example, the town clerk (or selectmen chairman, if the town clerk is absent or unable) will hold an election for a temporary moderator to run the town meeting.

18. Persons running for public office, and their supporters, persons distributing literature promoting pro or con action on a warrant article or other matter of public interest, and persons soliciting signatures for candidates or for membership in a political group or organization, must remain not less than 50 feet from any exterior door to the high school, except when they themselves are entering the town meeting for the purpose of attending the town meeting, or when they are actually in attendance at the town meeting.

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

23. Presentations. If a speaker wants to use a PowerPoint®, videotape, slide, or similar presentation requiring lowering the screen on the stage, the proposed presentation must be in the hands of the Moderator for his review no less than 72 business hours prior to the town meeting, or the Moderator may not allow the presentation.

24. Please put your cell phones and pagers on vibrate or some other silent alarm, so as not to disturb the proceedings.

25. Question a Ruling or Vote. Seven (7) or more registered voters may question a ruling or a vote declaration of the moderator. The question must be raised immediately and before the next action or the next article. For example, if the moderator on a voice vote on the main motion declares “the ayes have it, the motion passes”, that ruling must be questioned before the next article is drawn by the town clerk and the article number announced by the moderator. If an amendment is declared as passed on a voice vote, this declaration must be questioned before the next speaker. If a voice vote declaration is questioned, the moderator will generally ask the tellers to take a standing counted vote.

26. Lobby Displays. No person shall erect or maintain a table or a display in the lobby outside of the high school auditorium without approval from the Moderator obtained at least 48 hours prior to the town meeting. No display may interfere with the free passage of voters to and from the registration table and the entrance to the auditorium. The Moderator reserves the right to decline to approve any display he deems to be too large. Also, the size of the lobby limits the total number of displays, from three to five in most cases. All displays in the lobby shall generally be limited to matters coming before the town meeting. The doorkeepers, as agents of the

moderator and town clerk, may require relocation of displays in the lobby if the displays are interfering with the free flow of foot traffic.

Thank you for attending Town Meeting!

Robert W. Parady, Esq.

Town Meeting Moderator

Special Town Meeting

October 30, 2017

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 1, 2017 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 for FY 2018. 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 then on the floor for discussion. A recommendation of indefinite postponement by the Finance Committee shall be construed as a zero dollar funding recommendation.

Respectfully submitted.

Board of Selectmen

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 in relation thereto.

Sponsor – Board of Selectmen

UNPAID BILLS		
Department	Vendor	Amount
Fire Department	Sheridan Healthcare	\$ 500.00
Facilities	Fuss & O'Neill EnviroScience	\$ 1,950.00
Total		<u>\$ 2,450.00</u>

ARTICLE 2: To see if the Town will vote to appropriate, transfer, or borrow a sum of money to continue the **future wastewater and treatment options** for the protection of human and environmental health and to enhance the economic development in Bourne, said funds to be used for administrative tasks, grant writing, environmental assistance, planning, constructing, originally equipping and furnishing of a Waste Water Facility and ancillary space on town-owned land, including the payments of all costs incidental and related thereto, or to take any action in relation thereto.

Sponsor – Board of Sewer Commissioners

ARTICLE 3. To see if the Town will vote to appropriate or transfer from available funds a sum of money for the purpose of **funding the reserve fund**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 4: To see if the Town will vote to appropriate, borrow or transfer from available funds the sum of \$204,500.00 to supplement the FY2018 Regular Annual Expenses of the Town as voted under Article 3(Annual Budget) of the 2017 May Annual Town Meeting, or take any action in relation thereto.

Sponsors – Board of Selectmen/Town Administrator

FY2018 BUDGET AMENDMENT		
Town Administrator	Salaries	55,000.00
Town Administrator	Expenses	2,000.00
Town Planner	Expenses	40,000.00
Town Engineer	Expenses	5,000.00
Fire Department	Salaries	45,000.00
Inspections	Expenses	6,000.00
Board of Health	Expenses	1,500.00
OPEB	Expenses	50,000.00
Total Budget Increase(Decrease)		204,500.00

ARTICLE 5: To see if the Town will vote to appropriate, borrow or transfer from available funds 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.

Sponsors – Finance Director/Town Administrator

ARTICLE 6: To see if the Town will vote to transfer a sum of money from the **Sewer Department Retained Earnings** for the purpose of conducting financial review of the Town of Wareham Sewer invoices to the Town of Bourne, to include professional audits of prior fiscal years, or take any action in relation thereto.

Sponsors – Board of Sewer Commissioners/Town Administrator/Finance Director

ARTICLE 7: To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 40, Section 5B and authorize the establishment of a **Sewer Capital Stabilization Account**, to be funded in its' entirety by the Sewer Enterprise Fund, or take any action in relation thereto.\

Sponsor –Board of Sewer Commissioners

ARTICLE 8: To see if the town will vote to transfer from available funds a sum of money to satisfy the terms of **negotiated agreement** with the Town's municipal Fire Department Bargaining Unit, International Association of Fire Fighters Local 1717 or take any action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 9: 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 reserves from the FY2018 estimated Community Preservation Fund Revenues for the purpose 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	Town Administrator	Install handicap ramp and matting at Electric Ave beach	Recreation	\$17,000 Open Space Revenues
B	Historic Commission	Continuation of the town-wide survey of Historical properties	Historic	\$20,000 Historic Reserves
C	Town Clerk	Continuation of binding and re-binding town records in the Clerk's office	Historic	\$20,000 Historic Reserves
			TOTAL REQUESTS	\$57,000

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

Secret Ballot Voting

