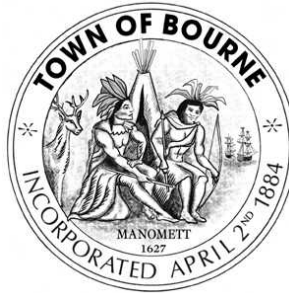


**ARTICLES OF THE WARRANT
FOR THE
BOURNE ANNUAL TOWN MEETING
AND
SPECIAL TOWN MEETING
MONDAY, MAY 2, 2011
7:00 P.M.**

BOURNE HIGH SCHOOL AUDITORIUM



A VOTER'S HANDBOOK

PLEASE BRING THIS HANDBOOK TO EACH SESSION OF TOWN MEETING

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Town of Bourne

Finance Committee Report

for the

Annual Town Meeting

May 2, 2011

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

David Ahearn

Bill Locke

Mark DeCicco

C. Jeff Perry

Hal DeWaltoff

John Redman

Bill Grant

George Slade

Glenn Galusha

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 second year in a row 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, FY12 Capital Plan, and a Long Term Financial Plan.

Overview of FY12 Budget

This is the fiscal year we have been warning about for the last several years – the year the impact of the override in 2006 would no longer carry the town and the year we would be in the difficult position of making the hard decisions about the level of services we maintain. In the words of state Senator Therese Murray, “fiscal year 12 is going to be one of the most difficult years we’ve seen since the economy bottomed out.” We are faced also with an economy that continues to be challenging, while many of our fellow townspeople struggle with job losses, lack of pay raises, and mortgage difficulties. State aid continues to be at low levels, and our new growth remains weak. The town struggles to find additional revenue when faced with contracted pay raises and increased costs for the goods and materials we purchase to provide services.

Compared to FY11, our total revenues are down slightly over \$1 million. The decrease in State Aid accounts for about 60% of the total decline in revenue.

These conditions have forced us to budget for reduced services to the town and schools. We have proposed a budget that will see the elimination of services in many departments – DNR, DPW, Finance, Library, Police, Recreation, Town Administrator’s office, and the schools. Only by using reserve funds will we keep all our fire stations manned and open and provide support to our nationally accredited Council on Aging.

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 bonds. Our Capital Outlay Committee has continued its fine work refining the comprehensive view of capital needs for the Town, and their FY12 recommended Capital Outlay projects total \$6,336,850. While this number seems large, it falls tremendously short of the town-wide capital needs of \$50 – 70 million for the major capital projects that have been identified as priorities for the Town: DPW Facility, 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 unable to fund the same level of service as we provided in last year’s budget. The proposed budget does the following:

- **DNR** – eliminates a part-time secretary, the seasonal harbormaster, reduces pumpout boat service to one boat, and reduces the seasonal shellfish propagation to one upweller; the loss of these services affect safety on the water and have the potential to affect the quality of our waters
- **DPW** – one laborer position will remain unfilled

- **Finance Department** – one account clerk in the Assessor’s office will be eliminated and a half-time account clerk in Treasurer’s office will be eliminated; the loss of these positions will result in longer wait times in those offices for service
- **Library** – elimination of positions have the potential to cause the state to decertify our library
- **Police Department** – the school resource officer will not be funded, patrol office positions will not be filled, and one and one-half secretarial positions will be eliminated; the town will operate on a three-cruiser plan instead of the more preferable four-cruiser plan
- **Recreation Department** – lifeguards at our beaches are eliminated and maintenance of our fields is deferred
- **Town Administrator/Town Hall** – one secretary in inspections will be eliminated, a part-time secretary in the Town Administrator’s office is reduced and custodial time is reduced
- **Bourne schools** – the budget will eliminate 6.4 full-time equivalent positions and four part-time positions

Only by proposing a budget that uses \$950,000 of reserve funds are we able to maintain the remaining services. As you may have read in news accounts, the first draft of the budget would have eliminated three firefighter/paramedics, effectively closing the Sagamore fire station. Both the Finance Committee and the Board of Selectmen feel the safety of the public requires the spending of reserve funds to keep the fire station open.

We have also kept the expense budgets for our departments lean, as we have in the last budgets.

We have reached the point where we can no longer afford the level of services we have been providing without a significant increase in the level of revenue we receive from our tax base. We have been working on ways to reduce the reliance on property taxes – increasing fees where possible, refinancing the Middle School debt resulting in savings, investigating privatization of marinas and curbside trash removal – but these items alone will not solve our problem. We need to increase

the tax base, which the work on Main Street in Buzzards Bay by the Planning Board, Bourne Financial Development Corporation, and others is aimed at doing – but that is long range and will not impact our needs in the next several years. We are also encouraged by the efforts of the school administrator to open discussions with the teacher’s union regarding their contract.

The Finance Committee believes work must begin now to decide whether we go down a path of even further reducing the services provided by town government or increasing revenue via the only short-term solution available to us - an override. Let’s not be afraid of the “O” word. This is the place to prepare the taxpayers for a fall Special Town Meeting and special election. A thoughtful examination of our town’s priorities, as evidenced by where we spend our money, will determine what the next steps are. Difficult as it will be, we must decide whether to increase our tax base, despite a lagging economy, or reduce services. The budget is our town’s values translated into dollars and cents.

Fiscal 2012 Budget

Sources and Uses of Funds

Included in your Voter Handbook is a report titled Fiscal 2012 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 FY12 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:

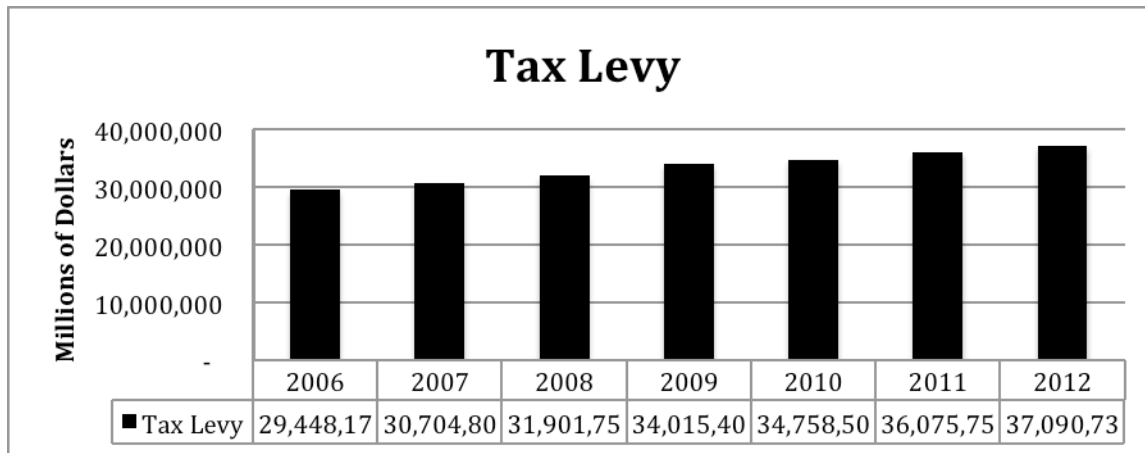


Figure 1 - History of Tax Levy in Bourne

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.

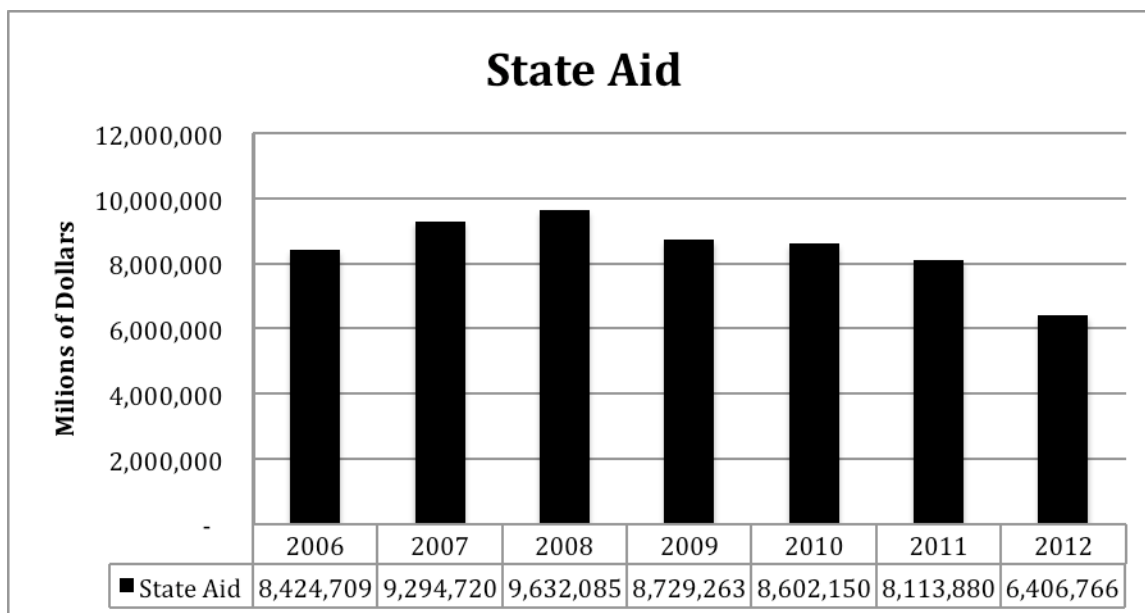


Figure 2 - History of State Aid to Bourne

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:

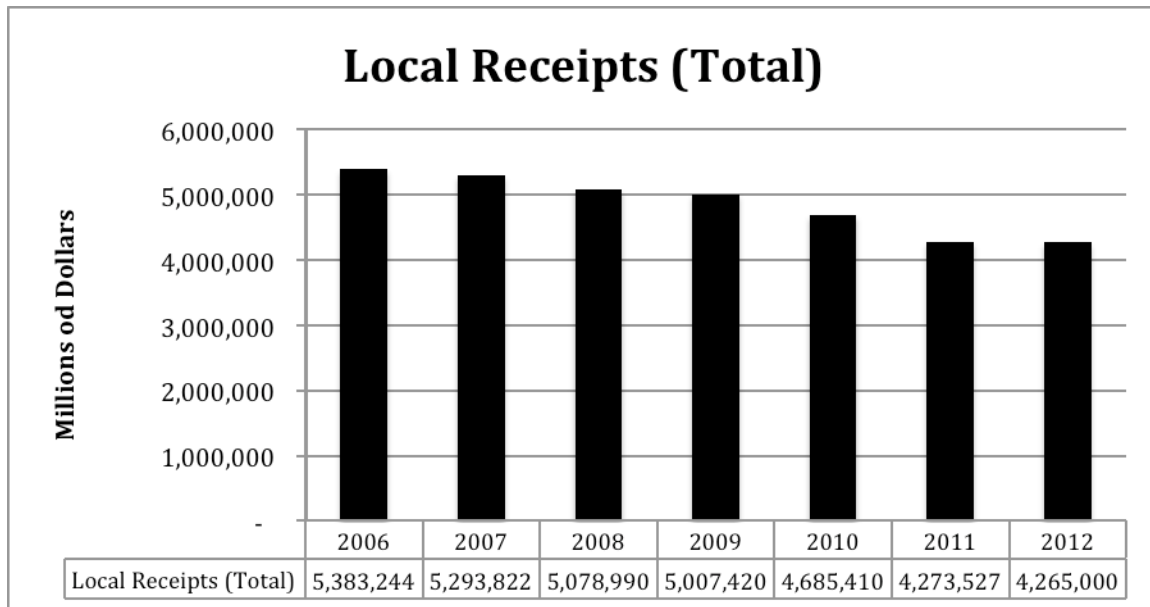


Figure 3 - History of Local Receipts in Bourne (2011 and 2012 estimated)

The table below details each local receipt line. As can be seen, we are projecting either no increase or a decrease over the prior fiscal year for every line item that makes up local receipts. Overall we are projecting a decline in local receipts of \$8,500.

	2006	2007	2008	2009	2010	2011	2012
Motor Vehicle Excise	2,496,559	2,281,830	2,209,908	2,190,644	1,981,213	1,785,060	1,785,000
Other Excise	126,261	138,768	139,331	131,412	140,223	130,000	130,000
Penalties & Interest	194,346	247,936	202,649	244,991	273,870	260,000	260,000
Payments in Lieu	16,622	25,233	25,094	27,738	22,816	25,000	25,000
Dept. - Recreation DNR	1,103,971	1,019,705	1,105,218	1,132,719	1,146,435	1,035,000	1,035,000
Other Dept. Revenue	197,156	213,189	226,753	218,293	243,050	220,000	220,000
Licenses & Permits	622,344	577,720	496,266	486,235	467,769	425,000	425,000
Fines & Forfeits	106,206	134,199	132,492	151,792	139,539	135,000	135,000
Investment Income	491,131	555,411	466,039	203,253	81,813	80,000	80,000
Misc.	28,648	99,833	75,240	220,343	188,682	178,467	170,000

Figure 4 – Detailed History of Local Receipts in Bourne

Other Revenue Sources

We have increased the ISWM Host Community Fee by \$50,000 to \$450,000, 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 \$50,000 compared to FY11.

Operating Expenses

Overall, our operating expenses are \$49.4 million not including state assessments, capital or our ISWM and Sewer Enterprise operations. The FY12 budget calls for reduced staffing, as detailed in the budget overview section. Departmental requests were again cut and expense accounts reduced to bare minimum levels. These cuts come on top of the previous years' expense reductions. The Finance Committee understands the need to take such steps, but recognizes we cannot continue to operate the town in this fashion any longer. The budget affects the viability of our community, our quality of life, the quality of our education, our dedication to public safety and our commitment to our human services agencies.

Public Safety

The police budget has been decreased. We have not been able to increase to a full complement of 32 officers due to a variety of reasons. While the override we passed for new officers should have gotten us there, we have been unable to keep up with filling positions vacated due to retirements while the police academies have been difficult to get into. Once we get a new officer hired and assigned a space in an academy, it takes one year before that officer is available for patrols in town. Therefore, regardless of the budget situation, it takes a very long time to add police officers.

Health Care

Group health insurance has had a fourth 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. At the end of March the account had a balance of \$2 million or 4 months of reserve.

Education

The Bourne School Department's budget is decreased by \$965,185 from FY11. The schools are the single largest department in town. The Bourne School budget meets the minimum requirements for Foundation Budget and Net School Spending set by the State. Class sizes remain larger than best educational practices recommend, and will most likely affect test scores and overall educational quality. There is a need to provide more Advanced Placement classes and course choices for our students. We are encouraged by the new superintendent's open budget process.

The Upper Cape Cod Regional Technical School's budget is \$70,000 higher than last year. The number of students Bourne sent to the school declined by 5 students for FY12.

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.

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 results 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 by a million dollars, but they cannot be an ongoing substitute revenue source.

A summary of the Town's reserve accounts and their associated policy guidelines follows, *after Town Meeting and assuming the budget and all articles pass*:

- Unreserved Fund Balance – policy is for 5% of the FY12 budget, which equals \$2.5 million. This balance can differ slightly from Free Cash, which is usually certified only at the end of each fiscal year by the Department of Revenue. We currently have a certified Free Cash balance of \$4,347,334 less 617,687 voted at the fall town meeting leaving \$3,829,647 and will be using approximately \$800,000 to fund the operating budget.
- Stabilization Fund – policy calls for 7% of the FY12 budget, or \$3.45 million. This is a “rainy-day” fund. A vote of 2/3 of Town Meeting is required to spend money from this fund. We currently have \$3.6 million in general stabilization and \$450,000 in capital stabilization.
- Employer Health Insurance Trust Fund – policy is to have either four (4) months of average costs or no less than \$1.6 million. The fund now has \$2 million, well in excess of either policy measurement.
- 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 FY12 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 FY12 budget. Their plan 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, plus a new Phase 4 liner for ISWM. Total planned spending for FY11 is

\$6,335,850. 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 \$50,000 increase in the Host Community Fee, to \$450,000.

ISWM Reserve Funds

As of March 31, 2011:

Post Closure Fund – \$1,902,776

Phase III Closure Account – \$618,792

Future Solid Waste Reserve Account – \$500,000

C&D Transfer Station - \$103,000

Phase 2A/3A Closure - \$1,498,050

The business ISWM is in is volatile, competitive, and complex. We need to ensure we have strong financial oversight and reporting along with strong operational management. The projects ISWM engages in are complex and need strong project management with appropriate financial and operational status reports to the Town.

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 \$1,037,700 from the tax levy surcharge and \$300,650 in 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 eight projects for Community Housing and Historic Preservation. One project for open space has been put forth for FY12.

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.

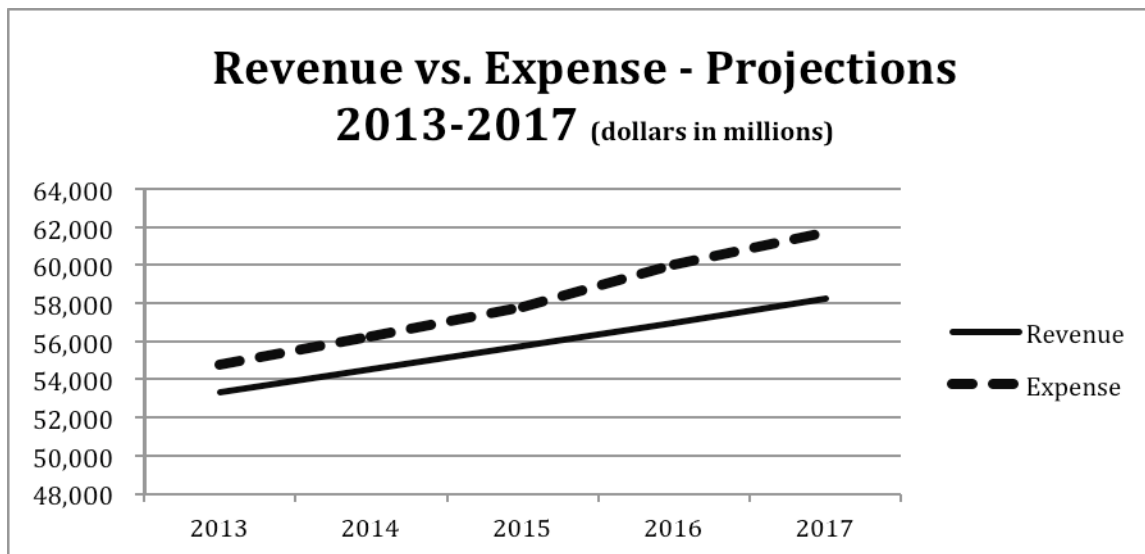


Figure 5 – Budget Projections Based on FY2012 Budget

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 hit the wall we have been predicting for several years. The structural deficit that was alleviated by the override of 2006 has returned. Combined with the effects of a poor economy reflected in reduced state aid and reduced local receipts, we are in the difficult position of reducing personnel.

As was discussed previously, we face a structural deficit for the next five years. If we do nothing, we will be forced to continue cutting personnel. As we said last year, “Our Town is staffed to provide minimal services. We have serious needs in planning, human resources, engineering, and facilities maintenance and management, to name a few. Additionally, we must begin to plan for succession, as many of our employees are nearing retirement age. The loss of institutional knowledge when they depart will be great and we must plan for orderly transitions, which translates into higher costs.” We have not begun to address these problems in this budget and have not done so in the projections for the future. We are rapidly reaching the point where further personnel cuts will result in the closure of departments.

Based on the Finance Committee's review of the FY12 budget, it is time to plan for an override. While it may not be advisable to look at one for FY12, it may be unavoidable for next year. We have little or no room for any changes in State aid, much less unanticipated expenditures for emergencies or natural disasters. The level of services in future years will decline unless we determine what we want, what we need, and what we are willing to fund. Long-range planning includes determining what our priorities are for services, and what our appetite for paying for those services will be. We cannot begin the conversations about FY 2013 soon enough.

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 Counsel; Town Administrator and Board of Selectmen.

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

Two hundred (200) 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).

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 drawn at random by the Town Clerk, 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.

MOTIONS

Following the reading of each article by the Moderator, he 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, recommendation and motion. 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 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 show of hands, which will be counted by designated checkers. On votes requiring other than a majority, if the result is not unanimous, a show of

hands 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 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*.
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.
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 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, and close the doors. You may leave the auditorium at any time, but you will not be allowed to return until the Moderator declares that vote casting is concluded.

11. All motions, other than strictly parliamentary or procedural motions, must be in writing, and must be in proper legal form. If you need assistance, please ask for it, and the deputy moderator will help you.

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 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 photography *at the ballot boxes* of person's casting votes during a secret ballot.

16. Persons running for public office, and their supporters, 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.

Robert W. Parady
Town Meeting Moderator

SPECIAL TOWN MEETING

Monday, May 2, 2011

ARTICLE 1: To see if the Town will vote to appropriate a sum of money for the purpose of accepting proceeds from insurance in the amount of \$23,280.00 for a loss at the fire department, or take any other action in relation thereto.

Sponsor – Bourne Fire Chief

MOTION: We move the Town so vote. We further move to transfer the sum of \$23,280.00 from the insurance recovery fund to the reserve fund.

Finance Committee Recommendation

This article will allow us to transfer insurance money received back to the Reserve Fund. There was an accident involving Car 143 with a lieutenant paramedic responding to a cardiac call at the House of Corrections. With good luck no personal injury of Firefighters occurred.

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

ARTICLE 2: 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 Bournedale, Bourne, Barnstable County, Massachusetts, as shown on a plan of land a copy of which is on file at the office of the Town Clerk, for purpose of community preservation as 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 thereto such acquisition; and to further authorize the Board of Selectmen and the Open Space Committee to take all acts necessary to implement this vote; said funds are to be expended under the direction of the Community Preservation Committee, or take any other action in relation thereto.

Sponsor - Open Space Committee

MOTION: We move that the Town vote. Upon recommendation of the Community Preservation Committee, to authorize the Board of Selectmen to acquire by purchase a parcel of land located a 199 Herring Pond Road as shown on Bourne Assessors Map 5 as Parcel 4, containing approximately 2.20 acres, as shown on a plan of land, a copy of which is on file at the office of the

Town Clerk, on terms and conditions deemed by the Selectmen to be in the best interest of the Town, and to appropriate the sum of \$8,000.00 for the purposes of this Article and to meet this appropriation to transfer the sum of \$8,000.00 from the Community Preservation Open Space Reserves.

Finance Committee Recommendation

This Article recommends using open space funds to purchase 2.2 acres of land in Bournedale directly south of a 19 acre parcel already owned by the town. The purchase meets the standards for use of CPA funds.

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

See Appendix “C” Supporting Information – Page 137

ARTICLE 3: To see if the Town will approve the \$2,000,000.00 borrowing authorized by the vote of the Upper Cape Cod Regional Vocational Technical School District on March 10, 2011, for the purpose of paying cost of replacing windows at the District high school located at 220 Sandwich Road, Bourne, Massachusetts, and for the payment of all cost incidental and related thereto, or to take any other action relative thereto.

Sponsor – Upper Cape Cod Regional Technical School

MOTION: We move that the Town vote to approve the borrowing of \$2,000,000.00 as authorized by the vote of the Upper Cape Cod Regional Vocational Technical School District on March 10, 2011, for the purpose of paying cost of replacing windows at the District high school located at 220 Sandwich Road, Bourne, Massachusetts, and for the payment of all cost incidental and related thereto.

Finance Committee Recommendation

Passage of this article will allow Upper Cape Tech to take advantage of the Massachusetts School Building Authority “Green Repair Program”, which provides a subsidy for infrastructure projects such as roofs, boilers/heating systems and windows. The UCT windows are 42 years old and are in great need of repair. In order to take advantage of this program where the state pays 43% of the cost, the UCT must borrow \$2,000,000 to fix over 10,000 sq. ft. of windows. It should be noted that when the UCT formally applied for this subsidy program they were moved to the top of the list based on need.

The five towns' share of the project totals \$1,140,000. Of that amount Bourne is responsible for 17.423% or a total cost of \$198,622 to be amortized over 10 years. As we all know maintaining infrastructure in any building is key to its longevity. Windows are especially important and in this case it seems that these repairs are long_overdue.

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

ARTICLE 4: 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: renovation of existing space in Town Hall to create a secure vault in which permanent Town Records will be preserved, including costs incidental and related 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(s) - Town Treasurer; Town Clerk and the Community Preservation Committee.

MOTION: We move that the Town vote to appropriate from the Community Preservation Undesignated Fund Balance, upon the recommendation of the Community Preservation Committee, the sum of \$30,000.00 for the purposes of renovating existing space in town hall to create a secure vault in which permanent Town records will be preserved.

Finance Committee Recommendation

This Article recommends using funds from the CPA undesignated fund balance for the renovation of a space in Town Hall for use as vault to hermetically store town documents. The purchase meets the standards for use of CPA funds.

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

ARTICLE 5: To see if the Town will vote to authorize the Board of Selectmen, in the name of the Inhabitants of the Town of Bourne, to execute, acknowledge and accept from Carla Forlivesi, or her successors in title, an easement to maintain, repair and replace the boat ramp and dock within the boundaries as shown on a plan on file with the Office of the Town Clerk and to indemnify and hold harmless,

Carla Forlivesi or her successors in title for any and all claims or causes for action arising from the use of this easement , or take any other action in relation thereto.

Sponsor – Town Administrator

MOTION: We move the Town vote to authorize the Board of Selectmen, in the name of the Inhabitants of the Town of Bourne, to execute, acknowledge and accept from Carla Forlivesi, or her successors in title, an easement to maintain, repair and replace the boat ramp and dock within the boundaries as shown on a plan on file with the Office of the Town Clerk and to indemnify and hold harmless, Carla Forlivesi or her successors in title for any and all claims or causes for action arising from the use of this easement.

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

See Appendix "C" Supporting Information – Page 138

2011 ANNUAL TOWN MEETING

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.

MOTION: We move the Town so vote.

Finance Committee Recommendation.

Article 1 is the annual housekeeping article that gives the Town the authorization to take such actions as apply for funds, the ability to use certain funds that flow to the Town, as well as accept liability for State sponsored improvements and enter into various long term business and financial relationships.

The Finance Committee voted unanimously (9-0) 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

MOTION: We move that the Town vote to fix the salaries and compensation of all elected officials as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended as follows:

Moderator	\$552.00
Selectmen 5 ea \$3,500	\$17,500.00
Town Clerk	\$35,184.00

We further move that the sum of \$53,236.00 be raised and appropriated for the purpose of this Article.

Finance Committee recommendation

This article sets the salaries for our seven elected officials for the year starting on July 1st. The annual compensation for Selectmen is \$3,500 same as last year. The Town Clerk will be given a raise from \$33,817.72 to \$35,184.00 and the

Moderator's salary is being increased by \$21.00 to \$552.00. The total we pay our elected officials will be \$53,236.00.

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

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

MOTION: We move that the sum of \$49,875,934.00 be appropriated for the regular annual expenses of the Town for the fiscal year July 1, 2011 to June 30, 2012, of which \$10,789,684.00 shall be for salaries and wages and \$39,086,250.00 shall be for expenses, all segregated to the accounts as printed in the Town Administrator's recommendations attached to this motion and incorporated herein by reference, except that amounts for Town and Regional Schools may wholly or in part be used for salaries and wages; and to meet this appropriation, we further move that the sum of \$195,000.00 be transferred from PL874 grant funds for the town's school expenses, the sum of \$900,000.00 be transferred from the Ambulance Fund to the Town Ambulance operation, the sum of \$15,000.00 be transferred from Conservation Commission Receipts reserved for appropriation for the Conservation Commission, the sum of \$713,528.00 be appropriated from FY2012 Estimated Community Preservation Fund Revenues and the sum of \$19,932.00 be appropriated from the CPA Undesignated Fund Balance for debt expense for Open Space and Recreation purposes, the sum of \$30,460.00 be transferred from the Community Septic Management program, the sum of \$75,000.00 be transferred from the Waterway Improvement Fund, the sum of \$ 800,000.00 transferred from free cash, the sum of \$150,000.00 transferred from Overlay Surplus, and the sum of \$46,977,014.00 be raised and appropriated.

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

MOTION: We move the sum of \$842,801.00 be authorized to be expended by the Sewer Commissioners for the operation of the Sewer Department as follows:

Salaries & Wages	\$153,544.00
Expenses	\$674,257.00
Reserve Fund	\$ 15,000.00

And we further move that the sum of \$130,742.00 be transferred to the General Fund to offset Sewer Enterprise indirect expenses, and in order to meet this appropriation, we move that the sum of \$100,000.00 be transferred from Retained Earnings, and the sum of \$873,543.00 be raised from Sewer Enterprise Receipts.

Finance Committee Recommendation

The proposed budget basically level funds the department except for minor wage increases, which are offset by reductions in other accounts. Money for hiring a consultant to examine possible future actions is also included.

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

MOTION: We move that the Town vote to appropriate any sums of money received or to be received from the Commonwealth of Massachusetts for the purposes of this article.

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

MOTION: We move that the Town vote to raise and appropriate the sum of \$250,000.00 for the purposes of this article.

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

MOTION: We move that the sum of \$7,467,896.00 be authorized to be expended for the operation of the Integrated Solid Waste Management Enterprise Fund as follows:

Salaries and Wages	\$1,731,320.00
Expenses	\$5,086,576.00
Reserve Fund	\$200,000.00
Host Community Fee	\$450,000.00

And we further move that the sum of \$1,763,655.00 be transferred to the General Fund to offset the ISWM Enterprise Fund indirect expenses and in

order to meet this appropriation, we further move the sum of \$9,231,551.00 be raised from receipts from the ISWM Enterprise Fund for the purpose of this article.

Finance Committee recommendation

This article approves the operating budget of ISWM for the coming year. FY12 ISWM revenue and expenditures are budgeted at \$9,231,551 which is an increase of \$36,243 from FY11. The Host Community Fee has been increased \$50,000 to \$450,000, the ISWM Reserve Fund has been increased \$175,000 to \$200,000, and the General Fund Administration Fees have increased \$43,016 to \$1,763,655. Salaries and Wages have been reduced \$15,174 and Expenses have been reduced \$213,599. 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 pick up and curbside recycling.

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

Number	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY 2011 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	\$ 50,000.00

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	\$ 50,000.00
4	After School Activity Revolving Fund	School Department with the approval of the School Committee	Fees for After School Activities	To pay for After School Programs	\$ 15,000.00
5	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	\$ 7,500.00
6	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
7	Composting Bins Fund	Integrated Solid Waste Management with the approval of the Town Administrator	Fees received from the sale of composting bins	To purchase and acquire additional composting and recycling bins	\$ 250.00
Total spending					\$ 162,750.00

MOTION: We move that the Town vote under the authority of M.G.L. Chapter 44, Section 53 E ½ to establish Revolving Funds to be entitled herein and to authorize the spending limits for the Recreation Programs Fund in the amount of \$50,000.00; the Shellfish Propagation Fund in the amount of \$30,000.00; the School Transportation Fund in the amount of \$50,000.00; the After School Activity Fund in the amount of \$15,000.00; the Public Library Book Fund in the amount of \$7,500.00; the Composting Bins Fund in the amount of \$250.00; and the Bourne Veteran's Community Building Rental Fund in the amount of \$10,000.00.

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 the fund is being used as intended.

Finance Committee recommendation will be made at Town Meeting

See Appendix “C” Supporting Information – Page 140

ARTICLE 9: 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.

Finance Committee Recommendation

Every year this article is placed on the warrant, so that any committee or Board can address the Town meeting directly. Therefore, if there are comments or updates on activities from a committee, this will be your opportunity to speak.

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

ARTICLE 10: 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

ITEM	DEPARTMENT	PROJECT/DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
1.	Finance-IT	Server Update	\$ 80,000.00	Ch 44, Sec 7(28)	Borrowing
2.	Police Dept	Cruisers	\$ 110,000.00	Ch 44, Sec 7(9)	Borrowing

3.	Police Dept	Update In house Computers	\$ 26,000.00	Ch 44, Sec 7(28)	Borrowing
4.	Fire Dept	Breaker 127	\$ 75,000.00	Ch 44, Sec 7(9A)	Borrowing 55,000, Transfer 20,000 from Art 28 May 1998 ATM Fire Brush Breaker
5.	Fire Dept	Ambulance 134	\$ 170,000.00	Ch 44, Sec 7(9)	Borrowing
6.	DNR	Mon Bch Marina Septic Upgrade/Parking Lot Paving	\$ 376,000.00		Waterways \$339,000, Transfer from Art 10 item 6 May 2010 ATM Replace Floats \$37,000.00.
7.	Bourne Schools	Technology Plan	\$ 205,000.00	Ch 44 Sec 7(28 & 29)	Borrowing
8.	Bourne Schools	BHS Convert all burners to natural gas	\$ 100,000.00	Ch 44 Sec 7(3A)	Borrowing
9.	Bourne Schools	BHS Remove 2 underground oil tanks	\$ 25,000.00	Ch 44 Sec 7(3A)	Borrowing
10.	Bourne Schools	Peebles heating system conversion & upgrade, convert & replace hot water	\$ 70,000.00		Transfer 70,000.00 from Art 10 item 9 May 2009 ATM Boiler Replacement.
11.	Bourne Schools	Bourne Middle School HVAC System	\$ 8,000.00		Transfer \$8,000.00 from Art 10J May 2008 ATM Repair greenhouse & replace entrance roof BHS.
11.	DPW	10 Wheel Dump Truck (T10)	\$ 150,000.00	Ch 44, Sec 7(9)	Borrowing
12.	DPW	Copy Machine	\$ 8,000.00		Free Cash
13.	DPW	DPW Garage Repairs	\$ 50,000.00	Ch 44 Sec 7(3A)	Borrowing
14.	Shore & Harbor	Annual Dredging	\$ 85,000.00		Waterways
18.	ISWM	Skid Steer	\$ 42,000.00		ISWM Retained Earnings
19.	ISWM	Phase 4 Liner construct & Assoc Appurtenances	\$ 4,755,850.00	Ch 44, Sec 8(24)	Borrowing
			\$ 6,335,850.00		

MOTION: We move that the Town vote to raise and appropriate the sum of \$6,335,850.00 for the capital outlay projects listed in the capital improvements and capital projects printed on Pages 125-135 in the Voter's Handbook and, to meet this appropriation, we move to transfer the sum of \$135,000.00 from available funds; \$8,000.00 from free cash; \$42,000.00 from ISWM retained earnings; and \$424,000.00 from the Waterways Improvement Fund. We further move to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$5,726,850.00 under and pursuant to Chapter 44, Sections 7(3A), 7(9), 7 (9A), 7(28), 7(29), 8(24) of the General Laws, as amended, and supplemented, or any other enabling authority and to issue bonds or notes of the Town therefore.

Finance Committee Recommendation

This article requests the funding for the FY12 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. Items deferred include the funding of the new DPW Facility, Police Station, South Side Fire Sub Station, Fire Station 1 rehab (Buzzards Bay), Fire Station 4 (Pocasset) repairs, replacement of floats at Monument Beach Marina, and several DPW equipment and electrical upgrade requests.

ISWM related projects total \$4,797,850 including the Phase 4 Liner request of \$4,755,850. The remaining \$1,538,000 will fund capital projects for other Town Departments.

The \$6,335,850 of FY12 capital requests funded in this article are funded by:

<i>Free Cash</i>	<i>\$8,000</i>
<i>General Debt</i>	<i>\$971,000</i>
<i>Enterprise Debt</i>	<i>\$4,755,850</i>
<i>Waterways Fund</i>	<i>\$424,000</i>
<i>Enterprise Fund</i>	<i>\$42,000</i>
<i>Other Available Funds</i>	<i>\$135,000</i>

More details and an explanation of the individual expenditures will be provided at 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 amend Section 6.1.1 Violation of Bylaws of the Town Bylaws by striking the sentence: “Except where otherwise provided, any person violating the provisions of these bylaws shall be subject to a penalty of not less than twenty-five dollars nor more than fifty dollars for each offense ” and substituting in their place the sentence: “Except where otherwise provided, any person violating the provisions of these bylaws shall be subject to a penalty of not less than fifty nor more than three hundred dollars for each offense ” or take any other action in relation thereto.

Sponsor – Bylaw Committee

MOTION: We move the Town so vote.

Finance Committee Recommendation

The Bylaw Committee has made a comprehensive review of our General Bylaws and the fines that are assessed for violating them. This change would increase the range of fines where specific amounts are not cited from \$25-\$50 to a range of \$50 to \$300.

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

ARTICLE 12: To see if the Town will vote to amend Chapter 3 General Regulations of the Town Bylaws by changing the fines in various sections from the current amounts to the proposed amounts as printed in the Warrant or take any other action in relation thereto.

Town of Bourne Fines

<u>Section</u>	<u>Current</u>	<u>Proposed</u>
3.1.15 Trespassing	\$50.00	\$300.00
3.1.17 Hawkers and Peddlers	\$50.00	\$300.00
3.1.19 Possession of Alcohol	\$50.00	\$300.00
3.1.20 Consumption of Alcohol	\$50.00	\$300.00
3.1.27 Use of Vehicles on Public Land	\$50.00	\$300.00
3.1.33 c) Handicapped Parking	\$40.00	\$300.00

Sponsor – Bylaw Committee

MOTION: We move the Town so vote.

Finance Committee Recommendation

The Bylaw Committee has reviewed the fines which are assessed under our General Bylaws and found a number of instances where the fines are too low by modern standards. The increased fines proposed by this article will bring our fines in line with those in other communities and assist our law enforcement officers by putting more clout in the laws.

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

ARTICLE 13: To see if the Town will vote to amend Section 3.1.24 Mechanical Protection Devices of the Town Bylaws by deleting this Section in its entirety and substituting a new Section 3.1.24 as follows:

“Section 3.1.24 Mechanical Protection Devices.

- a. It shall be unlawful to install a mechanical protection device that is automatically keyed to and/or activates the telephone (numbers) lines controlled by and/or listed to the Bourne Police Department; all such devices installed before the effective date of this section shall be defined as: An electrically operated instrument composed of sensory apparatus and related hardware which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a physical force or condition inherently characteristic of a fire or unauthorized intrusion.
- b. No person or business shall have an alarm system that notifies the Bourne Police Department by means of a dedicated or a non-dedicated telephone line, recorded device, or other means (hereinafter referred to as a “monitored system”), without first completing an alarm application form prescribed by the Chief of Police or his designee.
- c. An alarm system for either a residential or a commercial building that utilizes an audible device that is detectable outside of the building, shall be equipped with an automatic shut-off that will silence the audible device after no more than thirty (30) minutes of the activation of the alarm system.
- d. The activation of a monitored system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or his employees or agents or the activation of a monitored system

requiring or resulting in a response on the part of the Police Department when, in fact, there has been no unauthorized intrusion, robbery, burglary or attempt as same shall be deemed a false alarm. A fine for violations of this bylaw may be assessed against the owner or tenant of the residence or place of business. A user of an alarm system who has recorded more than three (3) false alarm within a calendar year shall be subject to a fine of fifty (\$50.00) dollars for each false alarm commencing with the fourth such occurrence. Upon a seventh false alarm the fine will increase to one hundred (\$100.00) for it and each subsequent occurrence, or take any action in relation thereto.

Sponsor – Bylaw Committee

MOTION: We move the Town so vote.

Finance Committee Recommendation

This article is to help us to encourage businesses and home owners to maintain their alarm systems. The way this works is that the first 3 false alarms are at no cost, false alarms 4, 5, 6, are at fifty dollars (\$50.00) each, false alarms 7, 8, etc are at one hundred (\$100.00) each. This change is designed to help us to encourage businesses and home owners to maintain their alarm systems. The way this works is that the first 3 false alarms are at no cost, false alarms 4, 5, 6, are at fifty dollars (\$50.00) each, false alarms 7, 8, etc are at one hundred (\$100.00) each. The purpose of this article is encourage compliance with the existing bylaw.

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

See Appendix “C” Supporting Information – Page 142

ARTICLE 14: 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 – Finance Director

Description of Article	Date of Vote	Revenue Source	Amount
Purchase of Land-3.77 Ac. County Rd	Article 8 STM Oct 2005	Open Space	<u>22,063.31</u>
Field Upgrades	Article 15 STM Oct	Undesignated	<u>2,371.06</u>

	2005	Fund Balance	
Asbestos Removal JBHC Keene St	Article 13A ATM May 2006	Historic	10,000.00
Boiler Replacement Town Hall	Article 13C AMT May 2006	Historic	33,500.00
Briggs McDermott Hse	Article 13D ATM May 2006	Historic	4,600.00
Rep & Preserve Soldiers & Sailors Memorial	Article 33D ATM May 2007	Historic	60,000.00
Briggs McDermott House	Article 14B ATM May 2008	Historic	4,128.00
Cataumet Schoolhouse Accessibility	Article 14C ATM May 2008	Historic	2,630.00
Pocasset Comm Center Roof	Article 13F ATM May 2009	Historic	153.45
			<u>115,011.45</u>

MOTION: We move the Town vote to close out and transfer \$22,063.31 to the Open Space Reserves, \$2,371.06 to the Undesignated Fund Balance and \$115,011.45 to the Historic Resources Reserves as listed above upon recommendation of the Community Preservation Committee whose purposes have been satisfied or funding was insufficient to accomplish the project:

Finance Committee Recommendation

This article will close out various articles from past Town Meetings that authorized appropriating funds for CPA projects. The projects have all been completed and this will make the unused monies available for some of the items included in Article 20.

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

ARTICLE 15: To see if the Town will vote to accept the provisions of M.G.L. c. 32B, § 20 that allows the Town to establish an Other Post Employment Benefits Liability Trust Fund and a funding schedule for the fund, or take any action in relation thereto.

Sponsor Board of Selectmen

MOTION: We move the Town vote to accept the provisions of M.G.L. c. 32B, § 20 that allows the Town to establish an Other Post Employment Benefits Liability Trust Fund and a funding schedule for the fund.

Finance Committee Recommendation will be made at Town Meeting

ARTICLE 16: To see if the town will vote to amend Section 4264(f) of the Bourne Zoning Bylaw by deleting the words “town accepted”, to read as follows, or take any other action relative thereto.

Sponsor: Planning Board

4264. Use regulations. The following criteria must be met for a parcel to be eligible for the nonconforming affordable lot exemption:

New:

- f) Must have a minimum of eighty (80) feet of frontage on a way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic.**

Existing:

- f) Must have a minimum of eighty (80) feet of frontage on a town accepted way, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide the needs of vehicular traffic.

MOTION: We move the Town so vote.

Finance Committee recommendation will be made at Town Meeting

ARTICLE 17: To see if the Town will vote to amend the **Bourne Zoning Bylaws** relative to the Floodplain Regulations as follows, or take any other action relative thereto:

Sponsor – Planning Board

1. SECTION 2100. ESTABLISHMENT OF DISTRICTS

Amend subsection 2110 Type of Districts by adding a new “Floodplain Overlay District” at the end of Type of Districts after “Development Agreement Overlay District” as follows:

2110. Types of Districts. For purposes of this Bylaw, the Town of Bourne is hereby divided into the following types of districts:

FLOODPLAIN OVERLAY DISTRICT

FOD

Add the following district language after “... all as shown on the map entitled 'Traffic Management Districts', dated August 15, 1996 as follows:

The Floodplain District is established as an overlay district to all other districts as designated on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) dated June 16, 2011, on file with the office of the Town Engineer and Town Clerk.

Land in the Floodplain District shall be subject to the requirements of Section 3100, as well as to all other requirements of this Zoning Bylaw which apply to the underlying zoning districts.

2. SECTION 2140. District Purposes. District purposes are as follows:

Add the new Floodplain purpose after the “Development Agreement Overlay” as follows:

FLOODPLAIN OVERLAY DISTRICT FOD: To enable and the Town of Bourne to participate in the National Flood Insurance Program (NFIP) and ensure compliance with the NFIP regulations in all areas as defined as 100-yr floodplain on the Flood Insurance Rate Map (FIRM) provided by FEMA, and further defined by the Flood Insurance Study (FIS).

3. SECTION 3100. LOWLAND REGULATIONS

*a) Amend **Section 3110** by deleting the first paragraph in its entirety and replace with the following:*

3110. Floodplain Provisions. Floodplain Zones includes all special flood hazard areas within the Town of Bourne designated as Zone A, AE, AO, AH, V, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Bourne are panel numbers 25001C0294, 25001C0312, 25001C0313, 25001C0314, 25001C0316, 25001C0317, 25001C0318, 25001C0319, 25001C0482, 25001C0484, 25001C0491, 25001C0492, 25001C0501, 25001C0502, 25001C0503, 25001C0504, 25001C0507 and 25001C0513 dated June 16, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated June 16, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and the Engineering Department; the following regulations shall apply to any new construction or substantial improvement.

b) And delete Section 3110 a) in its entirety and replace with the following:

- a) All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:
 1. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
 2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
 4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

MOTION: We move this article be indefinitely postponed.

Finance Committee recommendation will be made at Town Meeting

ARTICLE 18: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 200A, Section 9A, as amended by Chapter 188, Section 65 of the Acts of 2010, relative to the checks issued by the town each in an amount of less than \$100, which have not been cashed, or act anything in relation thereto.

Sponsor – Treasurer

MOTION: We move that the Town vote to adopt the provisions of Massachusetts General Laws, Chapter 200A, Section 9A, as amended by Chapter 188, Section 65 of the Acts of 2010.

Finance Committee recommendation will be made at Town Meeting

ARTICLE 19: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the purposes of the administrative and operating expenses of the Community Preservation Committee, or take any other action in relation thereto.

Sponsor – Community Preservation Committee

MOTION: We move that the Town vote to appropriate from the Community Preservation Undesignated Fund Balance, upon the recommendation of the Community Preservation Committee, the sum of \$30,000.00 for the purposes of the administrative and operating expenses of the Community Preservation Committee.

Finance Committee Recommendation

This Article covers operating expenses including paying for a secretary to take minutes, office supplies, legal and appraisal expenses. The Community Preservation Act (MGL Chapter 44; Section 6) requires that this item be

appropriated each year and any remaining balance in the previous year's Article be returned to the CPC fund.

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

ARTICLE 20: 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 FY2012 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	CPA Purpose	Community Preservation Committee Recommend
A	Bourne Affordable Housing Trust Fund	Bourne Housing Trust Affordable Home Program	Community Housing	\$82,835 Community Housing Estimated Revenues
B	Bourne Housing Partnership Committee	Funding position of Affordable Housing Specialist including support staff and expenses	Community Housing	\$54,600 Community Housing Estimated Revenues
C	Bourne Public Schools	Window Replacement – Administrative Building	Historic Preservation	\$5,956 Historic Preservation Estimated Revenues & \$54,044 Undesignated Fund Balance
D	Bourne Society for Historic Preservation	Restoration projects for the Briggs-McDermott House and Alonzo Booth	Historic Preservation	\$12,575 Historic Preservation Estimated Revenues

	Inc	Blacksmith Shop		
E	Cataumet Schoolhouse Preservation Group	Rebuild rotted cornices on Cataumet Schoolhouse	Historic Preservation	\$6,700 Historic Preservation Estimated Revenues
F	Bourne Archives	Survey and documentation of the cemeteries in Bourne	Historic Preservation	\$19,204 Historic Preservation Estimated Revenues
G	Town of Bourne	Preservation of historical map books in the Engineering Dept.	Historic Preservation	\$20,000 Historic Preservation Estimated Revenues
H	Town of Bourne	Placing Town Clerk, Planning Board, Engineering and Archives documents in an electronic format (laserfiche)	Historic Preservation	\$40,000 Historic Preservation Estimated Revenues
I	Bourne Historical Society Inc	Restoration, rehabilitation and enhancement of the Gray Gables RR Station	Historic Preservation	\$33,000 Historic Preservation Estimated Revenues
J	Community Preservation Committee	Reserve for Open Space	Open Space	\$385,942 Open Space Estimated Revenues
K	Community Preservation Committee	Reserve for Community Housing	Community Housing	\$0
L	Community Preservation Committee	Reserve for Historic Resources	Historic Resources	\$0
M	Community Preservation Committee	2012 Budgeted Reserve	All CPA Purposes	\$0

MOTION: We move that the Town vote to raise and appropriate, upon recommendation of the Community Preservation Committee, the sum of \$714,856.00 for the Community Preservation Fund Projects and special purpose reserves listed in the Community Preservation Fund Committee report as printed in the Voter's Handbook; and to meet this appropriation and reserve, to appropriate the sum of \$660,812.00 from the FY2012 estimated CPA revenues and transfer the sum of \$54,044.00 from the Community Preservation Fund Undesignated Fund Balance.

Finance Committee Recommendation

This article recommends multiple projects using funds from the Community Preservation Fund. The town previously voted to use the CPA funds for open space, community housing, historic resources or recreation projects. The items in this article meet the standards for use of the CPA funds and are the proposed uses of the 2011 CPA funds.

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

ARTICLE 21: To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the Massachusetts General Court for the purpose of amending the **Bourne Home Rule Charter** as described below.

Change Article 2 Section 2-5: Initiation of Warrant Articles-subsections (b) and (c)

(b) Time for Closing Town Meeting Warrants - The Board of Selectmen shall close the Warrant not less than seventy-five (75) days prior to the date for the annual Town Meeting, and not less than forty-five (45) days prior to the date for any special Town Meeting. By four-fifths vote, the Board of Selectmen may waive the aforementioned requirements for the special Town Meeting, in case of emergency.

(c) Availability of the Voter Handbook - The Voter Handbook shall include the text of any annual or special Town Meeting warrant with the recommendations and counted votes of the Finance Committee, Board of Selectmen, and any other appointed or elected board or committee proposing an article. In the Voter Handbook for the Annual Town Meeting the Selectmen shall include the recommended operating budget with revenue projections, the departmental goals for the upcoming fiscal year, and five

year financial, debt and capital projections. The Voter Handbook shall be available to the public at town hall and the public library not less than fifteen (15) days prior to the Annual Town Meeting.

to

(b) Time for Closing Town Meeting Warrants - The Board of Selectmen shall close the Warrant not less than seventy-five (75) days prior to the date for the annual Town Meeting, and not less than forty-five (45) days prior to the date for any special Town Meeting. By four-fifths (**4/5**) vote, the Board of Selectmen may waive the aforementioned requirements for the special Town Meeting, in case of emergency.

(c) Availability of the Voter Handbook - The Voter Handbook shall include the text of any annual or special Town Meeting warrant with the recommendations and counted votes of the Finance Committee, Board of Selectmen, and any other appointed or elected board or committee proposing an article. In the Voter Handbook for the Annual Town Meeting the Selectmen shall include the recommended operating budget with revenue projections, the departmental goals for the upcoming fiscal year, and five (**5**) year financial, debt and capital projections. The Voter Handbook shall be available to the public at town hall and the public library not less than fifteen (15) days prior to the Annual Town Meeting.

And change **Article 3 Section 3-3: Policy Role**

The Board of Selectmen shall serve as the chief goal setting and policy-making agency of the town, keeping in mind the goals, policies and action items of the Local Comprehensive Plan (LCP), and shall appoint a Town Administrator to carry out such policies. Policies and goals specific to each policy shall be filed with the Town Administrator no later than 45 days after the regular spring town election. Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments ~~shall act through the adoption of broad policy guidelines~~ through the Town Administrator.

Nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of its members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act ~~only~~ through the adoption of broad policy goals, policies and action items, which are to be implemented

by the Town Administrator.

to

The Board of Selectmen shall serve as the chief goal setting and policy-making agency of the town, keeping in mind the goals, policies, and action items of the Local Comprehensive Plan (LCP), and shall appoint a Town Administrator to carry out such policies. Policies and goals specific to each policy shall be filed with the Town Administrator no later than **sixty five (65)** days after the regular spring town election. Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments **only** through the Town Administrator.

Nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of its members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act through the adoption of broad policy goals, policies, and action items, which are to be implemented by the Town Administrator.

And change Article 4 Section 4-1: Appointment; Qualification; Term

The Board of Selectmen shall appoint a Town Administrator Search Committee of not fewer than 5 and not more than 9 residents of the community to assist the Board of Selectmen in the recruitment and selection of the Town Administrator. If the Board of Selectmen does not select one of the candidates presented by the search committee within thirty 30 days, then the search committee shall resume its search and submit an additional list of candidates to the Board of Selectmen within 60 days after it resumes the search.

The Board of Selectmen, by an affirmative vote of 4 members, shall appoint the Town Administrator for an indefinite term and fix the Town Administrator's compensation within the amount annually appropriated for this purpose. ~~The office of the Town Administrator shall not be subject to the Personnel by-law.~~ The Town Administrator shall be appointed solely on the basis of executive and administrative qualifications.

The Town Administrator shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training and previous experience in municipal administration. The Town

Administrator shall have a Bachelors Degree, preferably a Masters Degree, in Public Administration, Business Management or related field; at least seven (7) years experience in an upper level executive municipal position; or equivalent combination of education and experience.

The Administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, or engage in any other business or occupation during his **or her** term, unless such action is approved in advance, in writing, by the Board of Selectmen. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate.

to

The Board of Selectmen shall appoint a Town Administrator Search Committee of not fewer than **five (5)** and not more than **nine (9)** residents of the community to assist the Board of Selectmen in the recruitment and selection of the Town Administrator. If the Board of Selectmen does not select one of the candidates presented by the search committee within thirty (30) days, then the search committee shall resume its search and submit an additional list of candidates to the Board of Selectmen within **sixty (60)** days after it resumes the search.

The Board of Selectmen, by an affirmative vote of **four (4)** members, shall appoint the Town Administrator for an indefinite term and fix the Town Administrator's compensation within the amount annually appropriated for this purpose. The Town Administrator shall be appointed solely on the basis of executive and administrative qualifications.

The Town Administrator shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training and previous experience in municipal administration. The Town Administrator shall have a Bachelors Degree, preferably a Masters Degree, in Public Administration, Business Management or related field; at least seven (7) years experience in an upper level executive municipal position; or equivalent combination of education and experience.

The Administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, or engage in any other business or occupation during his term, unless such action is approved in advance, in writing, by the Board of Selectmen. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and

appropriate.

And change **Article 4 Section 4-4: Temporary Absence**

The Town Administrator may, by letter filed with the Town Clerk and Board of Selectmen designate as Acting Town Administrator, a qualified officer or employee of the town to perform the duties of the Town Administrator during a temporary absence or disability. If this absence or disability exceeds 30 days, any designation made by the Administrator shall be subject to the approval of the Board of Selectmen. If the Town Administrator fails to make a designation, or if the person so designated is unable to serve, the Board of Selectmen may designate some other qualified employee of the town to perform the duties of the Town Administrator until the Town Administrator shall return.

to

The Town Administrator may, by letter filed with the Town Clerk and Board of Selectmen designate as Acting Town Administrator, a qualified officer or employee of the town to perform the duties of the Town Administrator during a temporary absence or disability. If this absence or disability exceeds **thirty (30)** days, any designation made by the Administrator shall be subject to the approval of the Board of Selectmen. If the Town Administrator fails to make a designation, or if the person so designated is unable to serve, the Board of Selectmen may designate some other qualified employee of the town to perform the duties of the Town Administrator until the Town Administrator shall return.

And change **Article 4 Section 4-6: Powers and Duties-subsections (b)**

The Town Administrator shall be the chief administrative officer of the town. The Town Administrator shall be responsible to the Board of Selectmen for the proper administration of all town affairs placed in his ~~or her~~ charge by or under the charter. The Town Administrator shall have the following powers and perform the following duties:

(b) appoint, and in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees as well as members of the Board of Assessors and other employees for whom no other appointment provision is made in this charter. Appointments made by the Town Administrator shall be effective immediately except that appointments

of department heads and members of the Board of Assessors shall become effective on the fifteenth day after the day on which notice of the proposed appointment is filed with the Board of Selectmen, unless a majority of the Board of Selectmen votes to reject the appointment within this period.

to

The Town Administrator shall be the chief administrative officer of the town. The Town Administrator shall be responsible to the Board of Selectmen for the proper administration of all town affairs placed in his charge by or under the charter. The Town Administrator shall have the following powers and perform the following duties:

(b) appoint, and in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees as well as members of the Board of Assessors and other employees for whom no other appointment provision is made in this charter. Appointments made by the Town Administrator shall be effective immediately except that appointments of department heads and members of the Board of Assessors shall become effective on the fifteenth (15th) day after the day on which notice of the proposed appointment is filed with the Board of Selectmen, unless a majority of the Board of Selectmen votes to reject the appointment within this period.

And change Article 5 Section 5-2: Organization of Town Government

Subject only to the express prohibitions in the constitution, general laws or the charter, the Town Administrator may prepare a plan to organize, reorganize, consolidate or abolish any town agency as it considers necessary or advisable. The Town Administrator may prescribe the functions of any town agency and, for such purpose, transfer the powers and duties and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriations of one town agency to another; but no function assigned by the charter to a particular town agency may be discontinued, or unless the charter specifically so provides, assigned to any other. The Town Administrator shall not be prohibited by this charter from including the Department of Public Works or the Department of Integrated Solid Waste Management in any plan to organize, reorganize, consolidate or abolish any town agency that Town Administrator may consider necessary or advisable in accordance with this Section. Any proposed plan submitted under this

section by the Town Administrator must be approved by an affirmative vote of three members of the Board of Selectmen.

to

Subject only to the express prohibitions in the constitution, general laws or the charter, the Town Administrator may prepare a plan to organize, reorganize, consolidate or abolish any town agency as **he** considers necessary or advisable. The Town Administrator may prescribe the functions of any town agency and, for such purpose, transfer the powers and duties and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriations of one town agency to another; but no function assigned by the charter to a particular town agency may be discontinued, or unless the charter specifically so provides, assigned to any other. The Town Administrator shall not be prohibited by this charter from including the Department of Public Works or the Department of Integrated Solid Waste Management in any plan to organize, reorganize, consolidate or abolish any town agency that Town Administrator may consider necessary or advisable in accordance with this Section. Any proposed plan submitted under this section by the Town Administrator must be approved by an affirmative vote of three **(3)** members of the Board of Selectmen.

And change **Article 5 Section 5-3: Public Hearing and Effective Date**

Whenever the Board of Selectmen approves such a proposed plan, it shall hold 1 or more public hearings on the proposal, giving notice by publication in a local newspaper at least 7 days in advance of such hearing. The notice shall describe the scope of the proposal as well as the date and place where the hearing will be held. The Selectmen have 14 days after the close of the public hearing to propose amendments, if any, and vote on the final plan. The proposed organization shall become effective no sooner than 60 days following the Selectmen's vote on the final plan. Where the reorganization moves function or funding from 1 department to another, voters may petition for a Special Town Meeting to address the changes.

to

Before the Board of Selectmen approves such a proposed plan, it shall hold **one** (1) or more public hearings on the proposal, giving notice by publication in a local newspaper at least **seven** (7) days in advance of such hearing. The notice shall describe the scope of the proposal as well as the date and place where the hearing will be held. The Selectmen have **fourteen** (14) days after

the close of the public hearing to propose amendments, if any, and vote on the final plan. The proposed organization shall become effective no sooner than **sixty (60)** days following the Selectmen's vote on the final plan. Where the reorganization moves function or funding from **one (1)** department to another, voters may petition for a Special Town Meeting to address the changes.

And change **Article 5 Section 5-4: Department of Public Works-subsection (b)**

(b) Superintendent of Public Works - The Department of Public Works shall be under the direct control of a Superintendent of Public Works who shall be appointed by and who shall be directly responsible to the Town Administrator. The Superintendent of Public Works shall be a registered civil engineer, or a person otherwise especially suited by education, training or previous experience to perform the duties of the office. The Superintendent of Public Works shall keep full and complete records of the doings of his office and shall render a report of all operations under his control to the Town Administrator and Board of Selectmen as may be required. He shall keep the Town Administrator fully advised as to the needs of the town within the scope of his duties. ~~The position of Superintendent of Public Works shall be a permanent classified position under the salary administration plan by law, as from time to time amended and supplemented.~~

to

(b) Superintendent of Public Works - The Department of Public Works shall be under the direct control of a Superintendent of Public Works who shall be appointed by and who shall be directly responsible to the Town Administrator. The Superintendent of Public Works shall be a registered civil engineer, or a person otherwise especially suited by education, training or previous experience to perform the duties of the office. The Superintendent of Public Works shall keep full and complete records of the doings of his office and shall render a report of all operations under his control to the Town Administrator and Board of Selectmen as may be required. He shall keep the Town Administrator fully advised as to the needs of the town within the scope of his duties.

And change **Article 5 Section 5-5: Department of Integrated Solid Waste Management-subsection (c)**

(c) The General Manager shall be qualified by education, training and previous experience to perform the duties of the office. The General Manager shall keep full and complete records of the doings of his office and report on all operations under his control to the Town Administrator and Board of Selectmen as may be required. He shall keep the Town Administrator fully advised as to the needs of the town within the scope of his duties. ~~The position of General Manager of solid waste shall be a permanent classified position under the salary administration plan by law as from time to time amended and supplemented.~~

to

(c) The General Manager shall be qualified by education, training and previous experience to perform the duties of the office. The General Manager shall keep full and complete records of the doings of his office and report on all operations under his control to the Town Administrator and Board of Selectmen as may be required. He shall keep the Town Administrator fully advised as to the needs of the town within the scope of his duties.

And change **Article 5 -Section 5-6: Department of Finance-subsections (b) through (f)**

(b) Director of Finance - The Director of Finance shall be appointed as provided in Section 4-6(c). The Director of Finance shall be especially fitted by education, training, and experience to perform the duties of the office. ~~The first Director of Finance shall also serve as Town Accountant. Successive~~ Directors of Finance may serve as Town Accountant, Treasurer, Town Collector or Principal Assessor, but the Finance Director may not serve as Town Accountant and Treasurer or as Town Accountant and Town Collector simultaneously. At the discretion of the Town Administrator, the Director of Finance may serve as the head of any division within the department. The Town Administrator may also designate a person to serve as head of more than one (1) division within the department. The Director of Finance shall be responsible to the Town Administrator for the effective operation of the Department of Finance and all

fiscal and financial activities of town government. The Director shall coordinate and provide overall supervision for all activities of the department and, in consultation with the Town Administrator, shall have the authority to direct and assign all personnel serving in that department. The Director of Finance shall be responsible to the Town Administrator and shall have the following specific powers and duties, subject to the direction of the Town Administrator:

1. coordination of the financial functions of all departments and agencies and supervision of the following functions: accounting, treasury, tax collections, assessing, related data processing, budgeting and procurement; ensure that each function is operating efficiently and in accordance with the applicable statute, by-law, code accepted practice;
 2. accountability for planning, organizing and providing administrative direction for all financial functions;
 3. working with the Town Administrator in developing strategic financial plans and policies;
 4. compilation and submission of an annual operating budget and an annual capital improvement plan to the Town Administrator. The Director shall receive all requests made for the expenditure of town funds from every town office and agency and shall assemble all such requests into a form deemed to be best suited to show a complete financial plan for all town funds and activities for the ensuing fiscal year. The proposed budget shall show in detail all estimated income from the proposed property tax levy and from every other source by category; and
 5. general oversight, throughout the year, of the expenditure of all town funds pursuant to such budgets and expenditures as authorized by town meeting.
- (c) Board of Assessors – There shall be a Board of Assessors, consisting of three members, appointed by the Town Administrator for overlapping terms of three years. The Board of Assessors shall have all of the duties and responsibilities assigned to Boards of Assessors by Massachusetts General Law.

- (d) Town Accountant - There shall be a Town Accountant appointed as provided for in Section 4-6(b). The Town Accountant shall be qualified in accordance with the General Laws and shall have a Bachelor's Degree in accounting and at least three years prior full time accounting experience. The Town Accountant shall have the powers and duties conferred upon Town Accountants by General Laws. The Town Accountant shall be responsible to the Finance Director and in turn to the Town Administrator for the proper performance of his ~~or her~~ duties.
- (e) Treasurer – There shall be a Town Treasurer appointed as provided for in Section 4-6[c] ~~and Section 10-5[g]~~. The Treasurer shall be especially fitted by education, training and experience to perform the duties of the office. The Treasurer shall have the powers and duties conferred and imposed upon Town Treasurers by General Laws, this Charter and Town Bylaws. The Treasurer shall be responsible to the Finance Director and in turn to the Town Administrator for the proper performance of his ~~or her~~ duties.
- (f) Town Collector –There shall be a Town Collector appointed as provided for in Section 4-6[c] ~~and Section 10-5[g]~~. The Town Collector shall be especially fitted by education, training and experience to perform the duties of the office. The Town Collector shall have the powers and duties conferred upon Town Collectors and Tax Collectors by General Laws, this Charter and Town Bylaws. The Town Collector shall be responsible to the Finance Director and in turn the Town Administrator for the proper performance of his ~~or her~~ duties.

to

- (b) Director of Finance - The Director of Finance shall be appointed as provided in Section 4-6(b). The Director of Finance shall be especially fitted by education, training, and experience to perform the duties of the office. Directors of Finance may serve as Town Accountant, Treasurer, Town Collector or Principal Assessor, but the Finance Director may not serve as Town Accountant and Treasurer or as Town Accountant and Town Collector simultaneously. At the discretion of the Town Administrator, the Director of Finance may serve as the head of any division within the department. The Town Administrator may also

designate a person to serve as head of more than one (1) division within the department. The Director of Finance shall be responsible to the Town Administrator for the effective operation of the Department of Finance and all fiscal and financial activities of town government. The Director shall coordinate and provide overall supervision for all activities of the department and, in consultation with the Town Administrator, shall have the authority to direct and assign all personnel serving in that department. The Director of Finance shall be responsible to the Town Administrator and shall have the following specific powers and duties, subject to the direction of the Town Administrator:

1. coordination of the financial functions of all departments and agencies and supervision of the following functions: accounting, treasury, tax collections, assessing, related data processing, budgeting and procurement; ensure that each function is operating efficiently and in accordance with the applicable statute, by-law, code accepted practice;
 2. accountability for planning, organizing and providing administrative direction for all financial functions;
 3. working with the Town Administrator in developing strategic financial plans and policies;
 4. compilation and submission of an annual operating budget and an annual capital improvement plan to the Town Administrator. The Director shall receive all requests made for the expenditure of town funds from every town office and agency and shall assemble all such requests into a form deemed to be best suited to show a complete financial plan for all town funds and activities for the ensuing fiscal year. The proposed budget shall show in detail all estimated income from the proposed property tax levy and from every other source by category; and
 5. general oversight, throughout the year, of the expenditure of all town funds pursuant to such budgets and expenditures as authorized by town meeting.
- (c) Board of Assessors – There shall be a Board of Assessors, consisting of three **(3)** members, appointed by the Town Administrator for overlapping terms of three **(3)** years. The Board of Assessors shall have all of the

duties and responsibilities assigned to Boards of Assessors by Massachusetts General Law.

- (d) Town Accountant - There shall be a Town Accountant appointed as provided for in Section 4-6(b). The Town Accountant shall be qualified in accordance with the General Laws and shall have a Bachelor's Degree in accounting and at least three **(3)** years prior full time accounting experience. The Town Accountant shall have the powers and duties conferred upon Town Accountants by General Laws. The Town Accountant shall be responsible to the Finance Director and in turn to the Town Administrator for the proper performance of his duties.
- (e) Treasurer – There shall be a Town Treasurer appointed as provided for in Section 4-6[b]. The Treasurer shall be especially fitted by education, training and experience to perform the duties of the office. The Treasurer shall have the powers and duties conferred and imposed upon Town Treasurers by General Laws, this Charter and Town Bylaws. The Treasurer shall be responsible to the Finance Director and in turn to the Town Administrator for the proper performance of his duties.
- (f) Town Collector –There shall be a Town Collector appointed as provided for in Section 4-6[b]. The Town Collector shall be especially fitted by education, training and experience to perform the duties of the office. The Town Collector shall have the powers and duties conferred upon Town Collectors and Tax Collectors by General Laws, this Charter and Town Bylaws. The Town Collector shall be responsible to the Finance Director and in turn the Town Administrator for the proper performance of his duties.

And change Article 6 Section 6-4: Constable

There shall be one Constable elected for a three (3) year term.

The Constable shall have all of the powers and duties given to Constables under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the charter, by by-law or by other Town Meeting vote.

to

There shall be one **(1)** Constable elected for a three (3) year term.

The Constable shall have all of the powers and duties given to Constables under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the charter, by by-law or by other Town Meeting vote.

And change **Article 7 Section 7-2: Capital Improvement Program and Capital Budget**

The Town Administrator, in conjunction with any committee established for such purpose, shall annually submit a capital improvement program to the Board of Selectmen prior to the date fixed by by-law and prior to the submission of the operating budget. The capital improvement plan shall include a clear summary of its contents; an itemization of all capital improvements, including those of the School Department, proposed to be undertaken during the next five fiscal years with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated annual cost of operating and maintaining the facilities included. The first year's budget would be the capital budget.

to

The Town Administrator, in conjunction with any committee established for such purpose, shall annually submit a capital improvement program to the Board of Selectmen prior to the date fixed by by-law and prior to the submission of the operating budget. The capital improvement plan shall include a clear summary of its contents; an itemization of all capital improvements, including those of the School Department, proposed to be undertaken during the next five **(5)** fiscal years with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated annual cost of operating and maintaining the facilities included. The first year's budget would be the capital budget.

And change **Article 8 Section 8-1: Charter Changes-subsection (b)**

(b) Periodic Charter Review: At least once in every five years a special

committee shall be appointed by the Board of Selectmen for the purpose of reviewing the provisions of the charter and to make a report to the Town Meeting concerning any proposed amendments or revisions which the committee deems necessary. The committee shall be appointed immediately following an annual Town Meeting and shall make its report at the next annual Town Meeting

to

(b) Periodic Charter Review: At least once in every five **(5)** years a special committee shall be appointed by the Board of Selectmen for the purpose of reviewing the provisions of the charter and to make a report to the Town Meeting concerning any proposed amendments or revisions which the committee deems necessary. The committee shall be appointed immediately following an annual Town Meeting and shall make its report at the next annual Town Meeting.

And change Article 8 Section 8-7: Computation of Time

In computing times under the charter, if seven days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted. If more than seven days, every day shall be counted.

to

In computing times under the charter, if seven **(7)** days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted. If more than seven **(7)** days, every day shall be counted.

And change Article 8 Section 8-9: Definitions-subsection (g)

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the charter shall have the following meaning:

(g) Multiple Member Body – The words "multiple member body" shall mean any board, commission or committee consisting of two or more persons, whether elected or appointed.

to

(g) Multiple Member Body – The words "multiple member body" shall mean any board, commission or committee consisting of two **(2)** or more persons, whether elected or appointed

And change **Article 9 Section 9-2: Recall Petition**

Any 250 or more qualified voters of the town may file with the Town Clerk an affidavit containing the name of the elected official sought to be recalled and a statement of the grounds of recall. Said Town Clerk within ten (10) working days shall thereupon deliver to any one or more of the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. Said blanks shall be issued by the Town Clerk with his signature and official seal attached thereto; they shall be dated and addressed to the Board of Selectmen of the town; shall contain the name of the official sought to be recalled, the office from which recall is sought, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within forty-five (45) days after its issuance. The petition, before being returned and filed with the Town Clerk, shall have been signed by not less than 10 per cent of the qualified voters as of the most recent annual town election, and to every signature shall be added the place of residence of the signer, giving the street and number, if any. The Town Clerk shall, within five (5) working days following the date of such filing, submit the petition to the registrars of voters and the registrars shall forthwith verify thereon the number of signatures which are names of registered voters as of the date of the most recent town election.

to

Any **two hundred and fifty (250)** or more qualified voters of the town may file with the Town Clerk an affidavit containing the name of the elected official sought to be recalled and a statement of the grounds of recall. Said Town Clerk within ten (10) working days shall thereupon deliver to any one **(1)** or more of the voters making such affidavit a sufficient number of copies

of petition blanks demanding such recall. Said blanks shall be issued by the Town Clerk with his signature and official seal attached thereto; they shall be dated and addressed to the Board of Selectmen of the town; shall contain the name of the official sought to be recalled, the office from which recall is sought, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within forty-five (45) days after its issuance. The petition, before being returned and filed with the Town Clerk, shall have been signed by not less than ~~ten~~ per cent **(10%)** of the qualified voters as of the most recent annual town election, and to every signature shall be added the place of residence of the signer, giving the street and number, if any. The Town Clerk shall, within five (5) working days following the date of such filing, submit the petition to the registrars of voters and the registrars shall forthwith verify thereon the number of signatures which are names of registered voters as of the date of the most recent town election.

And change **Article 9 Section 9-3: Recall Election**

If the petition shall be found and certified by the Town Clerk to be sufficient, the Clerk shall submit it with the Clerk's certification to the Board of Selectmen without delay. The Board of Selectmen shall forthwith give written notice of receipt of the certificate to the official sought to be recalled. If the official does not resign within five calendar days after receipt of such written notice, the Board of Selectmen shall order a recall election to be held on a date fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided however that if any other town election is scheduled to be held within one hundred twenty days (120) after the date of the certificate, the Board of Selectmen may, at its discretion, postpone the holding of the recall election to the date of the other town election. If a vacancy occurs in said office after a recall election has been ordered by the Board of Selectmen, the election shall proceed as provided in this section.

to

If the petition shall be found and certified by the Town Clerk to be sufficient, the Clerk shall submit it with the Clerk's certification to the Board of Selectmen without delay. The Board of Selectmen shall forthwith give written notice of receipt of the certificate to the official sought to be recalled. If the official does not resign within five (5) calendar days after receipt of such written notice, the Board of Selectmen shall order a recall election to be held on a date fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided however that if any other town election is scheduled to be held within one hundred twenty days (120) after the date of the certificate, the Board of Selectmen may, at its discretion, postpone the holding of the recall election to the date of the other town election. If a vacancy occurs in said office after a recall election has been ordered by the Board of Selectmen, the election shall proceed as provided in this section.

And change Article 9 Section 9-5: Incumbent Status

The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section 9-7.

If the elected official is recalled, he shall be deemed removed upon the qualification of his successor, who shall serve for the balance of the unexpired term of the officer removed. If the successor fails to qualify within five working days after receiving notification of his election, the incumbent shall thereupon be removed and the office vacant.

to

The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section 9-7.

If the elected official is recalled, he shall be deemed removed upon the qualification of his successor, who shall serve for the balance of the

unexpired term of the officer removed. If the successor fails to qualify within five (5) working days after receiving notification of his election, the incumbent shall thereupon be removed and the office vacant.

And change **Article 9 Section 9-8: Limit on Recalled Official**

No person who has been recalled from an office or who has resigned from an office while recall proceedings were pending against him shall be elected or appointed to any town office within one year after such recall or resignation.

to

No person who has been recalled from an office or who has resigned from an office while recall proceedings were pending against him shall be elected or appointed to any town office within one (1) year after such recall or resignation.

And change **Article 10 Section 10-5: Effective Date**

~~The charter shall become fully effective upon its approval by the voters, except as otherwise provided:~~

~~(a) Upon adoption of the charter, the Board of Selectmen, Registrars of Voters, the Town Clerk and other election officers of the town shall be empowered to hold and shall hold a special election to be held on the fourth Wednesday in June following its adoption by the voters. Two vacancies on the Board of Selectmen shall be filled at said election enlarging the Board of Selectmen to consist of five (5) members.~~

~~(b) At the special election, the two additional Selectmen shall be chosen as follows: the candidate receiving the largest number of votes shall be elected Selectmen for a term ending on the day of the annual town election in 2004; and the candidate receiving the second largest number of votes shall be elected Selectmen for a term ending on the day of the annual town election in 2003. Annually thereafter, there shall be elected a Selectman or Selectmen equivalent to the number of vacant positions to be filled~~

~~at each annual election.~~

~~(c) Persons elected to the Board of Selectmen at the special election shall be sworn into office immediately upon certification of the vote by the Town Clerk.~~

~~(d) Upon adoption of the charter and prior to the special election, the Board of Selectmen shall appoint a qualified person to serve as temporary Town Administrator who shall exercise the rights and perform the duties of the Town Administrator. The temporary Town Administrator shall serve in this capacity for a period not to exceed six (6) months or until such time as the Town Administrator is appointed and qualified or for no more than an additional six (6) months. The temporary Town Administrator shall be ineligible for appointment as Town Administrator.~~

~~(e) Upon adoption of the charter a Town Administrator Search Committee shall be established to assist the Board of Selectmen in the recruitment and selection of the first Town Administrator. The Town Administrator Search Committee shall consist of seven (7) members and shall be established as follows: two (2) members of the 2000 Charter Commission selected by the Charter Commission; two (2) members of the public appointed by the Moderator; one (1) member of the Finance Committee selected by that committee and two (2) members appointed by the Selectmen not to include a Selectman. The search committee shall advertise, solicit and interview candidates for the position of Town Administrator. The search committee shall present not less than four (4) and not more than seven (7) candidates for the position of Town Administrator to the Board of Selectmen. In the event the Board of Selectmen does not select one of the candidates presented to it within thirty (30) days then the search committee shall resume its search and submit an additional list of candidates to the Board of Selectmen within sixty (60) days of its resuming of the search.~~

~~(f) Upon adoption of the Charter, and prior to the date the~~

~~Charter Commission ceases to exist, said Commission shall select two (2) of its members who shall serve on the Town Administrator Search Committee described in Section 10-5(e) above and forward the names of those individuals to the Board of Selectmen.~~

~~(g) Until such time as the annual salary for the Town Administrator is otherwise established the initial salary shall be set at not less than \$80,000 per annum.~~

~~(h) The Town Treasurer and Town Collector who have heretofore been elected and who will henceforth be appointed under the provisions of this charter shall serve for the balance of their terms or a sooner vacancy of office, but their successors shall be appointed. Upon the expiration of the terms of office of the Treasurer and Town Collector, or anytime thereafter, the Town Administrator may combine these positions into a single position.~~

~~(i) Beginning with the town election in the year following the year in which the charter is adopted, members of the Planning Board shall be elected for three (3) year terms. One member shall be elected in 2002 for a two (2) year term, expiring in 2004. The three members to be elected in 2004 shall be elected for three (3) year terms. One member shall be elected in 2003 for a two (2) year term to expire in 2005. The three members to be elected in 2005 shall be elected for a three (3) year term. One member shall be elected in 2003 for a three (3) year term, expiring in 2006. The three members to be elected in 2006 shall be elected for a three (3) year term~~

~~(j) The provisions of this charter that relate to the establishment of a Department of Finance shall become effective on July 1, 2002. Not more than thirty (30) days after the adoption of this charter the By-law Committee shall begin to review the existing general by-laws of the town and to make a report, with recommendations for possible changes or amendments, to the Town Meeting in the year following the year in which the charter is adopted.~~

~~(k) Following the appointment of the first Town Administrator as provided for in Section 10-5 (e) above, said Administrator shall appoint a Board of Assessors. The initial three (3) appointments shall~~

be phased to coincide with the expiration of the terms of office of Selectmen/Assessors elected prior to approval of this Charter. In the event that the Town Administrator has not been appointed by the expiration of the first term of the elected Selectman/Assessor in April 2002, the Board of Selectmen shall appoint the first member of the Board of Assessors.

to

Article 10 Section 10-5: Effective Date-**intentionally left blank**

And change **Article 11, Charter Compliance Committee**

There shall be a Charter Compliance Committee consisting of 7 members, appointed by the Town Moderator for 3-year overlapping terms so arranged that the term of no more than three (3) members shall expire each year. At least 1 member of the committee shall reside in each of the town's 6 precincts. No appointee shall be a town employee or a member of any existing board or committee governed by the Charter.

The committee shall take action only after receiving a written complaint, filed by 1 or more voters of the town, alleging a violation of this charter by reason of an act or of a failure to act of the Town Administrator, the Board of Selectmen, the School Committee, the Finance Committee or members of those committees.

The complaint shall state the specific section of this charter that is the subject of the violation, the individual or board responsible for the violation and the act or failure to act resulting in the violation. The complaint shall be filed with the Town Clerk who shall immediately send, via certified mail with return receipt requested, a copy to each member of the committee.

Within 3 weeks after receipt of the complaint by the Town Clerk, the committee shall vote whether to dismiss the complaint without further action. If the committee so votes, the chairman shall give written notification to the Town Clerk. If the committee votes not to dismiss the complaint, the chairman shall set a time and date for a hearing, mail notice of the hearing to the Town Clerk, the complainants and the individual or board named in the

complaint. The Town Clerk shall post and publish the notice in a newspaper of general circulation for at least 7 days before the hearing date. The hearing shall occur within 60 days after the date the complaint was received by the Town Clerk.

At the hearing, the committee shall allow any person to address the committee on the merits of the complaint.

Within 3 weeks after the hearing, the committee shall vote on whether there has been a violation of this charter as alleged in the complaint, shall mail a notice of its decision to the complainant, the individual or board named in the complaint and to the Town Clerk, who shall post a copy of the decision at Town Hall and on the town's web site.

If the committee determines that there has been a violation of this charter as alleged by the complaint, and if, following its vote, there continues to be a violation, the committee may contact Town Counsel who may file a complaint on behalf of the town with the Superior Court.

This Article shall not limit the right to seek enforcement of this charter as otherwise provided by law.

to

There shall be a Charter Compliance Committee consisting of **seven (7)** members, appointed by the Town Moderator for **three (3)** year overlapping terms so arranged that the term of no more than three (3) members shall expire each year. At least **one (1)** member of the committee shall reside in each of the town's **six (6)** precincts. No appointee shall be a town employee or a member of any existing board or committee governed by the Charter.

The committee shall take action only after receiving a written complaint, filed by **one (1)** or more voters of the town, alleging a violation of this charter by reason of an act or of a failure to act of the Town Administrator, the Board of Selectmen, the School Committee, the Finance Committee or members of those committees.

The complaint shall state the specific section of this charter that is the subject of the violation, the individual or board responsible for the violation

and the act or failure to act resulting in the violation. The complaint shall be filed with the Town Clerk who shall immediately send, via certified mail with return receipt requested, a copy to each member of the committee.

Within **three (3)** weeks after receipt of the complaint by the Town Clerk, the committee shall vote whether to dismiss the complaint without further action. If the committee so votes, the chairman shall give written notification to the Town Clerk. If the committee votes not to dismiss the complaint, the chairman shall set a time and date for a hearing, mail notice of the hearing to the Town Clerk, the complainants and the individual or board named in the complaint. The Town Clerk shall post and publish the notice in a newspaper of general circulation for at least **seven (7)** days before the hearing date. The hearing shall occur within **sixty (60)** days after the date the complaint was received by the Town Clerk.

At the hearing, the committee shall allow any person to address the committee on the merits of the complaint.

Within **three (3)** weeks after the hearing, the committee shall vote on whether there has been a violation of this charter as alleged in the complaint, shall mail a notice of its decision to the complainant, the individual or board named in the complaint and to the Town Clerk, who shall post a copy of the decision at Town Hall and on the town's web site.

If the committee determines that there has been a violation of this charter as alleged by the complaint, and if, following its vote, there continues to be a violation, the committee may contact Town Counsel who may file a complaint on behalf of the town with the Superior Court.

This Article shall not limit the right to seek enforcement of this charter as otherwise provided by law.

Or act anything in relation thereto.

Sponsor – Charter Review Committee

MOTION: We move the Town so vote.

Finance Committee Recommendation

This Charter Article corrects typographical and other errors in the Charter, but does not alter its substance. It is the product of the Charter Review Committee's painstaking scrutiny of the written description of our system of government.

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

See Appendix "C" Supporting Information – Page 150

ARTICLE 22: To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the Massachusetts General Court for the purpose of amending the **Bourne Home Rule Charter** as described below.

A.

Change Article 1 Section 3: Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a Board of Selectmen ~~and Town Administrator~~. The legislative powers shall be exercised by an Open Town Meeting.

to

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a Board of Selectmen. The legislative powers shall be exercised by an Open Town Meeting.

B.

Change Article 2 Section 2-5: Initiation of Warrant Articles-subsection

(a)(3)

(a) Initiation - The Board of Selectmen shall receive at any time and insert in the warrant all petitions addressed to it which request the submission of any matter to the Town Meeting and which are submitted to it by: (1) any elected town officer; (2) any town elected or appointed multiple member body acting by vote of a majority of its members; (3) ~~petition of registered voters as provided by law~~; and, (4) the Town Administrator.

to

(a) Initiation - The Board of Selectmen shall receive at any time **before the warrant closes** and insert in the warrant all petitions addressed to it which request the submission of any matter to the Town Meeting and which are

submitted to it by: (1) any elected town officer; (2) any town elected or appointed multiple member body acting by vote of a majority of its members; (3) **any ten (10) or more registered voters stating their residence with street number, if any; subject to the subsequent certification by the board of registrars that at least ten (10) of the signers are voters. In the case of a Special Town meeting, the number of registered voters shall be one hundred (100) or ten percent (10%) of the total amount of registered voters of the town, whichever number is the lesser; and, (4) the Town Administrator.**

C.

Change Article 3 Section 3-1: Term of Office, Composition

There shall be a Board of Selectmen consisting of five members elected for three (3) year terms, so arranged that as nearly an equal number of terms as possible shall expire each year. The Board of Selectmen shall also serve as Sewer Commissioners.

to

There shall be a Board of Selectmen consisting of five members elected for three (3) year terms, so arranged that as nearly an equal number of terms as possible shall expire each year. The Board of Selectmen shall also serve as Sewer Commissioners, **until such time as the town of Bourne adopts appropriate legislation creating a Board of Sewer Commissioners and the Board of Selectmen appoints such a Board.**

D.

Change Article 3 Section 3-3: Policy Role

The Board of Selectmen shall serve as the chief goal setting and policy-making agency of the town, keeping in mind the goals, policies, and action items of the Local Comprehensive Plan (LCP), and shall appoint a Town Administrator to carry out such policies. Policies and goals specific to each policy shall be filed with the Town Administrator no later than ~~sixty five (65)~~ days after the regular spring town election. Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments only through the Town Administrator.

Nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of its members, to become involved in the

day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act through the adoption of **broad** policy goals, policies, and action items, which are to be implemented by the Town Administrator.

to

The Board of Selectmen shall serve as the chief goal setting and policy-making agency of the town, keeping in mind the goals, policies, and action items of the Local Comprehensive Plan (LCP), and shall appoint a Town Administrator to carry out such policies. Policies and goals specific to each policy shall be filed with the Town Administrator no later than forty five (45) days after the regular spring town election. Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments only through the Town Administrator.

Nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of its members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act through the adoption of **written** policy goals, policies, and action items, which are to be implemented by the Town Administrator, **and written in a policy book that shall be publicly available for review.**

E.

Change Article 3 Section 3-6: Prohibitions

No member of the Board of Selectmen shall serve on any appointed town board established by this charter or by by-law, Town Meeting or the Board of Selectmen for which the Board of Selectmen is the appointing authority.

to

- a. No member of the Board of Selectmen shall serve on any appointed town board established by this charter or by by-law, Town Meeting or the Board of Selectmen for which the Board of Selectmen is the appointing authority.
- b. No Selectman shall hold any other elected town office or full time town employment during his term as Selectman.
- c. No former Selectman shall hold any compensated appointed town office

or full time town employment until two (2) years after the expiration of his term as Selectman.

F.

Change Section 3- 8: Rules of Procedure

The Board of Selectmen shall adopt, make public, and abide by its own rules of procedure to govern the conduct of its meetings. An agenda shall be posted with each notice of public meeting. A period of public comment shall be scheduled before the beginning of agenda items. In addition, a public comment period must be provided before any vote on a policy issue. The Board of Selectmen may deviate from its agenda only for sudden, generally unexpected occurrences or for circumstances demanding immediate action.

to

The Board of Selectmen shall adopt, make public, and abide by its own rules of procedure to govern the conduct of its meetings. An agenda shall be posted with each notice of public meeting. A period of public comment shall be scheduled before the beginning of agenda items. In addition, a public comment period must be provided before any vote on a policy issue. The Board of Selectmen may deviate from its agenda only for sudden, generally unexpected occurrences or for circumstances demanding immediate action. **No provision or rule of procedure set by the Board of Selectmen shall supersede or obviate the State Open Meeting Law (MGL Chapter 30A, Sections 18 through 25, or as it may be amended from time to time.)**

G.

Change Article 4 Section 4-1: Appointment; Qualification; Term

The Board of Selectmen shall appoint a Town Administrator Search Committee of not fewer than five (5) and not more than nine (9) residents of the community to assist the Board of Selectmen in the recruitment and selection of the Town Administrator. If the Board of Selectmen does not select one of the candidates presented by the search committee within thirty (30) days, then the search committee shall resume its search and submit an additional list of candidates to the Board of Selectmen within sixty (60) days after it resumes the search.

The Board of Selectmen, by an affirmative vote of four (4) members, shall appoint the Town Administrator for an indefinite term and fix the Town

Administrator's compensation within the amount annually appropriated for this purpose. The Town Administrator shall be appointed solely on the basis of executive and administrative qualifications.

The Town Administrator shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training and previous experience in municipal administration. The Town Administrator shall have a Bachelors Degree, preferably a Masters Degree, in Public Administration, Business Management or related field; at least seven (7) years experience in an upper level executive municipal position; or equivalent combination of education and experience.

The Administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, or engage in any other business or occupation during his term, unless such action is approved in advance, in writing, by the Board of Selectmen. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate.

to

The Board of Selectmen shall appoint a Town Administrator Search Committee of not fewer than five (5) and not more than nine (9) residents of the community to assist the Board of Selectmen in the recruitment and selection of the Town Administrator. If the Board of Selectmen does not select one of the candidates presented by the search committee within thirty (30) days, then the search committee shall resume its search and submit an additional list of candidates to the Board of Selectmen within sixty (60) days after it resumes the search.

The Board of Selectmen, by an affirmative vote of four (4) members, shall appoint the Town Administrator for an indefinite term and fix the Town Administrator's compensation within the amount annually appropriated for this purpose. The Town Administrator shall be appointed solely on the basis of executive and administrative qualifications.

The Town Administrator shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training and previous experience in municipal administration. The Town Administrator shall have a Bachelors Degree, preferably a Masters Degree, in Public Administration, Business Management or related field; at least

seven (7) years experience in an upper level executive municipal position; or equivalent combination of education and experience. **The Town Administrator need not be a resident of the Town of Bourne when appointed but shall establish primary residence within Barnstable, Bristol, or Plymouth Counties within one (1) year of the date of appointment. The Board of Selectmen may, by simple majority vote of the Selectmen in office at the time of appointment, extend to a time certain the time for establishing residence, or allow the administrator to reside outside of said counties.**

The Administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, or engage in any other business or occupation during his or her term, unless such action is approved in advance, in writing, by the Board of Selectmen. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate.

H.

Change Article 4 Section 4-6: Powers and Duties

The Town Administrator shall be the chief administrative officer of the town. The Town Administrator shall be responsible to the Board of Selectmen for the proper administration of all town affairs placed in his or her charge by or under the charter. The Town Administrator shall have the following powers and perform the following duties:

(a)-(k);

(l) shall be responsible for and oversee the purchase of all supplies, materials, services and equipment, and approve the award of all contracts for all town departments;

(m)-(n);

(o) may create new full time, compensated positions subject to the approval of the Board of Selectmen and funding by Town Meeting;

(p)-(s);

to

(l) shall be responsible for and oversee the purchase of all supplies, materials, services, and equipment and approve the award of all contracts for all town departments. **The Town Administrator must secure the approval of the Board of Selectmen for contracts of three (3) years or more.**

(o) may create new full time, compensated positions subject to the approval of the Board of Selectmen and funding by Town Meeting, **and shall have the authority to enter into employment contracts for these positions;**

I.

Change Article 8 Section 8-6 Procedures for Multiple Member Bodies

(a) Meetings - All multiple member bodies of the town whether elected, appointed or otherwise constituted shall meet at such times and in places open to the public within the town as they may by their own rules prescribe. Special meetings of any multiple member body shall be held on the call of the respective chairman or by a majority of the members thereof. Public posting of all meetings shall be made in accordance with the Open Meeting Law of the Commonwealth of Massachusetts. All meetings of all multiple member bodies shall be open to the public and the press, except as may otherwise be authorized by law.

(b) Quorum - A majority of the members of the multiple member body shall constitute a quorum but a smaller number may adjourn from time to time, unless otherwise provided by law.

(c) Minutes - Each multiple member body shall provide for the keeping of minutes of its proceedings. These minutes shall be a public record and a copy of such minutes shall be filed with the office of the Town Clerk.

to

(a) Meetings - All multiple member bodies of the town whether elected, appointed or otherwise constituted shall meet at such times and in places open to the public within the town as they may by their own rules prescribe. Special meetings of any multiple member body shall be held on the call of the respective chairman or by a majority of the members thereof. Public posting of all meetings shall be made in accordance with the Open Meeting Law of the Commonwealth of Massachusetts. All meetings of all multiple member bodies shall be open to the public and the press, except as may otherwise be authorized by law.

- (b) Quorum - A majority of the members of the multiple member body shall constitute a quorum but a smaller number may adjourn from time to time, unless otherwise provided by law.
- (c) Minutes - Each multiple member body shall provide for the keeping of minutes of its proceedings. These minutes shall be a public record and a copy of such minutes shall be filed with the office of the Town Clerk. Minutes of all multiple member bodies shall also be posted on the Town of Bourne Web Site for a minimum of five (5) years.
- (d) The meetings of the Board of Selectmen, the School Committee, The Board of Health and the Planning Board shall, if possible, be either televised on the local cable channel or streamed on the town website. The town will choose the most effective method. Technical difficulties with equipment shall not cause the meetings to be postponed.

Or act anything in relation thereto.

Sponsor – Charter Review Committee

MOTION: We move the Town so vote.

Finance Committee Recommendation will be made at Town Meeting

See Appendix “C” Supporting Information – Page 150

ARTICLE 23: To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the Massachusetts General Court for the purpose of amending the **Bourne Home Rule Charter** as described below.

Change Article 3 Section 3-5: Appointing Powers

The Board of Selectmen shall appoint the Town Administrator, Town Counsel, Registrars of Voters, Constables, and members of all multi-member bodies for whom no other appointment provision is made in this charter of by-law. All appointed boards, committees and commissions, appointed by the Board of Selectmen, shall be responsible to the Board of Selectmen.

to

The Board of Selectmen shall appoint the Town Administrator, Town Counsel, Registrars of Voters, Constables, and members of all multi-member bodies for whom no other appointment provision is made in this charter of by-law.

The Board of Selectmen shall appoint the Police Chief pursuant to M.G.L. Chapter 41:Section 97A and Fire Chief pursuant to M.G.L. Chapter 48:Section 42. All appointed boards, committees and commissions, appointed by the Board of Selectmen, shall be responsible to the Board of Selectmen.

And change Article 4 Section 4-6: Powers and Duties

The Town Administrator shall be the chief administrative officer of the town. The Town Administrator shall be responsible to the Board of Selectmen for the proper administration of all town affairs placed in his or her charge by or under the charter. The Town Administrator shall have the following powers and perform the following duties:

(a)

(b) appoint, and in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees as well as members of the Board of Assessors and other employees for whom no other appointment provision is made in this charter. Appointments made by the Town Administrator shall be effective immediately except that appointments of department heads and members of the Board of Assessors shall become effective on the fifteenth day after the day on which notice of the proposed appointment is filed with the Board of Selectmen, unless a majority of the Board of Selectmen votes to reject the appointment within this period.

(c-h)

(i) administer personnel policies, practices, and rules and regulations, any compensation plan and any related matter for all municipal

employees, except school employees;
(j-s)

to

The Town Administrator shall be the chief administrative officer of the town. The Town Administrator shall be responsible to the Board of Selectmen for the proper administration of all town affairs placed in his or her charge by or under the charter. The Town Administrator shall have the following powers and perform the following duties:

(a)

(b) appoint, and in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads, **except for the Police Chief and Fire Chief**, and employees as well as members of the Board of Assessors and other employees for whom no other appointment provision is made in this charter. Appointments made by the Town Administrator shall be effective immediately except that appointments of department heads and members of the Board of Assessors shall become effective on the fifteenth day after the day on which notice of the proposed appointment is filed with the Board of Selectmen, unless a majority of the Board of Selectmen votes to reject the appointment within this period. **He shall recommend to the Board of Selectmen candidates for appointment to the position of Police Chief and Fire Chief.**

(c-h)

(i) administer personnel policies, practices, and rules and regulations, any compensation plan and any related matter for all municipal employees, except school, **fire, and police** employees;

(j-s)

Or act anything in relation thereto.

Sponsor – Charter Review Committee

MOTION: Motion to be made at Town Meeting.

Finance Committee Recommendation

This Article fundamentally changes the role of Selectmen: rather than setting policies for the town, they would assume direct operational authority, overseeing the hiring, firing and personnel policies of these critical departments. There is no compelling reason for such a dramatic change, and a host of reasons why it would be detrimental.

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

See Appendix "C" Supporting Information – Page 150

ARTICLE 24: **To see if the Town will vote to amend the Wind Energy Conversion Systems (WECS) bylaw as follows:**

Sponsor – James Potter and others

3460. WIND ENERGY CONVERSION SYSTEMS (WECS).

3461. Purpose. The purpose of this section is to provide for the development and use of wind power as an alternative energy source, benefiting both the economy and the environment, while protecting public health, safety and welfare, preserving environmental, historic and scenic resources, controlling noise levels and preventing electromagnetic interference.

3462. Applicability. Any application to erect a wind energy conversion system shall comply with section 3460, with the following exemptions.

- A. WECS having manufacturer's rated capacity of not more than 300 watts, or.
- B. Building-mounted WECS having overall height not more than eight feet (8') above the roof's highest point.

3463. Definitions.

- A. **Wind Energy Conversion Systems (WECS)**

All equipment, machinery and structures utilized in the connection with the conversion of wind to other forms of energy.

B. Commercial Wind Energy System (CWES)

A WECS consisting of one or more wind turbines with a rated capacity greater than 10 kW.

C. Residential Wind Energy System (RWES)

A WECS consisting of a single wind turbine, with a rated capacity of not more than 10 kW, intended as an accessory use

D. Neighborhood Wind Energy System (NWES)

A Class I, II, or III net metering wind turbine located in a residential district serving multiple residential customers served by a single utility and as further defined by the Massachusetts Department of Public Utilities (DPU).

E. Wind Turbine: A single device that converts wind to electricity or other forms of energy, typically consisting of a rotor and blade assembly, electrical generator, and tower with or without guy wires.

F. CWES Fall and Ice Shed Zone

The area that lies within a circle around each NWES and CWES tower, the radius of which is arrived at by application of the following formula: [hub height + rotor diameter x 1.5]. All NWES and CWES shall maintain the required Fall and Ice Shed Zone (“Safety Zone”) from any occupied structure (residential and non-residential), public or private road or regularly used public area. Such Safety Zone shall be entirely on the applicant’s development site or under applicant’s control. However, the preceding notwithstanding, the Safety Zone shall in no event be less than that specified by the supplier and/or manufacturer of the WECS in its standard safety specifications in effect at the time of project permitting.

G. Critical Infrastructure

Facilities and infrastructure listed within the Town of Bourne's Pre-Disaster Hazard Mitigation Plan.

3464. Special Permit Granting Authority: The Planning Board shall be the Special Permit Granting Authority for all WECS application. No Special Permit shall be granted unless the Planning Board finds that the proposed WECS is in harmony with the purpose and intent of this Bylaw and will not be detrimental or injurious to the neighborhood in which it is to be constructed, or to the public, taking into consideration among other things the height of the WECS in relation to the anticipated amount of electrical energy generation, the location of the WECS is relation to topography, the natural environment, dwellings, historical and scenic features, and safety, and that all requirements, standards and conditions for the granting of the Special Permit have been satisfied. Furthermore, no Special Permit shall be granted unless the Planning Board determines that the proposal will not have an undue adverse impact on historic resources, scenic views, natural resources, and/or residential property values.

3465. Development Requirements.

A. Required of all WECS

1. Proposed WECS shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.
2. Applicants shall provide a complete description of the proposed WECS including technical, economic, environmental, and other reasons for the proposed location, height and design.
3. **Height Calculation.** Overall height of the WECS shall be measured from the land in its natural state at the base of the tower prior to grading or filling to the highest point reached at any time by any part of the wind turbine. For

WECS attached to a building, height is to be measured as specified in footnote “n” to the Section 2500 Intensity of Use Schedule, and the provisions of that footnote must be complied with.

4. **Flight Path Height Restriction.** No WECS located in the flight path as shown on a map entitled “USCG Air Station Cape Cod Emergency Visual Routes in Inclement Weather” Bourne, Massachusetts, dated January 26, 2007, shall be erected or altered to a height, which would exceed one hundred (100) feet. WECS erected between 60 to 100 feet within the USCG flight path shall include a fixed warning light.
5. Monopole towers are the preferred type of support.
6. **Setbacks (except for acoustic setback covered under “Noise”..**
 - a) NWES and CWES shall observe a setback distance from all property lines equal to the Safety Zone.
 - b) No part of the WECS support structure, including guy wire anchors, may extend closer to the property boundaries than the standard structure setbacks for the zone where the land is located.
7. **Wetlands.** No part of a WECS shall be located within the jurisdiction of the Bourne Conservation Commission unless issued an Order of Conditions
8. **Noise.**

8.1 All WECS shall observe a minimum acoustical setback from any residentially used or zoned parcel a distance of at least ten (10) times rotor diameter, measured from the closest part of the WECS tower to the closest property line of all residentially used or zoned parcels.

8.2 The WECS and associated equipment shall conform to the following minimum sound level limitations:

- a) No WECS shall produce a dB(A) sound pressure level that is 6 dB or more above the lowest predevelopment L90 dB(A) level (statistical noise level exceeded 90 percent of the time) measured over a sufficient time duration to represent the quietest part of the daytime or nighttime for which operation is scheduled to occur (See ANSI S12.18).
- b) No WECS shall produce, during the hours of 7:00pm and 7:00 am, a broadband sound pressure level that exceeds 35 dB(A), attributed to the WECF itself.
- c) No WECS shall produce lower frequency sound pressures, attributed to the WECS itself, that exceed 50 dB(C), or lower frequency sound pressures that are shown to contain a separation of 10dB or greater when measurements in dB(A) are subtracted from measurements in dB(C).
- d) No WECS shall produce amplitude modulated noise, measurable in overall A-weighted sound pressure level, which is shown to contain peak to trough separations of 4dB or greater.
- e) No WECS shall produce a Pure Tone condition, as that term is defined in Massachusetts 310 CMR 7.10, as measured in octave bands or by equivalent measurements in 1/3rd octave or narrow band.

8.3 All above measurements shall be attended and shall be taken on any adjacent residentially used property, or on adjacent land zoned to permit residential use. Compliance at the closest property line is required.

8.4 Measuring for background (ambient) sound levels shall:

A). Be attended measurements; B). Exclude periods of insect or other seasonal noise, or otherwise adjust collected data so that impacts from the same are removed; C). Exclude periods or moments of observed heightened sound levels not considered typical ambient noises (i.e. passing airplane or train); and D). Be avoided or suspended in (or adjusted to eliminate) periods of poor weather conditions and/or periods of significant wind speeds.

8.5 With post-construction testing or monitoring, aerodynamic amplitude modulated noise (“AAM”) shall be examined with the sound level meter (“SLM”) set for fast response, with a sampling rate of at least one measurement per 1/8th

second. AAM noise shall be recorded in overall A-weighted sound pressure level and 1/3 octave band center frequencies for the predominate frequencies of interest. Audio recordings shall be made periodically during testing to provide audible indication of the nature or cause of the sounds being measured.

8.6 Post-construction lower frequency sound analysis shall be recorded in dB(A), dB(C), and 1/3 octave band for the predominate frequencies of interest.

8.7 Post-construction infrasonic sound pressures shall be measured using the best technologies available at the time of such testing and may include un-weighted measurements, and measurements in dB(G), dB(L) and/or dB(Z).

8.8 Pre-permitting acoustical projections and modeling shall be done under the supervision of the special permit granting authority ("SPGA"). Post-construction acoustical monitoring and testing shall be performed under the supervision of the Zoning Enforcement Officer or his designee, hereinafter the "Enforcing Person", who may order mitigation measures including operational controls of any WECS if needed to insure ongoing compliance with this by-law.

8.9 As to both pre-permitting, and post-construction testing and monitoring when ordered by the Enforcing Person, WECS developers and owners must hire, at it or their sole cost and expense, a qualified acoustical engineer to undertake a study or studies, or to undertake short or long term monitoring (as appropriate for the condition under study), to quantify sound pressures likely to emanate from or emanating from the applicable WECS and to submit one or several written report(s) of such study, which shall be public information.

8.10 With both pre-permitting and post-construction acoustical testing, the WECS developer or owner must pay into a special municipal account sufficient funds to cover reasonable peer review done by a qualified acoustical engineer hired by the SPGA or Enforcing Person as applicable. Any such funds shall be administered in accordance with M.G.L. c. 44 § 53A.

8.11 A qualified acoustical engineer (for pre-permitting or post construction testing) shall be either a degreed engineer practicing acoustical engineering and working for a firm that is a member of the National Council of Acoustical Consultants (NCAC) or a member of the Institute of Noise Control Engineering (INCE). All persons conducting sound pressure measurements to assess compliance or likely compliance with this by-law shall be trained in the current

techniques and principles of sound measurement equipment and instrumentation, and shall take such measurements under the supervision of the qualified acoustical engineer described above.

8.12 All sound pressure level measurements will employ appropriate equipment that is properly calibrated to industry standards. The precise location(s) of the measurement site(s), as well as dates, times, frequency, and duration of the measurements or measurement periods shall be as determined by the SPGA or Enforcing Person. All testing or monitoring results, reports, studies and conclusions shall be made a permanent part of the public record. Those records shall include all raw data collected in formats that facilitate peer and public review of the data and the study or studies. To facilitate such peer and public review, wherever possible, such raw data shall be submitted in digital form as well as hard copy. Wherever possible, all such collected data shall become internet/web-accessible to the public with uploads either continuously during testing or periodically as soon as practical.

8.13 The acoustical set back prescribed above is a minimum standard. The SPGA may deny an application for a special permit even where such minimum standard is met, if it finds, based on the pre-permitting acoustical studies required by this by-law, that a greater distance is required to insure compliance with the noise limitations prescribed above.

8.14 Because RWES are considerably smaller than NWES and CWES, the SPGA may determine that no pre-construction noise modeling or testing is required.

8.15 Upon written notification of a complaint of excessive noise, the Enforcing Person or his designee, shall record the filing of such complaint. The Enforcing Person shall promptly investigate. If noise levels are determined to be excessive, the Enforcing Person shall require the property owner to perform ambient and operating decibel measurements at the nearest point from the wind turbine to the property line of the complainant and to the nearest inhabited residence, as described herein.

8.16 If the noise levels are found to have exceeded the above allowable limits the Enforcing Person shall notify in writing the owner of the property to correct the violation. If the noise violation is not remedied within 30 days the WECS shall remain inactive until the noise violation is remedied, which may include relocation or removal.

8.17 If determined that allowable limits have not been exceeded, notice in writing shall be provided to the person who has filed such complaint and the owner of the property stating that no further action is required. Any person aggrieved by the decision may appeal said decision to the Board of Appeals in accordance with Section 1320 of this Bylaw. Any such appeal must be filed within (30) days after the receipt of the decision of the Enforcing Person.

9. **Shadowing/Flicker.** The WECS shall be sited in a manner that does not result in shadowing or flicker impacts above 5 hours per year to a residence. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

10. **Prevention of Access.** The applicant/owner shall ensure that all related components of the WECS are protected from unlawful access.

11. **Visual Impact.** The applicant shall employ all reasonable means, including restraint in tree removal, landscaping, and alternative locations to minimize the visual impact of all WECS components. All components of the WECS and its support structure shall be painted plain non-reflective muted colors.

12. No WECS shall exhibit any form of decoration or graphics unless given express approval by the Planning Board, and then shall be limited to the name of occupant of the premises or manufacturer located on the nacelle of the wind turbine.

13. **Electromagnetic interference.** No WECS installation shall cause electromagnetic interference. If interference is established the Inspector of Buildings shall notify the owner of the property in writing to correct the violation. If the interference is not remedied within 30 days the WECS shall remain inactive until the interference is remedied, which may include relocation or removal.

14.**Lighting.** If lighting is proposed (other than required FAA lights) the applicant shall submit a plan indicating the horizontal foot candles at grade, within the property line and for twenty-five (25) feet beyond the property lines. The plan shall also indicate the locations and types of luminaries proposed.

15.**Vegetation.** Existing vegetation must be shown including average height of trees and any proposed vegetation removal on the subject property or abutting properties. The Planning Board shall also consider the height of vegetation at maturity.

16.**Compliance with FAA Regulations and MMR Flight Paths.** WECS must comply with applicable FAA regulations and MMR flight paths as shown on the map referred to in Section 3465(4).

17.**Avian impact avoidance.** Applicants for a special permit for a CWES shall submit to the Planning Board documentation that the siting, equipment selection, facility design, and operation management will effectively minimize avian impacts, evidenced by an avian impact assessment conducted by a qualified third party, assessing the potential impact of the proposed WECS upon bird and bat species. The avian study shall at a minimum report on a literature survey for threatened and endangered species, and any information on critical flyways. The applicant must identify any plans for post-construction monitoring or studies. The analysis shall also include an explanation of potential impacts and propose a mitigation plan, if necessary.

B. Residential Wind Energy Systems (RWES).

1. Shall consist of a single wind turbine per lot, with a rated capacity less than 10 kW.
2. The overall height shall be determined by special permit. Overall height must be consistent meeting the setback

requirements of Section 3465 A.6 and, if more restrictive, shall not exceed seventy-five (75) feet in overall height unless as part of the special permit process the applicant demonstrates that additional height is functionally essential and that the additional height does not does not substantially increase any adverse impacts.

C. Neighborhood Wind Energy System (NWES)

1. Shall consist of a single Class I, II, or III net metering wind turbine as defined by the Massachusetts Department of Public Utilities, with a rated output greater than 10kW, located in a residential district.
2. Shall be owned by or serve the energy needs of multiple residential customers, served by a single utility in a single neighborhood.
3. Shall be subject to the requirements of the CWES specified in Section 3465 D.

D. Commercial Wind Energy Systems (CWES).

1. A Wind Turbine with a rated capacity of more than 10 kW
2. May include multiple wind turbines, however, in no event, shall the number of wind turbines exceed one (1) per two (2) acres,
3. Land area may be comprised of several contiguous parcels single or multiple ownership.
4. A wind turbine erected on a lot with another principle use requires a lot area twice the minimum lot area as stated in Section 2500.
5. Height shall be determined by special permit. The Planning Board shall make findings that the height proposed reflects industry standards for a similarly-sited

facility, and is the minimum necessary for adequate operation of the CWES.

6. Projects including land in multiple ownerships shall include each owner of the land as a party to the application and, upon plan approval, subject to its provisions.
7. Telecommunications. CWES may include telecommunication antennas provided they comply with Section 2500 of this bylaw. The telecommunications carrier shall be named as the co-applicant. Co-applications are encouraged.

3466. Procedural Requirements:

A. Special permit submittals

1. **Site Plan.** A site plan must be submitted, prepared to scale by a registered land surveyor or civil engineer showing the location of the proposed WECS, distances to all property lines, existing and proposed structures, existing and proposed elevations, public and private roads, above ground utility lines and any other significant features or appurtenances. Any portion of this section may be waived if in the opinion of the Planning Board the materials submitted are sufficient for the Board to make a decision.
2. **Inspection.** Provisions for inspection and maintenance must be made and identified in the submittals.

B. Building permit submittals

1. **Wind Turbine structure drawings.** Building permit applications shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. Documentation showing compliance with the Massachusetts State Building Code certified by a licensed professional engineer shall also be submitted. (Manufacturer specifications may be suitable at the discretion of the Inspector of Building)

2. **Electrical drawings.** Building permit applications for WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
3. **Utility Notification.** No WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
4. **Insurance.** The applicant shall be required to show evidence of liability insurance in an amount and for duration sufficient to cover loss or damage to persons and structures occasioned by the failure or performance of the facility.

C. Abandonment A WECS shall be considered to be abandoned if it is not operated for a period of two years or if it is designated a safety hazard by the Inspector of Buildings. Once a WECS is designated as abandoned, the owner shall be required to physically remove the WECS within 90 days of written notice. "Physically remove" shall include, but not be limited to:

1. Removal of WECS, any equipment shelters, and security barriers from the subject property.
2. Removal of foundation, unless in the opinion of the Inspector of Buildings the foundation will pose no hazard.
3. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

4. Restoring the location of the WECS to its natural condition, except that any landscaping and grading shall remain in the after-condition.

D. Modifications. All modifications to a WECS made after issuance of the Special Permit shall require approval by the Planning Board.

E. Professional Fees. The Planning Board may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a technical expert/consultant will be the expense of the applicant.

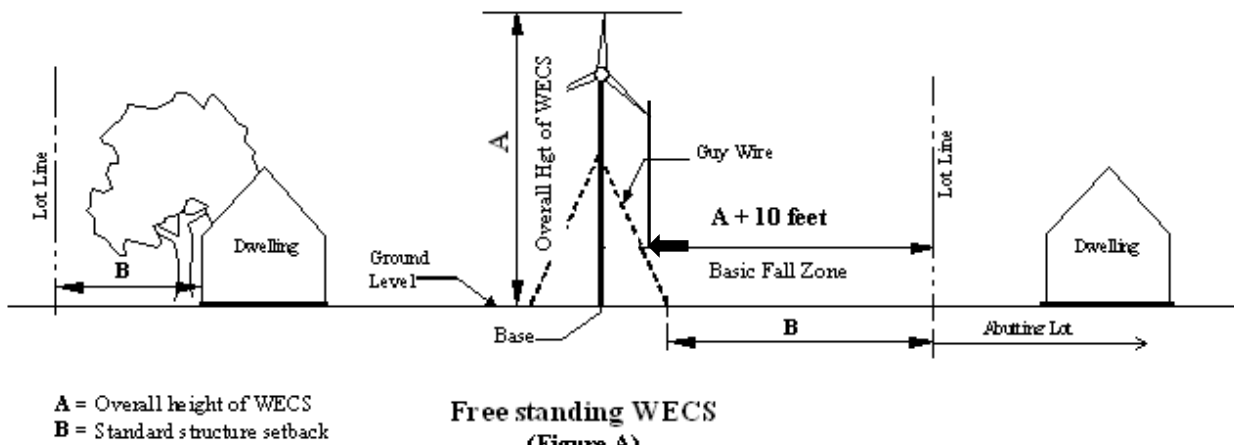
3467. Security.

A. Requirement. In conjunction with the above special permit approval process the Planning Board may require the posting of a bond or other security to assure satisfactory fulfillment of the above, in such sum and in accordance with such conditions as the Board may determine necessary.

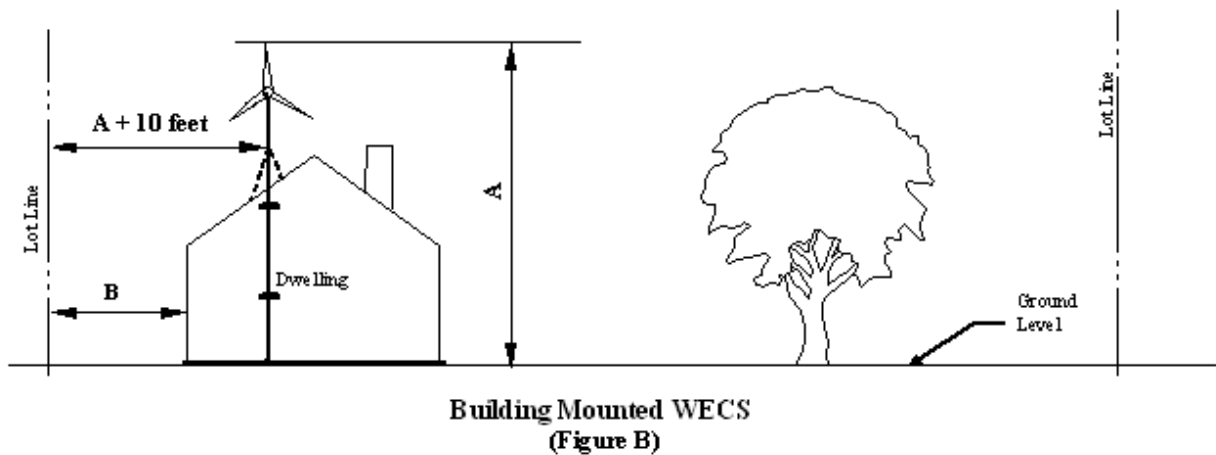
B. Exception. The Board need not require security where there is full assurance of compliance with the above special permit.

C. Amount. The amount of security required shall not exceed either the estimated costs of the measures proposed, or the estimated cost of restoration of affected lands and property if the work is not performed as required, whichever is the greater.

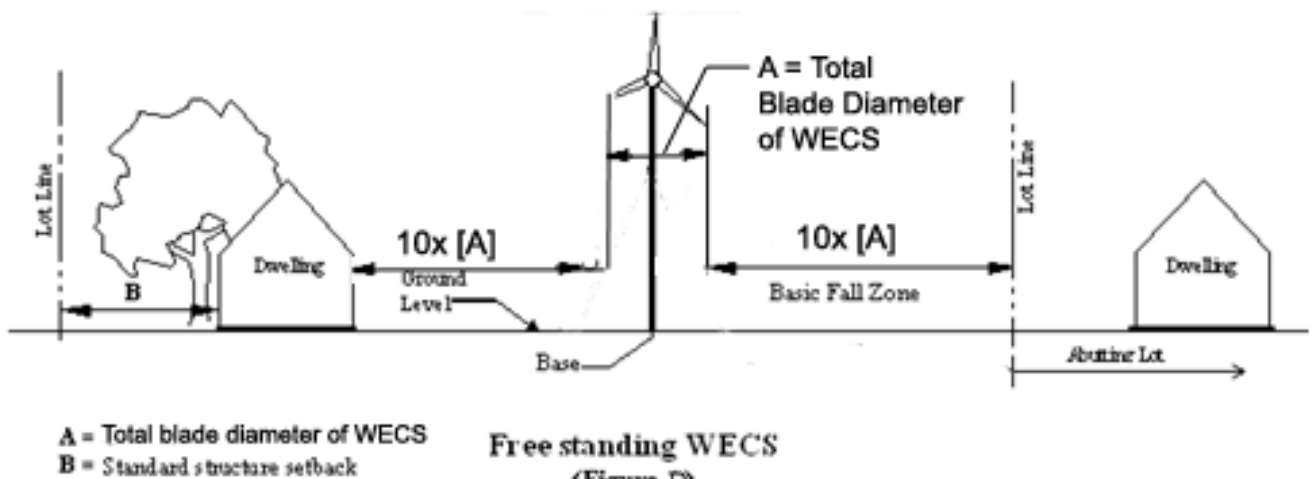
Figure A , B & D



**Free standing WECS
 (Figure A)**
 10Kw and smaller



**Building Mounted WECS
 (Figure B)**



**Free standing WECS
 (Figure D)**
 10Kw and larger

MOTION: Recommendation will be made at Town Meeting.

Finance Committee Recommendation will be made at Town Meeting

ARTICLE 25: To see if the Town will vote to raise and appropriate borrow, or transfer from available funds a sum of money for the purpose of performing drainage, surfacing, repair and related work to the beach access area at the end of Tower Lane in the village of Buzzards Bay (Taylors Point), or act anything thereon.

Sponsor – Neil F. Langille and others

MOTION: We move that this article be indefinitely postponed.

Finance Committee Recommendation

This article is being withdrawn by its proponents since the work can be accomplished with Chapter 90 Highway Funds.

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

ARTICLE 26: 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 **shellfish propagation**, or take any other action in relation thereto.

Sponsor - Board of Selectmen

MOTION: We move to transfer from Free Cash the sum of \$15,000.00 for the purposes of this article.

Finance Committee recommendation will be made at Town Meeting

ARTICLE 27: To see if the town will vote to amend the Town of Bourne Bylaws **Article 1.1 Town Meetings, Section 1.1.2** by deleting “Two hundred (200) registered voters shall constitute a quorum to begin any session of any annual or special town meeting, provided however, that after said quorum has been established, a quorum to continue to maintain the meeting at any such session shall be one hundred fifty (150) registered voters. Sessions devoted to the election of officers shall not be subject to this quorum provision. *” and inserting in place thereof the words “One-hundred twenty five (125) registered voters shall constitute

a quorum to begin any session of any annual or special town meeting, provided however, that after said quorum has been established, a quorum to continue to maintain the meeting at any such session shall be one-hundred (100) registered voters. Sessions devoted to the election of officers shall not be subject to this quorum provision.”

Sponsor – Finance Committee

MOTION: We move that the Town vote to amend Article 1.1 Town Meetings, Section 1.1.2 by deleting “Two hundred (200) registered voters shall constitute a quorum to begin any session of any annual or special town meeting, provided however, that after said quorum has been established, a quorum to continue to maintain the meeting at any such session shall be one hundred fifty (150) registered voters. Sessions devoted to the election of officers shall not be subject to this quorum provision. *” and inserting in place thereof the words “One-hundred twenty five (125) registered voters shall constitute a quorum to begin any session of any annual or special town meeting, provided however, that after said quorum has been established, a quorum to continue to maintain the meeting at any such session shall be one-hundred (100) registered voters. Sessions devoted to the election of officers shall not be subject to this quorum provision.”

Finance Committee Recommendation

In an effort to get greater attendance at Town Meeting, this article reduces the quorum requirement to start an annual or special town meeting.

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

ARTICLE 28: To see if the Town will vote to amend Section 3.1.25 Beach Rules and Regulations of the Town Bylaws by deleting paragraph d. in its entirety and substituting a new paragraph d. as follows: “d. Animals of any kind shall not be brought upon a beach nor be permitted thereon except as provided in 3.1.29 Licensing and Control of Dogs.” or take any action in relation thereto.

Sponsor – Bylaw Committee

MOTION: We move that the Town vote to amend Section 3.1.25 Beach Rules and Regulations of the Town Bylaws by deleting paragraph d. in its entirety and substituting a new paragraph d. as follows: “d. Animals of any kind shall

not be brought upon a beach nor be permitted thereon except as provided in **3.1.29 Licensing and Control of Dogs.**”

Finance Committee Recommendation

Passage of this article will eliminate conflicting language in two sections of our bylaws and make it clear that service dogs are allowed on our public beaches.

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

ARTICLE 29: To see if the Town will vote to transfer the sum of \$15.00 from the sale of each Resident Recreational Shellfish Permit and Massachusetts Resident Recreation Permit for the purpose of shellfish propagation and such sum or sums to be placed in the Shellfish Revolving Fund or take any other action in relation thereto.

Sponsor – Natural Resources Director

MOTION: We move that the Town vote to transfer the sum of \$15.00 from the sale of each Resident Recreational Shellfish Permit and Massachusetts Resident Recreation Permit for the purpose of shellfish propagation and such sum or sums to be placed in the Shellfish Revolving Fund.

Finance Committee Recommendation will be made at Town Meeting

ARTICLE 30: To See if the Town will vote to adopt the following schedule of the Town Clerk’s fees in accordance with Chapter 262, Section 34 of the Massachusetts General Laws, or take any other action in relation thereto.

Sponsor – Town Clerk

Town of Bourne Fees	Current	Proposed
Birth Certificate	\$5.00	\$10.00
Death Certificate	\$5.00	\$10.00
Marriage Certificate	\$5.00	\$10.00
Marriage Intention	\$20.00	\$25.00

MOTION: We move the Town so vote.

Finance Committee Recommendation will be made at Town Meeting

ARTICLE 31: To see if the Town will vote to authorize the Board of Selectmen to lease, convey or demolish the Hoxie School on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town, or take any other action in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move that the Town vote to authorize the Board of Selectmen, to lease, convey or demolish the Hoxie School on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town.

Finance Committee Recommendation will be made at Town Meeting

ARTICLE 32: To see if the Town will vote to authorize the Board of Selectmen to lease, convey or demolish the Coady School on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town and further to authorize the Board of Selectmen to subdivide the property on which the Coady School is situated as shown on a Plan of Land on file at the Office of the Town Clerk and to convey land shown on said Plan on terms and conditions deemed by the Selectmen to be in the best interest of the Town, or take any other action in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move that the Town vote to authorize the Board of Selectmen to lease, convey or demolish the Coady School on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town and further to authorize the Board of Selectmen to subdivide the property on which the Coady School is situated as shown on a Plan of Land on file at the Office of the Town Clerk and to convey land shown on said Plan on terms and conditions deemed by the Selectmen to be in the best interest of the Town.

Finance Committee Recommendation will be made at Town Meeting

ARTICLE 33: To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the Massachusetts General Court for the purpose of amending the **Bourne Home Rule Charter** as described below.

Strike the current language of “Section 5.5 Department of Integrated Solid Waste Management” that reads:

(d) Scope and Functions – The Department of Integrated Solid

Waste Management shall include, but not be limited to, the following functions: sanitary landfill; composting and recycling.

And Substitute in its Place the following language:

- (d) Scope and Function – The Department of Integrated Solid Waste Management shall include, the solid waste functions approved under the Site Assignment administered by the Board of Health and in accordance with the policies established by the Board of Selectmen. The Department’s functions also include the Implementation of additional solid waste functions as approved by the Board of Selectmen and consistent with the Site Assignment.

or take any action in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move the Town so vote.

Finance Committee Recommendation will be made at Town Meeting

ARTICLE 34: To see if the Town will vote to designate as an Economic Opportunity Area (E.O.A) as provided under Massachusetts General Laws Chapter 23A, Sections 3A-3H, the area on which the Coady School is sited and to authorize the Board of Selectmen to grant Special Assessments or Tax Increment Financing packages for qualified economic development projects undertaken within said Economic Opportunity Area, or act anything thereon.

Sponsor – Town Administrator

MOTION: We move that the Town vote to designate as an Economic Opportunity Area (E.O.A) as provided under Massachusetts General Laws Chapter 23A, Sections 3A-3H, the area on which the Coady School is sited and to authorize the Board of Selectmen to grant Special Assessments or Tax Increment Financing packages for qualified economic development projects undertaken within said Economic Opportunity Area.

Finance Committee Recommendation will be made at Town Meeting

APPENDIX A

FISCAL YEAR 2012

OPERATING BUDGET

APPENDIX B

FISCAL YEAR 2012

CAPITAL BUDGET

Town of Bourne

FY2012 Capital Improvement Plan

What is Capital Planning?

A core responsibility of local government officials is the preservation, maintenance, and improvement of the community's stock of buildings, roads, parks, beaches, marinas, sewer facilities and equipment. The Capital Improvement Plan (CIP) is primarily a planning document. As such, it is updated annually and is subject to change as the needs of the town become more defined. Used effectively, the capital planning process can provide for advance identification, evaluation, definition, public discussion, cost estimating and financial planning. Capital planning helps ensure that the town is positioned to:

1. Preserve and improve its basic infrastructure through construction, rehabilitation and maintenance.
2. Maximize the useful life of capital investments by scheduling major renovation, rehabilitation, or replacement at the appropriate time in the life-cycle of a facility or piece of equipment.
3. Identify and examine current and future infrastructure needs and establish priorities among projects so that available resources are used to the town's best advantage.
4. Improve financial planning by balancing needs and resources and identifying potential fiscal implications.

While much of the town's budget and financial planning efforts are focused on a one year interval, capital planning helps to focus attention on the Town's long-term objectives and financial capacity, and the necessary balance between operating and capital needs. In the past, the town has often chosen to reduce its capital spending in order to balance the operating budget. Barring extraordinary circumstances, having a formal and accepted capital plan helps to maintain a consistent level of spending for capital needs. Individual capital projects are evaluated against long-term objectives and in relationship to each other. By strategically programming

capital projects, the town can maintain a tolerable level of debt service and prevent sudden changes on debt service and unanticipated requests for tax increases.

Long Term Capital Planning

The Town has embarked on a number of planning efforts including buildings, sewers, Buzzards Bay Village Revitalization, Alternative Energy, conservation, recreation, marinas and moorings.

This year the Capital Outlay Committee continued work on six long term planning tasks:

Highest and Best Use Evaluation: Based on the Highest and Best Use Evaluations the Capital Outlay Committee recommended to the Board of Selectmen that they request proposals for the Coady School and the Hoxie School. Municipal purposes have not been identified for either building. Since unoccupied buildings deteriorate faster than occupied buildings the Capital Outlay Committee felt it was important for the Board of Selectmen to seek other alternatives. Requests for Proposals were initiated by the Board of Selectmen. The Board of Selectmen has received and endorsed a proposal for the Coady School. There are Warrant articles at the Annual Town Meeting to allow the Board of Selectmen to enter into contracts based on proposals received.

Police Station: The Capital Outlay Committee has identified a possible site for a new Police Station on MacArthur Boulevard and has recommended to the Board of Selectmen that they establish a committee charged with site selection and planning for a new Police Station.

DPW Facility: The Capital Outlay Committee has been reviewing the cost estimates for the DPW Facility and has recommended to the Board of Selectmen that they establish a committee charged with planning for a new DPW Facility.

Fire Stations: Priorities for the Fire Department include the building of a new Southside Fire Station that would combine the Pocasset and Monument Beach

stations into one facility that would serve the South Side. The Capital Outlay Committee has recommended to the Board of Selectmen that they establish a committee charged with site selection and planning for the Southside Station and renovation or relocation of the station serving Buzzards Bay.

Facilities Manager: Both the Capital Outlay Committee and the Efficiency Operations Committee have been working on the cost/benefit analysis of a Facilities Manager position. The Capital Outlay Committee will be making a recommendation on this position at a future Town Meeting.

Long Term Plan: The Town faces a number of fiscal challenges in the years ahead. Double-digit annual growth in employee health insurance and energy costs, uncertain state aid, and a limited ability to raise revenue on the local level all threaten the ability of the town to sustain its operating and capital budgets. The Long Term Capital Plan will assist the Town in the prioritizing and phasing of major Capital Projects and will also include a financial analysis of the tax impact of the Capital Projects in the plan. The Capital Outlay Committee has had two workshops with the Board of Selectmen to discuss priorities and phasing of the major capital projects facing the Town and will continue to work with the Board to make recommendations to the Town on the long term plan.

The FY12 Recommended Capital Plan

The Town Charter requires that the Town Administrator, after consultation with the Capital Outlay Committee and the Finance Director, to submit in writing to the Board of Selectmen a careful, detailed estimate of the recommended capital expenditures. This plan includes the proposed FY12 Capital Improvement Plan, which is recommended to the Finance committee and ultimately Town Meeting for consideration.

The projects presented for FY12 – FY16 reflect an assessment by municipal departments, the school department, and the Capital Outlay Committee of future capital needs and are primarily shown for planning purposes. The Capital Outlay

requests submitted to the Town Administrator for the Five Year Capital Improvement Plan FY12 – FY16 totaled \$16,721,900. While many of these projects will ultimately be recommended for funding, the plan is a fluid one, and projects may be added and deleted from the list as circumstances change.

In addition, there are requests for Major Capital Projects to be undertaken by the Town which will cost between \$50 – 70 Million that are not included in the five year plan. These include:

- DPW Facility
- Police Station
- South Side Fire Station
- Peebles School
- Buzzards Bay Fire Station

At this point these projects have been removed from the five year plan until the Capital Outlay Committee and the Board of Selectmen have agreed on a recommended plan, timing and costs for the projects.

For the Fiscal Year 2012 Capital Requests totaled \$6,636,850. After review by the Town Administrator and the Capital Outlay Committee, \$301,000 was deferred and the final recommendation is for \$6,335,850. ISWM related projects total \$4,797,850 including the Phase 4 Liner request of \$4,755,850. The remaining \$1,538,000 will fund capital projects for other Town Departments.

The FY12 Capital Improvement Program is for \$6,335,850 which is classified by funding source as follows:

- | | |
|-------------------|-------------|
| • Free Cash | \$8,000 |
| • General Debt | \$971,000 |
| • Enterprise Debt | \$4,755,850 |
| • Waterways Fund | \$424,000 |
| • Enterprise Fund | \$42,000 |

• Other Available Funds	<u>\$135,000</u>
Total	\$6,335.850

The FY2012 capital projects recommended for funding and approved by the Capital Outlay Committee fell into the following categories:

• Infrastructure (Buildings, Land/Fields, Sewers, Roads)	\$5,469,850
• Transportation (Autos, Buses, Trucks/SUV, Boats, etc)	\$110,000
• Technology (computers and electronic devices)	\$311,000
• Equipment (Dump Trucks, Dozers, Mowers, Plows, etc.)	
<u>\$445,000</u>	
Total	\$6,335,850

Next Steps

1. In addition to continued work on the Long Term Capital Plan the Committee will be making recommendations on the use, reuse or disposal of Town Buildings for which a specific municipal use has not been identified.
2. Continued work with the Town Administrator and designated committee on Feasibility Study for the new Police Facility.
3. Continued work with the Town Administrator and designated committee on Feasibility Study for the new DPW Facility.
4. Continued work with the Town Administrator and designated committee on Feasibility Study for the Fire Stations.
5. Recommendation to the Town on a Facilities Manager position.
6. Continued exploration of grant and other funding sources for capital improvements.
7. Continued work to refine the Capital Improvement Plan including a complete schedule of vehicle and equipment replacement.

APPENDIX C

FISCAL YEAR 2011

SUPPORTING INFORMATION

- A. Article 2 – STM**
- B. Article 5 - STM**
- C. Article 8**
- D. Article 13**
- E. Long-Term Financial Planning Model**
- F. Bourne Home Rule – Resolution**
- G. Article 21-23 – Charter Report**

Article 2 – STM

Article 5 - STM

Article 8

As required by MGL Chapter 44 Section 53E 1/2, Revolving Funds, the board, department or officer having charge of such revolving funds shall report to the annual Town Meeting the following report on the activity for the prior fiscal year and the current year through December 31, 2010					
Revolving Report for Fiscal Year 2010					
Department	Revolving Fund	Balance Forward 7/1/2009	Receipts	Expenditures	Ending Balance 6/30/2010
Recreation Department	Recreation Programs Fund	\$15,824.20	\$47,802.33	\$47,587.33	\$16,039.20
Dept of Natural Resources	Shellfish Propagation Fund	\$29,538.21	\$4,917.50	\$5,717.96	\$28,737.75
Library	Public Libraries	\$6,190.83	\$17,113.08	\$20,125.18	\$3,178.73
School Department	Transportation Revolving	\$0.68	\$35,599.50	\$7,201.07	\$28,399.11
School Department	After School Activities	\$5,718.78	\$13,515.75	\$5,108.74	\$14,125.79
ISWM	Composting Bins Fund	\$0.00	\$160.00	\$0.00	\$160.00
Revolving Report for Fiscal Year 2011					
Department	Revolving Fund	Balance Forward 7/1/2010	Receipts	Expenditures	Ending Balance 12/31/2010
Recreation Department	Recreation Programs Fund	\$16,039.20	\$29,755.69	\$38,003.98	\$7,790.91
Dept of Natural Resources	Shellfish Propagation Fund	\$28,737.75	\$2,551.00	\$1,058.00	\$30,230.75
Library	Public Libraries	\$3,178.73	\$10,973.21	\$7,888.42	\$6,263.52
Community Bldg	Community Bldg Rental	\$0.00			

	Fund				
School Department	Transportation Revolving	\$28,399.11	\$32,976.00	\$6,020.68	\$55,354.43
School Department	After School Activities	\$14,125.79	\$0.00	\$1,600.00	\$12,525.79
ISWM	Composting Bins Fund	\$160.00	\$0.00	\$0.00	\$160.00
Article 8 of the Annual Town Meeting includes the MGL Chapter 53E 1/2 Revolving Fund Articles to be voted for Fiscal Year 2012. This article includes the Recreation Revolving, Shellfish Propagation, Public Libraries, Community Building Rental Fund, Transportation Revolving, After School Activities and Composting Bin Funds.					

Article 13

Annual Town Meeting
May 2, 2011
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 annual town meeting, the Moderator shall ask the Finance Committee and the Board of Selectmen to certify whether or not the total of all Finance Committee funding recommendations on all matters contained in this annual town meeting warrant are equal to the maximum property tax levy limit established by law for FY 2012. 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 property tax levy limit, which certified dollar amount shall be available for appropriation by the town meeting. If the answer is in the affirmative, then during this annual town meeting any motion to raise and appropriate funds in order to increase an 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.

Request of the Board of Selectmen

Charter Insert