

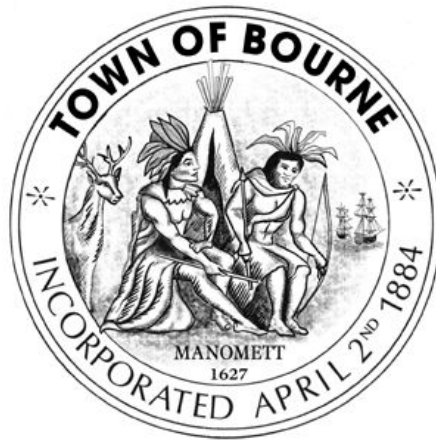
**ARTICLES OF THE WARRANT, MOTIONS,  
VOTER INFORMATION, AND  
RECOMMENDATIONS  
OF THE  
FINANCE COMMITTEE AND THE BOARD OF SELECTMEN**

**FOR THE  
BOURNE SPECIAL TOWN MEETING**

**Monday, November 15, 2021**

**7:00 P.M.**

**Bourne High School Auditorium**



**A Voter's Handbook**

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

**VOTER HANDBOOK**  
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**FALL 2021**  
**SPECIAL TOWN MEETING**

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## **SOME ABC'S ABOUT TOWN MEETING**

### **THE PLAYERS**

As you face the front of the auditorium from your seat, you see in front of 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 to your left and behind him is the Town Clerk and staff who record the proceedings. Town Counsel will be sitting next to the Town Clerk. To the left of the Moderator is the Finance Committee. To the right of the Moderator is the Board of Selectmen, Town Administrator and key staff. In the front row of the auditorium is the School Superintendent, the School Committee and Planning Board.

### **WHO MAY VOTE?**

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

### **THE QUORUM**

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

### **THE WARRANT**

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

### **ARTICLES**

Articles are the individual subjects to be acted on by Town Meeting. They have been submitted by Town Boards and Departments, by the Selectmen, and by private petition endorsed by ten or more registered voters (for an annual town meeting) or one hundred or more registered voters (for a special town meeting).

## **ORDER OF BUSINESS**

The Moderator determines when a quorum is present and calls the meeting to order. Following the pledge of allegiance and invocation, the Moderator reviews the basic rules under which the meeting will be conducted. Special Resolutions, if any, are presented and acted upon. With some exceptions, articles are called by lottery, discussed, and voted upon. This procedure is followed for each article until the warrant has been completed. If necessary, due to time constraints, additional meetings will be scheduled.

## **MOTIONS**

When an article reaches the floor, the Moderator will usually ask if the Finance Committee has a recommendation and a motion to offer. This is because Town Bylaw requires the Finance Committee to review and make recommendations on all articles in the warrant. On articles presented by the Planning Board, the Moderator will ask them to present a motion and their official report. The Finance Committee will then make its recommendation. Motions not related to subjects in the warrant or to the conduct of the meeting are not permitted.

## **INDEFINITE POSTPONEMENT**

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

## **NEGATIVE RECOMMENDATIONS**

If the action recommended by the Finance Committee on an article other than zoning bylaw articles is negative, the Moderator will ask if any voter present wishes to make a positive motion. If so, the person making the motion must also be prepared to submit the motion in writing to the Moderator.

## **AMENDMENTS**

Any voter present may request to be recognized by the Moderator for purposes of offering an amendment to any motion under discussion. The motion to amend must be in writing and include the specific words to be deleted in the original motion as well as those to be substituted.

## **PARTICIPATION**

If you have a question of clarification concerning an article or motion under discussion, or wish to participate in such discussion, please do so. To be recognized by the Moderator, raise your hand or if necessary, stand in place. When recognized, step forward 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. Keep your remarks to 3½ minutes or less.

## **VOTING**

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

## **DEFINITIONS**

For the benefit of those who may not be familiar with some of the financial terms appearing in or used in the course of considering various articles, the following much simplified definitions maybe helpful:

## **CONSENT ARTICLE**

A Consent Article is an exception to the general process of Town Meeting. In consultation between Town Counsel, the Moderator, the Finance Committee, and the Selectmen, several articles that are usually voted separately can be combined into one article. These articles, which are related to each other, not likely to be controversial and not likely to generate debate, are combined into one article to allow a single motion and voted as one unit. At the call of the Consent Article the Moderator will refer to each section of the article, one by one. If any voter calls out “hold” in a loud voice, that particular section is laid aside for separate consideration. After reading all of the article sections, the Moderator will entertain a motion on the sections not set aside to be voted as one unit. After that vote, the meeting will consider the sections set aside and takes them up in order for discussion and possible amendment, rejection or other disposition.

### **GENERAL FUND**

The account in which general and/or undesignated revenues are deposited for use in paying the general expenses of the Town.

### **STABILIZATION FUND**

Monies appropriated by the Town to fund capital expenditures for equipment, land, or large-scale projects or for any other lawful purposes. An appropriation into the Stabilization Fund requires a majority vote and a 2/3 vote is required to appropriate money from the Stabilization Fund.

### **RESERVE FUND**

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

### **FREE CASH**

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

### **RAISE AND APPROPRIATE**

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

### **TAX LEVY**

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

## **TAX RATE**

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

## **THE BOURNE RULE**

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

## **RULES OF DEBATE:**

1. All debate will be conducted in a respectful and courteous manner and in a calm and collected tone.
2. All comments and inquiries will be directed to the Moderator and are specifically limited to the subject matter being debated.
3. Confine your remarks to a maximum of 3½ minutes, unless you have *prior approval* to speak longer. If you attempt to use your speech to incite the crowd, you may be removed from the auditorium by the Sergeant at Arms, at the discretion of the Moderator.
4. Speak only to the motion on the floor. Do not be repetitive. Be concise and to the point.
5. No comments of a personal nature are allowed.
6. No applause for any speaker is allowed.
7. No boos, catcalls, or similar interference with the speaker's remarks may be directed against any speaker.
8. Any person unwilling or unable to comply with these rules may, by state law, be removed from the auditorium by the Sergeant at Arms at the sole discretion of the Moderator.

Even though a crowd of persons may be booing, applauding, or engaged in other bad behavior, the Moderator may start singling out one or two persons at a time engaged in this bad behavior to be removed from the auditorium by the Sergeant at Arms. This action may continue until all the offending conduct ceases.

**RULES OF THE MODERATOR**  
**TOWN MEETING PROCEDURES**

1. Non-Voter Seating. At the beginning of the meeting the Moderator designates rows of seats for seating of non-voters.
2. Non-Voter Minor Children. With the permission of a doorkeeper, voter(s) attending Town Meeting with a child(ren) may be allowed to sit with their child(ren) in voter seating. That said, we respectfully request that you do not bring children under age 6 to Town Meeting.
3. 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.
4. The Moderator will not entertain shouted motions from the floor to Move the Question, or to challenge a quorum, or for any other purpose. Any person wishing to speak must first rise and be recognized by the Moderator. If a person is physically challenged, please notify the tellers, and the tellers will provide a portable microphone so that person can speak from his/her seat.
5. 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.
6. Speakers. Before speaking, state your name clearly for the record. Speak concisely and speak to the motion on the floor. Speak only long enough to make your point. Do not repeat what prior speakers have already said. Three to five minutes should be more than enough time to make a point, if the speaker is clear and concise.
7. 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 taken into custody and removed from

the meeting by the Sergeant at Arms or a Constable and held until the conclusion of the meeting.

8. The meeting is now televised live by the local Comcast cable television company, and is later also re-broadcast on the local cable access channel.
9. There is a stenographer keeping an official written transcript of the meeting.
10. Voter Tags. If there is a counted, standing vote, or a secret ballot, voters must have their voter tag visible and be in a seat in the voter's section in order to be counted. The tellers will not count anyone not seated in a seat in the voter's section or anyone without a voter tag.
11. Fifteen (15) or more registered voters may request a secret ballot. In the event of a secret ballot, the doorkeepers will call everyone into the auditorium who wishes to vote, and then close the doors. You may leave the auditorium at any time, but you will not be allowed to return to the auditorium until the Moderator declares that vote casting is concluded, and the doorkeepers may open the doors.
12. If a voter wishes to change a motion in some fashion, the procedure is to amend the motion. All motions to amend must be in writing and must state exactly how the voter wishes to change the motion on the floor. That way, the Moderator can know exactly what it is the voter wants to do before ruling on the motion or putting it to a vote. A voter who wishes to amend a main motion must have the amendment in writing and available to hand to the Moderator before rising to offer the amendment. The Moderator may refuse to put to the Meeting an amendment which is not immediately available in writing. The Moderator also will rule out of order any motion to amend which changes the original motion so drastically that, in the Moderator's opinion, the motion is no longer within the "four corners" (the scope) of the posted warrant article. An amendment may consist of adding, deleting, or substituting words in the motion. It may take the form of a "motion to substitute", i.e., a different motion. Sometimes a speaker tries to amend "the article", but this is improper language. It is the motion on the floor, not the article in the Warrant, which is to be amended. A motion to amend requires only a majority vote, even though the main motion to be amended may require two-thirds or more for final passage. If you need assistance drafting a motion to amend, please ask for it, and the Deputy Moderator will help you.

13. Articles in the warrant seeking to amend the Bourne Zoning Bylaw or Zoning Map require special treatment. Some Moderators refuse to allow any amendment to a main motion on a zoning article. I generally will allow a motion to amend to correct a clerical matter, misspelling, or similar non-substantive change. For example, if the main motion is to increase minimum lot size from 40,000 to 50,000 square feet, a motion to amend to increase only to 45,000 square feet, will not be allowed, as it is a substantive change to the published zoning article. On the other hand, a motion to change the word “feat” (sic) to “feet” will generally be allowed to correct a clerical error.
14. Reconsideration – One Hour Rule. Pursuant to Bourne Town Bylaw, notice of intention to reconsider action on an article may only be given within one hour of continuous Town Meeting time. Depending on the hour the original vote is taken and officially recorded by the Town Clerk, this one hour may carry over to a subsequent session of the same Town Meeting in which the original vote is taken. The subsequent session of Town Meeting may reconvene several days after the original vote is taken.
15. Reconsideration – Vote on Prevailing Side. Because it is a matter of long time custom and practice in the Town of Bourne, the Moderator will not allow a notice of intention to reconsider or a motion to reconsider a vote except from a voter who voted on the prevailing side of the original vote. If “Aye” was the prevailing vote, the voter who wishes to file a notice of intention to reconsider, and/or to move reconsideration, must have voted “Aye”. The Moderator will ask the voter which way he/she voted. The person who files a notice of intention to reconsider, and who makes the actual motion to reconsider, need not be the same person, but both must have voted on the prevailing side. Notice of intention to reconsider is only allowed on the main motion. A vote to reconsider an amendment must be made before the next vote is taken. A notice of intention to reconsider is not allowed for an amendment to the main motion.
16. It is solely within the discretion of the Moderator to allow non-voters to address the Town Meeting. It has been a matter of long time custom and practice in Bourne that the Moderator will generally allow non-voters to address the Town Meeting.

17. A Town Meeting is a public meeting. There are no expectations of privacy at a public meeting. A transcript of the meeting is kept. The meeting is televised live and also video-taped by the Comcast local cable access channel for later re-broadcast on that cable channel. Press photographers are present taking photographs, including photographs of standing, counted votes. The Moderator does not allow still or motion photography at the ballot boxes of voter's casting their votes during a secret ballot.
18. In order to maintain the continuity of a session of a Town Meeting, if the Moderator needs a brief break, the Moderator may state that the Deputy Moderator, "has the gavel" for the short time the Moderator is absent from the podium, but still present in the building. There is no need to elect a temporary Moderator unless the duly elected Moderator is actually absent from the building for an extended period of time. If the Moderator cannot attend a Town Meeting, or has to leave a Town Meeting due to illness, for example, the Town Clerk (or Selectmen Chair, if the Town Clerk is absent or unable) will hold an election for a temporary Moderator to run the Town Meeting.
19. Persons running for public office, and their supporters, persons distributing literature promoting pro or con action on a warrant article or other matter of public interest, and persons soliciting signatures for candidates or for membership in a political group or organization, must remain not less than 50 feet from any entrance of the meeting location, except when they themselves are entering the Town Meeting for the purpose of attending the Town Meeting, or when they are actually in attendance at the Town Meeting.
20. If the Moderator determines that an article in the warrant is seeking a sense of the meeting on a matter of a celebratory nature, or not involving the Town of Bourne directly, the Moderator will treat the article as a non-binding resolution. As such, one person will be allowed five minutes to speak in favor of the resolution, and one person the same amount of time to speak in opposition to the resolution. The motion will then be put to a vote without further discussion. If, on the other hand, the article is seeking a sense of the meeting on a matter directly involving the Town of Bourne, the Moderator will still treat it as a non-binding resolution, but he may allow normal debate on the substance of the article.

21. Except with advance approval from the Moderator in the case of special presentations associated with the subject matter of an article, speakers shall confine their remarks to no more than 3 ½ minutes. Generally, 3 ½ minutes is more than sufficient time to make a point or state a position. Be concise. Speak only to the motion on the floor.
22. Town Counsel. Opinions of Town Counsel are reserved for the benefit of elected and appointed municipal officials. Please do not ask for an opinion of Town Counsel unless you are an elected or appointed Bourne official with an interest in the opinion. Even then, it is up to Town Counsel to determine if he wishes to render an “off-the-cuff” opinion without the benefit of more detailed research and reflection.
23. All questions must be directed through the Moderator. You will not be allowed to engage in a back and forth dialogue with one particular official. Whenever possible, try to get your specific questions answered prior to Town Meeting. Town Meeting should be for debate and not for questions and answers.
24. Presentations. If a speaker wants to use a PowerPoint®, videotape, slide, or similar presentation requiring lowering the screen on the stage, the proposed presentation must be in the hands of the Moderator for his review no less than 72 business hours prior to the Town Meeting, or the Moderator may not allow the presentation.
25. Please put your cell phones and pagers on vibrate or some other silent alarm, so as not to disturb the proceedings.
26. Question a Ruling or Vote. Seven (7) or more registered voters may question a ruling or a vote declaration of the Moderator. The question must be raised immediately and before the next action or the next article. For example, if the Moderator on a voice vote on the main motion declares “the ayes have it, the motion passes”, that ruling must be questioned before the next article is drawn by the Town Clerk and the article number announced by the Moderator. If an amendment is declared as passed on a voice vote, this declaration must be questioned before the next speaker. If a voice vote declaration is questioned, the Moderator will generally ask the tellers to take a standing counted vote.

27. Lobby Displays. No person shall erect or maintain a table or a display in without approval from the Moderator obtained at least 48 hours prior to the Town Meeting. No display may interfere with the free passage of voters to and from the registration table and the entrance to the meeting location. The Moderator reserves the right to decline to approve any display he/she deems to be too large. Also, the size of the lobby limits the total number of displays, from three to five in most cases. The doorkeepers, as agents of the Moderator and Town Clerk, may require relocation of displays in the lobby if the displays are interfering with the free flow of foot traffic.

Thank you for attending Town Meeting!

Amy B. Kullar  
Town Meeting Moderator

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

***Sponsor – Board of Selectmen***

**MOTION:** *We move that the Town vote to appropriate the sum of \$2,688.45 for the purposes of this article and to meet this appropriation to transfer the sum of \$2,688.45 from free cash satisfy the unpaid bills of the Town as listed in the chart below.*

Unpaid Bills		
Department	Vendor	Amount
Police	CTS, Inc.	\$ 475.00
Police	GTS, Inc.	1,090.16
Fire	Specialty Vehicles, Inc.	30.88
Natural Resources	Cape Cod Ice	176.31
Natural Resources	WB Mason	493.51
Natural Resources	Wareham Ford	100.00
Natural Resources	West Marine Pro	<u>322.59</u>
<b>Total</b>		<b><u>\$ 2,688.45</u></b>

*A YES or AYE vote in favor of the motion would allow these bills to be paid.*

*A NO or NAY vote opposed to the motion would mean these bills could not be paid.*

**The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

**The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.**

**ARTICLE 2:** To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money for the purpose of supplementing and/or reducing the **Fiscal Year 2022 Sewer Department Expenses** as voted under Article 3 (Sewer Budget) of the 2021 Annual Town Meeting, or take any other action in relation thereto.

***Sponsor – Board of Sewer Commissioners***

**MOTION: We move that the Town vote to amend the action taken under Article 3 (Sewer Budget) of the 2021 Annual Town Meeting by reducing expenses by \$26,100 from \$1,093,203 to \$1,067,103 and reducing the amount raised from Sewer Enterprise Receipts from \$1,455,538 to \$1,429,438.**

*A YES or AYE vote in favor of the motion amends Article 3 (Sewer Budget) of the 2021 Annual Town Meeting and reduces FY22 Sewer Department Expenses by \$26,100. The sewer rates would remain the same for users.*

*A NO or NAY vote opposed to the motion would not allow \$26,100 to be reduced from the sewer budget, and the sewer rates would increase for users.*

**The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

**The Board of Selectmen voted 4-0-1 to recommend approval of this article.**

**ARTICLE 3:** To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to the **Capital Stabilization Fund**, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**MOTION: We move that the Town vote to appropriate the sum of \$310,000 for the purpose of this article and to meet this appropriation to transfer the sum of \$310,000 from free cash.**

*A YES or AYE vote in favor of the motion authorizes the transfer of \$310,000 from Free Cash to the Capital Stabilization Fund to help pay for large capital projects and to support the debt service budget for capital projects.*

*A NO or NAY vote opposed to the motion would mean that the Capital Stabilization Fund would not be increased.*

**The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

**The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.**

**ARTICLE 4:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the **Special Education Reserve Fund**, or take any action in relation thereto.

***Sponsor – Board of Selectmen***

**MOTION: We move that the Town vote to appropriate the sum of \$150,000 for the purposes of this article and to meet this appropriation to transfer the sum of \$150,000 from free cash.**

*A YES or AYE vote in favor of the motion allows the transfer of \$150,000 from Free Cash into the Special Education Reserve Fund.*

*A NO or NAY vote opposed to the motion would mean the Special Education Reserve Fund remains depleted.*

**The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

**The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.**

**ARTICLE 5:** 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 the Town's **Other Post-Employment Benefits (OPEB) Liability**, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**MOTION: We move that the Town vote to appropriate \$805,000 for the purpose of funding the Town's Other Post-Employment Benefits Liability and to meet**

**this appropriation transfer the sum of \$515,000 from free cash, \$260,000 from ISWM retained earnings and \$30,000 from Sewer retained earnings to the OPEB Trust Fund.**

*A YES or AYE vote in favor of the motion would authorize the Town to appropriate \$805,000 for the purpose of funding the Town's Other Post-Employment Benefits.*

*A NO or NAY vote opposed to the motion would not authorize the Town to appropriate \$805,000 for the purpose of funding the Town's Other Post-Employment Benefits.*

**The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

**The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.**

**ARTICLE 6:** To see if the Town will vote to establish a **Climate Resiliency and Infrastructure Stabilization Fund** pursuant to General Laws Chapter 40, Section 5B, and further, to raise and appropriate, borrow or transfer from available funds a sum of money for the Climate Resiliency and Infrastructure Stabilization Fund, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**MOTION: We move that the Town vote to establish a Climate Resiliency and Infrastructure Stabilization Fund in accordance with the provisions of General Laws Chapter 40, Section 5B, and further to appropriate the sum of \$150,000 for the purposes of this Article, and to meet this appropriation, to transfer the sum of \$150,000 from free cash**

*A YES or AYE vote in favor of the motion would authorize the Town to establish and fund a Climate Resiliency and Infrastructure Stabilization Fund. This fund would support planning to identify key climate-related hazards, vulnerabilities and strengths, and to develop adaptation actions.*

*A NO or NAY vote opposed to the motion would mean a Climate Resiliency and Infrastructure Stabilization Fund would not be established or funded.*

**The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

**The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.**

**ARTICLE 7:** To see if the Town will vote to **rescind the authorization for unissued debt** which has been determined to be no longer needed for the completion of various projects, or take any other action in relation thereto.

***Sponsor – Board of Sewer Commissioners***

Debt Authorized & Unissued		
Town Meeting	Authorization Description	Amount
Article 8 of 2019 ATM	Community Septic Disposal System to Upgrade the Savary Community Septic System	\$ 265,000.00

**MOTION: We move that the Town vote to rescind the authorization for unissued debt for the “Community Septic Disposal System to Upgrade the Savary Community Septic System” voted by Article 8 of the 2019 Annual Town Meeting.**

*A YES or AYE vote in favor of the motion allows the town to vacate the borrowing previously authorized by Town Meeting vote to remediate the Community Septic System for the 13 homes located on Savary Avenue, Sagamore Beach.*

*A NO or NAY vote opposed to the motion would mean this borrowing authorization remains open, even though the project is no longer required.*

**The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

**The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.**

**ARTICLE 8:** To see if the Town will vote to appropriate, borrow, or transfer from available funds a sum of money for the purpose of entering into a contract for an **Investment Grade Energy Audit** including, but not limited to, a detailed energy

audit presenting an optimized project including long-term sustainable energy efficiency and infrastructure upgrades commercially acceptable to the Town, or take any action in relation thereto.

***Sponsor – Board of Selectmen***

***MOTION: We move that the Town vote to appropriate the sum of \$71,500 for the purpose of this article and to meet this appropriation to transfer the sum of \$71,500 from free cash.***

*A YES or AYE vote in favor of the motion would authorize the Town to appropriate \$71,500 from free cash for the purpose of entering into a contract for an Investment Grade Energy Audit.*

*A NO or NAY vote opposed to the motion would mean not entering into a contract for an Investment Grade Energy Audit.*

***The Finance Committee voted (9-1-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.***

***Board of Selectmen Recommendation:***

***The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.***

***ARTICLE 9:*** To see if the Town will vote, upon recommendation of the Community Preservation Committee, to appropriate a sum of money for the following **Community Preservation Fund** purposes, and to meet said appropriation, to transfer from available funds or reserves from the FY2022 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action in relation thereto.

***Sponsor - Community Preservation Committee***

<b>Item</b>	<b>Sponsor</b>	<b>Project Description</b>	<b>CPA Purpose</b>	<b>Amount</b>
<i>A</i>	<i>Bourne Affordable Housing Trust</i>	<i>Technical Support</i>	<i>Community Housing</i>	<i>\$12,500 From Community Housing Reserves</i>
<i>B</i>	<i>Bourne Housing Partnership</i>	<i>Grant Writing</i>	<i>Community Housing</i>	<i>\$20,000 From Community Housing Reserves</i>
		<b><i>Total Community Housing Reserves Requested</i></b>		<b><i>\$32,500</i></b>
<i>C</i>	<i>Bourne Historical Commission</i>	<i>Continued Inventory of Historic Buildings</i>	<i>Historic Preservation</i>	<i>\$20,000 From Historic Reserves</i>
<i>D</i>	<i>Trustees of the Jonathan Bourne Public Library</i>	<i>Architectural/Engineering/Construction Services for Making Certain Repairs to Library Roof, Cupola and Associated Windows</i>	<i>Historic Preservation</i>	<i>\$150,000 From Historic Reserves</i>
<i>E</i>	<i>Trustees of the Jonathan Bourne Public Library</i>	<i>Library Front-Door Replacement</i>	<i>Historic Preservation</i>	<i>\$60,000 From Historic Reserves</i>
		<b><i>Total Historic Reserves Requested</i></b>		<b><i>\$230,000</i></b>
<i>F</i>	<i>Bourne Recreation Department</i>	<i>Design and Engineering for the Community Center Outdoor Area</i>	<i>Open Space/Recreation</i>	<i>\$70,000 From Open Space Reserves</i>
<i>G</i>	<i>Bicycle Pathway Committee</i>	<i>Continuation of Bike Trail Project: Phases 1,2,&amp;4</i>	<i>Open Space/Recreation</i>	<i>\$225,000 From Open Space Reserves</i>
		<b><i>Total Open Space/Recreation Reserves Requested</i></b>		<b><i>\$295,000</i></b>
			<b><i>Total Requests</i></b>	<b><i>\$557,500</i></b>

**MOTION: We move that the Town vote, upon the recommendation of the Community Preservation Committee, to appropriate the sum of \$557,500 for the Community Preservation Fund projects as printed in the Article and to meet this appropriation to transfer the sum of \$32,500 from Community Housing Reserves, transfer \$230,000 from Historic Preservation reserves, and transfer \$295,000 from Open Space/Recreation reserves.**

*A YES or AYE vote in favor of the motion allows the appropriate funding for the Community Preservation projects to move forward.*

*A NO or NAY vote opposed to the motion would mean these Community Preservation projects will not be completed.*

***The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.***

***Board of Selectmen Recommendation:***

***The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.***

**ARTICLE 10:** To see if the Town will vote to enact Article 4.2.5 of the Town of Bourne's General Bylaws, entitled "**Stretch Energy Code**" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of July 1, 2022, a copy of which is on file with the Town Clerk, or take any other action in relation thereto.

***Sponsor – Bylaw Committee***

***MOTION: We move that the Town vote to enact Article 4.2.5 of the Town of Bourne's General Bylaws, entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of July 1, 2022, a copy of which is on file with the Town Clerk***

## **Article 4.2.5 Stretch Energy Code**

### **Section 4.2.5.1**

#### **Definitions**

**International Energy Conservation Code (IECC)** - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of

minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

**Stretch Energy Code** - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

#### **Section 4.2.5.2**

Purpose - The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

#### **Section 4.2.5.3**

Applicability - This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

#### **Section 4.2.5.4**

Stretch Energy Code - The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Bourne General Bylaws, Chapter 4, Inspection and Development Regulations, Article 4.2, Commonwealth of Massachusetts State Building Code, Article 4.2.5.

The Stretch Energy Code is enforceable by the Inspector of Buildings or Building Commissioner and effective as of July 1, 2022.

*A YES or AYE vote in favor of the motion would enact Article 4.2.5. of the Town of Bourne's General Bylaws entitled "Energy Stretch Code" with an effective date of July 1, 2022.*

*A NO or NAY vote opposed to the motion would not enact Article 4.2.5. of the Town of Bourne's General Bylaws entitled "Energy Stretch Code."*

**The Finance Committee unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

**The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.**

**ARTICLE 11:** To see if the Town will vote to request that the Board of Selectmen and Sewer Commissioners oppose any federal, state, or local wastewater permits for a collection system for the Massachusetts Maritime Academy in the Taylor's Point area of Buzzards Bay, and the subsequent disposal by direct discharge of treated or untreated wastewater into the Cape Cod Canal or the waters immediately adjacent thereto.

***Sponsor – W. Thomas Barlow and others***

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

*A YES or AYE vote in favor of the motion would request that the Board of Selectmen and Sewer Commissioners oppose any wastewater permits for projects having discharge of wastewater into the Cape Cod Canal in the vicinity of the Massachusetts Maritime Academy.*

*A NO or NAY vote opposed to the motion would mean that NO request is made.*

**The Finance Committee voted (7-3-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

**The Board of Selectmen voted 0 in favor, 4 opposed with 1 abstention for this article.**

***Board of Sewer Commissioners Recommendation:***

**The Board of Sewer Commissioners vote will be made at Town Meeting.**

**ARTICLE 12:** To see if the Town will authorize the Board of Selectmen to petition the General Court, under the Home Rule Amendment to the Massachusetts Constitution, for certain Amendments to the Town of Bourne Charter, as described in the draft report of the Town of Bourne 2021 **Charter Review Committee**,

October 5, 2021, a copy of which is on file at the Office of the Town Clerk, or take any action in relation thereto.

***Sponsor – Charter Review Committee***

***Motion: We move that the Town vote to authorize the Board of Selectmen to file a Petition with the General Court, pursuant to the Home Rule Amendment to the Massachusetts Constitution, to amend the Town of Bourne Home Rule Charter, with certain amendments, in substantially the same form as it appears in the “Town of Bourne Charter with Recommendations for Changes,” a copy of which is on file at the Office of the Town Clerk and included in the Appendix of the Voter Handbook for the November 15, 2021 Special Town Meeting.***

*A YES or AYE vote in favor of the motion would amend the Town Charter with the recommended changes.*

*A NO or NAY vote opposed to the motion would mean the Town Charter would remain unchanged.*

***The Finance Committee voted (9-0-1) to recommend approval of this article with a YES or AYE vote in favor of the motion.***

***Board of Selectmen Recommendation:***

***The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.***

**ARTICLE 13:** To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money for the purpose of supplementing and/or reducing the Fiscal Year 2022 Regular Annual Expenses as voted under Article 2 (Annual Budget) of the 2021 Annual Town Meeting, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

<b><u>FY2022 Budget Amendments</u></b>			
<b>Source of Funds (Transfer from)</b>		<b>Use of Funds (Transfer to)</b>	
Shared Costs	<u>\$ 88,115</u>	Public Safety	<u>\$ 88,115</u>
<b>Total</b>	<b><u>\$ 88,115</u></b>		<b><u>\$ 88,115</u></b>

**MOTION: We move that the Town vote to transfer the sum of \$88,115.00 from the “Shared Costs” line item voted under Article 2 of the 2021 Annual Town Meeting approving the FY2022 Annual Budget to supplement the appropriation for “Public Safety” voted under Article 2 of the 2021 Annual Town Meeting.**

*A YES or AYE vote in favor of the motion allows the adjustment to the General Fund Budget for the Police Department to fulfill contractual and operational costs of the new facility.*

*A NO or NAY vote opposed to the motion would not allow the adjustment to the General Fund Budget for the Police Department, and the contractual and operational costs of the new facility would not be met.*

**The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

**The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.**

**ARTICLE 14:** To see if the Town will vote to authorize the Board of Selectmen to dispose of real property located at **175 Main Street, Buzzards Bay**, formerly known as the Town of Bourne Police Station in accordance with the provisions of Massachusetts General Law Chapter 30B, Section 16 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 dispose of real property located at 175 Main Street, Buzzards Bay, formerly known as the Town of Bourne Police Station, in accordance with the provisions of Massachusetts General Law Chapter 30B, Section 16 on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town and any other applicable Laws.**

*A YES or AYE vote in favor of the motion would allow the disposal of the old police station at 175 Main Street.*

*A NO or NAY vote opposed to the motion would not allow the disposal of the old police station at 175 Main Street.*

**The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

**The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.**

**ARTICLE 15:** To see if the Town will vote to transfer from available funds from the Integrated Solid Waste Management (ISWM) Enterprise Fund retained earnings, a sum of money for the purpose of funding an amendment to **Article 6** voted at the November 16, 2020 Special Town Meeting for the purpose of funding development, installation and operational costs associated with a Pilot Leachate Treatment System to be installed at the ISWM Facility, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**MOTION: We move that the Town vote to appropriate the sum of \$350,000 for the purposes of this Article and to meet this appropriation to transfer the sum of \$350,000 from the ISWM Enterprise Fund Retained Earnings.**

*A YES or AYE vote in favor of the motion would allow the transfer of \$350,000 from ISWM Enterprise Fund Retained Earnings to amend Article 6 voted at the November 16, 2020 Special Town Meeting to further fund development, installation and operational costs for the Pilot Leachate Treatment System.*

*A NO or NAY vote opposed to the motion would mean Article 6 voted at the November 16, 2020 Special Town Meeting would not be amended and \$350,000 would not be transferred from ISWM Enterprise Fund Retained Earnings. Therefore the funding would not be provided to further develop, install and operate the Pilot Leachate Treatment System.*

**The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

**The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.**

**ARTICLE 16:** To see if the Town will vote to authorize the Board of Selectmen to accept a gift of real property the following parcels of land: Assessor's Map Sheet 16 Lots 7, 8 and 9 including 49.950 acres +/- as shown as the "Premises" on a plan entitled NextGrid and dated July 13, 2021 and which is on file with the Town Clerk; and further that such gift be subject to a right of reversion to the donor after twenty five years or the useful life of a solar facility which may be constructed thereupon, whichever is longer, said right of reversion would be further subject to approval of the Great and General Court authorizing the Town, notwithstanding any other law to the contrary, to accept such a condition as part of the gift and further to authorize the Board of Selectmen to submit a home rule petition effectuating same to the Great and General Court at a time they deem in the best interest of the community to do so, or take any other action relative thereto.

***Sponsor – Board of Selectmen***

**MOTION: We move that the Town vote to authorize the Board of Selectmen to accept a gift of real property for the following parcels of land: Assessor's Map Sheet 16 Lots 7, 8 and 9 including 49.950 acres +/- as shown as the "Premises" on a plan entitled NextGrid and dated July 13, 2021 and which is on file with the Town Clerk; and further that such gift be subject to a right of reversion to the donor after 25 years or the useful life of a solar facility which may be constructed thereupon, whichever is longer, said right of reversion would be further subject to approval of the Great and General Court authorizing the Town to accept such a condition as part of the gift and further to authorize the Board of Selectmen to submit a home rule petition effectuating same to the Great and General Court at a time they deem in the best interest of the community to do so.**

*A YES or AYE vote in favor of the motion would allow the Board of Selectmen to petition for Special Legislation to accept the land with a reversion clause to the donor after 25 years.*

*A NO or NAY vote opposed to the motion would mean the Town would not petition for Special Legislation to accept the land.*

**The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

***The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.***

**ARTICLE 17:** To see if the Town will vote to authorize the Board of Selectmen to enter into a lease for twenty five years with a ten year extension for the property located at Assessor's Map Sheet 16 Lots 7, 8 and 9, including approximately 49.950 acres +/- in area or a portion thereof as shown as the "Premises" on a plan entitled NextGrid and dated July 13, 2021 and which is on file with the Town Clerk, and to negotiate terms and conditions in the best interest of the Town, or take any action relative thereto.

***Sponsor – Board of Selectmen***

**MOTION:** ***We move that the Town vote to authorize the Board of Selectmen to negotiate and enter into a lease for twenty five years with a ten year extension for the property located at Assessor's Map Sheet 16 Lots 7, 8 and 9, including approximately 49.950 acres +/- in area or a portion thereof as shown as the "Premises" on a plan entitled NextGrid and dated July 13, 2021 and which is on file with the Town Clerk and to negotiate terms and conditions in the best interest of the Town.***

*A YES or AYE vote in favor of the motion would allow the Board of Selectmen to negotiate and enter into a lease with NextGrid for 25 years to terms and conditions in the best interest of the Town for the purposes of a solar facility.*

*A NO or NAY vote opposed to the motion would mean the Board of Selectmen would not enter into a lease with NextGrid.*

**The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.**

***Board of Selectmen Recommendation:***

***The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.***

## **APPENDIX**

### **FISCAL YEAR 2022**

#### **SUPPORTING INFORMATION**

#### **SPECIAL TOWN MEETING**

- A. FY 2022 Sources and Uses.**
- B. Free Cash and Enterprise Fund Retained Earnings Analysis.**
- C. Article 10 - Stretch Energy Code (as part of the State “Green Communities” Designation) Supporting Documentation.**
- D. Article 12**
  - a. Report to the Town Meeting dated November 15, 2021.**
  - b. Charter Review Committee Articles for Charter Changes: Final Version 10.20.2021.**
  - c. Town of Bourne Charter With Recommendations for Changes.**
- E. Article 13 - Police Budget Supporting Documentation including Article 2 from the May 3, 2021 Annual Town Meeting.**
- F. Article 14 - Old Police Station Map.**
- G. Article 15 – ISWM specifically Article 6 from the November 16, 2020 Fall Town Meeting.**
- H. Article 16 & 17 - Next Grid Plan and PowerPoint presentation.**
- I. Bourne Rule.**

**APPENDIX A**

FISCAL YEAR 2022

SOURCES AND USES

<b>FISCAL 2022 SOURCES &amp; USES OF FUNDS</b>				
	<b>FY22 Budget Adopted 5/3/2021</b>	<b>FY22 Proposed Budget 11/15/2021</b>	<b>\$ Increase / Decrease over Prior Year</b>	<b>% Increase / Decrease over Prior Year</b>
<b>GENERAL FUND REVENUES</b>				
<b><u>Property Taxes</u></b>				
Prior Year Tax Levy Limit	\$ 50,126,269	\$ 50,126,269	\$ (0)	0.00%
PY - Amended New Growth				
2.5% Allowance	1,253,157	1,253,157	(0)	0.00%
New Growth	370,000	370,000	0	0.00%
Override	-	-	-	
<b>Sub-total</b>	<b>51,749,426</b>	<b>51,749,426</b>	<b>(0)</b>	0.00%
Debt Exclusion	4,256,077	4,256,077	0	0.00%
Cape Cod Commission Tax	207,616	207,616	0	0.00%
Unused Levy Capacity			0	#DIV/0!
<b>Total Tax Levy</b>	<b>\$ 56,213,119</b>	<b>\$ 56,213,119</b>	<b>\$ (0)</b>	0.00%
<b><u>State Aid</u></b>				
Cherry Sheet Net Revenue	\$ 263,176	\$ 263,176	\$ -	0.00%
Cherry Sheet Assessments	5,005,707	5,005,707	-	0.00%
Chapter 70 Total	5,268,883	5,268,883	-	0.00%
Charter School Reimbursement	291,059	291,059	-	0.00%
School Choice Receiving Tuition*	842,460	842,460	-	0.00%
Unrestricted General Govt Aid	1,611,107	1,611,107	-	0.00%
Veterans Benefits	138,937	138,937	-	0.00%
Exemptions: Vets, Blind, Surv Sp & Elderly	93,484	93,484	-	0.00%
State Owned Land	596,604	596,604	-	0.00%
Public Libraries*	27,894	27,894	-	0.00%
<b>Total State Aid</b>	<b>\$ 8,870,428</b>	<b>\$ 8,870,428</b>	<b>\$ -</b>	0.00%
<b><u>Local Receipts</u></b>				
Motor Vehicle Excise	\$ 3,080,589	\$ 3,080,589	\$ -	0.00%
Other Excise - Meals Tax	300,000	300,000	-	0.00%
Other Excise - Room/Hotel	150,000	150,000	-	0.00%
Other Excise - Boat	55,000	55,000	-	0.00%
Penalties & Interest	175,000	175,000	-	0.00%
Payments in Lieu	20,000	20,000	-	0.00%
Marinas	1,160,000	1,160,000	-	0.00%
Other Dept Revenue	275,000	275,000	-	0.00%
Licenses & Permits	700,000	700,000	-	0.00%
Fines & Forfeits	130,000	130,000	-	0.00%
Investment Income	100,000	100,000	-	0.00%
Miscellaneous-Recurring	630,000	630,000	-	0.00%
Miscellaneous-Recurring Energy Credits	700,000	700,000	-	0.00%
Miscellaneous-Non Recurring	116,560	116,560	-	0.00%
<b>Total Local Receipts</b>	<b>\$ 7,592,149</b>	<b>\$ 7,592,149</b>	<b>\$ -</b>	0.00%
<b><u>Other Sources</u></b>				
ISWM General Fund Support	\$ 2,329,937	\$ 2,329,937	\$ -	0.00%
Sewer General Fund Support	148,315	148,315	-	0.00%
<b>Total Other Sources</b>	<b>\$ 2,478,252</b>	<b>\$ 2,478,252</b>	<b>\$ -</b>	0.00%
<b><u>Special Revenues</u></b>				
Conservation Comm.	\$ 30,000	\$ 30,000	\$ -	0.00%
PL 874	200,000	200,000	-	0.00%
Ambulance Fees	1,325,000	1,325,000	-	0.00%
CPA Fund Debt Service	651,735	651,735	-	0.00%
Title 5 Loan Repayments	19,485	19,485	-	0.00%
Waterways Fund for Operating Budget	140,000	140,000	-	0.00%
<b>Total Special Revenue Funds</b>	<b>\$ 2,366,220</b>	<b>\$ 2,366,220</b>	<b>\$ -</b>	0.00%
<b>Total General Fund Revenues</b>	<b>\$ 77,520,168</b>	<b>\$ 77,520,168</b>	<b>\$ (0)</b>	0.00%
<b><u>Use of Reserves</u></b>				
Free Cash for Budget	\$ -	\$ -	\$ -	
Free Cash for Articles	-	-	-	
Capital Stabilization for Debt Service	491,469	491,469	-	
<b>Total Use of Reserves</b>	<b>\$ 491,469</b>	<b>\$ 491,469</b>	<b>\$ -</b>	0.00%
<b>Grand Total Revenues</b>	<b>\$ 78,011,637</b>	<b>\$ 78,011,637</b>	<b>\$ (0)</b>	0.00%

<b>FISCAL 2022 SOURCES &amp; USES OF FUNDS</b>				
	<b>FY22 Budget Adopted 5/3/2021</b>	<b>FY22 Proposed Budget 11/15/2021</b>	<b>\$ Increase / Decrease over Prior Year</b>	<b>% Increase / Decrease over Prior Year</b>
<b>GENERAL FUND EXPENSES</b>				
<b><u>Town Budget</u></b>				
Administrative Services-Salaries	\$ 2,697,219	\$ 2,697,219	\$ -	0.00%
-Expenses	1,389,115	1,389,115	-	0.00%
Public Safety Services-Salaries	9,472,380	9,472,380	-	0.00%
-Expenses	1,590,005	1,678,120	88,115	5.54%
Public Works Services-Salaries	1,911,030	1,911,030	-	0.00%
-Expenses	815,620	815,620	-	0.00%
Health & Human Services-Salaries	698,353	698,353	-	0.00%
-Expenses	407,620	407,620	-	0.00%
Culture & Recreation Services-Salaries	805,266	805,266	-	0.00%
-Expenses	202,200	202,200	-	0.00%
Total Town	\$ 19,988,808	\$ 20,076,923	\$ 88,115	0.44%
<b><u>Schools</u></b>				
Bourne School Department	\$ 24,251,247	\$ 24,251,247	\$ -	0.00%
Upper Cape Technical School	3,274,672	3,274,672	-	0.00%
Total Schools	\$ 27,525,919	\$ 27,525,919	\$ -	0.00%
<b><u>Shared Costs</u></b>				
Shared Costs-Public Utilities	\$ 1,615,000	\$ 1,526,885	\$ (88,115)	-5.46%
Shared Costs	15,748,849	15,748,849	-	0.00%
Total Shared Costs	\$ 17,363,849	\$ 17,275,734	\$ (88,115)	-0.51%
<b>Total Operating Budget</b>	<b>\$ 64,878,576</b>	<b>\$ 64,878,576</b>	<b>\$ -</b>	<b>0.00%</b>
<b><u>Capital Budgets</u></b>				
Debt Service Budget Non Exempt	\$ 2,557,075	\$ 2,557,075	\$ -	0.00%
Debt Service Budget Exempt	4,299,925	4,299,925	-	0.00%
Total Debt Service	\$ 6,857,000	\$ 6,857,000	\$ -	0.00%
<b>Total General Fund Budget</b>	<b>\$ 71,735,576</b>	<b>\$ 71,735,576</b>	<b>\$ -</b>	<b>0.00%</b>
<b><u>General Articles</u></b>				
Reserve Fund	\$ 350,000	\$ 350,000	-	
<b>Total General Articles</b>	<b>\$ 350,000</b>	<b>\$ 350,000</b>	<b>\$ -</b>	<b>0.00%</b>
<b><u>Off-Budget Expenditures</u></b>				
Cherry Sheet Assessments	\$ 5,005,707	\$ 5,005,707	\$ -	0.00%
Cherry Sheet Offsets*	870,354	870,354	-	0.00%
Overlay Reserve	50,000	50,000	-	0.00%
<b>Total Off Budget Expenses</b>	<b>\$ 5,926,061</b>	<b>\$ 5,926,061</b>	<b>\$ -</b>	<b>0.00%</b>
<b>Grand Total Expenses</b>	<b>\$ 78,011,637</b>	<b>\$ 78,011,637</b>	<b>\$ -</b>	<b>0.00%</b>
<b>GENERAL CAPITAL</b>				
<b><u>Capital Financing Sources</u></b>				
Article Closeouts	\$ -	\$ -	\$ -	
Capital Premium Reserve	-	-	-	
Transfer from Enterprise	-	-	-	
CPA Fund for Capital Projects	-	-	-	
Waterways Fund for Capital Projects	200,000	200,000	-	0.00%
Free Cash for Capital Projects	1,535,010	1,535,010	-	0.00%
ATM Borrowing			-	
STM/FTM Borrowing			-	
<b>Total Capital Financing Sources</b>	<b>\$ 1,735,010</b>	<b>\$ 1,735,010</b>	<b>\$ -</b>	<b>0.00%</b>
<b><u>Capital Expenditures</u></b>				
STM Articles Capital	\$ -	\$ -	\$ -	
ATM Separate Capital Articles			-	
ATM Articles Capital	1,735,010	1,735,010	-	0.00%
<b>Total Capital Expenses</b>	<b>\$ 1,735,010</b>	<b>\$ 1,735,010</b>	<b>\$ -</b>	<b>0.00%</b>

<b>FISCAL 2022 SOURCES &amp; USES OF FUNDS</b>				
	<b>FY22 Budget Adopted 5/3/2021</b>	<b>FY22 Proposed Budget 11/15/2021</b>	<b>\$ Increase / Decrease over Prior Year</b>	<b>% Increase / Decrease over Prior Year</b>
<b>SEWER REVENUES</b>				
<u><b>Revenues</b></u>				
Retained Earnings	\$ 50,000	\$ 50,000	\$ -	0.00%
Retained Earnings for Articles	-	-	-	100.00%
Sewer Enterprise Revenues	1,455,538	1,429,438	(26,100)	-1.79%
<b>Total Revenues</b>	<b>\$ 1,505,538</b>	<b>\$ 1,479,438</b>	<b>\$ (26,100)</b>	<b>-1.73%</b>
<b>SEWER EXPENSES</b>				
<u><b>Expenditures</b></u>				
Salaries & Wages	\$ 214,020	\$ 214,020	\$ -	0.00%
Expenses	1,093,203	1,067,103	(26,100)	-2.39%
General Fund Admin. Fees	148,315	148,315	-	0.00%
<b>Total Operating Budget</b>	<b>\$ 1,455,538</b>	<b>\$ 1,429,438</b>	<b>\$ (26,100)</b>	<b>-1.79%</b>
<u><b>Off Budget Expenditures</b></u>				
Reserve Fund	\$ 50,000	\$ 50,000	\$ -	0.00%
<b>Total Off Budget Expenditures</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ -</b>	<b>0.00%</b>
<b>Grand Total Expenses</b>	<b>\$ 1,505,538</b>	<b>\$ 1,479,438</b>	<b>\$ (26,100)</b>	<b>-1.73%</b>
<b>SEWER CAPITAL</b>				
<u><b>Capital Financing Sources</b></u>				
Retained Earnings	\$ -	\$ -	\$ -	
Available funds			-	
Bond Financing	-	-	-	
<b>Total Capital Financing Sources</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<u><b>Capital Expenditures</b></u>				
Project Costs	-	-	-	
<b>Total Capital Expenses</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>ISWM REVENUES</b>				
<u><b>Operating Revenues</b></u>				
Retained Earnings	\$ 365,000	\$ 365,000	\$ -	0.00%
Facility Receipts	12,585,188	12,585,188	-	0.00%
<b>Total Revenues</b>	<b>\$ 12,950,188</b>	<b>\$ 12,950,188</b>	<b>\$ -</b>	<b>0.00%</b>
<u><b>Use of Reserves</b></u>				
Post Closure Reserves	\$ -	\$ -	\$ -	
Retained Earnings for Articles	-	-	-	
<b>Total Use of Reserves</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>Grand Total Revenues</b>	<b>\$ 12,950,188</b>	<b>\$ 12,950,188</b>	<b>\$ -</b>	<b>0.00%</b>
<b>ISWM EXPENSES</b>				
<u><b>Operating Expenditures</b></u>				
Salaries & Wages	\$ 2,230,751	\$ 2,230,751	\$ -	0.00%
Expenses	6,889,500	6,889,500	-	0.00%
General Fund Admin. Fees	2,329,937	2,329,937	-	0.00%
Host Community Fee	900,000	900,000	-	0.00%
<b>Total Expenditures</b>	<b>\$ 12,350,188</b>	<b>\$ 12,350,188</b>	<b>\$ -</b>	<b>0.00%</b>
<u><b>Off Budget Expenditures</b></u>				
Reserve Fund	\$ 600,000	\$ 600,000	\$ -	0.00%
<b>Total Off Budget Expenditures</b>	<b>\$ 600,000</b>	<b>\$ 600,000</b>	<b>\$ -</b>	<b>0.00%</b>
<b>Grand Total Expenses</b>	<b>\$ 12,950,188</b>	<b>\$ 12,950,188</b>	<b>\$ -</b>	<b>0.00%</b>
<b>ISWM CAPITAL</b>				
<u><b>Capital Financing Sources</b></u>				
Retained Earnings	\$ 1,002,500	\$ 1,002,500	\$ -	0.00%
Available funds	-	-	-	
Bond Financing	-	-	-	
<b>Total Capital Financing Sources</b>	<b>\$ 1,002,500</b>	<b>\$ 1,002,500</b>	<b>\$ -</b>	<b>0.00%</b>
<u><b>Capital Expenditures</b></u>				
Project Costs	\$ 1,002,500	\$ 1,002,500	\$ -	0.00%
<b>Total Capital Expenses</b>	<b>\$ 1,002,500</b>	<b>\$ 1,002,500</b>	<b>\$ -</b>	<b>0.00%</b>

**APPENDIX B**

**FREE CASH AND  
ENTERPRISE FUND RETAINED EARNINGS  
ANALYSIS**

### FY2022 Free Cash/Retained Earnings Analysis

**General Fund**

FY2022 General Fund Operating Budget (GFOB)      \$71,735,576.00  
5% of GFOB      \$3,586,778.80

			Free Cash as a % of	Excess over	Policy Allowance FC
		Free Cash Balance	GFOB	5% of GFOB	For Budget
<b>Certified Free Cash Balance, 7/1/2021</b>		<b>\$ 8,739,080.00</b>	12.2%	\$ 5,152,301.20	\$ 2,576,150.60
		\$ 8,739,080.00	12.2%	\$ 5,152,301.20	\$ 2,576,150.60
11/15/21 FTM A#1 Unpaid Bills	\$ (2,688.45)	\$ 8,736,391.55	12.2%	\$ 5,149,612.75	\$ 2,574,806.38
11/15/21 FTM A#3 Capital Stabilization Fund (Excess Host Community Fee)	\$ (310,000.00)	\$ 8,426,391.55	11.7%	\$ 4,839,612.75	\$ 2,419,806.38
11/15/21 FTM A#4 Special Education Reserve	\$ (150,000.00)	\$ 8,276,391.55	11.5%	\$ 4,689,612.75	\$ 2,344,806.38
11/15/21 FTM A#5 Other Post-Employment Benefits Liability	\$ (515,000.00)	\$ 7,761,391.55	10.8%	\$ 4,174,612.75	\$ 2,087,306.38
11/15/21 FTM A#6 Climate Resiliency & Infrastructure	\$ (150,000.00)	\$ 7,611,391.55	10.6%	\$ 4,024,612.75	\$ 2,012,306.38
11/15/21 FTM A#8 Investment Grade Audit	\$ (71,500.00)	\$ 7,539,891.55	10.5%	\$ 3,953,112.75	\$ 1,976,556.38
		-			
Total Used	\$ (1,199,188.45)				

**Sewer Enterprise Fund**

		Retained Earnings
		Balance
<b>Certified Retained Earnings, 7/1/2021</b>		<b>\$ 859,034.00</b>
11/15/2021 FTM A#5 Other Post-Employment Benefits Liability	\$ (30,000.00)	\$ 829,034.00
		-
Total Used	\$ (30,000.00)	

**ISWM Enterprise Fund**

FY2021 Operating Expenses      \$ 11,777,424.00  
FY2021 Operating Expenses per Month      \$ 981,452.00  
Working Capital = 3 months or 25%      \$ 2,944,356.00

		Retained Earnings	Excess over	Excess over Working
		Balance	Working Capital \$	Capital %
<b>Certified Retained Earnings, 7/1/2021</b>		<b>\$ 10,800,612.00</b>	7,856,256.00	267%
11/15/2021 FTM A#5 Other Post-Employment Benefits Liability	\$ (260,000.00)	\$ 10,540,612.00	7,596,256.00	258%
11/16/2021 FTM A#17 Pilot Leachate Treatment System	\$ (350,000.00)	\$ 10,190,612.00	7,246,256.00	246%
		-		
Total Used	\$ (610,000.00)			

**APPENDIX C**

**ARTICLE 10**

**STRETCH ENERGY CODE**

**SUPPORTING DOCUMENTATION**

## **Article 4.2.5 Stretch Energy Code**

### **Section 4.2.5.1**

#### **Definitions**

**International Energy Conservation Code (IECC)** - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

**Stretch Energy Code** - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

### **Section 4.2.5.2**

Purpose - The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

### **Section 4.2.5.3**

Applicability - This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

### **Section 4.2.5.4**

Stretch Energy Code - The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Bourne General Bylaws, Chapter 4, Inspection and Development Regulations, Article 4.2, Commonwealth of Massachusetts State Building Code, Article 4.2.5.

The Stretch Energy Code is enforceable by the inspector of buildings or building commissioner and effective as of July 1, 2022.

## **What is a “Green Community”?**

The Town is applying to be designated as a “Green Community” by the Massachusetts Department of Energy Resources. This designation comes with a financial award to improve municipal energy efficiency, provides the opportunity to apply for significant grant funding in the future, and demonstrates our commitment to maintain energy efficiency, which provides budget savings to our taxpayers. Part of the requirements of obtaining its designation is for the community to adopt what is known as the “Stretch Energy Code,” essentially a bylaw meant to improve energy efficiency in building practices over and above the base building code.

Current versions of the stretch energy code and the base building code have relatively small differences between them but does add a nominal additional cost to new home construction, which is offset by the energy efficiency savings. The Stretch Code does not apply to residential renovations and additions. The building code is implemented and enforced by our Building Inspector who does who does not anticipate any issues in administering this new bylaw. As of January 11, 2021, 288 Massachusetts cities and towns have adopted the Stretch Code, including all of our neighboring communities on Cape Cod.



**Town of Bourne  
Finance Committee  
October 25, 2021**

## **COMMONWEALTH OF MASSACHUSETTS**

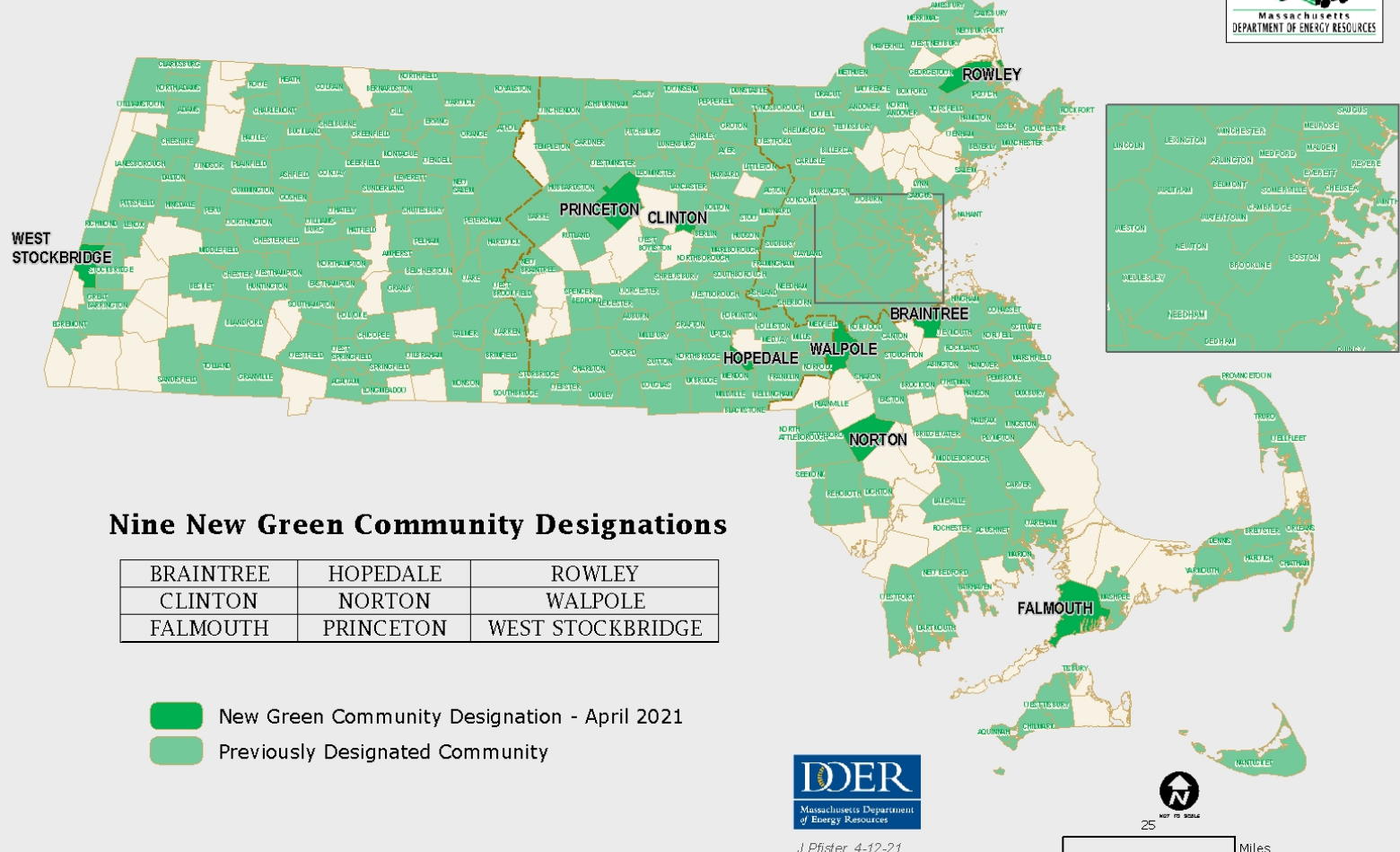
*Charles D. Baker, Governor  
Karyn E. Polito, Lt. Governor  
Kathleen Theoharides, Secretary  
Patrick Woodcock, Commissioner  
Lisa Sullivan, Southeast Regional Coordinator  
Will D'Arrigo, Code Consultant  
Margaret Song, CLC Consultant to Bourne*

## **Green Communities Designation Criteria**

### *Selectmen's Energy Advisory Committee:*

*Carl Georgeson, Chair  
R. E. (Bob) Schofield, Vice Chair  
Janice Marks, Clerk  
Cheryl Keown  
Glenn Cannon, Ex Officio*

# GREEN COMMUNITY DESIGNATIONS REACH TWO HUNDRED EIGHTY



# Cape Cod Green Communities

Community	Designation Year	Total Grants
<i>Bourne</i>	<i>2022</i>	<i>\$172,000</i>
Brewster	2020	\$150,270
Chatham	2020	\$134,040
Dennis	2020	\$160,170
Eastham	2022	\$170,000
Falmouth	2021	\$188,214
Harwich	2018	\$152,910
Mashpee	2010	\$819,394
Orleans	2017	\$134,709
Provincetown	2011	\$349,031
Truro	2011	\$355,075
Wellfleet	2014	\$398,184
Yarmouth	2018	\$191,601



# Green Communities Designation and Grant Program

## Qualification Criteria - Designation

1. **Adopt as-of-right siting for Renewable Energy / Alternative Energy Generation, R&D, or manufacturing**
2. **Adopt expedited permitting process**
3. **Create an Energy Reduction Plan to reduce energy use by 20% in 5 years**
4. **Adopt Fuel Efficient Vehicle Purchase Policy**
5. **Minimize life cycle cost in new construction → adopt the Stretch Energy Code**



# Criteria 1, 2 and 3

## Criterion 1: As-Of-Right Siting

**Bourne Zoning ByLaws allow for Renewable Energy Generating Facilities (confirmed)**

## Criterion 2: Expedited Permitting

**12 months: date of initial application to date of final approval (confirmed)**

## Criterion 3: Energy Reduction Plan

**Baseline Completed – Report In Process  
Draft of Energy Reduction Plan under review**



## Criterion 4 – Fuel Efficient Vehicles



- Purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.
- Police cruisers, emergency vehicles (Fire Trucks, Ambulances, etc.) and DPW trucks with GVW over 8,500 lbs are EXEMPT until commercially available.

**103 Vehicles in Bourne's Fleet of 124 are EXEMPT**

**Policy Adopted by both Selectmen  
(8/17) and Schools (9/1)**



*Creating a Clean, Affordable and Resilient Energy Future for the Commonwealth*



# Stretch Energy Code

**Adopted by 296 municipalities to date**

- The Current Stretch Code **ONLY** applies to:
  - **NEW** residential construction and
  - **NEW** commercial construction >100,000 sq. ft. OR supermarkets, laboratories, and conditioned warehouses >40,000 sq. ft.
- **Additions, renovations & repairs are EXEMPT from the Stretch Energy Code**



# Criterion 5 – Minimize Life Cycle Costs



## Criterion #5 Documentation

### Stretch Energy Code

Documentation of Bourne Town Meeting voting to adopt 780 CMR 115.AA, MA Board of Building Regulations and Standards (BBRS) Stretch Energy Code.

## On Warrant for Special Fall Town Meeting



*Creating a Clean, Affordable and Resilient Energy Future for the Commonwealth*



## Differences between the Base and Stretch Code

- Stretch Energy Code removes the prescriptive path option
- Requires HERS Rater to provide an Energy Model.
  - The cost to perform the modelling required by the Stretch Code can be covered by utility incentives.

### ~~Prescriptive~~

- ~~Checklist of compliance measures~~
- ~~Inspections during and post construction~~

### Performance

- Pre & Post construction energy modeling
- Inspections during and post construction



# What is a HERS Rating? (Home Energy Rating System)

## Annualized energy analysis

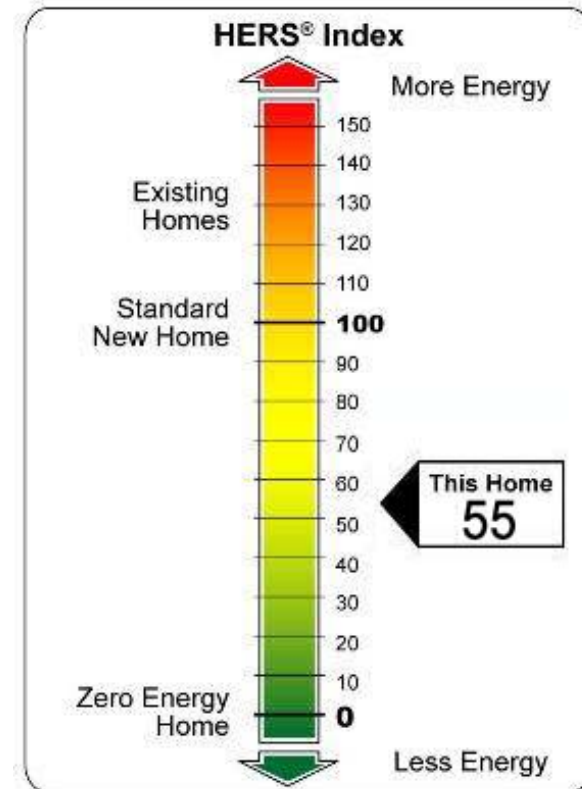
Heating, Cooling, Water Heating,  
Lighting and Appliances....

On site power generation-renewable energy

## Reference Home

- Based on IECC **2006** Code  
(International Energy Conservation Code)  
Defined as 100 Points
- 1 percent change in consumption = 1 point

**HERS 55 means about  
45% more efficient than reference home**



# What is HERS Process?

## 1. Review Building Plans via Computer Energy Modeling

## 2. In-process inspections

- First inspection
  - Duct tightness test (if applicable)\*
- Second Inspection (usually combined with 1st)
  - Insulation
- Final Inspection
  - Blower door test\*

## 3. Finalize energy model based on verified performance and equipment

\*Required by Base Energy Code 2015 IECC



# Why Test Performance?

- Prescriptive codes don't guarantee good installation, air and water tightness, or that thermal insulation is effective.
- Small air gaps can reduce insulation R-values by 50% or more.
- HERS Raters provide third party verification



## 9<sup>th</sup> Edition Stretch Code Modeling Analysis (2550 Sq Ft 3 BR Single Family Home in Worcester, MA)

Energy Source		Cost Compared to Base Code	Year 1 Cash Flow	Year 2 + Cash Flow	% of Total Construction Cost
Oil Heat		-\$239	+\$484	+\$508	0.06%
Propane		-\$1,663	-\$30	+\$136	0.4%
Natural Gas		-\$1,303	-\$63	+\$38	0.25%
Electric Heat Pump		+\$593	+\$765	+\$706	ZERO %

# What Does This Mean for Bourne?

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
New Single Family (NSF)	33	18	16	19	27
NSF Demo / Rebuild		8	16	9	9
New Condo (# Bldgs)	40 (10)	6 (2)	6 (2)	8 (2)	6 (2)
New Apartments (# Bldgs)	10	0	6	132 (2)	0
Mixed Use (Res / Com)	1	0	1	1	1
Subtotal Residential	84	32	45	169	43
New Commercial	2	7	2	1	4
Total	86	39	47	170	47
Building Permits Issued	1022	1104	1249	1142	1200
Percentage TWHB* Impacted	<b>8.4%</b>	<b>3.5%</b>	<b>3.8%</b>	<b>14.9%</b>	<b>3.9%</b>
{TWHB = that would have been}					
Source = Annual Reports of the Inspector of Buildings in the Town of Bourne Annual Reports					

## MOST PROJECTS IN BOURNE WILL BE EXEMPT !!

Only FIVE commercial buildings would have been subject to the Stretch Code:  
Market Basket, Keystone, and 3 buildings on Jonathan Bourne Dr. (9-11, 32, & 31-33).



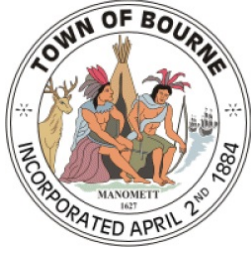
*Creating a Clean, Affordable and Resilient Energy Future for the Commonwealth*



**APPENDIX D**

**ARTICLE 12**

**SUPPORTING INFORMATION**



# **Town of Bourne 2020 Charter Review Committee**



## **Report to the Town Meeting**

**November 15, 2021**

Stephen Mealy, Chairperson  
Renee Gratis, Vice Chairperson  
Anne-Marie Siroonian, Administrative Clerk  
Barbara Princiotta, Recording Clerk  
Michael Carlowicz  
Griffin Girard  
Joseph Gordon

2020 Town of Bourne Charter Review Committee  
Report to Town Meeting November 15, 2021

## Introduction.

The Town of Bourne elected a Charter Commission in 2000 to create the town's first home rule charter. The first charter was adopted by the town's registered voters on April 4, 2001. This charter changed Bourne's form of government from administration by a full-time three-person Select Board to administration by a professional Town Administrator, working under policies established by a part-time five-person Select Board.

One provision of the charter calls for review every five years by an appointed Charter Review Committee. The purpose and responsibility of the Charter Review Committee is to report to the Town Meeting on how the charter is working and to recommend changes to make it work better. Unlike an elected Charter Commission, an appointed Charter Review Committee cannot make changes in the form or organization of government, such as going from an open town meeting to an elected representative town meeting. Its focus is limited to correcting minor problems, inconsistencies, errors, and procedures that have not worked well.

The 2005 Charter Review Committee dealt primarily with issues related to the transition from a full-time administrative Select Board to a part-time policy-setting Select Board working with a full-time professional Town Administrator. As such, its recommendations aimed at achieving two objectives: to clarify and strengthen the role of the Select Board as the chief policy-making body for the town; and to clarify the responsibility of the Town Administrator for the daily operation of the town.

The 2010 Charter Review Committee identified more than fifty issues for discussion. Most of these issues were internal conflicts and minor errors in spelling or grammar. Some were found to be outside of the scope of the charter or better dealt with by the Select Board or the Town Administrator. The 2010 committee drafted two articles for Town Meeting. The first was a housekeeping article to fix minor errors; the second recommended ten changes in the charter to fix problems that arose during the previous five years.

The Select Board in July 2015 appointed the Charter Review Committee and convened its first meeting on August 12. Like the earlier committees, this group interviewed every public official and citizen who expressed a desire to meet with it. Unlike earlier committees, it did not conduct a public survey. The 2000 Charter Commission received more than 1,100 responses to its survey. The 2005 Charter Review Committee received 35 responses to its survey. The 2010 committee received only eleven, and it appeared that several may have been written by the same person. The charter was working and widespread interest in it had waned, thus no survey was conducted in 2015.

The 2015 committee considered numerous changes to the charter suggested by the people who were interviewed or who submitted written statements or initiated by committee members.

2020 Town of Bourne Charter Review Committee  
Report to Town Meeting November 15, 2021

The Select Board appointed the 2020 Charter Review Committee in the fall of 2020 and we held our first meeting on October 8, 2020.

We have held 42 public meetings since that time, one in person and the balance being held virtually. Formal interviews were held with:

All Select Board Members

Town Administrator

Assistant Town Administrator

Finance Committee Chair

Financial Director

Chiefs of the Fire Department and Police Department

Board of Health Chair

Chair of the Conservation Commission

Town Clerk

Town Moderator

Town Counsel

Others including several residents provided their insights and concerns.

Our process.

A survey was conducted, and as the 2015 Review Committee had found, we had few responses. We note that one respondent thanked the committee members for taking on a tedious but important job and hoped we were not working in the dark.

Legal Opinions were sought on several occasions, and multiple meetings were held with the Town Administrator and Finance Director in reviewing the financial review process and the administration's financial calendar.

We discussed review strategy with the Town Manager from Bridgewater, interviewed members of the Falmouth Charter Review Committee and reviewed the new Bourne Strategic Plan. References to the Bourne Town By-Laws and Local Comprehensive Plan have been made.

We referenced charters from neighboring towns; most of the committee has read almost all the charters from the towns on Cape Cod.

2020 Town of Bourne Charter Review Committee  
Report to Town Meeting November 15, 2021

As this review is the fourth since the adoption of the Charter, our initial goals were to address several issues that immediately became apparent as we started.

Proposed Change Summary.

As changes were developed, it was repeatedly asked: Will this change improve the governance of Bourne for its residents? The following are some of the proposed changes for the Town Meeting's consideration.

The Board of Selectmen is now the Select Board; gender was changed to reflect gender neutrality. Dates and days were streamlined to allow easier use for the computation of time and schedules. Timeline changes suggested for the budget process to ensure Town Administrator and Select Board members have sufficient time to review the budget and capital improvement budget with additional time for the Finance Committee to review operating and capital improvement budgets.

Removed the residency requirement for the Town Administrator; removed the automatic contract renewal without a vote of four members of the Select Board.

To ensure impartiality and transparency, the Finance Committee Chair should not chair other governmental bodies.

Provided the Select Board's authority to extend time to the Charter Review Committee.  
Clarified the sequence of the Public Hearing process.

We added to the description of the Select Board authority and to the Board of Library Trustees, highlighting the current powers for ease to the Charter reader and user. Position titles and titles of town reports have been updated, corrected, and applied Scriveners rules of Grammar, punctuation, and usages.

We are asking to adopt a portion of the Open Meeting Law directly into our Charter to enforce the timely filing of minutes. There are governmental bodies in Bourne which have not filed minutes in months, some not filing for several years. This will enforce what is already expected by our residents.

We are asking to extend the authority for the Select Board to call an emergency special town meeting and waive the charter compliance relative to timing of warrant articles and posting of the meeting. Also, we have added clarifying language to define the Board's authority, appointing authority, and making those appointments public on the town's website.

There was much discussion about a strong versus a weak Chief of the Fire Department. After several meeting's discussions the Committee members voted unanimously to take no action. It is noted that the Fire Department is the only department that does not report to the Town Administrator.

2020 Town of Bourne Charter Review Committee  
Report to Town Meeting November 15, 2021

Discussions that are not being recommended.

It is important to note changes we discussed that are not being recommended at this time. As we reviewed proposed changes the question was again asked repeatedly, will this change improve the governance of Bourne for its residents?

We discussed introducing term limits for elected and appointed positions. By way of example our neighboring town Falmouth has term limits as do other cities and towns in the Commonwealth. Ultimately, the concern of having sufficient people to fill the openings when seats opened was enough to convince the committee we were not ready. It is noted Falmouth does not experience difficulty attracting candidates for open positions.

Should the Select Board continue as the Sewer Commissioners we asked. Alas we were unable to address the question, as it would require an elected Charter Review Commission to undertake that change. The town should keep such a Commission in mind for the 2025 Charter Review.

We discussed how to make the Town Administrator's review by the Select Board more open to the public and felt that this was a policy that the Select Board needs to address within its own policies and procedures.

We asked if the Town Clerk should continue to be elected or changed to an appointed position with educational and professional experience clearly identified. A majority of committee members felt that the Clerk's position should represent the people and the Clerk should report to the people; a minority suggested it should reflect the professional experience and training and be appointed by the Town Administrator. We are recommending no change to the Town Clerk's position.

We discussed establishing a fall briefing meeting to be held by the Select Board and Town Administrator to review with new Board Chairpersons and governmental body members to review policy, regulations and how to work with town hall. A good practice and one that could be addressed the Select Board and/or the Administration by a policy or procedure.

Article 11, the Charter Compliance Committee, was discussed at length. Were there other remedies, penalties or appeals to address an individual not following the Charter? The conclusion was not to change the current version and continue to allow the Compliance Committee to hold public meetings and determine what happened and how to improve the situation.

Also discussed, should we establish a periodic Town By-Law and Policy review; this should be good management, but not within the Charter.

2020 Town of Bourne Charter Review Committee  
Report to Town Meeting November 15, 2021

The 2020 Charter Review Committee wishes to extend its thanks to the many individuals who provided their time and experience to support this review. We'd also like to recognize the members of the Town Administrator's office who supported our many requests for the timely filing of agendas and minutes, and to Bourne TV for televising our many meetings. We would also like to express our thanks for the support provided by Robert Troy, Town Counsel.

Finally, as committee chairperson, I wish to extend my greatest thanks to the committee members for the hundreds of hours each has given to ensure every section of the eleven articles making up the Bourne Home Rule Charter reflect the best governance for its residents.

Respectfully Submitted,

Stephen Mealy, Chairperson

Renee Gratis, Vice Chairperson

Anne-Marie Siroonian, Administrative Clerk

Barbara Princiotta, Recording Clerk

Michael Carlowicz

Griffin Girard

Joseph Gordon

# **Town of Bourne**

## **CHARTER REVIEW COMMITTEE**

### **Articles for Charter Changes**

**Final Version 10.20.2021**

**For the Special Town Meeting**

**November 15, 2021**

**Warrant Article #1:** To see if the Town will authorize the Select Board to petition the General Court, under the Home Rule Amendment to the Massachusetts Constitution, for certain Amendments to the Town of Bourne Charter, as described in the Draft report of the Town of Bourne 2021 Charter Review Committee, October 5, 2021, a copy of which is on file at the Office of the Town Clerk, or take any action in relation thereto.

***Motion: We move that the town so vote.***

#### General

To amend certain words, phrases, terminology and definitions therein as follows:

- a) Wherever the words “Board of Selectmen” and “Selectman” or “Selectmen” appears shall be replaced thereof, in each instance, the words “select board” where the reference is to the body, and “member” where the reference is to an individual.
- b) Wherever the word “officer” appears, (except in Section 5-7 police department, and section 5-8 fire department) shall be replaced thereof with the word “official.”
- c) Wherever the words “committee”, “council”, “board”, and “commissions” elected or appointed, and any other word or phrase used as a common noun appear in reference to a multimember body, they shall be referred to as a “governmental body or governmental bodies,” and replaced thereof in each instance.
- d) Wherever a number appears, and is less than ten, shall be written out.
- e) Wherever the words “capital program” appears shall be replaced thereof with the words “capital improvement plan” and wherever the words “capital budget” appear shall be replaced thereof with the words “capital improvement budget.”
- f) Scrivener’s Rules applied to charter for grammar, punctuation, and usage and reviewed by town counsel.
- g) Delete Section 8-8, Number and Gender and renumber section 8-9 as 8-8 and 8-10 as 8-9.

#### Definitions

Days: will be defined as calendar days unless otherwise specified.

“Governmental Body,” means any federal, state, local, municipal or other government; any governmental, regulatory or administrative agency, commission or other authority lawfully exercising or entitled to exercise any administrative, executive, judicial, legislative, police, regulatory or taxing authority or power; and any court or governmental tribunal.

“Gender Neutrality”, Any reference to gender in this charter shall be construed as meaning any person, people, individual or individuals.

“Local Comprehensive Plan”, is used to guide the growth and direction of the town while balancing a wide variety of needs, including economic growth, protection of environmental resources, quality of life and community character.

“Strategic Plan”, the long-term vision, goals and objectives for the town of Bourne codified in a document accepted by the select board.

**Warrant Article #2:** To see if the Town will authorize the Select Board to petition the General Court, under the Home Rule Amendment to the Massachusetts Constitution, for certain Amendments to the Town of Bourne Charter, as described in the Draft report of the Town of Bourne 2021 Charter Review Committee, October 5, 2021, a copy of which is on file at the Office of the Town Clerk, or take any action in relation thereto.

**Motion: We move that the town so vote.**

**To see if the Town will vote to adopt the following amendment to Article 2,** Legislative Branch, of the Bourne Home Rule Charter by amending section 5(b), Initiation of Warrants, so as to read as follows:

(b) The select board shall close the warrant not less than 50 days prior to the date for the annual town meeting and not less than 30 days prior to the date for any special town meeting. By 4/5<sup>th</sup> vote of members present and voting, the select board may waive the aforementioned requirements for the special town meeting in case of emergency or when calling a special town meeting less than 30 days before the date of the special town meeting.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: This amendment strengthens the select board's authority to call a special town meeting in the event of an emergency and with the authority to waive the number of days requirement when warrant articles are to be submitted and further define the number of votes needed for that waiver by the select board in the event an emergency special town meeting is to be called.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

5(b) Initiation of Warrant Articles

The ~~board of selectmen~~ **select board** shall close the warrant not less than 50 days prior to the date for the annual town meeting and not less than ~~25~~ **30** days prior to the date for any special town meeting. By ~~majority vote~~ **4/5<sup>th</sup> vote of members present and voting**, the ~~board of selectmen~~ **select board** may waive the aforementioned requirements for the special town meeting in case of emergency **or when calling a special town meeting less than 30 days before the date of the special town meeting.**

**To see if the Town will vote to adopt the following amendment to Article 2,** Legislative Branch, of the Bourne Home Rule Charter by amending section 5(c), Initiation of Warrants, so as to read as follows:

(c) 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, select board and any other appointed or elected governmental body proposing an article. In the voter handbook for the annual town meeting, the select board members shall include the recommended operating budget with revenue projections, their budget goals, departmental goals for the upcoming fiscal year an organization chart, and five-year financial, debt and capital projections. The voter handbook shall be available to the public at the town hall, the public library and the town website not less than 15 days before the annual town meeting or any special town meeting. By majority vote the select board may waive the aforementioned requirements for a special town meeting in case of an emergency or when calling a special town meeting less than 30 days before the date of the special town meeting.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: The amendment includes additional language for using the internet as a source for publication of the warrant as in now common practice. This amendment also extends the select board's authority to call an emergency special town meeting as outlined above.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

5(c) Initiation of Warrant Articles

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~~ **select board** and any other appointed or elected ~~board or committee~~ **governmental body** proposing an article. In the voter handbook for the annual town meeting, the ~~selectmen~~ **select board members** shall include the recommended operating budget with revenue projections, their budget goals, departmental goals for the upcoming fiscal year an organization table, and five-year financial, debt and capital projections. The voter handbook shall be available to the public at the town hall, the public library **and the town website** not less than 15 days before the annual town meeting **or any special town meeting. By majority vote the select board may waive the aforementioned requirements for a special town meeting in case of an emergency or when calling a special town meeting less than 30 days before the date of the special town meeting.**

**To see if the Town will vote to adopt the following amendment to Article 2, Legislative Branch, of the Bourne Home Rule Charter by amending section 9, Finance Committee, so as to read as follows:**

A finance committee shall be appointed as provided by by-law. Town employees, including school employees, shall not be eligible for appointment to, or service on, the finance committee. The finance committee shall choose from its members a chairperson and fill such other offices as it may create. The chairperson of the finance committee may not chair any other governmental body.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: The finance committee chairperson should not review the budgets and proposed expenditures of other governmental bodies of which they are also serving as chairperson.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

2-9: Finance Committee.

A finance committee shall be appointed as provided by by-law. Town employees, including school employees, shall not be eligible for appointment to, or service on, the

finance committee. The finance committee shall choose from its members a chairperson and fill such other offices as it may create. **The chairperson of the finance committee may not chair any other governmental body.**

**To see if the Town will vote to adopt the following amendment to Article 3, Executive Branch Select Board** of the Bourne Home Rule Charter by amending Section 1, Terms of Office Composition, so as to read as follows:

There shall be a select board to consist of five members to be elected for three-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year. The select board shall also act as sewer commissioners until such time as the town adopts legislation creating a board of sewer commissioners.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: This amendment changes from using the word "act" instead of the word "serve" provides consistency with the language in Mass General Law Chapter 41 Section 21 that was confirmed by ballot vote of the town in 1988.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

3-1: Term of Office, Composition.

There shall be a ~~board of selectmen~~ **select board** to consist of ~~5~~ **five** members to be elected for ~~3~~ **three**-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year. The ~~board of selectmen~~ **select board** shall also ~~serve~~ **act** as sewer commissioners until such time as the town adopts legislation creating a board of sewer commissioners.

**To see if the Town will vote to adopt the following amendment to Article 3, Executive Branch Select Board** of the Bourne Home Rule Charter by amending Section 3, Policy Role, so as to read as follows:

The select board 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 strategic plan and local comprehensive plan, or LCP, and shall appoint a town administrator to carry out such policies. Annual goals as voted by the select board shall be filed with the town administrator not later than September 1<sup>st</sup> and published in the annual town report.

An individual select board member shall have no independent authority unless specifically authorized by a vote of the select board. Select board members shall deal with administrative agencies and departments only through the town administrator. Select board members, individually or as a board, shall not become involved in the day-to-day administration of a town department. The select board members shall act only through the adoption of written policy goals, strategic plan goals, policies and action items which shall be implemented by the town administrator and written in a policy book that shall be available to the public for review.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: This amendment delineates the Strategic Plan and expresses the organizational process which defines the Town's direction toward a future state. The plan contains specific goals that the select board are responsible to carry out. Additional language in this section defines the select board's responsibility in implementing the strategic plan.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

### 3-3 Policy Role

The ~~board of selectmen~~ **select board** 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 **strategic plan** and local comprehensive plan, or LCP, and shall appoint a town administrator to carry out such policies. Annual goals as voted by the ~~board of selectmen~~ **select board** shall be filed with the town administrator not later than ~~July 1~~ **September 1** and also published in the annual town report.

An individual ~~selectman~~ **select board member** shall have no independent authority unless specifically authorized by a vote of the ~~board of selectmen~~ **select board**. ~~Selectmen~~ **Select board members** shall deal with administrative agencies and departments only through the town administrator. ~~Selectmen~~ **Select board members**, individually or as a board, shall not become involved in the day-to-day administration of a town department. The ~~board of selectmen~~ **select board members** shall act only through the adoption of written policy goals, **strategic plan goals**, policies and action items which shall be implemented by the town administrator and written in a policy book that shall be available to the public for review.

**To see if the Town will vote to adopt the following amendment to Article 3, Executive Branch Select Board**, of the Bourne Home Rule Charter by amending Section 4, Powers and Duties, so as to read as follows:

Except as otherwise provided by this charter, all executive powers of the town shall be vested in the select board and the board shall have all of the powers and duties given to select boards under the Constitution and General Laws of the commonwealth, shall have the power and authority to adopt rules and regulations, after public hearing and publication, for the conducting of town business, the use of town real and personal property, and other matters within its jurisdiction and to set the penalties for violations thereof, and such additional powers and duties as may be authorized by this charter, by by-law or by town meeting vote. The select board shall cause the laws and orders for the government of the town to be enforced and shall cause a record to be kept of all its official acts.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: To clarify the general authority of the select board to make rules and regulations for the effective operation of Town government, we recommend the above to define broadly the power of the select board to adopt rules and regulations, through a defined system, to manage town business.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

3-4: Powers and Duties.

Except as otherwise provided by this charter, all executive powers of the town shall be vested in the ~~board of selectmen~~ **select board** and the board shall have all of the powers and duties given to ~~boards of selectmen~~ **select boards** under the Constitution and General Laws of the commonwealth, **shall have the power and authority to adopt rules and regulations, after public hearing and publication, for the conducting of town business, the use of town real and personal property, and other matters within its jurisdiction and to set the penalties for violations thereof**, and such additional powers and duties as may be authorized by this charter, by by-law or by town meeting vote. The ~~board of selectmen~~ **select board** shall cause the laws and orders for the government of the town to be enforced and shall cause a record to be kept of all its official acts.

**To see if the Town will vote to adopt the following amendment to Article 3, Executive Branch Select Board**, of the Bourne Home Rule Charter by amending Section 5, Appointing Powers, so as to read as follows:

The select board shall appoint the town administrator, town counsel, registrars of voters and constables. The Board shall also have the power to appoint other governmental bodies, for whom no other appointment provision is made in this charter or by by-law and define their duties, set the limits for the scope, their responsibilities and the terms of their existence. Any such committee having a planning function shall coordinate its activities with the Planning Board. Representatives of governmental bodies specified as members of a governmental body shall be designated by their governmental body. Governmental bodies established by the select board shall possess and exercise all powers given to them under the Constitution and laws of the Commonwealth and shall possess and exercise such additional powers and duties as may be authorized by this charter, by-law or vote of town meeting. This Charter names those governmental bodies which 1) are mandated or authorized by the laws of the Commonwealth and 2) exercise regulatory or other authority. All governmental bodies appointed by the select board shall be responsible to the select board-

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: With many elected and appointed governmental bodies, most within the Town government, plus a few semi-independent entities, the Charter lacks clear definition of how to treat them consistently relative to listing in the document. We recommend adding the following a delineation of which governmental bodies need to be in the Charter and making them available to the public.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

### 3-5 Appointing Powers

The ~~board of selectmen~~ **select board** shall appoint the town administrator, town counsel, registrars of voters and constables. ~~and members of all multi-member bodies~~ **The Board shall also have the power to appoint other governmental bodies**, for whom no other appointment provision is made in this charter or by by-law **and define their duties, set the limits for the scope, their responsibilities and the terms of their existence. Any such committee having a planning function shall coordinate its activities with the Planning Board.** Representatives of ~~boards or committees~~ **governmental bodies** specified as members of a ~~committee~~ **governmental body** shall be designated by their respective ~~boards or committees'~~ **governmental body. Governmental bodies established by the select board shall possess and exercise all powers given to them under the Constitution and laws of the Commonwealth and shall possess and exercise such additional powers and duties as may be authorized by this charter, by-law or vote of town meeting. This Charter names those governmental bodies which 1) are mandated or authorized by the laws of the Commonwealth and 2) exercise regulatory or other authority.**

All ~~boards, committees and commissions~~ **governmental bodies** appointed by the ~~board of selectmen~~ **select board** shall be responsible to the ~~board of selectmen~~ **select board**.

**To see if the Town will vote to adopt the following amendment to Article 3, Executive Branch** of the Bourne Home Rule Charter by amending Section 7, Intergovernmental Relations, so as to read as follows:

Members of the select board shall represent the town on federal, state, regional and intermunicipal committees or may designate a town employee or other person to represent the town on those committees. The select board shall maintain an active list of the governmental bodies and representation and make accessible to the public on the town's website.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION. With many elected and appointed governmental bodies, most within the Town government, plus a few semi-independent entities, the Charter lacks clear definition of how to treat them consistently relative to listing in the Charter and making it available to the public.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

### 3-7: Intergovernmental Relations.

Members of the ~~board of selectmen~~ **select board** shall represent the town on federal, state, regional and intermunicipal committees or may designate a town employee or other person to represent the town on those committees. **The select board shall maintain an active list of the governmental bodies and representation and make accessible to the public on the town's website.**

**To see if the Town will vote to adopt the following amendment to Article 4, Town Administrator** of the Bourne Home Rule Charter by amending Section 1, Appointments; Qualifications; Term, so as to read as follows:

The select board shall appoint a town administrator search committee of not fewer than five and not more than nine residents of the community to assist the select board in the recruitment and selection of the town administrator. If the select board does not select one of the candidates presented by the search committee within 60 days, then the search committee shall resume its search and submit an additional list of candidates to the select board within 60 days after it resumes the search.

The select board, by an affirmative vote of four members, shall appoint the town administrator for a term defined by contract and fix the town administrator's compensation within the amount annually appropriated for that purpose. The town administrator's contract will not automatically renew each contract period. The select board, by an affirmative vote of four members, shall renew the contract. 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 at least a bachelor's degree, but preferably a master's degree, in public administration, business management or a related field, at least seven years' experience in an upper-level executive municipal position or any equivalent combination of education and experience. The town administrator need not be a resident of the

The town 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 the administrator's term unless such action has been approved in writing in advance of such action by the select board. The town may from time to time, by by-law, establish such additional qualifications as it deems necessary and appropriate.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: This amendment waives the Residency requirement for the Town Administrator's position. Residency may hinder ability to attract and retain qualified individuals. Residency does not equate to lack of job performance or a non-vested interest in the town. This amendment also allows the select board additional authority to renew the Town Administrator's contract by a vote of four of its members and not by just a majority vote.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

4-1, Appointments, Qualifications, Terms

The ~~board of selectmen~~ **select board** shall appoint a town administrator search committee of not fewer than five and not more than nine residents of the community to assist the ~~board of selectmen~~ **select board** in the recruitment and selection of the town administrator. If the ~~board of selectmen~~ **select board** does not select one of the candidates presented by the search committee within 60 days, then the search

committee shall resume its search and submit an additional list of candidates to the ~~board of selectmen~~ **select board** within 60 days after it resumes the search.

The ~~board of selectmen~~ **select board**, by an affirmative vote of four members, shall appoint the town administrator for a term defined by contract and fix the town administrator's compensation within the amount annually appropriated for that purpose. **The town administrator's contract will not automatically renew each contract period. The select board, by an affirmative vote of four members, shall renew the contract.** 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 at least a bachelor's degree, but preferably a master's degree, in public administration, business management or a related field, at least ~~7~~ **seven** years' experience in an upper-level executive municipal position or any equivalent combination of education and experience. The town administrator need not be a resident of the town. ~~when appointed but shall establish primary residence in the town of Bourne within 1 year after the date of appointment; provided, however, that the board of selectmen may, by simple majority vote of the selectmen in office at the time of appointment, extend the time for establishing residence or otherwise allow the town administrator to reside elsewhere. Once a residency exemption is granted to a specific town administrator, it shall not be rescinded in future contracts with that town administrator.~~

The town 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 the administrator's term unless such action has been approved in writing in advance of such action by the ~~board of selectmen~~ **select board**. The town may from time to time, by by-law, establish such additional qualifications as it deems necessary and appropriate.

**To see if the Town will vote to adopt the following amendment to Article 4, Town Administrator** of the Bourne Home Rule Charter by amending Section 3, Vacancy in Office, so as to read as follows:

Any permanent vacancy in the office of town administrator shall be filled as soon as possible by the select board. Pending the appointment of a town administrator, the select board shall, within 30 days, appoint a qualified person to serve as the acting or interim town administrator.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: Language change to be consistent with common practice in operating the town.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

4-3: Vacancy in Office.

Any permanent vacancy in the office of town administrator shall be filled as soon as possible by the ~~board of selectmen~~ **select board**. Pending the appointment of a town administrator, the ~~board of selectmen~~ **select board** shall, within 30 days, appoint ~~some other~~ a qualified person to serve as the acting **or interim** town administrator

**To see if the Town will vote to adopt the following amendment to Article 4, Town Administrator** of the Bourne Home Rule Charter by amending Section 4, Temporary Absence, so as to read as follows:

The town administrator shall, by letter filed with the town clerk and select board, 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 the absence or disability is greater than ten business days, any designation made by the town administrator shall be subject to the approval of the select board. If the town administrator fails to make a designation or if the person so designated is unable to serve, the select board shall designate a qualified employee of the town to perform the duties of the town administrator until the town administrator shall return. The select board reserves the right to limit the powers and duties of the acting or interim town administrator by a majority vote of select board members.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: This amendment extends the select board's authority to limit the roles and responsibilities of an interim or acting town administrator if they so choose.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

Section 4-4: Temporary Absence.

The town administrator shall, by letter filed with the town clerk and ~~board of selectmen~~ **select board**, 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 the absence or disability is greater than ten business days, any designation made by the town administrator shall be subject to the approval of the ~~board of selectmen~~ **select board**. If the town administrator fails to make a designation or if the person so designated is unable to serve, the ~~board of selectmen~~ **select board** shall designate ~~some other~~ a qualified employee of the town to perform the duties of the town administrator until the town administrator shall return. **The select board reserves the right to limit the powers and duties of the acting or interim town administrator by a majority vote of select board members.**

**To see if the Town will vote to adopt the following amendment to Article 4, Town Administrator** of the Bourne Home Rule Charter by amending Section 6(a), 6(c), 6(if), and 6(n), Powers and Duties, so as to read as follows:

The town administrator shall be the chief administrative officer of the town. The town administrator shall be responsible to the select board for the proper administration of all town affairs placed in the town administrator's charge by or under the charter. The town administrator shall have the following powers and perform the following duties:

- (a) implement and carry out all policies and goals established by the select board, and inclusion of the strategic plan.
- (b) appoint and, in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees, including members of the board of assessors and other employees for whom no other appointment provision is made in this charter; provided, however, that appointments made by the town administrator shall be effective immediately; provided, further, that an appointment of a department head or member 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 select board unless a majority of the select board votes to reject the appointment within that period.
- (c) prepare and submit an annual operating budget and capital improvement plan and capital improvement budget in accordance with sections 7-1 and 7-2 of this charter; and in accordance with the policies and goals established by the select board.
- (d) (d) investigate or inquire into the affairs of a town department under the jurisdiction of the town administrator or, when authorized by the select board, investigate or inquire into the affairs of any other town department;
- (e) attend all regular and special meetings of the select board, unless unavailable for reasonable cause; provided, however, that the town administrator shall have a voice, but no vote, in all proceedings of the select board;
- (f) keep the select board fully informed of all issues and problems it needs to address.
- (g) inform the select board on departmental operations, fiscal matters and administrative actions and provide regular periodic reports to the board of selectmen;
- (h) inform the select board of the availability of public and private funding opportunities;
- (i) administer human resource policies, practices, rules and regulations, compensation plans and related matters for all municipal employees, except school employees;
- (j) be responsible for the negotiation, administration and enforcement of collective bargaining agreements and other employment agreements, exclusive of the schools, on behalf of the select board;
- (k) have jurisdiction over all town property, ensuring that a full inventory of all real and personal property is kept, excluding property under the jurisdiction of the school committee;

(l) 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; provided, however, that the town administrator shall secure the approval of the select board for contracts of 3 or more years;

(m) fix the compensation of all town employees and officers appointed by the town administrator within the limits of the town's compensation plan, collective bargaining agreements and other employment agreements; and inform the select board of all changes in compensation made within 30 days;

(n) oversee the activities of all governmental bodies; provided, however, that the town administrator may require elected boards and individuals to meet with and provide information to the town administrator.

(o) create new full-time, compensated positions, subject to the approval of the select board and funding by the town meeting; provided, however, that the town administrator may enter into employment contracts for these positions;

(p) supervise, direct and be responsible for the efficient administration of all officers appointed by the town administrator and their respective departments, and for all functions for which the town administrator is given responsibility, authority or control by this charter, by by-law, by town meeting vote or by vote of the select board;

(q) delegate, authorize or direct any subordinate or employee appointed by the town administrator to exercise any power, duty or responsibility which the office of the town administrator is authorized to exercise; provided, however, that all such acts shall be deemed to be the acts of the town administrator;

(r) administer and enforce either directly or through a person supervised by the town administrator, in accordance with this charter, all provisions of law applicable to the town, all by-laws and all regulations established by the select board; and

(s) attend all sessions of the town meeting to answer questions addressed to the town administrator which are related to warrant articles and matters of general supervision of the town administrator.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: The purpose of the Strategic Plan is to codify and express the organizational process which defines the Town's direction toward a future state. The plan contains specific goals that the select board are responsible to carry out and charge the town administrator with the implementation of the strategic plan. Word usage consistent with titles of departments and proper grammar. Appointed boards, elected boards, committees and commissions require a chair to coordinate the activities of such boards and committees. The town administrator only oversees such committees and boards and does not coordinate or dictate their duties and responsibilities.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

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~~ **select board** for the proper administration of all town affairs placed in the town administrator's charge by or under the charter. The town administrator shall have the following powers and perform the following duties:

- (a) implement and carry out all policies and goals established by the ~~board of selectmen~~ **select board, and inclusion of the strategic plan.**
- (b) appoint and, in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees, including members of the board of assessors and other employees for whom no other appointment provision is made in this charter; provided, however, that appointments made by the town administrator shall be effective immediately; provided, further, that an appointment of a department head or member 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~~ **select board** unless a majority of the ~~board of selectmen~~ **select board** votes to reject the appointment within that period.
- (c) prepare and submit an annual operating budget and capital improvement ~~program plan~~ **and capital improvement** budget in accordance with sections 7-1 and 7-2 of this charter; and in accordance with the policies and goals established by the ~~board of selectmen~~ **select board.**
- (d) investigate or inquire into the affairs of a town department under the jurisdiction of the town administrator or, when authorized by the ~~board of selectmen~~ **select board,** investigate or inquire into the affairs of any other town department;
- (e) attend all regular and special meetings of the ~~board of selectmen~~ **select board,** unless unavailable for reasonable cause; provided, however, that the town administrator shall have a voice, but no vote, in all proceedings of the ~~board of selectmen~~ **select board;**
- (f) keep the ~~board of selectmen~~ **select board** fully informed of all issues and problems it needs to address.
- (g) inform the ~~board of selectmen~~ **select board** on departmental operations, fiscal matters and administrative actions and provide regular periodic reports to the board of selectmen;
- (h) inform the ~~board of selectmen~~ **select board** of the availability of public and private funding opportunities;
- (i) administer ~~personnel~~ **human resource** policies, practices, rules and regulations, compensation plans and related matters for all municipal employees, except school employees.

(j) be responsible for the negotiation, administration and enforcement of collective bargaining agreements and other employment agreements, exclusive of the schools, on behalf of the ~~board of selectmen~~ **select board**.

(k) have jurisdiction over all town property, ~~insuring~~ **ensuring** that a full inventory of all real and personal property is kept, excluding property under the jurisdiction of the school committee.

(l) 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; provided, however, that the town administrator shall secure the approval of the ~~board of selectmen~~ **select board** for contracts of 3 or more years.

(m) fix the compensation of all town employees and officers appointed by the town administrator within the limits of the town's compensation plan, collective bargaining agreements and other employment agreements; and inform the ~~board of selectmen~~ **select board** of all changes in compensation made within 30 days.

(n) ~~coordinates~~ **oversee** the activities of all ~~appointed and elected boards, committees and commissions~~ **governmental bodies**; provided, however, that the town administrator may require elected boards and individuals to meet with and provide information to the town administrator at reasonable times ~~for the purpose of coordination~~ **updates and financial planning**;

(o) create new full-time, compensated positions, subject to the approval of the ~~board of selectmen~~ **select board** and funding by the town meeting; provided, however, that the town administrator may enter into employment contracts for these positions.

(p) supervise, direct and be responsible for the efficient administration of all officers appointed by the town administrator and their respective departments, and for all functions for which the town administrator is given responsibility, authority or control by this charter, by by-law, by town meeting vote or by vote of the ~~board of selectmen~~ **select board**.

(q) delegate, authorize or direct any subordinate or employee appointed by the town administrator to exercise any power, duty or responsibility which the office of the town administrator is authorized to exercise; provided, however, that all such acts shall be deemed to be the acts of the town administrator.

(r) administer and enforce either directly or through a person supervised by the town administrator, in accordance with this charter, all provisions of law applicable to the town, all by-laws and all regulations established by the ~~board of selectmen~~ **select board**; and

(s) attend all sessions of the town meeting to answer questions addressed to the town administrator which are related to warrant articles and matters of general supervision of the town administrator.

**To see if the Town will vote to adopt the following amendment to Article 5, Administrative Organization** of the Bourne Home Rule Charter by amending Section1, Table of Organization, so as to read as follows:

The town administrator shall annually submit an organizational chart establishing personnel requirements within all town departments to the select board by June 1. The select board shall, by majority vote, approve the Organizational Chart by June 30th.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: A Table of Organization is not used when reporting town governance documents. An organizational chart is used as common practice for reporting to the select board. This amendment also further defines a time line when the organizational chart should be approved to become effective by the start of the next fiscal year. The verb "insuring" is not grammatically correct. "Ensuring" is the proper verb in the sentence.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

**5-1: ~~Table of Organization.~~ Organizational Chart.**

The town administrator shall annually submit ~~a table of organization~~ **an organizational chart** establishing personnel requirements within all town departments to the ~~board of selectmen~~ **select board** by June 1. ~~The table of organization shall become effective unless rejected by the board of selectmen within 30 days following its submission.~~ **The select board shall, by majority vote, approve the organizational chart by June 30th.**

**To see if the Town will vote to adopt the following amendment to Article 5, Administrative Organization** of the Bourne Home Rule Charter by amending Article 5 Section2, Organization of Town Government, so as to read as follows:

Subject only to the express prohibitions in the Constitution, General Laws or this charter, the town administrator may prepare a plan to organize, reorganize, consolidate or abolish any town agency as the town administrator 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; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or assigned to any other town agency unless specifically authorized in this charter or transferred to another agency in accordance with the provisions of Section 5-3. 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 a town agency that the town administrator considers necessary or advisable in accordance with this section. Any proposed plan submitted under this section by the town administrator shall be approved by an affirmative vote of three members of the select board.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: Establishing or reorganizing should be executed under this provision of the Charter to give the town administrator the flexibility to make changes or reorganize a department.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

5-2: Organization of Town Government.

Subject only to the express prohibitions in the Constitution, General Laws or this charter, the town administrator may prepare a plan to organize, reorganize, consolidate or abolish any town agency as the town administrator 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 ~~1~~ **one** town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or assigned to any other town agency unless specifically authorized in this charter **or transferred to another agency in accordance with the provisions of Section 5-3.** 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 a town agency that the town administrator considers necessary or advisable in accordance with this section. Any proposed plan submitted under this section by the town administrator shall be approved by an affirmative vote of ~~3~~ **three** members of the ~~board of selectmen~~ **select board**.

**To see if the Town will vote to adopt the following amendment to Article 5, Administrative Organization** of the Bourne Home Rule Charter by amending Section 3, Public Hearing and Effective Date, so as to read as follows:

Before the select board approves a proposed plan under section 5-2, it shall hold one or more public hearings on the proposal, giving notice by publication in a local newspaper at least seven days in advance of the hearing. The notice shall describe the scope of the proposal and the date and place where the hearing will be held. The select board members shall have 14 days after the close of the public hearing to propose amendments, if any, and vote on the final plan. Where the reorganization moves a function or funding from one department to another, voters may petition for a special town meeting to address those changes. The proposed organization shall become effective not sooner than 60 days following the select board members' vote on the final plan.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*Explanation: We recommend the above change to specifically define when an organizational change shall become effective.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

5-3: Public Hearing and Effective Date.

Before the ~~board of selectmen~~ **select board** approves a proposed plan under section 5-2, it shall hold ~~1~~ **one** or more public hearings on the proposal, giving notice by publication in a local newspaper at least ~~7~~ **seven** days in advance of the hearing. The notice shall describe the scope of the proposal and the date and place where the hearing will be held. The ~~selectmen~~ **select board members** shall have 14 days after the close of the public hearing to propose amendments, if any, and vote on the final plan. Where the reorganization moves a function or funding from ~~1~~ **one** department to another, voters may petition for a special town meeting to address those changes. **The proposed organization shall become effective not sooner than 60 days following the selectmen's select board members' vote on the final plan.**

**To see if the Town will vote to adopt the following amendment to Article 5, Administrative Organization** of the Bourne Home Rule Charter by amending Sections 4(a), 4(b), 4(d) 4(e), Department of Public works, so as to read as follows:

(a) There shall be a department of public works which shall be responsible for those public works functions described in this article and as may be assigned from time to time by the town administrator or town meeting.

(b) The department of public works shall be under the direct control of a director of public works who shall be appointed by and who shall be directly responsible to the town administrator. The director public works shall be a registered civil engineer, or a person otherwise especially suited by education, training and previous experience to perform the duties of the office. The director of public works shall keep full and complete records of the doings of the director's office and shall render a report of all operations to the town administrator and select board as may be required. The director of public works shall keep the town administrator fully advised as to the needs of the town within the scope of the director's duties.

(c) The department of public works shall include, but not be limited to, the following functions: highways and streets; storm drains; tree and park maintenance; public sewers; rubbish collection; and the maintenance and repair of town buildings, except school buildings unless requested by the school committee and approved by the select board.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: The select board does not oversee the daily operations of department of public works. The town administrator oversees the operation of the department as part of his duties and responsibilities. Sections 5(d) and section 5(e) are not necessary as the duties and responsibilities of the town administrator are stated in Article 4, Section 6(p), Powers and Duties. The correct title for the head of the public works department is "director" of public works.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

5-4: Department of Public Works.

(a) There shall be a department of public works which shall be responsible for those public works functions described in this article and as may be assigned from time to time by the ~~board of selectmen~~ town administrator or town meeting.

(b) The department of public works shall be under the direct control of a ~~superintendent~~ **director** of public works who shall be appointed by and who shall be directly responsible to the town administrator. The ~~superintendent~~ **director** of public works shall be a registered civil engineer, or a person otherwise especially suited by education, training and previous experience to perform the duties of the office. The ~~superintendent~~ **director** of public works shall keep full and complete records of the doings of the ~~superintendent's~~ **director's** office and shall render a report of all operations to the town administrator and ~~board of selectmen~~ **select board** as may be required. The ~~superintendent~~ **director of public works** shall keep the town administrator fully advised as to the needs of the town within the scope of the ~~superintendent's~~ **director's** duties.

(c) The department of public works shall include, but not be limited to, the following functions: highways and streets; storm drains; tree and park maintenance; public sewers; rubbish collection; and the maintenance and repair of town buildings, except school buildings unless requested by the school committee and approved by the ~~board of selectmen~~ **select board**.

~~(d) — The board of selectmen, acting through the town administrator, shall establish priorities and policies to govern the operation of the department of public works.~~

**To see if the Town will vote to adopt the following amendment to Article 5, Administrative Organization** of the Bourne Home Rule Charter by amending Section 5(a), 5(c), and 5(e), Department of Integrated Solid Waste Management, so as to read as follows:

(a) There shall be a department of integrated solid waste management responsible for those solid waste functions described in this article and as may be assigned from time to time by the town administrator or town meeting.

(b) The department of integrated solid waste management shall be under the direct control of a general manager of waste management who shall be appointed by and directly responsible to the town administrator.

(c) The general manager shall be especially 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 the office and report on all operations under its control to the town administrator ~~and board of selectmen~~ as may be required. The general manager shall keep the town administrator fully advised as to the needs of the town within the scope of its duties.

(d) 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 select board. The department's functions shall also include the implementation of additional solid waste functions as approved by the select board and consistent with the site assignment.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: The select board does not oversee the daily operations of department of integrated solid waste management. The town administrator oversees the operation of the department as part of his duties and responsibilities as outlined in Article 4, Section 6(p), Powers and Duties.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

5-5: Department of Integrated Solid Waste Management.

(a) There shall be a department of integrated solid waste management responsible for those solid waste functions described in this article and as may be assigned from time to time by the ~~board of selectmen~~ town administrator or town meeting.

(b) The department of integrated solid waste management shall be under the direct control of a general manager of waste management who shall be appointed by and directly responsible to the town administrator.

(c) The general manager shall be especially 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 the office and report on all operations under its control to the town administrator ~~and board of selectmen~~ as may be required. The general manager shall keep the town administrator fully advised as to the needs of the town within the scope of its duties.

(d) 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~~ **select board**. The department's functions shall also include the implementation of additional solid waste functions as approved by the ~~board of selectmen~~ **select board** and consistent with the site assignment.

~~(e) The board of selectmen, acting through the town administrator, shall establish priorities and policies to govern the operation of the department of integrated solid waste management.~~

**To see if the Town will vote to adopt the following amendment to Article 5, Administrative Organization** of the Bourne Home Rule Charter by amending Section 5(a)(10), 5(b)(1), Department of Finance, so as to read as follows:

(a) There shall be a department of finance responsible for the fiscal and financial affairs of the town and for the coordination and overall supervision of all fiscal and financial activities of all town government

agencies. The department of finance shall include the functions of accountant, treasurer, collector and assessors. The department of finance shall be responsible for, and shall include the following functions:

- (1) coordination of all financial services and activities of town government.
- (2) maintenance of all accounting records and other financial statements for all town offices and agencies.
- (3) payment of all financial obligations on behalf of the town.
- (4) investment of town funds and management of debt.
- (5) receipt of all funds due to the town from any source.
- (6) maintenance of the system of property valuation under the direction of the board of assessors.
- (7) rendering of advice, assistance, guidance and recommendations to all other town offices and agencies in any financial or fiscal affairs.
- (8) monitoring throughout the fiscal year the expenditure of funds by town offices and agencies.
- (9) under the direction of the town administrator, supervise the purchase of all goods, services, materials and supplies by the town.
- (10) general supervision of related financial data processing functions, and activities and equipment of town offices and agencies; and
- (11) such additional functions as may from time to time be assigned by the town administrator.

(b) The director of finance shall be appointed as provided in subsection (b) of section 4-6. The director of finance shall be especially fitted by education, training and experience to perform the duties of the office. The director of finance may serve as town accountant, town treasurer, town collector or principal assessor, but the finance director shall not serve as town accountant and town 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 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, may 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) coordinating the financial functions of all departments and agencies and supervising the following functions: accounting; treasury; tax collections; assessing; and budgeting and procurement and ensuring that each function is operating efficiently and in accordance with applicable laws, by-laws, codes and accepted practices.

*EXPLANATION: This amendment clarifies the Department of Finance's roles and responsibilities to financial data processing and assessing, and not all data processing within the town.*

Or do take any other action on the matter. On request of the select board and the charter review committee.

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

5(a)(10)

(a) There shall be a department of finance responsible for the fiscal and financial affairs of the town and for the coordination and overall supervision of all fiscal and financial activities of all town government agencies. The department of finance shall include the functions of accountant, treasurer, collector and assessors. The department of finance shall be responsible for, and shall include the following functions:

5(b)(1)

- (1) coordination of all financial services and activities of town government.
- (2) maintenance of all accounting records and other financial statements for all town offices and agencies.
- (3) payment of all financial obligations on behalf of the town.
- (4) investment of town funds and management of debt.
- (5) receipt of all funds due to the town from any source.
- (6) maintenance of the system of property valuation under the direction of the board of assessors.
- (7) rendering of advice, assistance, guidance and recommendations to all other town offices and agencies in any financial or fiscal affairs.
- (8) monitoring throughout the fiscal year the expenditure of funds by town offices and agencies.
- (9) under the direction of the town administrator, supervise the purchase of all goods, services, materials and supplies by the town.
- (10) general supervision of related **financial** data processing functions, **and** activities and equipment of town offices and agencies; and
- (11) such additional functions as may from time to time be assigned by the town administrator.

(b) The director of finance shall be appointed as provided in subsection (b) of section 4-6. The director of finance shall be especially fitted by education, training and experience to perform the duties of the office. The director of finance may serve as town accountant, town treasurer, town collector or principal assessor, but the finance director shall not serve as town accountant and town 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 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, may 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) coordinating the financial functions of all departments and agencies and supervising the following functions: accounting; treasury; tax collections; ~~assessing-related data processing;~~ and budgeting and procurement and ensuring that each function is operating efficiently and in accordance with applicable laws, by-laws, codes and accepted practices.

**To see if the Town will vote to adopt the following amendment to Article 6, Other Elected Town Boards and Officials** of the Bourne Home Rule Charter by amending Section 10, Trustees of the Jonathan Bourne Library so as to read as follows:

There shall be a library board to be known as the trustees of the Jonathan Bourne Public Library to consist of six members who shall be elected for three year overlapping terms. The Trustees have the following powers, duties, and responsibilities:

- a) The trustees shall have the custody and management of the library and all property of the town related thereto.
- b) The selection of the library director consistent with the General Laws, and this charter.
- c) Provide an annual review of performance of the library director and submit to the town administrator.
- d) Review, and advise the library director regarding preliminary budget prior to being submitted to the town administrator's budget report to the select board.
- e) All money raised or appropriated by the town for its support and maintenance shall be expended by the trustees and all money or property that the town may receive for the library by gift or bequest shall be administered by the trustees in accordance with the gift or bequest.
- f) The Trustees will establish and act upon, their policies and by-laws consistent with the MGL, town by-laws and this charter.
- g) The trustees of the Jonathan Bourne Public Library shall have all of the powers and duties given to boards of library trustees under the Constitution and General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: This amendment extends the trustees' authority for their powers, duties and responsibilities as trustees of the library. The amendment also inserts the word "public" to the title of the library as this is the correct title.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

#### 6-10 Trustees of the Jonathan Bourne **Public** library

There shall be a library board to be known as the trustees of the Jonathan Bourne **Public** library to consist of ~~6~~ members who shall be elected for 3-year overlapping terms.

#### **The Trustees have the following powers, duties, and responsibilities:**

- a) The trustees shall have the custody and management of the library and all property of the town related thereto.
- b) **The selection of the library director consistent with the General Laws, and this charter.**
- c) **Provide an annual review of performance of the library director and submit to the town administrator.**
- d) **Review, and advise the library director regarding preliminary budget prior to being submitted to the town administrator's budget report to the select board.**
- e) All money raised or appropriated by the town for its support and maintenance shall be expended by the trustees and all money or property that the town may receive for the library by gift or bequest shall be administered by the trustees in accordance with the gift or bequest.
- f) **The Trustees will establish and act upon, their policies and by-laws consistent with the General Laws, town by-laws and this charter.**
- g) The trustees of the Jonathan Bourne **Public** Library shall have all of the powers and duties given to boards of library trustees under the Constitution and General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote

**To see if the Town will vote to adopt the following amendment to Article 7, Finance and Fiscal Procedures** of the Bourne Home Rule Charter by amending Section 1, Budget Process, so as to read as follows:

#### Section 7-1: Budget Process.

Prior to the annual town meeting and within a time fixed by by-law, the town administrator shall submit to the select board a proposed operating budget and a capital improvement plan and capital improvement budget for all town departments, including the school department, for the ensuing fiscal year. The school committee budget shall be submitted to the town administrator in sufficient time to enable the town administrator to consider the effect of the school department's requested appropriation on the total town budget and make recommendations on same. The proposed budget shall be accompanied by a budget message and supporting documents. The budget message shall explain the budget both in fiscal terms and in terms of expected outcomes, delivery of services, and initiatives. The proposed budget shall be balanced and shall show both proposed expenditures and anticipated revenue. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the town administrator deems desirable or as the select board requires. The proposed budget shall include a listing of the funds requested by town departments and agencies. The select board shall review the proposed

budget and capital plan and make such changes as the board deems appropriate prior to transmitting the budget and capital plan to the finance committee.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: We recommend the following changes to clarify the town's budgeting process to define generally the timeframe, to be determined by the town administrator and the school department, to allow sufficient time for review by the town administrator of the school department budget.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

7-1: Budget Process.

Prior to the annual town meeting and within a time fixed by by-law, the town administrator shall submit to the ~~board of selectmen~~ **select board** a proposed operating budget and a capital ~~improvement plan program~~ and capital **improvement** budget for all town departments, including the school department, for the ensuing fiscal year. **The school committee budget shall be submitted to the town administrator in sufficient time to enable the town administrator to consider the effect of the school department's requested appropriation on the total town budget and make recommendations on same.** The proposed budget shall be accompanied by a budget message and supporting documents. The budget message shall explain the budget both in fiscal terms and in terms of ~~work programs~~ **expected outcomes, delivery of services, and initiatives.** The proposed budget shall be balanced and shall show both proposed expenditures and anticipated revenue. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the town administrator deems desirable or as the ~~board of selectmen~~ **select board** requires. The proposed budget shall include a listing of the funds requested by town departments and agencies. The ~~board of selectmen~~ **select board** shall review the proposed budget and capital plan and make such changes as the board deems appropriate prior to transmitting the budget and capital plan to the finance committee.

**To see if the Town will vote to adopt the following amendment to Article 7, Finance and Fiscal Procedures** of the Bourne Home Rule Charter by amending Section 2, Capital Improvement Plan and Capital Improvement Budget, so as to read as follows:

Section 7-2: Capital Improvement Plan and Capital Improvement Budget.

The town administrator, in conjunction with any committee established for such purpose, shall annually submit a capital improvement plan to the select board 10 days 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. The first year's budget would be the capital improvement budget and include the estimated annual cost of operating and maintaining the facilities included.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: We recommend that the annual cost of operating and maintaining all municipalities be clearly delineated within all capital improvement first year budgets.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

Section 7-2: Capital Improvement ~~Program Plan~~ and Capital **Improvement** Budget.

The town administrator, in conjunction with any committee established for such purpose, shall annually submit a capital improvement ~~program plan~~ to the ~~board of selectmen~~ **select board ten days** 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 ~~5~~ **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 improvement budget and include the estimated annual cost of operating and maintaining the facilities included.**

**To see if the Town will vote to adopt the following amendment to Article, Finance and Fiscal Procedures** of the Bourne Home Rule Charter by amending Section 3, Long-Term Financial forecast so as to read as follows:

Section 7-3: Long-Term Financial Forecast.

The town administrator shall prepare annually, in a format the town administrator deems desirable or as the Select Board requires, a five-year financial forecast of town revenue, expenditures and general financial condition of the town which shall be submitted to the select board as part of the annual budget message. The forecast shall include, but not be limited to, the identification of factors which impact the financial condition of the town; revenue and expenditure trends; potential sources of new or expanded revenues and any long- or short-term actions which may be taken that will enhance the financial condition of the town. The forecast shall be submitted to the select board and the ~~board of selectmen~~ **select board** members shall make it available to the public for inspection.

Or do take any other action on the matter. On request of the select board and the charter review committee.

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

7-3: Long-Term Financial Forecast.

The town administrator shall prepare annually, **in a format the town administrator deems desirable or as the select board requires**, a ~~5~~**-five**-year financial forecast of town revenue, expenditures and general financial condition of the town which shall be submitted to the ~~Board of Selectmen~~**select board** as part of the annual budget message. The forecast shall include, but not be limited to, the identification of factors which impact the financial condition of the town; revenue and expenditure trends; potential sources of new or expanded revenues and any long- or short-term actions which may be taken that will enhance the financial condition of the town. The forecast shall be submitted to the ~~board of selectmen~~**select board** and the ~~board of selectmen~~**select board members** shall make it available to the public for inspection.

**To see if the Town will vote to adopt the following amendment to Article 7, Finance and Fiscal Procedures** of the Bourne Home Rule Charter by amending Section 4 Finance Committee Action so as to read as follows:

Section 7-4: Finance Committee Action.

The select board shall submit the operating budget and the capital improvement plan and capital improvement budget to the finance committee by a date fixed by by-law. The finance committee, upon receipt of the operating and capital improvement plan and capital improvement budget from the select board, shall consider in public meetings the detailed expenditures and revenue for each town department and agency and shall conduct one or more public hearings on the proposed operating budget and capital improvement budgets, including the school budget. The finance committee shall issue its recommendations in a detailed written report, which shall include the fiscal and tax implications of the proposed budget, a statement outlining its support or opposition to the proposed budget or any sections thereof and its vote, by roll call, on all warrant articles.

The finance committee shall make copies of its report available to the voters in the town hall and the public library at least 20 days before the scheduled date of the town meeting. The report shall be prepared in sufficient time to be incorporated into the annual town meeting voter handbook.

The finance committee may request the town administrator to provide necessary information from any town agency and the town administrator shall promptly respond to such requests. The office of the town administrator shall provide staff support to the finance committee in issuing its recommendations on the operating budget and capital improvement budget. The budget to be acted upon by the town meeting shall be the budget approved by the select board.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: This amendment requires the finance committee to identify the revenue sources along with the expenditures when issuing its report to the select board.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

7-4: Finance Committee Action.

The ~~board of selectmen~~ **select board** shall submit the operating budget and the capital improvement ~~program~~ **plan** and capital **improvement** budget to the finance committee by a date fixed by by-law. The finance committee, upon receipt of the operating and capital improvement ~~program~~ **plan** and capital **improvement** budget from the ~~board of selectmen~~ **select board**, shall consider in public meetings the detailed expenditures **and revenue** for each town department and agency and shall conduct ~~±~~ **one** or more public hearings on the proposed operating **budget** and capital **improvement** budgets, including the school budget. The finance committee shall issue its recommendations in a detailed written report, which shall include the fiscal and tax implications of the proposed budget, a statement outlining its support or opposition to the proposed budget or any sections thereof and its vote, by roll call, on all warrant articles.

The finance committee shall make copies of its report available to the voters in the town hall and the public library at least ~~21~~ **20** days before the scheduled date of the town meeting. The report shall be prepared in sufficient time to be incorporated into the annual town meeting voter handbook.

The finance committee may request the town administrator to provide necessary information from any town agency and the town administrator shall promptly respond to such requests. The office of the town administrator shall provide staff support to the finance committee in issuing its recommendations on the operating budget and capital improvement ~~program~~ **budget**. The budget to be acted upon by the town meeting shall be the budget approved by the ~~board of selectmen~~ **select board**.

**To see if the Town will vote to adopt the following amendment to Article 8, General Provisions** of the Bourne Home Rule Charter by amending Section 1(b), Charter Changes, so as to read as follows:

- (b) At least once every five years a charter review committee shall be appointed by the board of selectmen to review the charter and make a report to the town meeting concerning any proposed amendments or revisions which the committee deems necessary. The committee shall be appointed following an annual town meeting and shall make its report at the next annual town meeting. The select board may extend time to the Charter review committee by majority vote to meet the duties and responsibilities of article LXXXIX of the amendments to the Constitution of the Commonwealth and any legislation enacted to implement said article LXXXIX.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: This amendment strengthens the authority for the select board to extend time to the review committee in the event the committee needs more time to perform their duties and responsibilities as outlined in section 8-1(a)*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

(b) At least once every ~~5~~ **five** years a ~~special~~ **charter review** committee shall be appointed by the board of selectmen to review the charter and 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. **The select board may extend time to the Charter review committee by majority vote to meet the duties and responsibilities of article LXXXIX of the amendments to the Constitution of the Commonwealth and any legislation enacted to implement said article LXXXIX.**

**To see if the Town will vote to adopt the following amendment to Article 8, General Provisions** of the Bourne Home Rule Charter by amending Section 6(c), and 6(d) Procedures for Multiple Member Bodies, so as to read as follows:

**Section 8-6: Procedures for Governmental Bodies.**

(a) All governmental 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 a governmental body shall be held at 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 laws. The meetings of a governmental body shall be open to the public and the press, except as may otherwise be authorized by law.

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

(c) Each governmental body shall provide for the keeping of the minutes of its proceedings. The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. A “timely manner” is considered to be within the next three public body meetings or 30 days from the date of the meeting, whichever is later, unless the public body can show good cause for further delay. The minutes shall be a public record and a copy of the minutes shall be filed with the office of the town clerk, once approved by the governmental body as outlined above.

(d) Meetings of the select board, the school committee, the board of health and the planning board shall be televised, recorded, livestreamed or broadcasted on the local cable channel or recorded and posted on the town’s website. The town shall choose the most effective method but technical difficulties with equipment shall not cause a meeting to be postponed.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: We recommend this change to clarify the timeframe from open meeting law which requires a specific length of time for posting minutes of all governmental bodies’ public meetings and when they should be made available to the public. We further recommend this change to clarify what formats are used for public access to specific governmental bodies as defined in section (d).*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

8-6: Procedures for ~~Multi-Member Bodies~~ **Governmental Bodies**.

(a) All ~~multiple member bodies~~ **governmental 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 a ~~multiple member body~~ **governmental body** shall be held at 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 laws. The meetings of a ~~multiple member body~~ **governmental body** shall be open to the public and the press, except as may otherwise be authorized by law.

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

(c) Each ~~multiple member body~~ **governmental body** shall provide for the keeping of the minutes of its proceedings. **The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. A “timely manner” is considered to be within the next three public body meetings or 30 days from the date of the meeting, whichever is later, unless the public body can show good cause for further delay.** The minutes shall be a public record and a copy of the minutes shall be filed with the office of the town clerk, **once approved by the governmental body as outlined above.**

(d) Meetings of the ~~board of selectmen~~ **select board**, the school committee, the board of health and the planning board shall, ~~if possible,~~ be televised, recorded, livestreamed or broadcasted on the local cable channel or ~~streamed~~ **recorded and posted** on the town’s website. The town shall choose the most effective method but technical difficulties with equipment shall not cause a meeting to be postponed.

**To see if the Town will vote to adopt the following amendment to Article 9, Recall Provision of the Bourne Home Rule Charter by amending Section 4, Nomination of Candidates, so as to read as follows:**

Any official whose recall is sought may be a candidate for re-election to the same office, and, unless the individual requests otherwise in writing, the town clerk shall place that same official’s name on the ballot without nomination. The nomination of other candidates, the publication for the warrant for the recall election and the conduct of the same shall be in accordance with the General laws related to town elections unless otherwise provided in this article.

Or do take any other action on the matter. On request of the select board and the charter review committee.

*EXPLANATION: Gender neutrality.*

**Amended charter language with recommended edits embedded; additions in bold; and deletions, if any, with a strike through.**

8-4: Nomination of Candidates.

Any ~~officer~~ **official** whose recall is sought may be a candidate ~~to succeed himself~~ **for re-election to the same office**, and, unless ~~he~~ **the individual** requests otherwise in writing, the town clerk shall place that same ~~officer~~ **official's** name on the ballot without nomination. The nomination of other candidates, the publication for the warrant for the recall election and the conduct of the same shall be in accordance with the General laws related to town elections unless otherwise provided in this article.

**To see if the Town will vote to adopt the following amendment to Article 10, Transitional Provisions of the Bourne Home Rule Charter by amending Section 5, Effective Date, so as to read as follows:**

~~Section 10-5 Effective Date~~

*EXPLANATION: We recommend striking the title in its entirety because the transitional dates and specific action to be taken have occurred thus making this section irrelevant and as such it should be deleted from the charter. If there is a subsequent change in form of government by a Charter Commission, then the new language would be crafted to effect the change and this section could be referenced in the archives if deemed useful for the construction of language.*

**Town of Bourne  
Charter  
With Recommendations for Changes**

**DRAFT Submission for the Legislature**

**Submitted By The  
CHARTER REVIEW COMMITTEE**

**For the Special Town Meeting  
November 15, 2021**

Chapter 117 AN ACT AMENDING THE CHARTER OF THE TOWN OF BOURNE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The following shall be the charter of the town of Bourne:

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## **PREAMBLE**

We, the people of Bourne, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment, article LXXXIX of the amendments to the Constitution of the Commonwealth, do hereby adopt the following home rule charter for the town of Bourne.

### **Article 1**

#### **Existence and Authority.**

##### **Section 1-1: Incorporation.**

The inhabitants of the town of Bourne within the territorial limits established by law shall continue to be a body corporate and politic under the name "Town of Bourne."

##### **Section 1-2: Charter and Form of Government.**

This instrument shall be known and may be cited as the Bourne home rule charter. This charter provides for an open town meeting, ~~board of selectmen~~ **select board**, town administrator form of government.

##### **Section 1-3: Division of Powers.**

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch which shall be headed by a ~~board of selectmen~~ **select board**. The legislative powers shall be exercised by an open town meeting.

##### **Section 1-4: Powers of the Town; Intent of the Voters.**

It is the intent and purpose of the voters of the town of Bourne, through the adoption of this charter, to secure for the town all of the powers possible under the Constitution and laws of the commonwealth, as fully and as completely as though each power were specifically and individually enumerated herein.

##### **Section 1-5: Interpretation of Powers.**

The powers of the town under this charter shall be construed and interpreted liberally in favor of the town and the specific mention of any particular power shall not limit in any way the general powers of the town as stated in section 1-4.

##### **Section 1-6: Intergovernmental Relations.**

The town may enter into agreements, by contract or otherwise, with any other unit of government to perform any of its powers or functions jointly or in cooperation with any other unit of government.

### **Article 2**

#### **Legislative Branch.**

##### **Section 2-1: Open Town Meeting.**

The legislative powers of the town shall continue to be exercised by a town meeting open to all voters.

##### **Section 2-2: Presiding Officer.**

The town moderator, elected as provided in section 6-2, shall preside at all sessions of the town meeting, shall regulate the proceedings at town meeting, shall decide all questions of order and shall make public declarations of all votes.

### **Section 2-3: Time of Meetings.**

The annual town meeting shall convene at such time as provided by by-law. Special town meetings shall be convened at such times as may be called by the ~~board of selectmen~~ **select board**, by petition of the voters as provided by law or at such other times as may be provided by by-law.

### **Section 2-4: Warrants.**

A town meeting shall be called by a warrant issued by the ~~board of selectmen~~ **select board**, which shall state the date, time and location at which the meeting is to convene and, by separate articles, the subject matters to be acted upon. The publication of the warrant for a town meeting shall be in accordance with town by-laws governing such matters.

### **Section 2-5: Initiation of Warrant Articles.**

(a) The ~~board of selectmen~~ **select board** 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) an elected town officer; (2) a town elected or appointed ~~multiple member body~~ **governmental body** acting by vote of a majority of its members; (3) 10 or more voters stating their residences with street numbers, if any, subject to the subsequent certification by the board of registrars that at least 10 per cent of the signers are voters; provided, however, that in the case of a special town meeting, the number of voters shall be 100 or 10 per cent of the total amount of voters in the town, whichever is lesser; and (4) the town administrator.

(b) The ~~board of selectmen~~ **select board** shall close the warrant not less than 50 days prior to the date for the annual town meeting and not less than ~~25~~ **30** days prior to the date for any special town meeting. By ~~majority vote~~ **4/5<sup>th</sup> vote of members present and voting**, the ~~board of selectmen~~ **select board** may waive the aforementioned requirements for the special town meeting in case of emergency **or when calling a special town meeting less than 30 days before the date of the special town meeting.**

(c) 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~~ **select board** and any other appointed or elected board or committee proposing an article. In the voter handbook for the annual town meeting, the ~~selectmen~~ **select board members** shall include the recommended operating budget with revenue projections, their budget goals. Departmental goals for the upcoming fiscal year an organization ~~table~~ **chart**, and five-year financial, debt and capital projections. The voter handbook shall be available to the public at the town hall, the public library, **and the town's website** not less than 15 days before the annual town meeting **or any special town meeting. By majority vote the select board may waive the requirements for a special town meeting in case of an emergency or when calling a special town meeting less than 30 days before the date of the special town meeting.**

### **Section 2-6: Availability of Town Officials at Town Meetings.**

Town ~~officers~~ **officials**, members of ~~boards and commissions~~ **governmental bodies** and department heads or their duly designated representatives shall attend town meetings to furnish information when proposals affecting their respective offices, ~~boards, commissions~~ **governmental bodies** or departments are included in the warrant.

### **Section 2-7: Clerk of the Meeting.**

The town clerk shall serve as clerk of the town meeting, shall give notice of all adjourned sessions thereof, shall record its proceedings and perform such additional duties in connection therewith as may be provided by the General Laws, this charter, by-law or other town meeting vote.

## **Section 2-8: Rules of Procedure.**

Except for provisions addressed in this charter, the town meeting may, by by-law, establish and, from time to time, amend, revise or repeal rules governing the conduct of town meetings.

## **Section 2-9: Finance Committee.**

A finance committee shall be appointed as provided by by-law. Town employees, including school employees, shall not be eligible for appointment to, or service on, the finance committee. The finance committee shall choose from its members a chairperson and fill such other offices as it may create. **The chairperson of the finance committee may not chair any other governmental body.**

## **Article 3**

### **Executive Branch, ~~Board of Selectmen~~ Select Board.**

#### **Section 3-1: Term of Office, Composition.**

There shall be a ~~board of selectmen~~ **select board** to consist of ~~five~~ members to be elected for ~~3-~~ **three** year terms, so arranged that as nearly an equal number of terms as possible shall expire each year. The ~~board of selectmen~~ **select board** shall also ~~serve~~ **act** as sewer commissioners until such time as the town adopts legislation creating a board of sewer commissioners.

#### **Section 3-2: Vacancy.**

A vacancy in the office of ~~selectmen~~ **the select board** shall be filled in accordance with the General Laws.

#### **Section 3-3: Policy Role.**

The ~~board of selectmen~~ **select board** 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 **strategic plan and** local comprehensive plan, or LCP, and shall appoint a town administrator to carry out such policies. Annual goals as voted by the ~~board of selectmen~~ **select board** shall be filed with the town administrator not later than ~~July 1~~ **September 1<sup>st</sup>**, after the regular spring town election and also published in the annual town report.

An individual ~~selectman~~ **select board member** shall have no independent authority unless specifically authorized by a vote of the ~~board of selectmen~~ **select board**. ~~Selectmen~~ **Select board members** shall deal with administrative agencies and departments only through the town administrator. ~~Selectmen~~ **Select board members**, individually or as a board, shall not become involved in the day-to-day administration of a town department. The ~~board of selectmen~~ **select board** shall act only through the adoption of written policy goals, **strategic plan goals**, policies and action items which shall be implemented by the town administrator and written in a policy book that shall be available to the public for review.

#### **Section 3-4: Powers and Duties.**

Except as otherwise provided by this charter, all executive powers of the town shall be vested in the ~~board of selectmen~~ **select board** and the board shall have all of the powers and duties given to ~~boards of selectmen~~ **select boards** under the Constitution and General Laws of the commonwealth, **shall have the power and authority to adopt rules and regulations, after public hearing and publication, for the conducting of town business, the use of town real and personal property, and other matters within its jurisdiction and to set the penalties for violations thereof**, and such additional powers and duties as may be authorized by this charter, by by-law or by town meeting vote. The ~~board of selectmen~~ **select board** shall cause the laws and orders for the government of the town to be enforced and shall cause a record to be kept of all its official acts.

### **Section 3-5: Appointing Powers.**

The ~~board of selectmen~~ **select board** shall appoint the town administrator, town counsel, registrars of voters, ~~and constables and members of all multi-member bodies~~ **The board shall also have the power to appoint other governmental bodies** for whom no other appointment provision is made in this charter or by by-law. Representatives of ~~boards or committees~~ **governmental bodies** specified as members of a ~~committee~~ **governmental body** shall be designated by their respective ~~boards or committees~~ **governmental body**. **Governmental bodies established by the select board shall possess and exercise all powers given to them under the Constitution and laws of the Commonwealth and shall possess and exercise such additional powers and duties as may be authorized by this charter, by-law or vote of town meeting. This charter names those governmental bodies which (1) are mandated or authorized by the laws of the Commonwealth and (2) exercise regulatory or other authority.** All ~~boards, committees and commissions~~ **governmental bodies** appointed by the ~~board of selectmen~~ **select board** shall be responsible to the ~~board of selectmen~~ **select board**.

### **Section 3-6: Prohibitions.**

(a) No member of the ~~board of selectmen~~ **select board** shall serve on an elected or appointed ~~town board or committee~~ **governmental body** established by this charter, by by-law, or by town meeting, unless otherwise specified in the charter, by-law, by town meeting or by any other applicable law.

(b) No member of the ~~board of selectmen~~ **select board** shall hold any other elected town office or town employment during that member's term in office.

(c) No person who has served as a member of the ~~board of selectmen~~ **select board** shall be employed by the town for two years after that member's resignation or after the member's term of office has expired.

### **Section 3-7: Intergovernmental Relations.**

Members of the ~~board of selectmen~~ **select board** shall represent the town on federal, state, regional and intermunicipal committees or may designate a town employee or other person to represent the town on those committees. **The select board shall maintain an active list of the governmental bodies and representation and make accessible to the public on the town's website.**

### **Section 3-8: Rules of Procedure.**

The ~~board of selectmen~~ **select board** 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 shall be provided before any vote on a policy issue. The ~~board of selectmen~~ **select board** may deviate from its agenda only for sudden, generally unexpected occurrences or for circumstances demanding immediate action.

## **Article 4**

### **Town Administrator.**

#### **Section 4-1: Appointment; Qualification; Term.**

The ~~board of selectmen~~ **select board** shall appoint a town administrator search committee of not fewer than ~~5~~ **five** and not more than ~~9~~ **nine** residents of the community to assist the ~~board of selectmen~~ **select board** in the recruitment and selection of the town administrator. If the ~~board of selectmen~~ **select board** does not select one of the candidates presented by the search committee within 60 days, then the search committee shall resume its search and submit an additional list of candidates to the ~~board of selectmen~~ **select board** within 60 days after it resumes the search.

The ~~board of selectmen~~ **select board**, by an affirmative vote of four members, shall appoint the town administrator for a term defined by contract and fix the town administrator's compensation within the amount annually appropriated for that purpose. **The town administrator's contract will not automatically renew each contract period. The select board, by an affirmative vote of four of its members, shall renew the contract.** 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 at least a bachelor's degree, but preferably a master's degree, in public administration, business management or a related field, at least ~~7~~ **seven** years experience in an upper level executive municipal position or any equivalent combination of education and experience. The town administrator need not be a resident of the town. ~~when appointed but shall establish primary residence in the town of Bourne within 1 year after the date of appointment; provided, however, that the board of selectmen may, by simple majority vote of the selectmen in office at the time of appointment, extend the time for establishing residence or otherwise allow the town administrator to reside elsewhere. Once a residency exemption is granted to a specific town administrator, it shall not be rescinded in future contracts with that town administrator.~~

The town 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 the administrator's term unless such action has been approved in writing in advance of such action by the ~~board of selectmen~~ **select board**. The town may from time to time, by by-law, establish such additional qualifications as it deems necessary and appropriate.

#### **Section 4-2: Relationship of the Town Administrator and the ~~Board of Selectmen~~ Select Board.**

The town administrator shall be the primary officer responsible for the implementation of the broad policy directives of the ~~board of selectmen~~ **select board** and for the attainment of yearly goals. The daily administration of the affairs of the town shall be the responsibility of the town administrator only. The town administrator may create advisory ad hoc committees to assist in the execution of the town administrator's duties.

The town administrator shall be evaluated by the ~~board of selectmen~~ **select board** annually for the town administrator's ability to effectuate policy, to accomplish goals established by the ~~board of selectmen~~

**select board**, to effectively administer town government and to properly supervise all municipal employees, except school employees.

#### **Section 4-3: Vacancy in Office.**

Any permanent vacancy in the office of town administrator shall be filled as soon as possible by the ~~board of selectmen~~ **select board**. Pending the appointment of a town administrator, the ~~board of selectmen~~ **select board** shall, within 30 days, appoint ~~some other~~ a qualified person to serve as the acting town administrator.

#### **Section 4-4: Temporary Absence.**

The town administrator shall, by letter filed with the town clerk and ~~board of selectmen~~ **select board**, 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 the absence or disability is greater than ten business days, any designation made by the town administrator shall be subject to the approval of the ~~board of selectmen~~ **select board**. If the town administrator fails to make a designation or if the person so designated is unable to serve, the ~~board of selectmen~~ **select board** shall designate ~~some other~~ a qualified employee of the town to perform the duties of the town administrator until the town administrator shall return. **The select board reserves the right to limit the powers and duties of the acting or interim town administrator by a majority vote of the select board.**

#### **Section 4-5: Procedures for Removal of Town Administrator.**

The ~~board of selectmen~~ **select board**, by an affirmative vote of ~~4~~ **four** of its members, may initiate the removal of the town administrator by adopting a preliminary resolution of removal. The resolution shall set forth in reasonable detail the reasons for such removal. The preliminary resolution may suspend the town administrator for a period not to exceed 30 days. The resolution shall be delivered to the town administrator forthwith upon its adoption. The administrator, within ~~5~~ **five** days of receipt of the resolution of removal, may request a public hearing by the ~~board of selectmen~~ **select board** on the reasons stated in the resolution of removal. The ~~board of selectmen~~ **select board** shall convene the requested hearing not less than ~~7~~ **seven** and not more than 30 days after receipt of the request by the town administrator. The town administrator may be represented by counsel of the town administrator's choosing, may call and question witnesses and may file a statement on the town administrator's own behalf.

If the town administrator does not request a public hearing, then the ~~board of selectmen~~ **select board** may adopt a final resolution of removal not earlier than 10 days after the delivery of the preliminary resolution of removal and not later than 20 days after the delivery of the preliminary resolution. If the town administrator requests a public hearing, the ~~board of selectmen~~ **select board** may adopt a final resolution of removal not earlier than ~~5~~ **five** days and not later than 10 days after the close of the public hearing. A final resolution of removal shall have an affirmative vote of ~~4~~ **four** members of the ~~board of selectmen~~ **select board**. Failure to adopt a final resolution of removal within the time limits set forth herein shall nullify the preliminary resolution of removal.

The action of the ~~board of selectmen~~ **select board** in suspending or removing the town administrator shall be final. The town administrator shall continue to receive the town administrator's salary until a final resolution of removal becomes effective.

#### **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~~ **select board** for the proper administration of all town affairs placed in the town administrator's charge by or under the charter. The town administrator shall have the following powers and perform the following duties:

(a) implement and carry out all policies and goals established by the ~~board of selectmen~~ **select board** **and inclusion of the strategic plan;**

- (b) appoint and, in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees, including members of the board of assessors and other employees for whom no other appointment provision is made in this charter; provided, however, that appointments made by the town administrator shall be effective immediately; provided, further, that an appointment of a department head or member 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~~ **select board** unless a majority of the ~~board of selectmen~~ **select board** votes to reject the appointment within that period;
- (c) prepare and submit an annual operating budget and capital improvement ~~program~~ **plan** and **capital improvement** budget in accordance with sections 7-1 and 7-2 of this charter; and in accordance with the policies and goals established by the ~~board of selectmen~~ **select board**.
- (d) investigate or inquire into the affairs of a town department under the jurisdiction of the town administrator or, when authorized by the ~~board of selectmen~~ **select board**, investigate or inquire into the affairs of any other town department;
- (e) attend all regular and special meetings of the ~~board of selectmen~~ **select board**, unless unavailable for reasonable cause; provided, however, that the town administrator shall have a voice, but no vote, in all proceedings of the ~~board of selectmen~~ **select board**;
- (f) keep the ~~board of selectmen~~ **select board** fully informed of all issues and problems it needs to address.
- (g) inform the ~~board of selectmen~~ **select board** on departmental operations, fiscal matters and administrative actions and provide regular periodic reports to the ~~board of selectmen~~ **select board**;
- (h) inform the ~~board of selectmen~~ **select board** of the availability of public and private funding opportunities;
- (i) administer ~~personnel~~ **human resource** policies, practices, rules and regulations, compensation plans and related matters for all municipal employees, except school employees;
- (j) be responsible for the negotiation, administration and enforcement of collective bargaining agreements and other employment agreements, exclusive of the schools, on behalf of the board of ~~selectmen~~ **select board**;
- (k) have jurisdiction over all town property, ~~insuring~~ **ensuring** that a full inventory of all real and personal property is kept, excluding property under the jurisdiction of the school committee;
- (l) 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; provided, however, that the town administrator shall secure the approval of the ~~board of selectmen~~ **select board** for contracts of ~~3~~ **three** or more years;

(m) fix the compensation of all town employees and officers appointed by the town administrator within the limits of the town's compensation plan, collective bargaining agreements and other employment agreements; and inform the ~~board of selectmen~~ **select board** of all changes in compensation made within 30 days;

(n) ~~coordinate~~ **oversee** the activities of all appointed and elected ~~boards, committees and commissions~~ **governmental bodies**; provided, however, that the town administrator may require elected ~~boards~~ **governmental bodies** and individuals to meet with and provide information to the town administrator at reasonable times ~~for the purpose of coordination and financial planning~~;

(o) create new full-time, compensated positions, subject to the approval of the **select board** and funding by the town meeting; provided, however, that the town administrator may enter into employment contracts for these positions;

(p) supervise, direct and be responsible for the efficient administration of all officers appointed by the town administrator and their respective departments, and for all functions for which the town administrator is given responsibility, authority or control by this charter, by by-law, by town meeting vote or by vote of the ~~board of selectmen~~ **select board**;

(q) delegate, authorize or direct any subordinate or employee appointed by the town administrator to exercise any power, duty or responsibility which the office of the town administrator is authorized to exercise; provided, however, that all such acts shall be deemed to be the acts of the town administrator;

(r) administer and enforce either directly or through a person supervised by the town administrator, in accordance with this charter, all provisions of law applicable to the town, all by-laws and all regulations established by the ~~board of selectmen~~ **select board**; and

(s) attend all sessions of the town meeting to answer questions addressed to the town administrator which are related to warrant articles and matters of general supervision of the town administrator.

## **Article 5**

### **Administrative Organization.**

#### **Section 5-1: ~~Table of Organization~~ Organizational Chart.**

The town administrator shall annually submit a ~~table of organization~~ **organizational chart** establishing personnel requirements within all town departments to the ~~board of selectmen~~ **select board** by June 1. The ~~table of organization~~ **select board** shall become effective unless rejected by the ~~board of selectmen~~ **select board** within 30 days following its submission.

### **Section 5-2: Organization of Town Government.**

Subject only to the express prohibitions in the Constitution, General Laws or this charter, the town administrator may prepare a plan to organize, reorganize, consolidate or abolish any town agency as the town administrator 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 ~~1~~ **one** town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or assigned to any other town agency unless specifically authorized in this charter **or transferred to another agency in accordance with the provisions of 5-3**. 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 a town agency that the town administrator considers necessary or advisable in accordance with this section. Any proposed plan submitted under this section by the town administrator shall be approved by an affirmative vote of ~~3~~ **three** members of the ~~board of selectmen~~ **select board**.

### **Section 5-3: Public Hearing and Effective Date.**

Before the ~~board of selectmen~~ **select board** approves a proposed plan under section 5-2, it shall hold ~~1~~ **one** or more public hearings on the proposal, giving notice by publication in a local newspaper at least ~~7~~ **seven** days in advance of the hearing. The notice shall describe the scope of the proposal and the date and place where the hearing will be held. The ~~selectmen~~ **select board members** shall 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 not sooner than 60 days following the selectmen's vote on the final plan.~~ Where the reorganization moves a function or funding from ~~1~~ **one** department to another, voters may petition for a special town meeting to address those changes. **The proposed organization shall become effective not sooner than 60 days following the select board members' vote on the final plan.**

### **Section 5-4: Department of Public Works.**

(a) There shall be a department of public works which shall be responsible for those public works functions described in this article and as may be assigned from time to time by the ~~board of selectmen~~, town administrator or town meeting.

(b) The department of public works shall be under the direct control of a ~~superintendent~~ **director** of public works who shall be appointed by and who shall be directly responsible to the town administrator. The ~~superintendent~~ **director** of public works shall be a registered civil engineer or a person otherwise especially suited by education, training and previous experience to perform the duties of the office. The ~~superintendent~~ **director** of public works shall keep full and complete records of the doings of the ~~superintendent's~~ **director's** office and shall render a report of all operations to the town administrator and ~~board of selectmen~~ as may be required. The ~~superintendent~~ **director** shall keep the town administrator fully advised as to the needs of the town within the scope of the ~~superintendent's~~ **director's** duties.

(c) The department of public works shall include, but not be limited to, the following functions: highways and streets; storm drains; tree and park maintenance; public sewers; rubbish collection; and the maintenance and repair of town buildings, except school buildings unless requested by the school committee and approved by the ~~board of selectmen~~ **select board**.

~~(d) The board of selectmen, acting through the town administrator, shall establish priorities and policies to govern the operation of the department of public works.~~

#### **Section 5-5: Department of Integrated Solid Waste Management.**

(a) There shall be a department of integrated solid waste management responsible for those solid waste functions described in this article and as may be assigned from time to time by the ~~board of selectmen~~, town administrator or town meeting;

(b) The department of integrated solid waste management shall be under the direct control of a general manager of waste management who shall be appointed by and directly responsible to the town administrator.

(c) The general manager shall be especially 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 the office and report on all operations under its control to the town administrator ~~and board of selectmen~~ as may be required. The general manager shall keep the town administrator fully advised as to the needs of the town within the scope of its duties.

(d) 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~~ **select board**. The department's functions shall also include the implementation of additional solid waste functions as approved by the **select board** and consistent with the site assignment.

~~(e) The board of selectmen, acting through the town administrator, shall establish priorities and policies to govern the operation of the department of integrated solid waste management.~~

#### **Section 5-6: Department of Finance.**

(a) There shall be a department of finance responsible for the fiscal and financial affairs of the town and for the coordination and overall supervision of all fiscal and financial activities of all town government agencies. The department of finance shall include the functions of accountant, treasurer, collector and assessors. The department of finance shall be responsible for, and shall include, the following functions:

- (1) coordination of all financial services and activities of town government;
- (2) maintenance of all accounting records and other financial statements for all town offices and agencies;
- (3) payment of all financial obligations on behalf of the town;
- (4) investment of town funds and management of debt;
- (5) receipt of all funds due to the town from any source;
- (6) maintenance of the system of property valuation under the direction of the board of assessors;
- (7) rendering of advice, assistance, guidance and recommendations to all other town offices and agencies in any financial or fiscal affairs;
- (8) monitoring throughout the fiscal year the expenditure of funds by town offices and agencies;
- (9) under the direction of the town administrator, supervise the purchase of all goods, services, materials and supplies by the town;
- (10) general supervision of related **financial** data processing functions, **and** activities and equipment of town offices and agencies; and
- (11) such additional functions as may from time to time be assigned by the town administrator.

(b) The director of finance shall be appointed as provided in subsection (b) of section 4-6. The director of finance shall be especially fitted by education, training and experience to perform the duties of the office. The director of finance may serve as town accountant, town treasurer, town collector or principal assessor, but the finance director shall not serve as town accountant and town 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 ~~1~~ **one** 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, may 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) coordinating the financial functions of all departments and agencies and supervising the following functions: accounting; treasury; tax collections; assessing ~~related data processing~~; and budgeting and procurement and ensuring that each function is operating efficiently and in accordance with applicable laws, by-laws, codes and accepted practices;
- (2) planning, organizing and providing administrative direction for all financial functions;
- (3) working with the town administrator to develop strategic financial plans and policies;
- (4) compiling and submitting an annual operating budget and an annual capital improvement plan to the town administrator; provided, however, that the director shall receive all requests made for the expenditure of town funds from each 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; and provided, further, that 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) There shall be a board of assessors, consisting of ~~3~~ **three** members to be appointed by the town administrator for overlapping ~~3-three~~ year terms. The board of assessors shall have all of the duties and responsibilities assigned to boards of assessors by the General Laws.

(d) There shall be a town accountant appointed as provided for in subsection (b) of section 4-6. The town accountant shall be qualified in accordance with the General Laws and shall have a bachelor's degree in accounting and at least ~~3~~ **three** years of prior full-time accounting experience. The town accountant shall have all of the powers and duties conferred upon town accountants by the General Laws. The town accountant shall be responsible to the finance director and, in turn, to the town administrator for the proper performance of the town accountant's duties.

(e) There shall be a town treasurer appointed as provided for in subsection (b) of section 4-6. The treasurer shall be especially fitted by education, training and experience to perform the duties of the office. The treasurer shall have all of the powers and duties conferred and imposed upon town treasurers by the General Laws, this charter and town by-laws. The town treasurer shall be responsible to the finance director and, in turn, to the town administrator for the proper performance of the town treasurer's duties.

(f) There shall be a town collector appointed as provided for in subsection (b) of section 4-6. The town collector shall be especially fitted by education, training and experience to perform the duties of the office. The town collector shall have all of the powers and duties conferred upon town collectors and tax collectors by the General Laws, this charter and town by-laws. The town collector shall be responsible to the finance director and, in turn, to the town administrator for the proper performance of the town collector's duties.

#### **Section 5-7: Police Department.**

There shall be a police department which shall be under the control and supervision of a chief of police. The chief of police shall be appointed pursuant to clause (b) of section 4-6. The town administrator shall be the appointing authority for all police officers under control of the chief of police. The chief of police may from time to time make suitable regulations governing the police department, and the officers thereof, subject to approval of the town administrator; provided, however, that such regulations shall become effective without that approval if the town administrator fails to take action thereon within thirty days after the regulations have been submitted to the town administrator by the chief of police. The chief of police shall be in immediate control of all town property used by the police department and shall be in charge of the police officers. The chief of police shall assign to the police officers their respective duties and the police officers shall obey all orders of the chief of police.

#### **Section 5-8: Fire Department.**

There shall be a fire department which shall be under the control and supervision of a chief of the fire department. The chief of the fire department shall be appointed pursuant to clause (b) of section 4-6. The chief of the fire department shall have charge of extinguishing fires in the town and the protection of life and property in case of fire. The chief of the fire department shall purchase and keep in repair all property and apparatus used for and by the fire department, with the approval of the town administrator. The chief of the fire department shall have and exercise all the powers and discharge all the duties conferred or imposed by law upon fire chiefs in towns except as herein provided. The chief of the fire department shall appoint such deputy chiefs and such officers and firefighters as the chief deems necessary and may remove the same at any time for cause and after a hearing. The chief of the fire department shall have full and absolute authority in the administration of the fire department, shall make all rules and regulations for its operation, shall report to the town administrator from time to time as the administrator may require and shall annually report to the town the condition of the department, including any recommendations thereon. In the expenditure of money, the chief of the fire department shall be subject to such further limitations as the town may from time to time prescribe.

### **Article 6**

#### **Other Elected ~~Town Boards and Officers~~ Governmental Bodies and Officials.**

##### **Section 6-1: Other Elected ~~Town Boards and Officers~~ Governmental Bodies and Officials.**

(a) Following the adoption of this charter, the only ~~officers~~ **officials** to be elected shall be the town moderator, town clerk and a constable.

(b) ~~Town boards~~ **Governmental bodies** to be elected in addition to the ~~board of selectmen~~ **select board** shall be:

- (1) school committee;
- (2) board of health;
- (3) planning board;
- (4) housing authority;

- (5) recreation authority;
- (6) trustees of Jonathan Bourne **Public** Library;
- (7) trustees of soldier's memorials;
- (8) upper cape cod regional vocational technical school committee; and
- (9) such town members of regional districts, ~~multi-member bodies~~ **governmental bodies** and authorities as are now or may be established as elective offices by the General Laws, a vote of town meeting or an intergovernmental agreement.

#### **Section 6-2: Moderator.**

There shall be a town moderator who shall be elected at the annual town election for a ~~1~~ **one** year term.

The town moderator, as provided in section 2-2, shall be the presiding ~~officer~~**official** at town meetings. The town moderator shall have all of the powers and duties given to town moderators under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

The town moderator shall perform such other duties as may from time to time be assigned to the office of town moderator by by-law or by other town meeting vote.

#### **Section 6-3: Town Clerk.**

There shall be a town clerk who shall be elected at the annual town election for a ~~3~~**three** year term.

The town clerk shall keep the official records of the town, record vital statistics, issue licenses and shall be the clerk of the board of registrars of voters. The town clerk shall have all of the powers and duties of town clerks as provided by the General Laws, by this charter, by by-law or by other town meeting vote.

#### **Section 6-4: Constable.**

There shall be a constable elected for a ~~3~~**three** year term.

The constable shall have all of the powers and duties given to constables under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

#### **Section 6-5: School Committee.**

There shall be a school committee to consist of ~~7~~ **seven** members who shall be elected for ~~3~~**three** year overlapping terms.

The school committee shall have general charge of all public schools in the town and shall have all of the powers and duties provided to school committees under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

**Section 6-6: Board of Health.**

There shall be a board of health to consist of ~~5~~ **five** members who shall serve for ~~3~~**-three** year overlapping terms. The board of health shall be responsible for the formulation and enforcement of rules and regulations affecting the environment and the public health. It shall have all of the powers and duties given to boards of health under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

**Section 6-7: Planning Board.**

There shall be a planning board to consist of ~~9~~ **nine** members who shall be elected for ~~3~~**three**-year overlapping terms.

The planning board shall make studies and prepare plans concerning the development of the town. The planning board shall prepare the town local comprehensive plan and submit it to the town meeting. It shall hold public hearings and make recommendations to town meeting on all warrant articles seeking to amend the town zoning by-laws. The planning board shall have all of the powers and duties given to planning boards under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

**Section 6-8: Housing Authority.**

There shall be a housing authority to consist of ~~5~~ **five** members, ~~4~~ **four** of whom shall be elected and ~~1~~ **one** of whom shall be appointed by the secretary of housing and community development or as otherwise provided by law. Housing authority members shall serve for ~~5~~**-five** year terms so arranged that as nearly an equal number of terms as possible shall expire each year.

The housing authority shall have all of the powers and duties given to housing authorities under the Constitution and the General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

**Section 6-9: Recreation Authority.**

In accordance with chapter 820 of the acts of 1970, there shall be a Bourne Recreation Authority to consist of ~~5~~ **five** members. One member shall be appointed by the governor and ~~4~~ **four** members shall be elected for ~~3~~**-three** year terms. The Bourne Recreation Authority shall have all of the powers and duties specified in said chapter 820.

**Section 6-10: Trustees of the Jonathan Bourne Public Library.**

There shall be a library board to be known as the trustees of the Jonathan Bourne **public** library to consist of ~~6~~ **six** members who shall be elected for ~~3~~**-three** year overlapping terms.

- a) The trustees shall have the custody and management of the library and all property of the town related thereto.
- b) **The selection of the library director consistent with the General Laws; and this charter.**
- c) **Provide an annual review of performance of the library director and submit to the town administrator.**
- d) **Review and advise the library director regarding preliminary budget prior to being submitted to the town administrator's budget report to the select board.**
- e) All money raised or appropriated by the town for its support and maintenance shall be expended by the trustees and all money or property that the town may receive for the library by gift or bequest shall be administered by the trustees in accordance with the gift or bequest.

- f) **The trustees will establish and act upon their policies and by-laws consistent with the General Laws, town by-laws and this charter.**
- g) The trustees of the Jonathan Bourne **public** library shall have all of the powers and duties given to boards of library trustees under the Constitution and General Laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote.

#### **Section 6-11: Trustees of the Soldiers' Memorials.**

In accordance with section 105 of chapter 41 of the General Laws, there shall be a trustees of soldiers' memorials to consist of ~~6~~ **six** trustees, ~~5~~ **five** of whom shall be elected for ~~3~~**-three** year terms so arranged that as nearly an equal number of terms as possible shall expire each year and ~~1~~ **one** of whom shall be the chairman of the ~~board of selectmen~~**select board**.

#### **Section 6-12: Upper Cape Cod Regional Vocational Technical School Committee.**

There shall be ~~2~~ **two** Bourne residents elected to the upper Cape Cod regional vocational technical school committee. Members shall serve for terms of ~~4~~ **four** years so arranged that the terms of the members shall overlap.

### **Article 7**

#### **Finance and Fiscal Procedures.**

#### **Section 7-1: Budget Process.**

Prior to the annual town meeting and within a time fixed by by-law, the town administrator shall submit to the ~~board of selectmen~~ **select board** a proposed operating budget and a capital ~~program~~ **improvement plan** and capital **improvement** budget for all town departments, including the school department, for the ensuing fiscal year. **The school committee budget shall be submitted to the town administrator in sufficient time to enable the town administrator to consider the effect of the school department's requested appropriation on the total town budget and make recommendations on same.** The proposed budget shall be accompanied by a budget message and supporting documents. The budget message shall explain the budget both in fiscal terms and in terms of ~~work programs~~ **expected outcomes, delivery of services, and initiatives**. The proposed budget shall be balanced and shall show both proposed expenditures and anticipated revenue. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the town administrator deems desirable or as the ~~board of selectmen~~ **select board** requires. The proposed budget shall include a listing of the funds requested by town departments and agencies. The ~~board of selectmen~~ **select board** shall review the proposed budget and capital ~~program~~ **improvement plan** and make such changes as the board deems appropriate prior to transmitting the budget and capital **improvement** plan to the finance committee. ~~The school committee budget shall be submitted to the town administrator in sufficient time to enable the town administrator to consider the effect of the school department's requested appropriation on the total town budget and make recommendations on same.~~

#### **Section 7-2: Capital Improvement ~~Program~~ Plan and Capital Improvement Budget.**

The town administrator, in conjunction with any committee established for such purpose, shall annually submit a capital improvement ~~program~~ **plan** to the ~~board of selectmen~~ **select board** **ten days** 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 ~~5~~ **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 and include the estimated annual cost of operating and maintaining the facilities included.**

#### **Section 7-3: Long-Term Financial Forecast.**

The town administrator shall prepare annually, **in a format the town administrator deems desirable or as the select board requires,** a ~~5-five~~ year financial forecast of town revenue, expenditures and general financial condition of the town which shall be submitted to the ~~Board of Selectmen~~ **select board** as part of the annual budget message. The forecast shall include, but not be limited to, the identification of factors which impact the financial condition of the town; revenue and expenditure trends; potential sources of new or expanded revenues and any long or short term actions which may be taken that will enhance the financial condition of the town. The forecast shall be submitted to the ~~board of selectmen~~ **select board** and the ~~board of selectmen~~ **select board** shall make it available to the public for inspection.

#### **Section 7-4: Finance Committee Action.**

The ~~board of selectmen~~ **select board** shall submit the operating budget and the capital improvement ~~program plan~~ **improvement** budget to the finance committee by a date fixed by by-law. The finance committee, upon receipt of the operating and capital improvement ~~program plan~~ **improvement** budget from the ~~board of selectmen~~ **select board**, shall consider in public meetings the detailed expenditures for each town department and agency and shall conduct ~~±~~ **one** or more public hearings on the proposed operating and capital **improvement** budgets, including the school budget. The finance committee shall issue its recommendations in a detailed written report, which shall include the fiscal and tax implications of the proposed budget, a statement outlining its support or opposition to the proposed budget or any sections thereof and its vote, by roll call, on all warrant articles.

The finance committee shall make copies of its report available to the voters in the town hall and the public library at least ~~21-20~~ days before the scheduled date of the town meeting. The report shall be prepared in sufficient time to be incorporated into the annual town meeting voter handbook.

The finance committee may request the town administrator to provide necessary information from any town agency and the town administrator shall promptly respond to such requests. The office of the town administrator shall provide staff support to the finance committee in issuing its recommendations on the operating budget and capital improvement ~~program budget~~. The budget to be acted upon by the town meeting shall be the budget approved by the ~~board of selectmen~~ **select board**.

#### **Section 7-5: Approval of Warrants for Payment.**

Warrants for payments of town funds, authorized and prepared by the town accountant, shall be submitted to the town administrator for approval. The approval of any such warrant by the town administrator shall be sufficient authority to authorize payment by the town treasurer.

### **Article 8**

#### **General Provisions.**

#### **Section 8-1: Charter Changes.**

(a) This charter may be replaced, revised or amended in accordance with the procedures made available by article LXXXIX of the amendments to the Constitution of the Commonwealth and any legislation enacted to implement said article LXXXIX.

(b) At least once every ~~5~~ **five** years a special committee shall be appointed by the ~~board of selectmen~~ **select board** to review the charter and 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. **The select board may extend time to the charter review committee by majority vote to meet the duties and responsibilities of article LXXXIX enacted to implement said article LXXXIX.**

#### **Section 8-2: Severability.**

The provisions of this charter shall be severable. If any provision of the charter is held to be invalid the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held to be invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

#### **Section 8-3: Specific Provisions Prevail.**

To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

#### **Section 8-4: References to General Laws.**

All references to General Laws contained in the charter refer to the General Laws of the commonwealth.

#### **Section 8-5: Elections.**

The election of town ~~officers~~ **officials** and referendum questions shall be acted upon and determined by voters on official ballots, without party designation, on the date fixed in the by-laws of the town.

All elections conducted pursuant to this charter shall be conducted in accordance with the election laws of the commonwealth.

#### **Section 8-6: Procedures for ~~Multiple Member Bodies~~ Governmental Bodies.**

(a) All ~~multiple member bodies~~ **governmental 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 a ~~multiple member body~~ **governmental body** shall be held at 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 laws. The meetings of a multiple member body shall be open to the public and the press, except as may otherwise be authorized by law.

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

(c) Each ~~multiple member body~~ **governmental body** shall provide for the keeping of the minutes of its proceedings. **The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. A "timely manner" is considered to be within the next three public body meetings or 30 days from the date of the meeting, whichever is later, unless the public body can show good cause for further delay.** The minutes shall be a public record and a copy of the minutes shall be filed with the office of the town clerk, **once approved by the governmental body as outlined above.**

(d) Meetings of the ~~board of selectmen~~ **select board**, the school committee, the board of health and the planning board shall, if possible, be televised, **recorded, livestreamed or broadcasted** on the local cable channel or ~~streamed~~ **recorded and posted** on the town's website. The town shall choose the most effective method but technical difficulties with equipment shall not cause a meeting to be postponed.

#### **Section 8-7: Computation of Time.**

In computing times under this charter, ~~if 7 days or less, only business days shall be counted. If computing more than 7 days, every day shall be counted~~ **"days" will be defined as calendar days unless otherwise specified.**

#### **Section 8-8: Number and Gender.**

~~Words importing the singular number may extend and be applied to several persons or things. Words importing the plural number may include the singular and words importing the masculine gender shall include the feminine gender.~~

#### **Section 8-9: Definitions.**

For the purposes of this charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Charter", this charter and any amendments to it made through any of the methods provided under Article LXXXIX of the amendments to the Constitution of the Commonwealth.

"Goal", the desired outcome of a policy, program or other action.

**"Governmental Body", means any federal, state, local, municipal or other government; any governmental, regulatory or administrative agency, commission or other authority lawfully exercising or entitled to exercise any administrative, executive, judicial, legislative, police, regulatory or taxing authority or power; and any court or governmental tribunal.**

**"Gender Neutrality", any reference to gender in this charter shall be construed as meaning any person, people, individual or individuals.**

"Library", the Jonathan Bourne **public** library and any branch thereof that may be established.

**" Local Comprehensive Plan", is an important planning tool used to guide the growth and direction of the town while balancing a wide variety of needs, including economic growth, protection of environmental resources, quality of life and community character.**

"Local newspaper", a newspaper of general circulation within the town.

"Majority vote", as to a town meeting, a majority of those present and voting; as to a multiple member body, the affirmative vote of a majority of all members present and voting shall be necessary to adopt any motion, order, appointment or approval or disapproval or to take any action not entirely procedural in nature, unless otherwise provided by law.

~~"Multiple member body", a board, commission or committee consisting of 2 or more persons, whether elected or appointed.~~

“Policy”, a statement of a preferred practice

**“Strategic Plan”, the long-term vision, goals and objectives for the town of Bourne codified in a document accepted by the select board.**

“Town”, the town of Bourne.

“Town agency”, a board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.

“Town meeting”, the town meeting of the town of Bourne established in article 2.

“Town ~~officer~~ **official**”, an elected or appointed official of the town who, in the performance of that person’s official duties, exercises some portion of the sovereign power of the town, whether great or small; provided, however, that a person may be a town official whether or not that person receives compensation for his services.

“Voter handbook”, the voter handbook established in subsection (c) of section 2-5 and referenced in section 7-4.

“Voters”, the registered voters of the town.

#### **Section 8-10: Rules and Regulations.**

A copy of any rules and regulations adopted by a town agency shall be filed in the office of the town clerk and made available for review by any person who requests such information.

### **Article 9**

#### **Recall Provisions.**

##### **Section 9-1: Application.**

Any person who holds elective office in the town of Bourne may be recalled therefrom by the registered voters of the town in the manner provided herein.

##### **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 for recall. Within 10 working days thereafter, the town clerk shall deliver to any ~~1~~ **one** or more of the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. The blanks shall be issued by the town clerk, with the town clerk’s signature and official seal attached thereto. The blanks shall be dated and addressed to the ~~board of selectmen~~ **select board** shall contain the name of the elected official sought to be recalled, the office from which recall is sought and the grounds for recall as stated in the affidavit and shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 45 days after its issuance. The petition, before being returned and filed with the town clerk, shall be 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, including the street and number, if any. The town clerk shall, within ~~5~~ **five** 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.

### **Section 9-3: Recall Election.**

If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit it with the town clerk's certification to the ~~board of selectmen~~ **select board** without delay. ~~The board of selectmen~~ **select board** shall forthwith give written notice of receipt of the certificate to the official sought to be recalled. If the official does not resign within ~~5~~ **five** calendar days after receipt of the written notice, the ~~board of selectmen~~ **select board** shall order a recall election to be held on a date fixed by the board which shall be not less than 60 and not more than 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 120 days after the date of the certificate, the ~~board of selectmen~~ **select board** may, at its discretion, postpone the holding of the recall election to the date of the other town election. If a vacancy occurs in the office after a recall election has been ordered by the ~~board of selectmen~~ **select board**, the election shall proceed as provided in this section.

### **Section 9-4: Nomination of Candidates.**

Any ~~officer~~ **official** whose recall is sought may be a candidate ~~to succeed himself~~ **for re-election to the same office**, and, unless ~~he~~ **the individual** requests otherwise in writing, the town clerk shall place that ~~officer's~~ **official's** name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the General Laws related to town elections unless otherwise provided in this article.

### **Section 9-5: Incumbent Status.**

The incumbent shall continue to perform the duties of the office until the recall election. If the official is not recalled, the official shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in section 9-7. If the official is recalled, the official shall be deemed removed upon the qualification of the successor, who shall serve for the balance of the unexpired term of the official recalled. If the successor fails to qualify within ~~5~~ **five** working days after receiving notification of election, the incumbent shall thereupon be removed and the office vacant.

### **Section 9-6: Propositions on Ballot.**

Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of ~~officer~~ **official**)

Against the recall of (name of ~~officer~~ **official**)

Adjacent to each proposition there shall be a place to vote for either of the propositions. After the propositions shall appear the word "Candidates", the directions to voters required by section 42 of chapter 54 of the General Laws and, beneath this, the names of the candidates nominated as hereinbefore provided. If the elected official who is the subject of the recall petition is a candidate, that person's name shall be the first listed and all others shall be listed alphabetically. If the majority of the votes cast upon the question of recall is in the affirmative, the official shall be deemed to be recalled and the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes cast upon the question of recall is in the negative, the ballots for recall need not be counted.

**Section 9-7: Time Limitation.**

No recall petition shall be accepted by the town for filing against an elected official within ~~6~~ **six** months after that official takes office and no recall petition shall be accepted against an elected official who was subjected to a recall petition and not removed thereby until at least ~~6~~ **six** months after that recall election.

**Section 9-8: Limit on Recalled Official.**

No person who has been recalled from office or who has resigned from office while recall proceedings were pending against that person shall be elected or appointed to a town office within ~~1~~ **one** year after such recall or resignation.

**Article 10****Transitional Provisions.****Section 10-1: Continuation of Existing Laws.**

All General Laws, special laws, town by-laws, town meeting votes and rules and regulations of or pertaining to the town that are in force when this charter takes effect and not specifically repealed herein shall continue in full force and effect until amended or rescinded or until they expire by operation of law. Notwithstanding any general or special law to the contrary, if specific provisions of this charter conflict with any town by-laws, rules, regulations, orders, special acts and acceptances of General Laws, the charter provisions shall control.

**Section 10-2: Continuation of Government.**

Except as specifically provided in this charter, all town agencies shall continue in existence and all town employees and ~~officers~~ **officials** shall continue to perform their duties until successors to their respective positions are duly appointed or elected or their duties have been transferred.

**Section 10-3: Continuation of Personnel.**

Any person holding a town office or employment shall retain such office or employment and shall continue to perform the duties of that office or employment until provisions shall have been made in accordance with this charter for the performance of those duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit ~~his~~ **their** pay grade or time in service. Each such person shall be retained in a capacity as similar to ~~his~~ **their** former capacity as is practical.

**Section 10-4: Transfer of Records and Property.**

All records, property and equipment whatsoever of any agency or part thereof, the powers and duties of which are assigned in whole or in part to another agency, shall be transferred forthwith to such assigned agency.

**~~Section 10-5: Effective Date.~~**

**Article 11**  
**Charter Compliance Committee.**

There shall be a charter compliance committee to consist of ~~7~~ **seven** members who shall be appointed by the town moderator for ~~3-three~~ year overlapping terms, so arranged that the term of not more than ~~3 three~~ members shall expire each year. No appointee shall be a town employee or a member of an existing ~~board or committee~~ **governmental body** governed by the charter.

The committee shall take action only after receiving a written complaint, filed by ~~1~~ **one** or more voters of the town, alleging a violation of this charter by reason of an act or a failure to act by the town administrator, the ~~board of selectmen~~ **select board**, the school committee, the finance committee or a member of such ~~board or committee~~ **governmental body**.

The complaint shall state the specific section of this charter that is the subject of the violation, the individual, or ~~committee~~ **governmental body** 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, return receipt requested, a copy to each member of the committee.

Within ~~3 three~~ 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 to not dismiss the complaint, the chairman shall set a time and date for a hearing and mail notice of the hearing to the town clerk, the complainants and the individual, ~~board or committee~~ **or governmental body** named in the complaint. The town clerk shall post and publish the notice in a newspaper of general circulation for at least ~~7~~ **seven** days before the hearing date. The hearing shall occur within 60 days after the date on which 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 three~~ weeks after the hearing, the committee shall vote on whether there has been a violation of this charter as alleged in the complaint and shall mail a notice of its decision to the complainant, to the individual, ~~board or committee~~ **or governmental body** named in the complaint and to the town clerk. The town clerk shall post a copy of the decision at the town hall and on the town's website.

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. Nothing in this article shall limit the right to seek enforcement of this charter as otherwise provided by law.

SECTION 2. This act shall take effect upon its passage.

Charter Review Committee Amendments Approved, October 20, 2021.

## APPENDIX

- Article 1: Section 3 Division of Powers **Amended by Article 21, 2011 ATM**
- Article 2: Section 2-5 Initiation of Warrant Articles-subsection (a-3) **Amended by Article 22, 2011 ATM**  
Section 2-5 Initiation of Warrant Articles-subsections (b) and (c) **Amended by Article 21, 2011 ATM**  
Section 2-5 Initiation of Warrant Articles-subsections (b) and (c) **Amended by Article 29, 2016 ATM**
- Article 3: Section 3-1 Term of Office, Composition **Amended by Article 22, 2011 ATM**  
Section 3-3 Policy Role **Amended by Ch. 85, Acts 2007**  
Section 3-3 Policy Role **Amended by Article 22 2011 ATM**  
Section 3-3 Policy Role **Amended by Article 29 2016 ATM**  
Section 3-5 Appointing Powers **Amended by Article 29 2016 ATM**  
Section 3-6 Prohibitions **Amended by Ch. 85, Acts 2007**  
Section 3-6 Prohibitions **Amended by Article 22, 2011 ATM**  
Section 3-6 Prohibitions-subsections (a) (b) and (c) **Amended by Article 29, 2016 ATM**  
Section 3-8 Rules of Procedure **Amended by Ch. 85, Acts 2007**  
Section 3-8 Rules of Procedure **Amended by Article 22, 2011 ATM**
- Article 4: Section 4-1 Appointment, Qualification, Term **Amended by Ch. 85, Acts 2007**  
Section 4-1 Appointment; Qualification; Term **Amended by Article 21, 2011 ATM**  
Section 4-1 Appointment; Qualification; Term **Amended by Article 22, 2011 ATM**  
Section 4-1 Appointment; Qualification; Term **Amended by Article 29, 2016 ATM**  
Section 4-2 Relationship of the Town Administrator and the Board of Selectmen **Amended by Ch. 85, Acts 2007**  
Section 4-4 Temporary Absence **Amended by Ch. 85, Acts 2007**  
Section 4-4 Temporary Absence **Amended by Article 21, 2011 ATM**  
Section 4-4 Temporary Absence **Amended by Article 29, 2016 ATM**  
Section 4-6 (b) Powers and Duties **Amended by Ch. 85, Acts 2007**  
Section 4-6 Powers and Duties-subsections (b) **Amended by Article 21, 2011 ATM**  
Section 4-6 (c) Stricken **Amended by Ch. 85, Acts 2007**  
Section 4-6 Powers and Duties **Amended by Article 22, 2011 ATM**  
Section 4-6 Powers and Duties-subsections (c) (f) and (m) **Amended by Article 29, 2016 ATM**
- Article 5: Section 5-1 Table of Organization **Amended by Article 29, 2016 ATM**  
Section 5-2 Organization of Town Government **Amended by Ch. 85, Acts 2007**  
Section 5-2 Organization of Town Government **Amended by Article 21, 2011 ATM**  
Section 5-3 Public Hearing and Effective Date **Amended by Article 21, 2011 ATM**  
Section 5-4 Department of Public Works-subsection (b) **Amended by Article 21, 2011 ATM**  
Section 5-5 Department of Integrated Solid Waste Management-subsection (c) **Amended by Article 21, 2011 ATM**  
Section 5-6 Department of Finance (a) 11 **Amended by Ch. 85, Acts 2007**  
Section 5-6 Department of Finance (b) 3 **Amended by Ch. 85, Acts 2007**  
Section 5-6 Department of Finance-subsections (b) through (f) **Amended by Article 21, 2011 ATM**

Section 5-7 Police Department **New Section Added by Article 29, 2016**  
Section 5-7 Fire Department **New Section Added by Article 29, 2016**

Article 6: Section 6-4 Constable **Amended by Article 21, 2011 ATM**  
Section 6-8 Housing Authority **Amended by Article 29, 2016 ATM**

Article 7: Section 7-2 Capital Improvement Program and Capital Budget **Amended by Article 21, 2011 ATM**  
Section 7-3 Long Term Financial Forecast **Amended by Article 29, 2016**

Article 8: Section 8-1 Charter Changes-subsection (b) **Amended by Article 21, 2011 ATM**  
Section 8-6 Procedures for Multiple Member Bodies **Amended by Article 22, 2011 ATM**  
Section 8-6 Procedures for Multiple Member Bodies **Amended by Article 29, 2016 ATM**  
Section 8-7 Computation of Time **Amended by Article 21, 2011 ATM**  
Section 8-9 Definitions-subsection (g) **Amended by Article 21, 2011 ATM**  
Section 8-9 Definitions **Amended by Article 29, 2016 ATM**

Article 9: Section 9-2 Recall Petition **Amended by Ch. 85, Acts 2007**  
Section 9-2 Recall Petition **Amended by Article 21, 2011 ATM**  
Section 9-3 Recall Election **Amended by Article 21, 2011 ATM**  
Section 9-5 Incumbent Status **Amended by Article 21, 2011 ATM**  
Section 9-8 Limit on Recalled Official **Amended by Article 21, 2011 ATM**

Article 10: Section 10-5 Effective Date **Amended by Article 21, 2011 ATM-**

Article 11: Charter Compliance Committee - New Article **Added by Ch. 85, Acts 2007**  
Article 11: Charter Compliance Committee **Amended by Article 21, 2011 ATM**  
Article 11: Charter Compliance Committee **Amended by Article 16, 2014 ATM**

**APPENDIX E**

**ARTICLE 13**

**POLICE BUDGET**

**SUPPORTING DOCUMENTATION**

### Lines with Supplemental Requests

Line #	Description	Amount
5230	Non-Energy - Water	\$ 700.00
5240	R&M Building and Grounds	\$ 11,750.00
5248	R&M Machine & Equipment	\$ 1,500.00
5275	Rentals - Misc Equip	\$ 1,000.00
5301	Services - Medical	\$ 10,000.00
5305	Services - Data Processing	\$ 34,540.00
5340	Communication - Telephone	\$ 7,520.00
5341	Communications - Postage	\$ 500.00
5420	Office Supplies - General	\$ 3,000.00
5431	Building Supply - Paint	\$ 500.00
5435	Bldg./Equip. Supp.-Other	\$ 1,500.00
5450	Custodial Supp. - Cleaning	\$ 1,000.00
5541	D.P. Supplies/Equip - P.C.	\$ 2,000.00
5485	Veh. Supp. - Reg, Inspections	\$ 105.00
5585	Other Supp. - Clothing Allow.	\$ 12,000.00
5710	In-State Travel	\$ 500.00

\$ 88,115.00

**Article 2 from the May 3, 2021 Annual Town Meeting**  
**FY 2022 Annual Town Budget**

**ARTICLE 2:** 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 Seventy One Million Seven Hundred Thirty Five Thousand Five Hundred Seventy Six Dollars (\$71,735,576) be hereby appropriated from the funding sources listed below to defray the expenses of the Municipal Town Departments in the chart entitled “These Amounts are to be Voted” as shown below for the fiscal year July 1, 2021 to June 30, 2022:**

**Funding Sources:**

Raise and Appropriate from the FY22 Tax Levy and other General Revenues from the Town	\$ 68,877,887
PL874 Grant Funds	200,000
Ambulance Fund	1,325,000
Conservation Commission Receipts Reserved for Appropriation	30,000
Community Preservation Fund Revenues for Debt Expense	651,735
Community Septic Management Program	19,485
Waterway Improvement Fund	140,000
Capital Stabilization for Debt Expense	491,469
Free Cash	-
<b>Total</b>	<b><u>\$ 71,735,576</u></b>

**These Amounts are to be Voted:**

General Government	\$ 4,086,334
Public Safety	11,062,385
Public Works	2,726,650
Health & Human Services	1,105,973
Culture & Recreation	1,007,466
Bourne Public Schools	24,251,247
Upper Cape Cod Regional Technical High School	3,274,672
Shared Costs	17,363,849
Debt Service	<u>6,857,000</u>
<b>Total</b>	<b><u>\$ 71,735,576</u></b>

***Finance Committee Explanation and Recommendation:***

***This is the annual Article funding the Operating Budget of the Town and Bourne Schools. The estimated General Fund Revenues available for the operating budget increased 1.87%.***

***The proposed budget:***

- ***represents a 1.53% increase over the current FY21 operating budget;***
- ***eliminates the use of Free Cash as a revenue for the operating budget;***
- ***includes funding for the re-establishment of the Human Resources and Facilities Director positions and reorganization of positions in the IT department and recreation to better serve the needs of the Town;***

- *utilizes \$491,469 from the Capital Stabilization Fund as a revenue for debt service.*

*The long-term plan based on the proposed budget is included in the Appendix of the Voter Handbook. Based on the revenues and expenditures projected in the long-term plan, the long-term plan shows that:*

- *Reserves will remain within policy for FY22; and*
- *Based on the proposed budget and current service levels, there should not be a need for an override for at least 5 years.*

*These projections could change if economic conditions change and the continued monitoring of the long-term plan is important.*

*The format of the budget motion proposes approval of expenses by category: General Government, Public Safety, Public Works, Health & Human Services, Culture & Recreation, Bourne Public Schools, Upper Cape Cod Regional Technical High School, Shared Costs and Debt Service. Within these categories the Town Administrator will have flexibility to make budget adjustments to meet the needs of the town departments.*

*More in-depth analysis of the operating budget is included in the Finance Committee report on page 3 in the Voter Handbook.*

*A YES or AYE vote in favor of the main motion will approve the operating budget funding and expenditures for Fiscal Year 2022 from July 1, 2021 – June 30, 2022.*

*A NO or NAY vote opposed to the main motion would mean there would be no approved operating budget and the Town could not function properly.*

***The Finance Committee voted unanimously (8-0-0) to recommend approval of this article with a YES or AYE vote in favor of the motion.***

***Board of Selectmen Recommendation:***

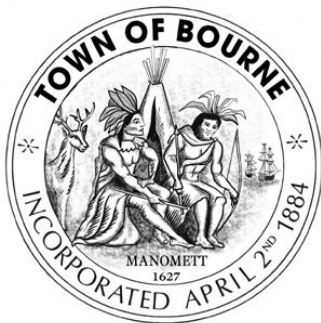
***The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.***

**APPENDIX F**

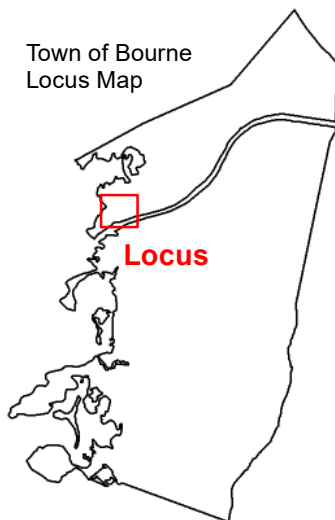
**ARTICLE 14**

**OLD POLICE STATION MAP**




Old Police Station  
175 Main Street  
Buzzards Bay, MA  
November 2021

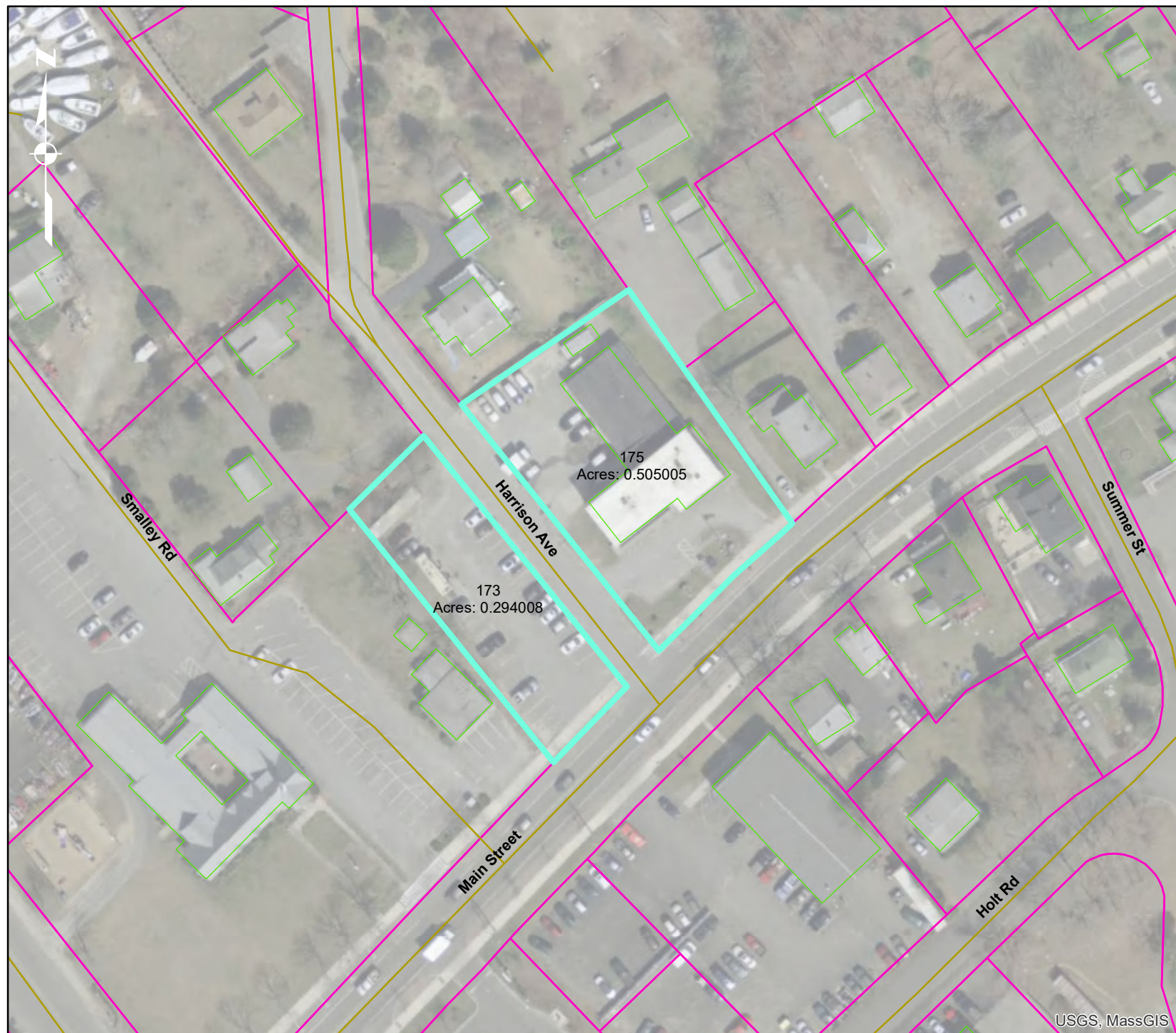


Town of Bourne  
Locus Map



### Legend

-  Old Police Station Parcels
-  rd5a\_centerlines
-  M036\_Parcels\_Level3\_update\_2019



0 50 100 200  
Feet

**APPENDIX G**

**ARTICLE 15**

**FALL TOWN MEETING**

**NOVEMBER 16, 2020**

**ARTICLE 6**

**Article 6 from the November 16, 2020 Fall Town Meeting**  
**ISWM**

**ARTICLE 6:** To see if the Town will vote to transfer from available funds from the Integrated Solid Waste Management (ISWM) Enterprise Fund retained earnings, a sum of money for the purpose of funding development, installation and operational costs associated with a Pilot Leachate Treatment System to be installed at the ISWM Facility, or take any action in relation thereto.

***Sponsor – Board of Selectmen***

**MOTION: We move that the Town vote to appropriate the sum of \$500,000 for the purpose of this Article and to meet this appropriation to transfer the sum of \$500,000 from the ISWM Enterprise Fund Retained Earnings.**

***Finance Committee Explanation and Recommendation:***

*This article will provide funding for the operational costs associated with a Pilot Leachate Treatment System at the ISWM Facility. Treatment and disposal of Leachate is important to the ISWM operation.*

***A YES or AYE vote in favor of the motion increases the ISWM budget to provide the funding needed for the Pilot Leachate Treatment in FY21.***

***A NO or NAY vote opposed to the motion would mean the FY21 ISWM budget would not be increased and additional funding for the program would not be available.***

**The Finance Committee voted unanimously (10-0-0) to recommend approval of this article with an “AYE” vote in favor of the motion.**

***Board of Selectmen Recommendation:***

**The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.**

**APPENDIX H**

ARTICLES 16 & 17

NEXTGRID PLAN  
AND  
POWERPOINT PRESENTATOIN

# SOLAR PHOTOVOLTAIC PARTNERSHIP OPPORTUNITY

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**Presentation to the  
Bourne Finance Committee  
On the NextGrid Proposal**

**November 1, 2021**

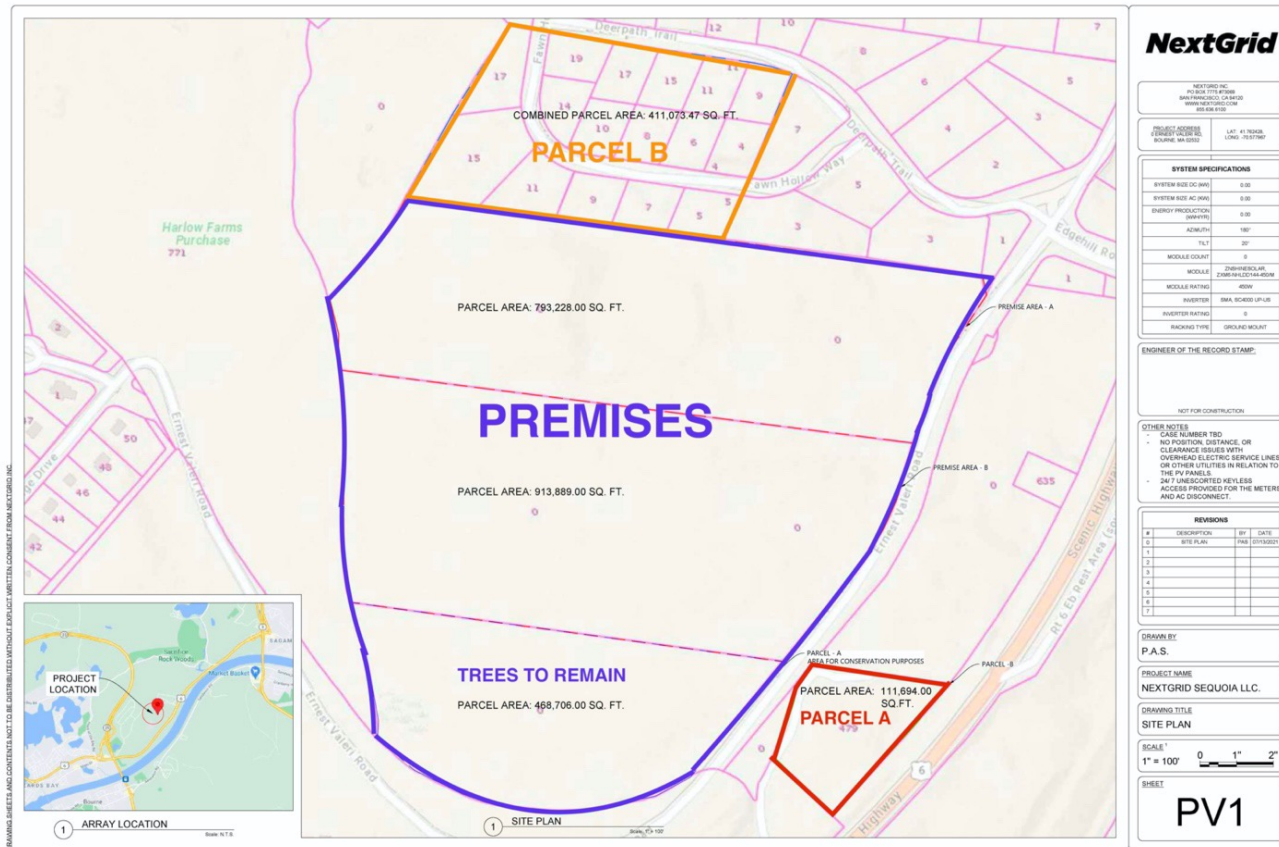


# Background

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- ❖ April 15, 2021, NextGrid offered the Town an opportunity to support a large-scale solar project through gifting of land to the Town. Certain reversionary provisions for the parcel sited with a solar array was included.
- ❖ June 29, 2021, Attorney Mead, Special Counsel to the Town, provided a draft agreement that did not include a reversion of land ownership since NextGrid and their Counsel had concerns that the Cape Cod Commission would view the reversion unfavorably.
- ❖ July 15, 2021, NextGrid agreed to the terms of the agreement.
- ❖ July 20, 2021, the Board of Selectmen unanimously approved the agreement and partially executed.
- ❖ July 25, 2021, NextGrid fully executed the agreement.
- ❖ August 1, 2021, NextGrid advised Beacon that the ownership of the parcel where the solar array is to be sited needed to include the reversion for financing reasons, and they were requesting that the Town amend the executed agreement.

# NextGrid Parcels



- ❖ Premises
  - ❑ ~50-acre parcel with ~39 acres for solar array
- ❖ Parcel A
  - ❑ ~3 acres for Municipal Use
- ❖ Parcel B
  - ❑ ~9 acres for Conservation Restriction

# NextGrid Original Offer

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## ❖ Parcels:

- ❑ **Premises:** NextGrid to gift to the Town approximately 50 acres of land, located on 3 legal parcels on Earnest Valeri Road, Buzzards Bay.
- ❑ **Parcel A:** NextGrid to gift to the Town an approximate 3-acre parcel that abuts Route 6 for use by the Town as desired.
- ❑ **Parcel B:** NextGrid to gift to the Town several additional parcels of approximately 9 acres to be placed under a conservation restriction in exchange for the open space used for the Solar Array.

## ❖ Agreements:

- ❑ **Premises:** NextGrid and Town execute long-term lease agreement for 25 years (with extensions if desired) for the exclusive purpose for NextGrid to design, build, own, operate and maintain a solar array.
- ❑ **All Parcels:** NextGrid gifts the land to the Town.



# NextGrid Original Financial Offer

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## ❖ Parcels:

- ❑ **All Parcels:** NextGrid gifts the land to the Town.

## ❖ Financial Offer:

### ❑ **Lease Payments:**

- **Annual:** \$75,250
- **Over 25 Years:** \$1,881,250

### ❑ **PILOT Payments:**

- **Annual:** \$160,000
- **Over 25 Years:** \$4,000,000

### ❑ **One-time Bonus Payment:**

- \$500,000 at Commercial Operations

# NextGrid Revised Financial Offer

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## ❖ **Parcels:**

- ❑ **Premises:** NextGrid to gift to the Town the approximately 50 acres of land and amend the Agreement to include an option to exercise a reversionary interest on the earlier of 26 years or upon decommissioning of the system.
- ❑ **Parcels A and B:** Eliminate entirely

## ❖ **Financial Offer:**

- ❑ **Lease Payments:** Annual: \$75,250; Over 25 Years: \$1,881,250
- ❑ **PILOT Payments:** Annual: \$160,000; Over 25 Years: \$4,000,000
- ❑ **Reversionary Option Payment\*:** \$2,780,000
- ❑ **Bonus Payment:** \$500,000 at Commercial Operations
- ❑ **Additional Bonus Payment:** An additional \$500,000 payment at Commercial Operations to eliminate Parcels A and B
- ❑ **Transaction Cost:** Payment of \$15,000

*\* Note: Reversionary Payment is made if NextGrid exercises the reversion option. If they do not, NextGrid decommissions the solar array and the land remains the property of the Town.*

# Financial Summary

NEXTGRID OPPORTUNITY	ORIGINAL OFFER	REVISED OFFER
Number of Parcel Areas	3	1
Reversion of Premises	No	Yes
Compensation for Reversion	No	Yes
Annual Lease Payment	Yes	Yes
Annual PILOT Payment	Yes	Yes
Bonus Payment at Commercial Operations	Yes	Yes
Additional Bonus Payment at Commercial Operations	No	Yes
Transaction Cost Payment	No	Yes

FINANCIAL OFFER	ORIGINAL OFFER	REVISED OFFER
	<b>ANNUAL PAYMENTS</b>	
Annual Lease Payment	\$75,250	\$75,250
Annual PILOT Payment	\$160,000	\$160,000
<b>TOTAL ANNUAL PAYMENTS</b>	<b>\$235,250</b>	<b>\$235,250</b>
	<b>ONE-TIME PAYMENTS</b>	
Reversionary Payment in Year 26	\$0	\$2,780,000
Bonus Payment at Commercial Operations	\$500,000	\$500,000
Additional Bonus Payment at Commercial Operations	\$0	\$500,000
Transaction Cost Payment	\$0	\$15,000
<b>TOTAL ONE-TIME PAYMENTS</b>	<b>\$500,000</b>	<b>\$3,795,000</b>
<b>TOTAL TERM REVENUE INCLUDING REVERSION PAYMENT</b>	<b>\$6,381,250</b>	<b>\$9,676,250</b>



# Next Steps

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## ❖ Special Legislation:

- ❑ Seek support from Senator Moran and Representative Vieira for special legislation for a Home Rule Petition.
  - The initial conversation with Representative Vieira was received favorably.
- ❑ Pursue special legislation once NextGrid obtains all of its permits (State, Regional and Local), receives a SMART Program Preliminary Statement of Qualifications (Commonwealth's solar incentive program) and executes an interconnection services agreement with Eversource.

# Thank You!

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## **APPENDIX I**

### **BOURNE RULE**

**Special Town Meeting  
November 15, 2021**

**RESOLUTION – BOURNE RULE**

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

**RESOLUTION:** Be It Resolved that, at the commencement of this special town meeting, the Moderator shall ask the Finance Committee and the Board of Selectmen to certify whether or not the total of all Finance Committee funding recommendations on all matters to be voted at the November 15, 2021 special town meeting, and contained in the warrant for this special town meeting if voted are equal to the maximum property tax levy limit for the Town of Bourne established by law for FY 2022. If the answer is in the negative, the Finance Committee and the Board of Selectmen shall certify the dollar amount which exceeds the Finance Committee dollar recommendations on all of the articles in the warrant, but is less than the maximum tax levy limit, which certified dollar amount shall be available for appropriation by this special town meeting. If the answer is in the affirmative, then during this special town meeting any motion to raise and appropriate funds in order to increase any appropriation recommended by the Finance Committee must state an equal dollar reduction in another recommended appropriation or appropriations. A recommendation of indefinite postponement by the Finance Committee shall be construed as a zero dollar funding recommendation.

Respectfully submitted,

BOARD OF SELECTMEN