

Select Board Meeting Notice AGENDA



Date

October 10, 2023

Time

7:00 PM

Location

Bourne Veterans' Community Building
239 Main St., Buzzards Bay
Or virtually (see information below)

The Zoom chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute. Note this meeting is being televised, streamed or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line:
1-929-205-6099

Zoom Meeting ID: 869 5775 5505

Password: BOURNE

All items within the meeting agenda are subject to deliberation and vote(s) by the Select Board.

7:00 PM Call Public Session to Order in Open Session

1. Moment of Silence to recognize our troops and our public safety personnel
2. Salute to the flag
3. Reading of the Vision and Mission Statements
4. Public comments on non-agenda items - Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).
5. Consent Agenda
 - a. Sandwich-Bourne Lions Club Rabies Clinic at Buzzards Bay Fire Station 4/6/24 and 4/20/24
 - b. Homeless for the Holidays event request – 11/4 and 12/6/23.
6. Review draft letter to Verizon as prepared by CITAC
7. Town Meeting Article 7: capital
 - a. request from DPW – sander for Truck #2
 - b. updated budget for building access controls
8. Town Meeting Voter Handbook
 - a. Discuss Town Counsel opinions on various articles and contingencies
 - b. Article 8 – CPA
 - c. Article 10 – Funding of Firefighter Reinstatement
 - d. Article 15 – Private Petition – Bylaw – repeal prohibition on Marijuana establishments
 - e. Article 13 – Zoning Bylaw amendment – Marijuana Overlay District (MOD)
 - f. Article 14 – Private Petition – Zoning Bylaw amendment – Prohibit Marijuana Establishments
 - g. Article 1 – Reports of Committees
 - h. Article 2 – Unpaid Bills
 - i. Article 3 – Amend FY24 Operating Budget

TOWN CLERK BOURNE

2023 OCT -5 PM 3:28

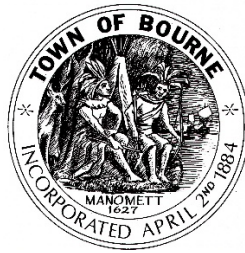
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- j. Article 4 – Amend FY24 Sewer Operating Budget
 - k. Article 5 – OPEB Funding
 - l. Article 6 – Capital Stabilization Funding
 - m. Article 7 – FY24 Capital Budget Phase 2
 - n. Article 9 – Community Engagements Funding
 - o. Article 11 – Bylaw amendment – reduce Finance Committee membership
 - p. Article 12 – Zoning Bylaw amendment – Wetland definition
 - q. Discuss contingent and essential articles
 - r. Discuss Article Assignments
 - s. Discuss Handbook Comments
9. Policy
- a. 3rd reading – “Rules of Procedures”
10. Discussion: FY25 budget priorities
11. Discussion and possible vote to declare 108 ShoreTel IP phones as surplus.
12. Town Administrator’s Report
13. Minutes: 9/19 and 9/12/23
14. Future Agenda Items
15. Committee Reports
16. Correspondence
17. Next Meeting Dates: October 17
 October 24 @ 6:30 pm and 7 pm for BOSC
 November 6 (Town Meeting)
 November 14 – potential joint meeting (Fin Com, BPS, UCT)
 November 21 **or** 28

18. Adjourn

Reasonable accommodations for people with disabilities are available upon request. Please include a description of the accommodation you require, with as much detail as possible, and include a way we can contact you if we need more information. Please allow advance notice. Send an email to kthut@townofbourne.com or call the Town Administrator’s Office at 508-759-0600 x1503

TOWN OF BOURNE



Vision

Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.

Mission

Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

**Select Board
Minutes of Tuesday, October 10, 2023
Bourne Veterans' Community Center
Buzzards Bay, MA
Or Virtually**

TA Marlene McCollem (remote)
ATA Liz Hartsgrove

Select Board

Mary Jane Mastrangelo, Chair
Melissa Ferretti, Vice Chair
Anne-Marie Siroonian, Clerk
Peter Meier

Others: Matt Quinn, DPW, Tony, DPW, Bryan Bertram, Town Counsel (remote), Pam Mascetta, Dan Doucette (remote), George Seaver, Steve Strojny, Kevin Hough, and Coreen Moore.

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7:00 PM Call Public Session to Order in Open Session

Chair Mary Jane Mastrangelo said that the Select Board met in Executive Session prior to this meeting and in the meeting a vote was taken to approve a Memorandum of Agreement for dispatchers as presented. She said a vote was also taken to defer the action on minutes until the next available executive session.

1. Moment of Silence to recognize our Troops and our public safety personnel.

Chair Mastrangelo said she would also like to take a moment to recognize Lt. Phil Tura who is retiring after 38 years with the Fire Department.

2. Salute to the Flag.

Chair Mastrangelo said that Jared MacDonald is excused from this meeting.

3. Reading of the Vision and Mission Statements:

Vision: Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy

TOWN CLERK BOURNE

2023 DEC -4 AM 11:24

RECEIVED

that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to its citizens a healthy, active lifestyle.

Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable, and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

4. **Public Comment on Non-Agenda Items** – Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).

5. **Consent Agenda**

- a. **Sandwich-Bourne Lions Club Rabies Clinic at Buzzards Bay Fire Station 4/6/24 and 4/20/24.**
- b. **Homeless for the holidays event request – 11/4 and 12/6/23.**

Voted: Anne-Marie Siroonian moved, and Peter Meier seconded to approve the Consent Agenda as printed on October 10th, 2023.

Vote: 4-0-0.

6. **Review draft letter to Verizon as prepared by CITAC.**

John Frank from CITAC said that he is the primary drafter of the letter to Verizon. Mr. Frank said that several of their members have been approached by members of the community in response to some sign boards that were put up by Verizon in the Monument Beach and Gray Gables area and they are claiming that they will be installing full 100% fiber Fios broadband that would be available to residents and many questions have come up regarding this. This letter is trying to elicit a clear response to their schedule and their long-term plans.

Ane-Marie Siroonian said that this is also part of the charge of the committee. Melissa Ferretti said that this is very important, and she thanked the committee for their initiative. Chair Mastrangelo said if it is coming from the Select Board, that there is a cc to the CITAC Committee. The point of contact for a response should be the Chair of the Select Board.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to approve the Verizon letter as amended.

Vote: 4-0-0.

7. **Town Meeting Article 7: capital.**

- a. **Request from DPW – sander for Truck #2.**

Matt Quinn, Operations Manager, DPW, said that this request is for truck 2, a 6-wheeler truck, due to the body rotting out. He said that they received 3 different estimates. The estimate that he and the Fleet Vehicle Maintenance Manager, Tony, have decided to go with is to replace the body

and install a stainless-steel permanent mount sander. He said that this could make this truck last another 5 to 10 years. The truck has 32,000 miles on it and 3100 hours on it.

b. Updated budget for building access controls.

Town Administrator Marlene McCollem said that they prepared the Capital Outlay request form based on preliminary cost estimates, and they have now received a quote from Signet, which is the company that would be doing the installation. She said that they are in the process of putting this project together and since it would be tied into the Police Station, after talking to the Police Chief, he identified additional doors that need to be included at the Police Station. She said that this has broadened the scope by including two doors with cameras and they will be updating the number based on the quote provided. The budget requested for this project is \$182,000.

8. Town Meeting Voter Handbook

a. Discuss Town Counsel opinions on various articles and contingencies.

Chair Mastrangelo noted that the town defended the general bylaw decision by Town meeting to ban non-medical marijuana establishments. The appeals went to the Massachusetts Supreme Court and the court decided for the town, that under the Charter, the Town of Bourne had the right to ban non-medical marijuana establishments based on a general bylaw ban and no zoning bylaw ban was required.

Regarding Article 13, Chair Mastrangelo said that the Planning Board has proposed a zoning bylaw for a marijuana overlay district to be voted in case there is a future repeal of the general bylaw ban on marijuana establishments. She asked Bryan Bertram, Town Counsel, if the general bylaw is not repealed and the zoning bylaw is approved, which bylaw would be the controlling bylaw, and whether the approval of a zoning bylaw while the general bylaw is in place would create a potential for another legal challenge.

Mr. Bertram said that yes, it would probably create the potential for a legal challenge, because he is not sure if that situation has ever arisen in the past. He said it would first have to be approved by the MLU (Municipal Law Unit) and they would probably give their opinion on that. He said that in his opinion if the general bylaw provision was not repealed, even if the town enacted the zoning bylaw, he thinks that marijuana would remain prohibited in the town. He said that general bylaws and zoning bylaws regulate different things.

Mr. Bertram said that if Town Meeting were to not repeal the general bylaw and were to enact the zoning bylaw, then the two things would have to be sorted out to see if they can coexist. He said that Town Meeting could enact a zoning bylaw for a potential future repeal of the general bylaw. He said that in terms of sequencing, it makes sense to go with the general bylaw repeal article first and see what Town meeting does with that because if Town Meeting doesn't repeal the general bylaw, they might not want to take any action on anything else.

Chair Mastrangelo asked about making certain articles contingent on others. She asked if they say that they are contingent is it a matter of sequence or a matter of approval. He said that they're

contingent as to timing and he thinks that they can all be independently considered, and he thinks it's best to make contingent as to timing.

Chair Mastrangelo said that the Select Board needs to really think about their recommendations on these articles. She said the scenarios need to be clearly laid out. She said in the Spring that the Select Board took a position that if the repeal failed, they recommended indefinite postponement of the zoning. There was discussion about the different scenarios.

Chair Mastrangelo asked Mr. Bertram to speak about Article 14 and whether this article is in the proper form for adoption as a zoning bylaw, if it's enforceable, and if there are any concerns about the wording. Mr. Bertram said that as the article was written, it doesn't specify where in the zoning bylaws that they are going to insert this provision, so any motion would have to specify that. He said that the title is potentially confusing, and he wouldn't have an issue with it being amended at Town Meeting. He said that the text of the bylaw is sufficiently clear as to what it is trying to accomplish.

Chair Mastrangelo said that at last week's meeting she asked the private petitioner to give an example of a town that has used this motion before. She has not received that information yet.

Pam Mascetta of Buzzards Bay said that she is speaking as an independent concerned citizen. She said that she has copies of the zoning bylaws from Westboro, and she said she was a little confused on the wording of the private petition also. She said that Westboro has a ban on marijuana also, and their bylaw was approved by the Attorney General.

Chair Mastrangelo said that they do need motions from both petitioners, and some clarification on the text of Article 14. There was more discussion on the position the Select Board should have on the zoning articles if the ban is not repealed and about the confusion of the lottery system. The Select Board talked about the various scenarios if one or more of articles 13,14 and 15 passed. There was also discussion about host community agreements. Mr. Bertram said he would summarize the answers to the Select Board's questions from this meeting in a memo. Dan Doucette, Planning Board Chair, added that if the ban gets lifted and neither zoning is adopted, then it's general retail.

George Seaver of Cataumet said that he belongs to various groups such as the Alliance and Opt-Out. Mr. Seaver said that he gets the impression, at least by the Planning Board, and maybe the Select Board from what they discussed a week ago, that many of them are in favor of marijuana. He wanted the Select Board to know about how marijuana has affected people in this area in the last year. He said that there seems to be a lack of awareness about the marijuana consequences, and he would like to invite a woman from New Bedford to speak in front of the Board about losing her son through fentanyl in marijuana that he got from a friend.

Steve Strojny said that a private petition can call for a Special Town Meeting with 200 signatures and the way that state law works on that is that the meeting would have to be held within 45 days. His concern is if they don't have zoning regs. in place, then the Planning Board isn't going to be able to do everything that they need to do in those 45 days. He said that once a ban is repealed, then whatever zoning bylaws are in place, are grandfathered in. He also said that the private petition that is now a zoning bylaw is a general bylaw dressed up as a zoning bylaw. He said that it is procedurally defective. Mr. Strojny also said that this Saturday, the Bourne Town Library is hosting a seminar on how to grow your own marijuana at home.

Chair Mastrangelo asked Mr. Bertram to speak on Article 8 about the sustainability in using volunteers to maintain the proposed project with some recognition and the idea that adopt a field has been denied in the past in Bourne when an advertisement of the donor was deemed to be promotion of a private interest on public property. She had many questions, and one was what policies and procedures the town needs to have in place for volunteers to provide services. Mr. Bertram said that this should be another written opinion because it is a lot, and his firm will take a technical look at the questions and get it in written form.

Chair Mastrangelo said that they would not take votes on the articles tonight because Mr. MacDonald is excused, but she wanted thoughts on each of the articles from the Board.

b. Article 8 – CPA.

The whole Board is in support of both motions.

c. Article 10 – Funding of Firefighter Reinstatement.

Ms. McCollem said that this article is still going forward, and they have received Fit for Duty exams back today, and they will be discussing the case internally tomorrow. She said they will have a motion next week.

d. Article 15 – Private Petition – Bylaw – repeal prohibition on Marijuana Establishments.

Ms. Ferretti said that she is in support of this article. Ms. Siroonian said she is against the repeal, and it is a moral dilemma for a lot of people, and she struggles morally with the drug industry, and she said that if they repeal the ban are they increasing the probability of exposure to this way of life to the younger population. There was some discussion about the fees the town would receive. Ms. Siroonian said that the community needs to be educated on the revenue amount for the town.

Kevin Hough said that most stores are making about 10 to 15 million dollars a year. He also said that when you say something about the children then you are basically saying that the communities of Sandwich, Mashpee, Wareham, and Plymouth do not care about their children. He said that in the past 5 years that these establishments have been open, there has not been one instance that a child has purchased anything from a dispensary. He said that when people say they are doing it for the children, they are using it as a vehicle that people want to use to impress upon their morals onto others. He said that what this comes down to is that it is a freedom of choice, and people should have the freedom to purchase if they want to.

Peter Meier said that he leans towards supporting Article 15 basically because of the reasons that Kevin Hough just stated at the podium. He said that it is a personal choice. He compared this to liquor stores and said if you don't want to buy liquor, then you don't buy it. Ms. Ferretti said that she agrees with what Kevin Hough said also. She also said that having marijuana establishments puts the drug dealers out of business, and the establishments are regulated. She also said that a lot of people that have changed their minds are people that use marijuana for medical reasons.

Chair Mastrangelo said that she has not made up her mind yet, she said that her decision is a freedom of choice decision and if she were not on the Select Board, she would vote for marijuana

establishments, but being on the Board it gives her pause on whether it is in the best interest of the town. If Article 15 passes, then Chair Mastrangelo recommends Article 14 be defeated. She added that if Article 15 fails and the ban is upheld, then she would be inclined to indefinitely postpone Article 13.

Ms. Ferretti said that she thinks Article 13 is a good idea, even if Article 15 fails because then zoning will be in place. She said that she is not in support of Article 14 with the way it is written, either way. There was more discussion of these 3 articles, and it was decided that if Article 15 fails, and the ban is upheld, then the Select Board would still recommend Article 13 with a special language motion for the future.

Ms. Mascetta said that she has talked to various marijuana establishments, and they have indicated that the tax revenue is going down, and the sales are being spread further as more establishments open.

Coreen Moore, Sagamore, said that regarding Article 14, every town's bylaws are set up differently. She said that the motion may become very convoluted because it may be ok in one spot, but it conflicts in another spot. She said that the Board should be cautious adopting another town's bylaw.

- e. **Article 13 – Zoning Bylaw amendment – Marijuana Overlay District (MOD).**
- f. **Article 14 – Private Petition – Zoning Bylaw Amendment – Prohibiting Marijuana Establishments.**
- g. **Article 1 – Reports of Committees.**
- h. **Article 2 – Unpaid Bills.**
- i. **Article 3 – Amend FY24 Operating Budget.**

Chair Mastrangelo said that the only item to be amended in the FY24 Operating Budget is \$50,000. for dispatchers.

- j. **Article 4 – Amend FY24 Sewer Operating Budget.**
- k. **Article 5 – OPEB Funding.**
- l. **Article 6 – Capital Stabilization Funding.**
- m. **Article 7 – FY24 Capital Budget Phase 2.**
- n. **Article 9 – Community Engagements Funding.**

Chair Mastrangelo said that the Board should receive some type of report from this group on how they are going to evaluate things in the future.

- o. **Article 11 – Bylaw amendment - reduce Finance Committee membership.**
- p. **Article 12 – Zoning Bylaw amendment – Wetland definition.**
- q. **Discuss contingent and essential articles.**

Chair Mastrangelo said that the Town Administrator has recommended Articles 2, 3, 4, 7 & 10. as essential articles.

Voted: Peter Meier moved, and Melissa Ferretti seconded to designate Articles 2, 3, 4, 7 & 10 as essential articles for the November 6th, 2023, Special Town Meeting.

Vote: 4-0-0.

Voted: Anne-Marie Siroonian moved, and Peter Meier seconded to make Articles 13 and 14 be contingent on Article 15 being voted first.

Vote: 4-0-0.

r. Discuss Article Assignments.

Chair Mastrangelo said that Mr. Meier would like to present Articles 6, 8 and 10. There was discussion about who would be assigned to the other articles. Chair Mastrangelo said that explanations in the book would be very helpful.

s. Discuss Handbook Comments.

9. Policy

a. 3rd reading – “Rules of Procedures”.

Mr. Meier suggested that they move it forward as adopted if nobody has any suggested changes. Chair Mastrangelo went through some of the changes that they made before this meeting. The Select Board decided to switch out the acceptance of minutes with the Town Administrator’s report on the draft regarding agendas.

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to approve the “Rules of Procedure “ as amended.

Vote: 4-0-0.

10. Discussion: FY25 budget priorities.

Mr. Meier said that if there is any way in this proposed budget that they can figure out a way to keep the Community Building open 7 days a week, for public use, it would be a good thing for the youth of the town. Ms. Hartsgrrove said that she has been assisting the Recreation Committee with their needs assessment. She said that the draft is slated for their review at their next meeting on October 25th. She said that a final draft will be presented to the Select Board and the public on November 14th, where it will be opened for public comment.

Chair Mastrangelo said that the needs of DPW will need to be addressed.

11. Discussion and possible vote to declare 108 ShoreTel IP phones as surplus.

Voted: Peter Meier moved, and Melissa Ferretti seconded to declare 108 ShoreTel IP phones as surplus.

Ms. McCollem said that they just finished a phone upgrade, and the town is now fully 911 compliant, and all extensions have been migrated to the new system.

Vote: 4-0-0.

12. Town Administrator's Report

Ms. McCollem gave an update on ISWM's food diversion program. She said that they are working with the 3 Bourne public schools on the south side of the bridges and the accumulated total of tons diverted in 2023 is 8.5., which compares to 1.16 tons at the same time last year.

13. Minutes: 9/19 and 9/12/23

Voted: Anne-Marie Siroonian moved, and Peter Meier seconded to approve the minutes of September 19th, 2023, as presented.

Vote: 4-0-0.

Voted: Anne-Marie Siroonian moved, and Melissa Ferretti seconded to approve the minutes of September 12th, 2023, as presented.

Vote: 3-0-1. Peter Meier abstained.

14. Future Agenda items

Chair Mastrangelo said that Joint Base Cape Cod will be at the meeting on the 17th. She said that they will vote on their recommendations next week.

15. Committee reports

Ms. Ferretti said that Human Right Advisory Commission of Barnstable put out a statement regarding hate.

16. Correspondence

Anne-Marie Siroonian read aloud the correspondence:

- DEP letter – Action Memo – PFAS Contaminated Residential Drinking Water
- DEP letter 0 EECA NTCRA for a PFAS Contaminated Drinking Water Supply Well
- Email from Bourne Enterprise reporter re: comments at 10/3 Select Board meeting.
- Joint Base Cape Cod – October public meetings
- Email from J. York re Bourne Rotary Improvements – PS&E Plans 07.19.23
- Cape Cod Commission – Sept. 2023 edition of the REPORTER
- Letter from P. Mascetta re: banning marijuana.
- Z. Commeau – Talent Bank – Conservation & Roadway Traffic Safety Committees.

These are all on the Town's website.

17. Next meeting date: October 17

October 18 – Moderator's meeting

October 24 @ 6:30 PM and 7 PM for BOSC

November 6 (Town Meeting)

November 14 – potential joint meeting (Fin Com, BPS, UCT)

November 21

18. Adjourn

Voted: Peter Meier moved, and Melissa Ferretti seconded to adjourn.

Vote: 4-0-0.

This meeting of the Bourne Select Board was adjourned at 9:12 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary

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EA-23-62

Use of Town Property Event Application

Status: Active

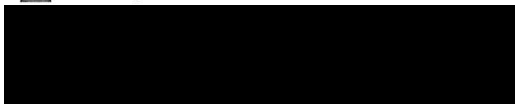
Submitted On: 9/30/2023


Primary Location

No location

Applicant

 Randy Lewis



 PO Box 197
Sandwich, MA 02563

Primary Contact Information

Name*

Randy Lewis

Business/Organization Name (if applicable)

Sandwich-Bourne Lions Club

Mailing Address*

PO Box 197, Sandwich, MA 02563

Cell Phone No.*



Email*



Event Information

Organization/Individual Hosting the event*

Sandwich-Bourne Lions Club

Type of Organization (LLC, non-profit)

non- profit service organization

Type of Event (i.e.
banquet/concert/fundraiser/party)*
Rabies Clinic where animals are
innoculated

Location of Event*
Buzzards Bay Fire Station

Date(s) of Event*
April 6 and 20 , 2024

Set up/Clean up Dates ?
April 6 and 20, 2024

Hours (start and end times)*
4/6 8am-3pm 4/20 8am-1pm

Estimated overall attendance*
4/6 100 4/20 60

of Staff/Volunteers*
5-7

Description of Event*
Dr. William Falll inoculates the animals after they pay their fee. The participants then
leave the facility.

Will your event impact traffic?*

No

Will you event impact parking?*

No

Is event open to the public?*

Yes

Will admission be charged?* ?

Yes

Will there be alcohol service/ on-premise
consumption?*

No

? Will there be food?*

No

Will there be vendors?*

No

Will a tent be used?*

No

Will you be holding a raffle?

No

Use of Electricity/generators?*

No

Are you providing portable toilets?*

No

Will you be placing a banner across Main Street?*

No

Hold Harmless Agreement

Signature*

✓ Randolph A. Lewis
Sep 30, 2023

Signature

Signature

✓ Randolph A. Lewis
Sep 30, 2023

Timeline

Label	Activated	Completed	Assignee	Due Date
✓ Application Content and Attachments	9/30/2023, 2:18:21 PM	10/3/2023, 4:25:31 PM	Maria Simone	-
✓ Police Department Comments	10/3/2023, 4:25:33 PM	10/4/2023, 10:16:30 AM	Theodore Economides	10/9/2023
✓ Fire Department Comments	10/3/2023, 4:25:33 PM	10/4/2023, 10:48:00 AM	David Pelonzi	-
✓ DPW Comments	10/3/2023, 4:25:33 PM	10/5/2023, 9:36:01 AM	Matthew Quinn	-

Label	Activated	Completed	Assignee	Due Date
✓ DNR	10/3/2023, 4:25:37 PM	10/3/2023, 4:33:27 PM	Christopher Southwood	-
✓ Town Administrator's Comments	10/5/2023, 9:36:02 AM	-	Maria Simone	-
✓ Select Board Vote	-	-	-	-
📄 Temporary Event Permit Issued	-	-	-	-

DRAFT

DRAFT

DRAFT

Ellen Cummings

Regional Director

Verizon

State Government Affairs

15 Chestnut Street

4th Floor

Worcester, MA 01609

3 October 2023

Dear Ms Cummings:

The Town of Bourne Select Board has recently learned that Verizon is intending to make FIOS residential fiber optic broadband services available in Gray Gables and Monument Beach. Monument Beach is one of the villages of Bourne that has been identified as having problematic broadband service. We very much welcome the addition of Verizon FIOS and believe broadband services delivered by direct fiber would help resolve some of the connectivity issues faced by our residents. In fact, members of our Cable, Internet & Telecommunications advisory committee have heard from several residents with questions we hope you can help us answer.

- 1) Does Verizon have an approximate timetable as to when they believe the installation of FIOS fiber residential services will begin in Gray Gables and Monument Beach?
- 2) Is Verizon planning on making FIOS available throughout the entire villages of Gray Gables and Monument Beach, or only selected areas.?
- 3) Are there any future plans to offer FIOS fiber to residential services to any other portions of Bourne that lie on the south side of the Cape Cod Canal?


Thank you very much for your assistance in this matter.

Town of Bourne Select Board

memo

Town of Bourne

To: Select Board

From: Marlene McCollem, Town Administrator 

CC: Finance Committee
Capital Outlay Committee
Erica Flemming, Finance Director

Date: October 6, 2023

Re: Capital Request – Access Controls – budget increase

In preparation for the November 6, 2023 Special Town Meeting, the Facilities Department prepared a cost estimate to upgrade the access controls at Town Hall, DPW, Community Building and Fire Station #3. The Town has now received the firm quote from the vendor and will request \$145,000 in funding for this portion of the work. The work at the above location will not include the installation of any cameras.

Additionally, while planning this project, we have determined that additional work should be performed at the Police Station. We respectfully request to add \$37,000 in scope to perform access control work at the Police Station at 2 additional doors. The Police Station scope will include the installation of cameras at 2 locations.

The total capital funding request is \$182,000 from Free Cash.

Thank you for your consideration.



Town of Bourne - Townwide extension of existing Police Access Control system

Town of Bourne
24 Perry Avenue
Bourne, MA 02532

PROPOSAL DATE: 10/3/2023
PROPOSAL #: 34983
PRESENTED TO: Sean Feeney

PRESENTED BY: Jason Bianco, VP, Mission Critical Solutions - Sales
(781) 883 6624|jason.bianco@signetgroup.net

SIGNET
90 Longwater Drive
Norwell, MA 02061

STATEMENT OF WORK

Town of Bourne Access Control Upgrades

The Town of Bourne has an existing Kantech access control system at several of their facilities that is no longer being properly maintained and serviced. The Town is happy with the Genetec Security Center system that SIGNET provided at their newly constructed Police Station and would like to utilize this Enterprise system as a building block to expand upon to create a Town-wide access control system.

SIGNET is pleased to propose an integrated electronic security system based upon the expansion of the existing Genetec Security Center at the Police Station. Genetec Security Center is a unified security platform that provides users with a "single pane of glass" to access each piece of their security system. Through Security Center, end users will be able to manage and monitor such functions as (including but not limited to) cardholders, access rules, schedules, alarms, live video and recorded video.

Town Hall

- There are (9) existing doors on the Kantech system that will be cutover to the Genetec system. SIGNET Solutions Architect confirmed that all existing cabling, card reader, door position switches and request to exit (REX) sensors are compatible and can be repurposed as part of this cutover.
- Add card reader access control to the following locations:
 - Exterior Basement Elevator
 - Exterior Basement Town Administration
 - Exterior Basement Generator
 - DNR
 - Exterior Administration
 - IT
 - Assessor's Office
 - Upstairs Employee
- Client to provide workstation and monitor for HR. SIGNET to provide USB credential enrollment reader and two-sided color badge printer.

Community Building

- There are (7) existing doors on the Kantech system that will be cutover to the Genetec system. SIGNET Solutions Architect confirmed that all existing cabling, card reader, door position switches and request to exit (REX) sensors are compatible and can be repurposed as part of this cutover.
- (1) existing lockdown button

Fire Department HQ

- There are (13) existing doors on the Kantech system that will be cutover to the Genetec system. SIGNET Solutions Architect confirmed that all existing cabling, card reader, door position switches and request to exit (REX) sensors are compatible and can be repurposed as part of this cutover.
- Replace apparatus bay side door strike

DPW

- There are (11) existing doors and (2) vehicle gates on the Kantech system that will be cutover to the Genetec system. SIGNET Solutions Architect confirmed that all existing cabling, card reader, door position switches and request to exit (REX) sensors are compatible and can be repurposed as part of this cutover.
- Add card reader access control to the following location:
 - IT room (existing electric strike)
- Replace pedestals at both gates with single arm pedestals. Client requested stainless steel models as the ocean air has destroyed the existing pedestals.

Card Reader and Credential Upgrades

- Upgrade all existing ProxPoint card readers to HID Signo multi-technology card readers.
 - (39) card readers
 - (1) combo keypad/card reader (at FD)
 - (2) long range card readers (at DPW)
 - (200) high secure HID iClass printable cards are included.

ASSUMPTIONS

- Proposed work to be performed during standard business hours (Monday through Friday, 1st shift).
- Network switches, wide area network connectivity between buildings and IP/VLAN information by Client.
- Client to provide Genetec badging workstation and monitor for Town Hall HR.
- 120VAC electrical (if needed) by Client.
- Additional labor and material cost for testing, troubleshooting, repair or replacement of existing cabling, card readers, door position sensors, REX sensors and electrified door hardware, as furnished and installed by others, is not included as part of this proposal.

PROPOSAL DETAILS

BILL OF MATERIALS

TOWN OF BOURNE ACCESS CONTROL UPGRADES	\$143,699.67
TOTAL BILL OF MATERIALS	\$143,699.67

Does not include any applicable sales tax.

SIGNET ADVANTAGE PLAN

SIGNET is pleased to provide Town of Bourne with a SIGNET Advantage - Standard Security Agreement. The agreement specifically includes the below entitlements:

Term:

Upon project Substantial Completion, the additional (4) locations and (51) access portals associated with this proposal will be added and co-termed to the existing Bourne Police Department Service Agreement, set to expire on 10/31/24.

SIGNET Advantage - Standard Security Agreement

Standard Service Labor (Service Labor covered Mon-Fri, 8am-5pm)

Discounted Labor Rates

Priority Response Times

(1) Annual Test and Inspection/Preventative Maintenance Visit.

(1) Annual Software Upgrade Visit.

Access to SIGNET University - 5 Seats

Semi-Annual Service Activity Reporting

Yearly Strategic Account Review

10% Off MSRP Parts Discount

Entitlement Add-ons:

Genetec Advantage Software Maintenance Coverage

Equipment and Systems covered under this agreement:

Genetec Access Control Security Systems.

Additional details on the entitlements, services and plan descriptions can be found via this link:

[SIGNET Advantage - Security Solutions](#)

SERVICE LEVEL RATES AND RESPONSE TIMES

Incident Management

When requesting a service ticket, it is important that the appropriate priority is assigned to reflect the current service impact. Incident priority is primarily formed out of its impact and its urgency (Emergency Services). There are additional elements to consider such as size, scope, complexity and resources required for resolution. The **impact** of the incident is the measure of the criticality of the incident to the business operations and/or security of the complex. The **urgency** is a measure of the necessary speed of resolving an incident. Based on the assessment of **urgency** and **impact**, the chart below can be used to assign the appropriate priority level:

Priority 1:

Total and/or localized system outage, resulting in significant interruption to business and no work around is available. Impact to security/personnel is high risk.

Priority 2:

System wide performance or localized system operations are severely degraded. System is still operational but with noticeable impairment. Business operations can continue and impact to security/personnel is with limited risk.

Priority 3:

Minimal overall impact to business, system operation or very low security risk. Includes critical end point failures.

Priority 4:

General support calls, trouble tickets, non-critical end point failure, or moves add changes requests.

Normal Business Hours, as it pertains to **response** and **rate**, is defined as all service calls placed prior to 3:00 pm. If the client requires same day service for any call placed after 3:00 pm, After Business Hours Rates may apply. Anything out of scope will be billable according to the Service Level Rates and Response Times sheet. Elective work (Adds, Moves, & Changes) is not covered under this agreement and will be quoted at Priority 4 Rates and Response. Trip/Travel Charges are covered for billable engagements that can be reached by automobile. Billable engagements that require a secondary mode of transportation (i.e. - Sea or Air travel) will incur a Trip/Travel charge at current market rates.

Authorized Users:

Client can designate up to two (2) authorized users to submit Priority 1 and Priority 2 ticket requests. SIGNET will only accept Priority 1 and Priority 2 requests from an authorized user. If an unauthorized user requests Priority 1 or Priority 2 service, SIGNET will request further authorization from identified client contacts. If none are available, priority will be updated to Priority 3 and responded to per the response times indicated on the Service Level Rates and Response Times sheet.

Authorized User 1 Name:

E-mail:

Authorized User 2 Name:

E-mail:

Rates and Response Times

Priority 1:

Response Time- Internal:
Response Time- Field:
Response Time- Remote Smart (If Applicable):
Normal Business Hours (M-F/8am-5pm):
After Business Hours (4 Hour Minimum):
Weekend/Holiday Rate(4 Hour Minimum):

Response & Rate:

Ticket Opened Immediately
Within the Same Business Day
2 Hours/Same Business Day
Rate - \$225/hour
Rate - \$340/hour
Rate - \$455/hour

Priority 2:

Response Time- Internal:
Response Time- Field:
Response Time- Remote Smart (If Applicable):
Normal Business Hours (M-F/8am-5pm):
After Business Hours (4 Hour Minimum):
Weekend/Holiday Rate(4 Hour Minimum):

Response & Rate:

Ticket Opened Immediately
Within the Next Business Day
4 Hours/Same Business Day
Rate - \$200/hour
Rate - \$300/hour
Rate - \$400/hour

Priority 3:

Response Time- Internal:
Response Time- Field:
Response Time- Remote Smart (If Applicable):
Normal Business Hours (M-F/8am-5pm):
After Business Hours (4 Hour Minimum):
Weekend/Holiday Rate(4 Hour Minimum):

Response & Rate:

Ticket Opened Immediately
Within Two Business Days
Next Business Day
Rate - \$185/hour
Not Applicable
Not Applicable

Priority 4:

Response Time- Internal:
Response Time- Field:
Response Time- Remote Smart (If Applicable):
Normal Business Hours (M-F/8am-5pm):
After Business Hours (4 Hour Minimum):
Weekend/Holiday Rate(4 Hour Minimum):

Response & Rate:

Ticket Opened Immediately
Within Three Business Days
Two Business Days
Rate - \$175/hour
Not Applicable
Not Applicable

*Due to economic instability and market volatility, SIGNET reserves the right to update the above rate structure on an as-needed basis. Should this event occur, the client will be notified (90) days prior to any effective rate change.

**If agreement is purchased through an applicable state contract, the state contract service rates will supersede the above and take precedence.

Agreement Plan Assumptions

1. **Access** - The client shall provide all necessary provisions to allow SIGNET personnel to reach inaccessible equipment and peripheral devices.
2. **Secured Areas** - Client agrees to provide free access to secure areas as may be necessary for SIGNET to perform the required inspections without delay upon the arrival at the client's premises. Client agrees to provide all necessary security credentials for SIGNET personnel and SIGNET agrees to abide by all client security procedures and policies or client may elect to provide a security escort for all SIGNET personnel as may be required and for the duration of the scheduled inspections.
3. **Access to Proprietary Software** - SIGNET may not have access to proprietary software or parts on microprocessor based addressable systems. SIGNET will make every effort to secure any parts required
4. **Early Termination Clause** - Client agrees to the full amount of the contract total at the time of signing. If for any reason the client decides to terminate the contract prior to the end of the contract, SIGNET will issue a credit for the value of the remaining term. Any third-party entitlements/software maintenance agreements (Services not performed by SIGNET) shall be paid in full up front, and are not subject to credit and/or refund.
5. **Billable Engagements** - All billable engagements herein will require a purchase order prior to execution

Agreement Plan Exclusions

1. All **Adds, Moves, and Changes** to the system are not covered by this agreement unless specifically outlined in the scope of work.

PAYMENT AGREEMENT AND TERMS

Terms: NET 30
Billing Method: STANDARD

Unless otherwise specified herein, the client agrees to payment of the total purchase price of the proposal as applicable in the standard payment schedule below:

Project Mobilization:

Upon acceptance of this proposal, SIGNET will issue an invoice for 15% of the total purchase price to cover costs associated with mobilization of your project. Payment for mobilization costs is due in advance of commencement of work.

Equipment:

SIGNET will place equipment order with vendor upon payment of mobilization by the client. SIGNET will progress invoice client for equipment as we receive shipments from the vendor. SIGNET will provide a stored material insurance and transfer of title documentation for purchased equipment upon client request.

Due to the increasing global supply chain challenges surrounding electronic components, equipment lead-times have increased to 16+ weeks. Most SIGNET manufacturer partners have implemented a “first order in, first order out” approach and are no longer allowing dealers to place stock orders nor ship complete orders. It is imperative that SIGNET receive timely payment on equipment invoices to ensure product will be available and assigned to your specific project.

Unless otherwise specified, equipment sold is FOB origin-customer to pay all shipping charges. If this quotation covers equipment for more than one system, room, suite, or location, for purposes of payment in accordance with payment terms stated on the face hereof each room, suite, or location shall be treated as if the subject of a separate sale and payment made accordingly. Company shall not be liable for failures of or delays in manufacture, delivery or installation resulting from any cause or causes beyond its reasonable control.

Labor:

Labor will be progress invoiced based on percent complete milestones. Unless specifically set forth in this written proposal or within the project specifications, project milestones are as follows:

Design Approval, Project Kickoff and Site Walkthrough	25%
Rough Installation	50%
Testing and Training	75%
Substantial Completion	100%

Service Agreement Services (if applicable):

SIGNET will invoice client annually for service agreement support services thirty (30) days prior to the start of the contract term unless stated otherwise within the agreement scope. Software maintenance agreements (SMA) are invoiced up front and in full for the entirety of the contract term. Payment terms for support and SMA's are net 30 days from the date of the invoices. Failure to pay invoices by due date may result in service delays or cancellation.

Additional Payment Provisions:

Provided the client has an open account in good standing, and unless specifically set forth in this

written Agreement, payment for goods or services from SIGNET is, as stated above under terms, from the date of invoice. For clients without an open account, SIGNET will require payment in advance or a deposit.

All payments made by credit card will incur a 3% processing fee.

Overdue payments shall bear interest from the due date at the rate of the lower of one and one-half percent per month (1.5%), or the maximum rate permissible under applicable law. Unless specifically set forth in this written proposal or within the project specifications, SIGNET will invoice equipment upon delivery and labor provided will be invoiced in progress fashion. In the event SIGNET engages an attorney and/or file suit to collect any unpaid Invoice, and/or in the event of any other litigation or arbitration arising out of this Agreement, SIGNET reserves its right to recover its attorneys' fees, expenses, and all other costs of collection.

Changes:

Any price changes that should follow any amendment or Change Order will be reflected on the final bill unless otherwise stated or agreed upon by Company and the Customer.

PROPOSAL SUMMARY

BILL TO:	SHIP TO:
Town of Bourne 24 Perry Avenue Bourne, MA 02532	Town of Bourne 24 Perry Avenue Bourne, MA 02532

PROJECT INVESTMENT SUMMARY

Description	Amount
Project Scope Total	\$132,905.77

SERVICE AGREEMENT INVESTMENT SUMMARY

Description	Amount
SIGNET Advantage Plan Agreement	\$10,793.90

GRAND TOTAL **\$143,699.67**

Does not include any applicable sales tax.

This quote shall become binding on the parties hereto when signed by Customer and accepted and approved by SIGNET Electronic Systems, LLC. By Customer's signature, Customer acknowledges that they have read, understood, and agreed to the Terms and Conditions.

CUSTOMER: Town of Bourne

SIGNET

SIGNATURE: _____
 NAME: _____
 TITLE: _____
 DATE: _____

SIGNATURE: *Jason Bianco* _____
 NAME: Jason Bianco
 TITLE: VP, Mission Critical Solutions - Sales
 DATE: 10/3/2023

GENERAL TERMS AND CONDITIONS

Any failure by SIGNET to deliver or install products or to otherwise perform caused by reason of any of the following events shall not constitute an event of default or breach of any Terms and Conditions of this Agreement or any other contractual document between the parties: strikes, picket lines, boycott efforts, fires, floods, freeze, accidents, war (whether or not declared), revolution, riots, insurrections, acts of God, acts of government (including without limitation any agency or department of the United States of America or any other country, any state or local government), acts of the public enemy, pandemics, scarcity or rationing of gasoline or other fuel or vital products, inability to obtain materials or labor, and/or any other causes which are not reasonably foreseeable at the time of execution of this Agreement, or which are reasonably beyond the control of SIGNET.

The normal business hours for the SIGNET office shall be Monday through Friday, 8:00am to 5:00pm (holidays excluded). SIGNET reserves the right to observe the following days as holidays: New Year's Day, Martin Luther King Jr. Day, President's Day, Patriot's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, Day after Thanksgiving, and Christmas.

To the extent allowed by applicable law, Client will indemnify, defend, and hold harmless SIGNET from and against all direct, indirect and/or any third-party claims, liabilities, damages, and costs (including attorney's fees and all settlement costs or judgments) arising out of or relating to this Agreement and/or to Client's or Client's agents, contractors and/or employees' acts or omissions, including but not limited to any unsafe worksite, building or property condition, regardless of whether or not the claims, liabilities, damages or costs were caused in part by a party indemnified hereunder. The parties agree that there are no third-party beneficiaries express or implied to this or any other contract between Client and SIGNET. To the extent allowed by applicable law, Client will also indemnify, defend, and hold harmless SIGNET from any government or third-party actions, fines and/or penalties arising from Client's failure to follow or abide by any applicable laws, including without limitation, public bidding laws and prevailing wage laws or other employment laws. Client's indemnification and defense obligations shall all survive the expiration or termination of this Agreement, irrespective of the cause, and shall extend to claims arising after all services have been fully performed. This indemnification obligation shall not be limited by any limitation on the amount or type of damages, compensation, or benefits payable by or for Subcontractor under worker's compensation acts, disability benefit acts or other employee benefit acts.

SIGNET will indemnify, defend, and hold harmless Client from and against all liabilities, damages, and costs (including settlement costs) to the extent arising out of SIGNET's gross negligence or willful misconduct, which has been finally adjudicated, including but not limited to liabilities, damages and costs arising out of: (1) defective or faulty installation; and (ii) any violations of applicable laws or code requirements related to the installation. For purposes of clarity, SIGNET will not have any obligations or liability under this Agreement arising from any hazardous, unsafe and/or unknown conditions at Client's premises. Client certification of hazardous materials presence: Unless noted above, the Client hereby certifies that hazardous materials, including but not limited to asbestos and/or asbestos-bearing materials are not present in the areas in which SIGNET's work will be performed. Work in hazardous material areas and/or hazardous material removal is not included in this Agreement and, if required, will be performed at an additional cost by an authorized, certified contractor. SIGNET shall take reasonable efforts to notify Client of any resulting delay, and Client shall grant SIGNET any reasonable time extensions and/or cost increases arising out the hazardous condition. SIGNET shall have full control and authority over the defense and resolution of any indemnified claims, except that (a) any settlement requiring the Client to admit liability or to pay any money will require Client's prior written consent, such consent not to be unreasonably withheld or delayed, and (b) Client may join in the defense with its own counsel at its own expense.

This proposal and any drawings, designs, specifications or other information provided by SIGNET in connection with this proposal shall all be considered Confidential Information and the proprietary business information of SIGNET (hereinafter, Confidential Information?). The recipient of any Confidential Information shall not disclose any Confidential Information, except to employees, and/or agents who need to know it and who have agreed in writing to keep it confidential. The recipient shall also ensure that those employees and/or agents shall use the Confidential Information only to exercise rights and fulfill obligations under this Agreement and shall keep the Confidential Information confidential and destroy it once it is no longer needed. The recipient may disclose Confidential Information when required by law after giving SIGNET reasonable notice and an opportunity to seek confidential treatment, a protective order or similar remedies or relief prior to disclosure.

All claims, disputes, or controversies arising out of or relating to this Agreement, including the breach thereof, shall be adjudicated via litigation in either the Superior or District Courts located in Middlesex County, Massachusetts, unless SIGNET in its sole discretion elects to have such claims adjudicated by arbitration. Such arbitration shall be exclusively held in Boston, Massachusetts and shall be in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association then in effect. This Subcontract shall be governed by the laws of the Commonwealth of Massachusetts, without regard to its conflict of laws rules or principles. In its discretion, SIGNET may also join or consolidate any claims between it

and Client with litigation or arbitration proceedings between SIGNET any other party, wherever such proceedings are located, provided the proceedings involve, in any way, this Agreement and/or SIGNET's work for Client. Client waives any objection to the jurisdiction, forum, choice of law, venue and dispute resolution procedures which govern such proceedings and agrees to be bound by the results.

In the event any claim(s) is/are brought against SIGNET in connection with this Agreement and/or SIGNET's work, SIGNET's liability shall not exceed the amount Client has actually paid SIGNET at the time either litigation or arbitration proceedings are initiated, irrespective of whether the claim(s) asserted is/are for breach of contract, tort, equitable relief, or otherwise. Client waives any claims for punitive, incidental and/or consequential damages, including delay damages of any kind, loss of use, and/or damages under chapter 93A.

SIGNET shall not be responsible for hidden conditions, defects in the work of others not reasonably observable, or conditions it was not provided the opportunity to view prior to execution of the Agreement. SIGNET has no design duties, and shall not be responsible for errors, omissions or deficiencies in the design of the Work. SIGNET shall have no responsibility for or liability arising out of any design, functionality, methodology and/or other decisions made by Client, Client's designer(s) or any third party not in SIGNET's control.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their successors and assigns including any successor or assign of SIGNET upon the sale of all or substantially all of its stock or assets.

Direct Hire Fee: As for any SIGNET employee or former employee directly or indirectly involved in provided services for Client at any time (the "Direct Candidate"), Client may hire the Direct Candidate as an employee or independent contractor only on the conditions set forth in this section. For any Direct Candidate hired, Client agrees to pay SIGNET a Direct Hire Fee of \$100,000 per Direct Candidate. Client agrees to pay this fee for any Direct Candidate that Client hires during the term of the services set forth in this Proposal or for one calendar year thereafter. Whether or not Client informs SIGNET of such hiring, Client agrees that it will be responsible to pay the Direct Hire Fee and will pay the full sum within ten calendar days of the Direct Candidate's Hire by Client or, by an affiliate, subsidiary or contractor of Client as set forth below. This Direct Hire Fee shall apply to any parent, affiliate, division, or subsidiary of Client. To the extent that the Client encourages a vendor or contractor to hire a Direct Candidate during the time period that this provision is in effect, the Client shall also pay the Direct Hire Fee on the same terms set forth herein. Notwithstanding the above, SIGNET expressly reserves and does not waive, any and all rights and restrictions imposed on its employees pertaining to fair competition, nondisclosure, and non-solicitation. In the event that SIGNET files suit to enforce this provision, Client agrees it shall be liable to SIGNET for all attorneys' fees and costs incurred in connection with such suit, in addition to any other damages and/or remedies available to SIGNET.

**QUOTE:**

Quote #: 33630
Title: Bourne PD New Interior Space Security Adds
Date: 8/17/2023
Valid to: 9/16/2023

PROJECT LOCATION:

Company: Town of Bourne
Address: 24 Perry Avenue
Bourne, MA 02532
Contact:
Phone: (508) 759 0615

PRESENTED BY:

Sales Rep: Jason Bianco
Title: VP, Mission Critical Solutions - Sales
Phone: (781) 883 6624
Email: jason.bianco@signetgroup.net

PRESENTED TO:

Company: Town of Bourne
Address: 24 Perry Avenue
Bourne, MA 02532
Contact: Brandon Esip
Phone: (774) 247 5525

SCOPE OF WORK

SIGNET respectfully offers the following to Bourne Police Department for the installation of access control on a new door in the 2nd flr hallway and cameras in the attic space

DOOR

- Electrified hardware to be provided by others
- Furnish/install/program card reader, request to exit, and door contact
- Terminate in existing V100 free space on existing panel
- Existing spare Genetec licenses to be used

CAMERAS

- Furnish/install/program (2) 2MP cameras on each side of the Attic Space as directed
- Terminate in spare ports on MDF switch - utilizing existing piping from attic to MDF
- Existing spare camera licenses to be used

ASSUMPTIONS

MFG	PART NO	DESCRIPTION	QTY
HID	920PTNNEK00000	RDR, RP40, MULTICLASS, SE E, LF STD, HF STD/SIO/SEOS, WIEG, PIG, BLK, STD-1, LED RED, FLSH GRN, BZR	1.00
GRI	195-12-W	3/4" DPDT Wide Gap Swich, White	1.00
BOSCH SECURITY	DS151I	PIR REQUEST TO EXIT SENSOR BLACK	1.00
BOSCH SECURITY	TP161	TRIM PLATE FOR DS151/DS161	1.00
WINDY CITY	4461030-500	4 Elem Comp Cable CMP Ylw Jkt	2.00
AXIS	02326-001	AXIS P3265-V	2.00
WINDY CITY	CAT6P-BLU-500	23-4P NON-SHIELDED PLENUM CAT6 Blu Jkt	2.00
SIGNET	FREIGHT	Freight	1.00



MFG	PART NO	DESCRIPTION	QTY
SIGNET	BUDGET	Consumables, truck stock, and misc. equipment	1.00
SIGNET	PROJSERV	Professional Services	1.00

Total: \$8,804.58

Does not include any applicable sales tax.

This quote shall become binding on the parties hereto when signed by Customer and accepted and approved by SIGNET Electronic Systems, LLC. By Customer's signature, Customer acknowledges that they have read, understood and agreed to the Terms and Conditions.

CUSTOMER: **Town of Bourne**

SIGNET
90 Longwater Drive
Norwell, MA 02061

SIGNATURE: _____

SIGNATURE: *Jason Bianco* _____

NAME: _____

NAME: Jason Bianco _____

TITLE: _____

TITLE: VP, Mission Critical Solutions - Sales _____

DATE: _____

DATE: 8/17/2023 _____



PAYMENT TERMS

Terms: NET 30

Billing Method: STANDARD

Unless otherwise specified herein, the client agrees to payment of the total purchase price of the proposal as applicable in the standard payment schedule below:

Project Mobilization:

Upon acceptance of this proposal, SIGNET will issue an invoice for 15% of the total purchase price to cover costs associated with mobilization of your project. Payment for mobilization costs is due in advance of commencement of work.

Equipment:

SIGNET will place equipment order with vendor upon payment of mobilization by the client. SIGNET will progress invoice client for equipment as we receive shipments from the vendor. SIGNET will provide a stored material insurance and transfer of title documentation for purchased equipment upon client request.

Due to the increasing global supply chain challenges surrounding electronic components, equipment lead-times have increased to 16+ weeks. Most SIGNET manufacturer partners have implemented a "first order in, first order out" approach and are no longer allowing dealers to place stock orders nor ship complete orders. It is imperative that SIGNET receive timely payment on equipment invoices to ensure product will be available and assigned to your specific project.

Unless otherwise specified, equipment sold is FOB origin-customer to pay all shipping charges. If this quotation covers equipment for more than one system, room, suite, or location, for purposes of payment in accordance with payment terms stated on the face hereof each room, suite, or location shall be treated as if the subject of a separate sale and payment made accordingly. Company shall not be liable for failures of or delays in manufacture, delivery or installation resulting from any cause or causes beyond its reasonable control.

Labor:

Labor will be progress invoiced based on percent complete milestones. Unless specifically set forth in this written proposal or within the project specifications, project milestones are as follows:

Design Approval, Project Kickoff and Site Walkthrough	25%
Rough Installation	50%
Testing and Training	75%
Substantial Completion	100%

Service Agreement Services (if applicable):

SIGNET will invoice client annually for service agreement support services thirty (30) days prior to the start of the contract term unless stated otherwise within the agreement scope. Software maintenance agreements (SMA) are invoiced up front and in full for the entirety of the contract term. Payment terms for support and SMA's are net 30 days from the date of the invoices. Failure to pay invoices by due date may result in service delays or cancellation.

Additional Payment Provisions:

Provided the client has an open account in good standing, and unless specifically set forth in this written Agreement, payment for goods or services from SIGNET is, as stated above under terms, from the date of invoice. For clients without an open account, SIGNET will require payment in advance or a deposit.

All payments made by credit card will incur a 3% processing fee.

Overdue payments shall bear interest from the due date at the rate of the lower of one and one-half percent per month (1.5%), or the maximum rate permissible under applicable law. Unless specifically set forth in this written proposal or within the project specifications, SIGNET will invoice equipment upon delivery and labor provided will be invoiced in progress fashion. In the event SIGNET engages an attorney and/or file suit to collect any unpaid Invoice, and/or in the event of any other litigation or arbitration arising out of this Agreement, SIGNET reserves its right to recover its attorneys' fees, expenses, and all other costs of collection.

Changes:

Any price changes that should follow any amendment or Change Order will be reflected on the final bill unless otherwise stated or agreed upon by Company and the Customer.



QUOTE: PROJECT LOCATION:

Quote #: 33631
Title: Bourne PD Outbuilding Access Control
Date: 8/17/2023
Valid to: 9/16/2023

Company: Town of Bourne
Address: 24 Perry Avenue
Bourne, MA 02532

Contact:
Phone: (508) 759 0615

PRESENTED BY: PRESENTED TO:

Sales Rep: Jason Bianco
Title: VP, Mission Critical Solutions - Sales
Phone: (781) 883 6624
Email: jason.bianco@signetgroup.net

Company: Town of Bourne
Address: 24 Perry Avenue
Bourne, MA 02532

Contact: Brandon Esip
Phone: (774) 247 5525

SCOPE OF WORK

SIGNET respectfully offers the following to Bourne Police Department for the installation of Access Control and CCTV for the Outbuilding

CAMERAS

- Furnish/install/program (1) 360 camera in the center of the ceiling on a telescopic mount
- Furnish/install/program (4) AXIS P3265-V 2MP cameras in all 4 corners of the room
- Furnish/install/program (1) Exterior 5MP camera to view the evidence container
- All Genetec licenses included
- Terminate in existing switch in Outbuilding
- Scissor lift included for easy access to camera installation locations

ACCESS CONTROL

- Furnish and install HES electric strike on existing Outbuilding door
- Furnish/install/program card reader, door contact, and request to exit on door
- Furnish/install/program life safety cabinet on existing wall near switch
- Furnish/install/program (1) Genetec LP1502 in above cabinet
- All Genetec licenses included

ASSUMPTIONS

- Proposal assumes customer to make room for technicians to have easy access to all installation areas
- Proposal assumes any 120V to be provided by client
- Proposal assumes exposed cabling inside the outbuilding is acceptable

MFG	PART NO	DESCRIPTION	QTY
GENETEC	GSC-Om-P-1C	1 camera connection	6.00
GENETEC	ADV-CAM-P-1M	Genetec Advantage for 1 Omnicast Pro Camera 1 month	12.00
AXIS	02326-001	AXIS P3265-V	4.00
AXIS	02330-001	AXIS P3267-LVE	1.00



MFG	PART NO	DESCRIPTION	QTY
AXIS	02218-001	AXIS P3727-PLE	1.00
AXIS	01513-001	AXIS T94N01D PENDANT KIT	1.00
AXIS	5507-451	AXIS T91B50 TELESCOPIC CEIL MNT	1.00
WINDY CITY	CAT6P-BLU	23-4P NON-SHIELDED PLENUM CAT6 Blu Jkt	2.00
SIGNET	BPREP-MATERIAL	Building Prep Material (J Hooks, Conduit, Boxes etc)	1.00
HID	920PTNNEK00000	RDR, RP40, MULTICLASS, SE E, LF STD, HF STD/SIO/SEOS, WIEG, PIG, BLK, STD-1, LED RED, FLSH GRN, BZR	1.00
ALTRONIX	AL125ULX	12/24VDC 1A P/S W/FACP DISC LG	1.00
GRI	195-12-W	3/4" DPDT Wide Gap Swich, White	1.00
BOSCH SECURITY	DS151I	PIR REQUEST TO EXIT SENSOR BLACK	1.00
BOSCH SECURITY	TP161	TRIM PLATE FOR DS151/DS161	1.00
WINDY CITY	4461030-500	4 Elem Comp Cable CMP Ylw Jkt	1.00
LIFESAFETY	FPO150-B100C8D8PE4M	FLEXPOWER MCLASS Unified Power System, 150W, 12/24 VDC, 8-Doors, 8-Lock, 8 AUX Outputs	1.00
GENETEC	SY-LP1502	Mercury Intelligent Controller, Linux Based, 8In/4Out/2Rd (2 reader licence connections included)	1.00
GENETEC	ADV-RDR-P-1M	Genetec Advantage for 1 Synergis Pro Reader 1 month	4.00
POWERSONIC	PS1270	12V 7Ah General Purpose VRLA Battery	2.00
SIGNET	BPREP-MATERIAL	Building Prep Material (J Hooks, Conduit, Boxes etc)	1.00
SIGNET	FREIGHT	Freight	1.00
SIGNET	BUDGET	Consumables, truck stock, and misc. equipment	1.00
SIGNET	PROJSERV	Professional Services	1.00

Total: \$26,307.27

Does not include any applicable sales tax.

This quote shall become binding on the parties hereto when signed by Customer and accepted and approved by SIGNET Electronic Systems, LLC. By Customer's signature, Customer acknowledges that they have read, understood and agreed to the Terms and Conditions.

CUSTOMER: **Town of Bourne**

SIGNET
90 Longwater Drive
Norwell, MA 02061

SIGNATURE: _____

SIGNATURE: *Jason Bianco* _____

NAME: _____

NAME: Jason Bianco _____

TITLE: _____

TITLE: VP, Mission Critical Solutions - Sales _____

DATE: _____

DATE: 8/17/2023 _____

PAYMENT TERMS

Terms: NET 30

Billing Method: STANDARD

Unless otherwise specified herein, the client agrees to payment of the total purchase price of the proposal as applicable in the standard payment schedule below:

Project Mobilization:

Upon acceptance of this proposal, SIGNET will issue an invoice for 15% of the total purchase price to cover costs associated with mobilization of your project. Payment for mobilization costs is due in advance of commencement of work.

Equipment:

SIGNET will place equipment order with vendor upon payment of mobilization by the client. SIGNET will progress invoice client for equipment as we receive shipments from the vendor. SIGNET will provide a stored material insurance and transfer of title documentation for purchased equipment upon client request.

Due to the increasing global supply chain challenges surrounding electronic components, equipment lead-times have increased to 16+ weeks. Most SIGNET manufacturer partners have implemented a "first order in, first order out" approach and are no longer allowing dealers to place stock orders nor ship complete orders. It is imperative that SIGNET receive timely payment on equipment invoices to ensure product will be available and assigned to your specific project.

Unless otherwise specified, equipment sold is FOB origin-customer to pay all shipping charges. If this quotation covers equipment for more than one system, room, suite, or location, for purposes of payment in accordance with payment terms stated on the face hereof each room, suite, or location shall be treated as if the subject of a separate sale and payment made accordingly. Company shall not be liable for failures of or delays in manufacture, delivery or installation resulting from any cause or causes beyond its reasonable control.

Labor:

Labor will be progress invoiced based on percent complete milestones. Unless specifically set forth in this written proposal or within the project specifications, project milestones are as follows:

Design Approval, Project Kickoff and Site Walkthrough	25%
Rough Installation	50%
Testing and Training	75%
Substantial Completion	100%

Service Agreement Services (if applicable):

SIGNET will invoice client annually for service agreement support services thirty (30) days prior to the start of the contract term unless stated otherwise within the agreement scope. Software maintenance agreements (SMA) are invoiced up front and in full for the entirety of the contract term. Payment terms for support and SMA's are net 30 days from the date of the invoices. Failure to pay invoices by due date may result in service delays or cancellation.

Additional Payment Provisions:

Provided the client has an open account in good standing, and unless specifically set forth in this written Agreement, payment for goods or services from SIGNET is, as stated above under terms, from the date of invoice. For clients without an open account, SIGNET will require payment in advance or a deposit.

All payments made by credit card will incur a 3% processing fee.

Overdue payments shall bear interest from the due date at the rate of the lower of one and one-half percent per month (1.5%), or the maximum rate permissible under applicable law. Unless specifically set forth in this written proposal or within the project specifications, SIGNET will invoice equipment upon delivery and labor provided will be invoiced in progress fashion. In the event SIGNET engages an attorney and/or file suit to collect any unpaid Invoice, and/or in the event of any other litigation or arbitration arising out of this Agreement, SIGNET reserves its right to recover its attorneys' fees, expenses, and all other costs of collection.

Changes:

Any price changes that should follow any amendment or Change Order will be reflected on the final bill unless otherwise stated or agreed upon by Company and the Customer.

CAPITAL IMPROVEMENT PROGRAM
CAPITAL PROJECT REQUEST

DEPARTMENT *DPW*
FY *2024*

Information should be as specific as possible including start dates, completion dates and specific dollar amounts. Schematic design plans should be included to show the scope of the project. If available and appropriate based on the phase of the project more complete plans should be included.

NAME OF PROJECT *Sander Body for Truck #2*

DESCRIPTION OF PROJECT *Replacement of rusted out sander body. Truck #2 is a 2007 snow and ice vehicle with 32,045 miles and 31,045 hours on it. This request would purchase the permanent mount sander and DPW staff would supply the labor to install it. The truck has been patched in the past, but can no longer be repaired.*

If this is a project with more than one phase – please describe the total project as well as each of the phases and then specifically describe the specific phase for this request. *N/A*

DESCRIPTION OF NEED: *This truck is needed for the upcoming snow season.*

PROJECT PHASE:*N/A*

What is the proposed timeline for this project?*Purchase directly after Town Meeting, DPW to complete the installation before the end of December 2023.*

Is there more than one phase of this project? *No* If so describe this phase and how it fits into the total project including the total project timeline.

Are there timing issues related to the completion of this project or project phase: *Yes* Are there possible funding sources that might be lost or potential problems if this project or phase is not completed by a certain time?*Yes - the truck would be down for the winter.*

PROJECT USEFUL LIFE (Years) *At least 5 years.*

Describe the useful life and any factors which might extend or shorten the useful life of the project. *The useful life is dependent on road conditions and salt exposure.*

PROJECT PLANNING

Describe the planning process for this project. *N/A* What Town Departments, Committees or Boards have been consulting in the planning? *N/A* Have any professional services (engineers, etc.) been consulted during the preparation for the project request? *No.*

Are any future professional services required for the planning and/or completion of the project?*No*

CAPITAL IMPROVEMENT PROGRAM

CAPITAL PROJECT REQUEST

Are any approvals necessary for this project? *No* If so, have the approvals been obtained? *N/A*
If necessary approvals have not been obtained please describe the approval process and how it fits into the project timeline.

PROJECT COSTS

This should include cost of this phase as well as the overall project cost. Detailed estimates are helpful for project understanding and evaluation. *\$27,000 (labor to be done in-house)*

PROJECT FUNDING SOURCES

Please describe specifically with dollar amounts all proposed funding sources. *Free Cash.* If potential sources have been identified that can only be applied for based on project approval or completion, please describe the sources and the application and approval process for the funding source. *N/A*

REVENUE GENERATED BY PROJECT IMPLEMENTATION

Projected annual revenue *N/A* – what is the source of the revenue. *N/A* Is there current revenue related to this project? *No* If so, describe the current revenue and expenses and how the project will impact revenue and expenses. Will current revenue be lost if the project is not completed? *No* What is the estimated payback (in years) on the project? *None*

IMPACT OF PROJECT ON OPERATING & MAINTENANCE COSTS:

Are there any salaries or operating costs (including additional fuel, heat and/or electricity costs) expected? *No.*

Are there custodial or other maintenance costs associated with this project? *No* Include both annual maintenance and other maintenance cost required less than annually. *No additional maintenance costs.*

EXPLAIN AND JUSTIFY NEW POSITIONS. *N/A*

PROJECT PRIORITY

Please describe and rank the priority of this project based on your perception of the importance of the project for your department and the Town in terms of both operating and capital budget needs. *Immediate need.*

Also, please rank the project based on the Capital Outlay Committee criteria.

Assessed value of taxable property to be removed from tax list: *N/A*

Relation of this project to other projects or to the long range plan: *N/A*

When was this project first requested for inclusion on the capital improvement plan? *Not previously included.*

For what FY was the initial project request? *N/A*

If this project has previously been deferred from the current year projects under consideration have there been any impacts from this deferral. *N/A*

CAPITAL IMPROVEMENT PROGRAM

CAPITAL PROJECT REQUEST

Will the proposed project have an impact or effect of the environment?*No* If yes, please explain.

If land acquisition. Attach a plot plan. *N/A*

Other comments:

J.C. MADIGAN INC.
450 OLD UNION TURNPIKE
LANCASTER, MA.

SALES DEPT.
TEL. (978)847-2900
FAX (978)847-0068

QUOTE: TOWN OF BOURNE HIGHWAY DEPT

TO TONY B. @ CENTRAL GARAGE

FROM JOHN DWYER

A) 10' W/ PLUS 6" SIDES 304 STAINLESS STEEL HI-WAY
MATERIAL SPREADER MODEL E-2020-XT AVAILABLE
FOR PICKUP WITH THE FOLLOWING ITEMS (SHIPPED
LOOSE)

- A) FRONT CABSHIELD & REAR STAINLESS SPILLSHIELD
- B) HEAVY DUTY MATERIAL SCREENS
- C) CHASSIS MOUNTING KIT
- D) REAR MOUNTED (SS) LIGHTBAR W/ LED FLASHERS & ST/TL
- E) STAINLESS SPINNER CHUTE W/ SPINNER
- G) STAINLESS SIDE FENDERS

PRICE \$27,000.00

OPTION:

- A) (2) 70GAL POLY SADDLE TANKS W/ ELECTRIC PRE-WET ADD \$580.00

NOTE!! CURRENT GBPC MEMBERS CAN PURCHASE THE ITEMS ABOVE
THRU THE GBPC CONTRACT TO PROCEED PLEASE REQUEST FROM
J.C.MADIGAN INC A GBPC FORMATED QUOTE, SIGN, AND RETURN

APPROVAL _____ DATE _____

PO# _____

09/29/2023

J.C. MADIGAN INC.
450 OLD UNION TURNPIKE
LANCASTER, MA.

SALES DEPT.
TEL. (978)847-2900
FAX (978)847-0068

QUOTE: TOWN OF BOURNE HIGHWAY DEPT.

TO TONY B. @ HIGHWAY GARAGE FROM JOHN DWYER

A)10 FT 7.5/11.1 CUYD REAR DISCHARGE PAINTED CARBON
STEEL MATERIAL SPREADER/DUMP BODY AIR-FLO MODEL FND-
10-RS INSTALLED ON A TOWN SUPPLIED CHASSIS
UNDERCOATED AND PAINTED YELLOW WITH THE FOLLOWING
EQUIPMENT.

- 1) STEEL CABSHIELD W/ RECESSED FRONT & SIDE LED FLASHERS
- 2) CARBON STEEL REMOVEABLE CONVEYOR COVER
- 3) SIDE MOUNTED ACCESS LADDER W/ HANDLE
- 4) BACKUP AND LIFT ALARMS / TAILGATE D-RING
- 5) REAR SPINNER ASSEMBLY
- 6) 20 TON TELESCOPIC HOIST ASSEMBLY
- 7) UNDERBODY MOUNTED STAINLESS SPILLSHIELD
- 9) HEAVY DUTY MATERIAL SCREENS
- 10) AERO AUTO TARPING SYSTEM W/ ALUM. ARMS AND ASPHALT TARP
- 12) CENTER TAILGATE MOUNTED COAL DOOR
- 13) REPLACE EXISTING STAINLESS SANDER LINES PIPED TO THE REAR
WITH CONNECTION LINES TO THE EXSISTING HYDRAULICS
- 14) REAR RECESSED LED FLASHERS REAR & SIDE, STOP/TAILS, AND
REVERSE LIGHTS
- 15) (3) LED WORKLIGHTS (1) SPINNER & (2) REAR MOUNTED
- 16) REMOVE EXSISTING COMBO BODY AND DISPOSE

PRICE \$86,500.00

NOTE!! CURRENT GREATER BOSTON POLICE COUNCIL MEMBERS CAN
PURCHASE THE ITEMS ABOVE THRU THE GBPC CONTRACT TO PROCEED
PLEASE REQUEST FROM J.C.MADIGAN INC A GBPC FORMATED INVOICE,
SIGN, & RETURN

APPROVAL _____ DATE _____

PO# _____

09/29/2023

J.C. MADIGAN INC.
450 OLD UNION TURNPIKE
LANCASTER, MA.

SALES DEPT.
TEL. (978)847-2900
FAX (978)847-0068

QUOTE: TOWN OF BOURNE HIGHWAY DEPT

TO TONY B. @ CENTRAL GARAGE

FROM JOHN DWYER

A) 10' W/ PLUS 6" SIDES 304 STAINLESS STEEL HI-WAY
MATERIAL SPREADER MODEL E-2020-XT CHASSIS
MOUNTED ON A TOWN SUPPLIED CHASSIS WITH THE
FOLLOWING ITEMS

- A) FRONT CABSHIELD & REAR STAINLESS SPILLSHIELD
- B) HEAVY DUTY MATERIAL SCREENS
- C) CHASSIS MOUNTING KIT W/ STAINLESS SPILL PLATE
- D) REAR MOUNTED (SS) LIGHTBAR W/ LED FLASHERS & ST/TL
- E) STAINLESS SPINNER CHUTE W/ SPINNER
- F) (2) SPINNER CHUTE MOUNTED LED WORKLIGHTS
- G) STAINLESS SIDE FENDERS W/ LADDER
- H) REAR MOUNTED PAINTED STEEL CHUTE BUMPER
- I) REAR MOUNTED LIGHT BOXES W/ LED TL/ST/BU'S &
FLASHERS
- J) POLY FENDERS AND REAR MUDFLAPS

PRICE \$39150.00

OPTIONS:

- A) (2) 70GAL POLY SADDLE TANKS W/ ELECTRIC PRE-WET ADD \$6750.00
- B) REMOVE EXSISTING COMBO BODY & DISPOSE ADD \$800.00

NOTE!! CURRENT GBPC MEMBERS CAB PURCHASE THE ITEMS ABOVE
THRU THE GBPC CONTRACT TO PROCEED PLEASE REQUEST FROM
J.C.MADIGAN INC A GBPC FORMATED QUOTE, SIGN, AND RETURN

APPROVAL _____ DATE _____

PO# _____

09/29/2023















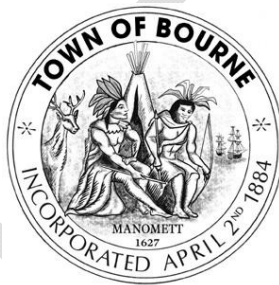
**ARTICLES and MOTIONS OF THE
WARRANT**

**FOR THE
SPECIAL TOWN MEETING**

Monday, November 6, 2023

7:00 P.M.

Bourne High School Auditorium



ARTICLE 1: To see if the Town will vote to hear Reports and Recommendations of Committees and Town Officers, or take any other action in relation thereto.
Sponsor - SELECT BOARD

MOTION: We move that the Town vote to hear reports and recommendations of Committees and Town Officers.

Vote Required: Simple Majority

ARTICLE 2: 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 - SELECT BOARD

MOTION: We move that the Town vote to appropriate the sum of \$9,162.06 for the purposes of this article and to meet this appropriation to transfer the sum of \$9,162.06 from Free Cash satisfy the unpaid bills of the town as listed in the chart below.

Unpaid Bills		
Department	Vendor	Amount
Natural Resources	Home Depot	\$ 221.06
Facilities	Capeway Roofing Systems	8,941.00
Total		<u>\$ 9,162.06</u>

Vote Required: 9/10 Supermajority

ARTICLE 3: To see if the Town will vote to appropriate, borrow, transfer from available funds or otherwise provide a sum of money for the purpose of supplementing and/or reducing the FY2024 Regular Annual Expenses of the departmental expenses as voted under Article 2 (Fiscal Year 2024 Budget) of the 2023 Annual Town Meeting, or take any other action in relation thereto.

Sponsor - SELECT BOARD

MOTION: *We move that the Town vote to amend the action taken under Article 2 (Fiscal 2024 Budget) of the 2023 Annual Town Meeting by (1) appropriating monies in the total amount of \$50,000 as specified in the chart entitled “Funding Sources,” below; and (2) by increasing expenses by \$50,000 as specified in the chart entitled “These Amounts are to be Voted,” below:*

Funding Sources:	
Raise and Appropriate from the FY24 Tax Levy and other General Revenues from the Town	\$ 50,000
Total	<u>\$ 50,000</u>
These Amounts are to be Voted:	
Public Safety	\$ 50,000
Total	<u>\$ 50,000</u>

Vote Required: Simple Majority

ARTICLE 4: To see if the Town will vote to appropriate, borrow, transfer from available funds, or otherwise provide, a sum of money for the purpose of supplementing and/or reducing the FY2024 Sewer Department Budget as voted under Article 3 (Sewer Department) at the 2023 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 2023 Annual Town Meeting by increasing salaries and wages \$12,500 from \$193,440 to \$205,940, increasing expenses by \$67,500 from \$1,328,525 to \$1,396,025 and increase the amount raised from Sewer Enterprise Receipts \$80,000 from \$1,628,968 to \$1,708,968.

Vote Required: Simple Majority

ARTICLE 5: To see if the Town will vote to appropriate, borrow, transfer from available funds, or otherwise provide 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 – SELECT BOARD

MOTION: We move that the Town vote to appropriate the sum of \$915,500 for the purposes of funding the Town’s Other Post-Employment Benefits (OPEB) Liability and to meet this appropriation, to transfer to the OPEB Trust Fund the sums of \$625,500 from free cash; \$30,000 from Sewer retained earnings; and \$260,000 from ISWM retained earnings.

Vote Required: Simple Majority

ARTICLE 6: To see if the Town will vote to appropriate, borrow, transfer from available funds, or otherwise provide a sum of money to the Capital Stabilization Fund, or take any other action in relation thereto.

Sponsor – SELECT BOARD

MOTION: We move that the Town vote to appropriate the sum of \$386,000 for the purposes of this article and to meet this appropriation to transfer the sum \$386,000 from free cash.

Vote Required: Simple Majority

ARTICLE 7: To see if the Town will vote to appropriate, borrow, transfer from available funds, or otherwise provide a sum of money for the purpose of funding the Fiscal Year 2024 Capital Budget (P2), or take any other action in relation thereto.

Sponsor – SELECT BOARD AND CAPITAL OUTLAY COMMITTEE

MOTION: We move that the Town vote to appropriate \$630,250 to pay costs of the capital outlay projects listed in the schedule printed below, and to meet this appropriation, to: (1) transfer the sum of \$580,250 from Free Cash, (2) transfer the sum of \$30,000 from IWSM Retained Earnings, and (3) transfer the sum of \$20,000 from Sewer Retained Earnings.

	Department	Category	Purpose	Amount	Source
A	Sewer	Infrastructure	Replace 4 air release valves in the collection system	\$20,000	Retained Earnings
B	ISWM	Planning	Feasibility study and cost estimating for a new office/garage structure	\$30,000	Retained Earnings
C	Schools	Equipment	Radio Upgrades	\$35,000	Free Cash
D	Facilities	Equipment	Building Access Controls - upgrade	\$182,000	Free Cash
E	Facilities	Planning	Supplemental Funds – design & construction oversight for Library masonry project	\$35,000	Free Cash

F	Engineering	Infrastructure	Hen Cove drainage project	\$181,250	Free Cash
G	Engineering	Infrastructure	Main @ Academy Intersection improvement	\$120,000	Free Cash
H	DPW	Equipment	Sander for Truck #2	\$27,000	Free Cash

Commented [MM1]: Late request – needs to be heard by Capital Outlay, Fin Com & Select Board

Vote Required: Simple Majority

ARTICLE 8: 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 FY2024 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

MOTION – Part 1: We move that the Town vote, upon the recommendation of the Community Preservation Committee, to appropriate the sum of \$110,000 for the Community Preservation Fund projects as shown below and to meet this appropriation to transfer the sum of \$90,000 from Historic Reserves and transfer \$20,000 from Open Space/Recreation reserves.

<i>Item</i>	<i>Sponsor</i>	<i>Project Description</i>	<i>CPA Purpose</i>	<i>Amount</i>
<i>A</i>	<i>Pocasset Village Foundation</i>	<i>Pocasset Community Building/Roof Replacement</i>	<i>Historic Preservation</i>	<i>\$90,000 From Historic Reserves</i>
		<i>Total Historic Reserves Requested</i>		<i>\$90,000</i>
<i>B</i>	<i>Bourne Public Schools</i>	<i>Irrigation Pump Replacement Soccer Fields</i>	<i>Open Space/Recreation</i>	<i>\$20,000 From Open Space/Recreation Reserves</i>
		<i>Total Open Space/Recreation Reserves Requested</i>		<i>\$20,000</i>
			<i>Total Requests</i>	<i>\$110,000</i>

Vote Required: Simple Majority

MOTION – Part 2: We move that the Town vote, upon the recommendation of the Community Preservation Committee, to appropriate the sum of \$367,300 for the Community Preservation Fund projects as shown below and to meet this appropriation to transfer the sum of \$367,300 from Open Space/Recreation reserves.

<i>Item</i>	<i>Sponsor</i>	<i>Project Description</i>	<i>CPA Purpose</i>	<i>Amount</i>
<i>C</i>	<i>Bourne Conservation Department</i>	<i>Rural/Urban Pollinator Trail</i>	<i>Open Space/Recreation</i>	<i>\$367,300 From Open Space/Recreation Reserves</i>
		<i>Total Open Space/Recreation Reserves Requested</i>		<i>\$367,300</i>
			<i>Total Requests</i>	<i>\$367,300</i>

Vote Required: Simple Majority

ARTICLE 9: To see if the Town will vote to appropriate, borrow, transfer from available funds, or otherwise provide a sum of money to fund the Community Engagements Committee, or take any other action in relation thereto.

October 6, 2023

Sponsor – COMMUNITY ENGAGEMENTS COMMITTEE

MOTION: We move that the Town vote to appropriate the sum of \$50,000 for the purposes of this article and to meet this appropriation to transfer the sum of \$50,000 from Free Cash.

Vote Required: Simple Majority

ARTICLE 10: To see if the Town will vote to appropriate, borrow, transfer from available funds, or otherwise provide a sum of money for the purpose of funding backpay, current and future wages, and all other related monies for the reinstatement of a paramedic position in the Town of Bourne Fire Department, in compliance with an order of reinstatement issued by the Massachusetts Civil Service Commission, or take any other action in relation thereto.

Sponsor – SELECT BOARD

MOTION: We move that the Town vote to appropriate the sum of \$XX for the purposes of this article and to meet this appropriation to transfer the sum of \$XX from Free Cash.

Vote Required: Simple Majority

ARTICLE 11: To see if the Town will vote to amend the Town of Bourne General Bylaw, Article 1.3, Section 1.3.1, by adding the **bolded** text and deleting the struck through text as follows:

Section 1.3.1

There shall be a Finance Committee consisting of ~~42~~ **2** voters of the town appointed by the Moderator, none of whom shall hold any other town office. Town of Bourne employees, including school employees, shall not be eligible for appointment to, or service on, the Finance Committee as provided in Section 2-9 of the Town Charter.

The term of service for members of the Committee shall be three years. The term of service for ~~four~~ **three** members shall expire each year and their successors shall be appointed by the Moderator.

or take any other action in relation thereto.

Sponsor – FINANCE COMMITTEE

MOTION: We move Article 11 as set forth in the Warrant.

Vote Required: Simple Majority

ARTICLE 12: To see if the Town will vote to amend the definition of “Wetland” in the Town of Bourne Zoning Bylaw Section V Definitions by deleting said definition in its entirety and replacing the same with the following text:

Existing “Wetland” definition: Any area defined as a wetland under MGL Chapter 131, Section 40 plus any land designated as being reserved for drainage on a land division plan or site plan submitted to the Town.

Proposed “Wetland” definition: Any area defined as a wetland resource area under the Town of Bourne bylaw, Article 3.7 plus any land designated as being reserved for drainage on a land division plan or site plan submitted to the Town. For purposes of this bylaw this will exclude the coastal flood zones as shown on the most recent FEMA FIRM mapping for the Town.

or take any other action in relation thereto.

Sponsor - PLANNING BOARD

MOTION: We move Article 11 as set forth in the Warrant.

Vote Required: 2/3 Supermajority

October 6, 2023

ARTICLE 13: To see if the Town will vote to amend the Bourne Zoning Bylaw as follows:

Section 4850-4858 Other Special Districts, Marijuana Overlay District (MOD), Zoning Map showing the overlay district, Section 2110 Type of Districts, Section 2140 District Purposes.

Add the following section:

4850 Marijuana Overlay District (MOD)

4851. Purpose

To provide for and regulate the placement, siting, and operation of Medical-use Marijuana and Adult-use Marijuana Retailers that have been recognized as having operational characteristics requiring their siting and operation in such a way as to ensure the health, safety, and general well-being of the Bourne residents, the general public, patients seeking treatment, and customers seeking to purchase marijuana for adult-use, in a manner that meets or exceeds applicable state regulations.

4852. Applicability

The Marijuana Overlay District (MOD), which shall include both Medical-use Marijuana and Adult-use Marijuana Retailers, is herein established as an overlay district. The boundaries of the MOD are shown on the MOD Zoning Map and on file with the Town Clerk entitled "Town of Bourne, Marijuana Overlay District; North Sagamore, South Sagamore, Downtown Buzzards Bay, and MacArthur Boulevard". The MOD shall overlay all underlying districts so that any parcel of land lying in the MOD shall also lie in one or more of the other zoning districts in which it was previously classified, as provided for in this Zoning Bylaw. All regulations of the underlying district shall apply, except to the extent any such requirement is specifically modified or supplemented by the regulations of the MOD.

All Marijuana Establishments sited in the MOD shall be subject to the provisions of this Zoning Bylaw, and shall comply with all applicable state regulations and licensing requirements, including but not limited to those of the Massachusetts Cannabis Control Commission ("State CCC").

- a) The Planning Board is the Site Plan Review/Special Permit Granting Authority (SPGA) under this section and in accordance with section 1230 of this Bylaw.
- b) All sale, trade, distribution, cultivation, production, processing, manufacturing, testing, research, studying, dispensing, and other activities and uses relating to marijuana, whether commercial, retail, or wholesale, are prohibited in the Town of Bourne unless a Marijuana Establishment: (i) is a Medical-use Marijuana or Adult-use Marijuana Retailer; (ii) is sited in the MOD; (iii) fully complies with all provisions of this section 4850; (iv) fully complies with all applicable state and local laws and regulations; and (v) fully complies with all applicable licensing and permitting requirements, including but not limited to those of the Town of Bourne and the Commonwealth of Massachusetts.
- c) Medical-use Marijuana and Adult-use Marijuana Retailers shall be allowed by Site Plan Review in the MacArthur Boulevard area of the MOD and by Site Plan Review/Special Permit in Downtown Buzzards Bay, North Sagamore, and South Sagamore areas of the MOD.
- d) The number of Medical-use and Adult-use Marijuana Retailers shall be limited to a maximum of three [3]

separate retailers within the Town of Bourne. A Medical-use Marijuana and Adult-use Marijuana retailer that are co-located on the same parcel or adjoining parcels shall be considered one retailer for purposes of this provision.

- e) Nothing in this Bylaw is intended to regulate or prohibit uses or activities related to personal use of marijuana in accordance with MGL c. 94G.
- f) Consumption of Medical-use Marijuana and Adult-use Marijuana products at licensed marijuana establishments is prohibited.
- g) Social consumption of Adult-use marijuana is prohibited at patriotic, fraternal or social organization lodges or clubs, and properties used for general lodging or boarding, but not operating as a licensed marijuana social consumption establishment.
- h) Patriotic, fraternal or social organization lodges or clubs, and general lodging or boarding properties shall not offer marijuana for social consumption.
- i) Marijuana Establishments consistent with G.L. c.94G,§3(a)(2), all types of “marijuana establishments” as defined in G.L. c.94G,§1, to include craft marijuana cooperative, marijuana cultivators, independent testing laboratory, marijuana product manufacturers, social consumption establishment, or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Bourne except Adult-use Marijuana Retailers.

4853. Application Requirements

- a) Medical-use Marijuana and Adult-use Marijuana Retailers shall conform to 105 CMR 725 et seq. and 935 CMR 500.000 et seq. “Adult-use of Marijuana”, in addition to any requirements herein as adopted, et seq., including any subsequent updates.
- b) In addition to the submittal requirements and review standards provided in this Bylaw, each applicant under this section shall submit:
 - 1. Copy of a fully executed Host Community Agreement between the applicant and the Town of Bourne.
 - 2. Evidence of site control and right to use the site for Medical-use Marijuana and/or an Adult-use Marijuana Retailer in the form of a deed or valid purchase and sales agreement, or in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
 - 3. A wastewater allocation commitment letter from the Board of Sewer Commissioners for proposed developments in the Downtown District.
 - 4. A map depicting all properties and land uses within the distance requirements set forth in section 4854(a) of the project site, whether such uses are located in Bourne.
 - 5. A written description of the status of its applications to the CCC relative to the establishment at issue, or a copy of such license, as applicable.
 - 6. A list of any waivers of regulations that the applicant seeks to obtain from the CCC, or a copy of any such waivers that the CCC has issued to the applicant, as applicable.

7. Copies of all licenses, permits, or other legal authorizations issued by the Commonwealth of Massachusetts or any of its agencies to the applicant for the proposed Medical-use Marijuana and/or Adult-use Marijuana Retailer.
8. In addition to what is otherwise required to be shown on a site plan pursuant to this Zoning Bylaw, details on a plan showing all exterior proposed security measures for the premises, including but not limited to lighting, fencing, and gates to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity. The site plan shall further delineate various areas of the site (indoors and outdoors) such as public access areas, employee only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas. Site plans and/or application narrative shall contain sufficient information so that the SPGA can evaluate the design and operational standards contained in this section.
- c) Upon the filing of the Site Plan Review or Site Plan Review/Special Permit application with the SPGA, the applicant shall simultaneously submit an electronic copy to the Planning Department.

4854. Location Requirements

- a) Medical-use Marijuana and Adult-use Marijuana Retailers buffer zones shall comply with all buffer zones as stated in Massachusetts 105 CMR 725 et seq. and 935 CMR 500 et seq.
- b) In performing Site Plan Review and/or Special Permit, and taking into consideration site conditions, the Planning Board may authorize exceptions to dimensional requirements of Section 2500 including buffer zone requirements of 935 CMR 500.110. The departure shall be the minimum necessary to afford relief to provide a viable project.
- c) No Medical-use Marijuana or Adult-use Retailer shall be located in the Scenic Development District.
- d) Use variances are prohibited for any Marijuana Establishment.
- e) Special Permits granted to the owner/operator of a Marijuana Establishment shall transfer with a change in ownership of the business and/or property. The Planning Board, Planning Office, and Building Inspector shall be notified in writing within fourteen [14] calendar days of the permit holder business change, property change, discontinuance of use, or if the permit holder's CCC Licensures expires, is not renewed or is terminated. Any failure to meet the requirement of the CCC, a local license, the Zoning Bylaw, or any term or condition of a Special Permit or Site Plan Approval shall be grounds for revocation of the same and may result in the immediate issuance of a cease and desist order by the Building Inspector ordering that all activities cease immediately.

4855. Site Development Standards

- a) Medical-use Marijuana and Adult-use Retailer shall conform to all applicable provisions of the Zoning Bylaw, including but not limited to section 1230, and any other any requirements herein as adopted, and any amendments thereto.
- b) All aspects of the Medical-use Marijuana or Adult-use Retailer shall take place at a fixed location within a fully enclosed building.
- c) If provided, fencing and gates shall be a maximum of 6' high, and shall be decorative style wherever viewed from a public way, abutting property, or other area accessible to the public. The style of fencing and gates shall be approved by the SPGA. Chain link fencing is prohibited wherever visible from the public way or abutting property.
- d) Medical-use Marijuana and Adult-use Retailers shall comply with the Parking and Loading requirements in

section 3300. The use shall be classified as “Office, Stores” under section 3320 Table of Requirements and as “Retail/commercial use” under section 2853 Table DTD-3: Required Parking Spaces in the Downtown District.

- e) All security measures for the building shall comply with State CCC regulations and, further, shall be reviewed for appropriateness by the SPGA to ensure patron and community safety and deter unauthorized access to the premises.
- f) No products shall be displayed in any Medical-use Marijuana or Adult-use Retailer’s window or otherwise be visible from any street, parking lot, or other area accessible to the public.
- g) All signage for Medical-use Marijuana or Adult-use Retailer must meet the requirements of section 2800 and section 3200 of this Bylaw. Any exterior sign may identify the Medical Marijuana or Adult-use Retailer, but shall not contain any other text. The SPGA may impose additional restrictions on signage as appropriate for the site, provided such regulations and restrictions do not conflict with State law or any State CCC regulations.

4856. Limitations

Any other type of licensed Medical-use Marijuana or Adult-use Retailer not expressly defined herein is prohibited.

4857. Marijuana Definitions

For the purpose of this Bylaw, the following definitions shall apply. Where not expressly defined in the Zoning Bylaw, terms herein shall be interpreted as defined in G.L. c 94G, et seq. (Regulation of the Use and Distribution of Marijuana not Medically Prescribed); the Cannabis Control Commission Regulations promulgated thereunder, 935 CMR 500 et seq. (Adult-use of Marijuana); 935 CMR 501 et seq. (Medical-use Marijuana); and the Department of Public Health Regulations 105 CMR 725 et seq. (Humanitarian Medical-use of Marijuana Act) and otherwise by their plain language, as they may be amended or superseded, and any successor or re-codified version, of any regulation issued by an agency of the Commonwealth of Massachusetts with jurisdiction for certifying or regulating the production and/or sale of marijuana.

Buffer Zone:

The buffer zone distance of 500 feet shall be measured in a straight line from the geometric center of the Medical Marijuana or Adult-use Retail building to the geometric center of the nearest School Entrance, unless there is an Impassable Barrier within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the Medical Marijuana or Adult-use Retail building entrance to the geometric center of the nearest School Entrance.

Craft Marijuana Cooperative:

A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

Independent Testing Laboratory:

A laboratory that is licensed by the Commission and is:

- (a) Currently and validly licensed under 935 CMR 500.001, or formerly and validly registered by the Commission;
- (b) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (c) Independent financially from any MTC Marijuana Establishment or Licensee; and

- (d) Qualified to test Marijuana and Marijuana Products, including MIPs, in compliance with M.G.L. c. 94C, § 34; M.G.L. c. 94G, § 15; 935 CMR 500.000; 935 CMR 501.000: Medical Use of Marijuana; and Commission protocol(s).

Manufacture:

To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

Marijuana (or Cannabis):

Means all parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; Clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that Cannabis shall not include:

- a) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- b) Hemp; or
- c) The weight of any other ingredient combined with Cannabis or Marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana Cultivator:

An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment:

a Marijuana Cultivator (Indoor or Outdoor), Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Independent Testing Laboratory, Marijuana Retailer, Marijuana Transporter, Delivery Licensee, Marijuana Research Facility Licensee (as defined in 935 CMR 500.002: Marijuana Research Facility Licensee) Social Consumption Establishment (as defined in 935 CMR 500.002: Social Consumption Establishment) or any other type of licensed Marijuana-related business, except a Medical Marijuana Treatment Center (MTC).

Marijuana Product Manufacturer:

An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana products:

Marijuana Products (or Cannabis Products) means Marijuana and its products, unless otherwise indicated. Marijuana Products includes products that have been Manufactured and contain Cannabis, Marijuana, or an extract from Cannabis or Marijuana, including concentrated forms of Marijuana and products composed of Marijuana and other ingredients that are intended for use or consumption, including Edibles, Beverages, topical products, ointments, oils and Tinctures. Marijuana Products include Marijuana-infused Products (MIPs) defined in 935 CMR 500.002.

Marijuana Retailer:

An entity licensed to purchase, Repackage, White Label, and transport Marijuana or Marijuana Product from Marijuana Establishments and to Transfer or otherwise Transfer this product to Marijuana Establishments and to sell to Consumers. Unless licensed, retailers are prohibited from offering Marijuana or Marijuana Products for the purposes of on-site social consumption on the Premises of a Marijuana Establishment.

Medical Marijuana Treatment Center: Medical Marijuana Treatment Center (MTC), (formerly known as a Registered Marijuana Dispensary (RMD)), means an entity licensed under 935 CMR 501.101: Application Requirements that acquires, cultivates, possesses, Processes (including development of related products such as Edibles, MIPs, Tinctures, aerosols, oils, or ointments), Repackages, transports, sells, distributes, delivers, dispenses,

or administers Marijuana, products containing Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Marijuana for medical use.

Medical-use Marijuana (or Medical-use Cannabis): means Marijuana that is cultivated, Processed, Transferred, tested or sold in compliance with M.G.L. c. 94I, and 935 CMR 501.000: Medical Use of Marijuana.

Medical-use Marijuana or Marijuana Products: means Marijuana Products that are Manufactured, Transferred, tested or sold in compliance with M.G.L. c. 94I, and 935 CMR 501.000: Medical Use of Marijuana.

Social Consumption Establishment: an entity licensed to sell Marijuana or Marijuana Products and allow Consumers to consume Marijuana or Marijuana Products solely on its Premises.

4858. Severability

If any provision of this Bylaw or the application of any such provision to any person or circumstance, shall be held invalid, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Bylaw are severable. If any provision of this bylaw is invalidated by subsequent legislation or regulation, or held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

SECTION V DEFINITIONS

Add: Marijuana: "See section 4850 for all applicable definitions".

Fraternal or Social Organization Lodge definition - delete: "*applies only to the Downtown Bylaw-section 2800*".

SECTION 2110: TYPES OF DISTRICTS.

Amend section 2110. Types of Districts by inserting "**Marijuana Overlay District (MOD)**" after the row "Floodplain Overlay District".

SECTION 2140: DISTRICT PURPOSES

Amend section 2140. District purposes by inserting the following after:

FLOODPLAIN OVERLAY DISTRICT FOD: To enable the Town of Bourne to participate in the National Flood Insurance Program (NFIP) and ensure compliance with the NFIP regulations in all areas as defined as 100-yr floodplain on the Flood Insurance Rate Map (FIRM) provided by FEMA, and further defined by the Flood Insurance Study (FIS) and as regulated in Section 3110 of this Bylaw.

Marijuana Overlay District (MOD): To give the Town the ability to impose requirements designed to encourage appropriate land use and reasonable safeguards to govern the place and manner for Medical-use Marijuana and Adult-use Retailers.

or take any other action in relation thereto.

Sponsor - PLANNING BOARD

MOTION:

Vote Required: 2/3 Supermajority

ARTICLE 14: To see if the Town will vote to amend the Bourne Zoning Bylaw as follows or take any other action in relation thereto:

The zoning bylaws of Bourne shall state:

Marijuana not medically prescribed:

Consistent with MGL c. 94G, §3(a)(2)(i), all types of marijuana establishments as defined in MGL c. 94G, §1, to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types

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of licensed marijuana-related businesses, shall be prohibited within the Town of BOURNE.

By petition – Doug Oesterheld

MOTION:

Vote Required: 2/3 Supermajority

ARTICLE 15: To see if the Town will vote pursuant to Section 2.3.1 of the Town of Bourne Bylaws to repeal Section 3.1.45 – Prohibition on Marijuana Establishments of the Town of Bourne Bylaws or to do or take any other action regarding the same.

By petition – Lori Hough

MOTION:

Vote Required: Simple Majority

DRAFT

I. Procedural Matters

In procedural matters not covered by the Rules or any provisions of the Charter or Town Bylaws, or statute, the Select Board (“the Board”) shall be guided by Roberts Rules of Order, as most recently revised.

II. ~~Procedures for Establishing Policies and Procedures~~Policy Development

Adoption of new policies, ~~amending or rescinding or changing~~ existing policies regarding general town government is a responsibility of the Select Board (“the Board”). Policies will be ~~adopted/amended~~adopted, amended or rescinded only by the affirmative vote of a majority of members of the Board when such action has been scheduled on the agenda of a regular or special meeting.

To permit time for study of all policies or amendments to policies and thus to provide an opportunity for interested parties to react to proposed policies and to provide ~~amendments~~ feedback, the proposed language will be presented as an agenda item to the Board in the following sequence:

1. An informational item may be raised by any member, or the Town Administrator, at any time to recommend the review or establishment of policy – the Board will determine if any action will be pursued. If the Board approves taking action, the Board will determine if the item should be referred to the Policy Subcommittee for development. If the item is referred to the Subcommittee, the Board should provide direction on how to proceed set general expectations for the draft language. If the Board does not refer the item to the Policy Subcommittee, the Select Board is the responsible party for drafting the policy or amendment.
2. The Board, or Subcommittee, will develop a 1st draft of the language. This will be distributed to all interested parties and stakeholder groups.
3. The Select Board will hold a 1st reading on the draft and consider any feedback that was provided by interested parties.
4. The Board, or Subcommittee, will develop a 2nd draft based on the discussion at the 1st reading. The proposed 2nd draft will be sent to Town Counsel for review.
5. The Select Board will hold a 2nd reading on the draft and consider the revisions suggested by Town Counsel.
6. The Board, or Subcommittee, will develop a 3rd draft based on the discussion at the 2nd reading and will bring the matter back to the Select Board for a 3rd reading. (The Board may choose to waive the 3rd reading and approve the 3rd draft at this point).
7. The Board, or Subcommittee, will develop a final draft based on the discussion at the 3rd reading and will bring the matter back to the Select Board for adoption.

~~1. Informational item – distributed with agenda and to Town Counsel~~

- ~~2.— Discussion item— first reading of proposed policy or policies~~
- ~~3.— Response from the Town Administrator; report from any committee with responsibility in the area addressed by the proposed policy; public discussion; Board discussion and directions for any redrafting~~
- ~~4.— Action, which may include further discussion, adoption, rejection, may be taken at the discussion at the second reading, or at a subsequent meeting.~~
- ~~5.— Town Counsel review prior to final reading.~~

~~Amendments to the policy at the action stage will not require repetition of the sequence, unless the Board so directs.~~

The Select Board may dispense with the above sequence to meet emergency conditions.

Policies will be effective upon the date set by the Board. This date will ensure that affected persons have an opportunity to become familiar with the requirements of the new policy prior to its implementation. ~~The Board may divert from policy by super majority[±] vote of the members present.~~

Policy Review Procedure

The Board shall meet at least once annually to review the list of policies on record that need review and to add any policies which might need to be written. This meeting shall result in a document that prioritizes policies requiring amendments or to be written. The exercise and document need to include who has the lead responsibility (Board or Town Administrator) and the documented speculation of the time involved to complete the work understanding that the process is dynamic and additional priorities may arise throughout the year.

The Select Board will have at least a quarterly review of progress on policies that have been prioritized as needing review or to be written. Workshops on policy will be scheduled as needed.

III. Responsibilities of the Officers of the Board

The Chair shall:

- Preside at all meetings of the Board at which s/he is present. In doing so,
- S/he shall maintain order in the meeting room, recognize speakers, call for votes, and preside over the discussion of agenda items;
- Sign official documents that require the signature of the Chair, following a vote of the Board;
- Call special meetings of the Board in accordance with the Open Meeting Law;
- Prepare meeting agendas with the Town Administrator;
- Represent the Board at meetings, conferences, and other gatherings unless otherwise determined by the Board or delegated by the Chair;
- ~~Serve as spokesperson of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair;~~

~~[±] A "super majority" of a five member board is 4 of 5 people; 4 of 4 people; 3 of 3 people.~~

- Coordinate with the Town Administrator, Moderator, and Board on Town Meeting process, logistics and presentations (written and verbal).
- Arrange for the orientation of new members, unless otherwise noted;

The Chair shall have the same rights as other members to offer and second motions and resolutions, to discuss questions, and to vote thereon.

The Vice Chair shall act in the place of the Chair during his/her absence at Board meetings. Should the Chair leave office, the Vice Chair shall assume the duties of the Chair until the Board elects a new Chair.

Clerk of the Board shall sign all official documents requiring the signature of the Clerk, with the authorization of the Board, and shall be responsible for the minutes. S/he is responsible for recording minutes of any portion of meetings held in executive session for which the Town Administrator or Assistant Town Administrator is not present.

IV. Meetings of the Board

A meeting called for any time other than the regular meetings² shall be known as “special meetings.” The same rules as those established for regular meetings shall apply, unless an unforeseen emergency requires a special meeting to be scheduled on a legal holiday. Special meetings shall be called by the Chair, in consultation with the Town Administrator, and with the informal consent of a majority of Board members, or whenever at least three (3) members of the Board make such a request in writing to the Chair or the Town Administrator, either whom shall give notice of such meeting.

The Board shall conduct working sessions as it deems necessary. Such meetings will be posted in accordance with Open Meeting Law. A synopsis of transactions of informal meetings shall be made a part of the record of meeting minutes.

The Board shall meet to review and vote on the Warrant per the requirements of the Charter.

The Clerk of the Board is responsible for the minutes. The Town Administrator is responsible for the process of arranging for minutes to be drafted, circulated, reviewed, and voted upon by the Board according to the Public Records Law. A copy of the minutes shall be filed with the Office of the Town Clerk (Section 8-6(c) of the Charter).

V. Meeting Procedures

Board meetings shall be conducted in accordance with generally accepted rules note in Section 1, Procedural Matters. It is the practice that application of said procedure may be on a relatively informal basis.

A quorum shall consist of three members of the Board. As a practical courtesy, the meeting will identify any action involving the Town regarding critical or environmental matters, the

² Tuesdays

adoption of policy, or appointments to be taken, whenever practicable, with the full Board in attendance. Actions by motions offered shall be seconded, discussed, and voted. Split votes will be identified by name in the meeting minutes. Equal yes/no votes result in a lost motion.

The Town Administrator or his/her designate, starting with the Assistant Town Administrator, shall attend, unless excused by the Chair of the Board at all meetings of the Board. The Town Administrator shall attend in order to keep the Board informed and advised, and to recommend in all matters that fall within the jurisdiction of his/her office. S/he shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction as indicated in the Charter.

VI. Executive Session

Where practicable, executive sessions shall be scheduled prior to the regularly scheduled meeting time of 7:00 PM. All executive sessions shall be held in accordance with the Open Meeting Law.

Minutes of executive sessions shall be drafted by the Clerk (of the Board), or designee, in written form within 7 days of the session for edit and vote at the next executive session. Executive Sessions shall not be audio or video taped. The Board will then vote to disclose or withhold from disclosure the minutes depending on whether or not the reason for their being kept from disclosure still exists.

- If the vote is to disclose, the minutes will be filed by the Town Administrator's office in the Town Clerk's office.
- If the minutes are voted to be withheld from disclosure they will be delivered to the Town Clerk's Office by the Town Administrator's Office as hard copies and kept in a confidential file, in accordance with Section 2.4.5 of the General Bylaws, entitled "Withheld from Disclosure Select Board Executive Minutes."

The Town Administrator is responsible for this file and to bring all withheld from disclosure minutes before the Board for review at least annually, prior to the Town Election, to determine if any should be disclosed.

Any member of the Board and the Town Administrator/Assistant Town Administrator may request to view the minutes "withheld from disclosure" in the Town Clerk's Office through the process of signing and recording the date and time period of review. Once viewed, all documents are required to be placed in a new envelope, sealing it, and returned to the file.

VII. Agenda Procedures

The Board's business meetings generally shall be on Tuesdays. The Board may call special meetings as required and as provided for by the Massachusetts Open Meeting Law.

The Town Administrator, in conjunction with the Chair, bears primary responsibility for coordinating and planning the agenda. The agenda shall include a "future topics" item where members can raise issues they want to be scheduled for discussion.

Agenda items may include:

- Call to order
- Vision/Mission of the Board
- Moment of silence for our troops and first responders, Pledge of Allegiance
- Public comment, which shall be limited to non-agenda items and not be longer than 3-minutes per speaker
- Acceptance of meeting minutes (as required)
- Scheduled appointments (as required)
- Hearings (as required)
- Policy
- Future Agenda Items
- Consent Agenda
- Workshops, which are generally a time for the members to discuss an item in-depth, but not open for extensive public input
- Report of the Town Administrator
- Committee reports
- Correspondence
- Other Select Board business – not open to deliberation
- Adjournment

Reference materials for the Board should be provide to the TA no later than the close of business on the Thursday before a regular meeting. Generally, meeting materials will be sent to the Board by email the Friday before the meeting. Occasionally, supplemental materials will be sent to the Board members on the following Monday or Tuesday. The agenda shall be available to the public per the Open Meeting Law in Town Hall and on the Town of Bourne website. To the extent practicable, a public version of the Board's meeting materials will also be posted online in advance of the meeting.

VIII. Correspondence Procedures

These procedures explain how correspondence is handled by the Select Board once received and what correspondence are included in the public packet at a Select Board meeting.

There will be a Correspondence agenda item at each Select Board meeting to notify the public of correspondence received by the full Select Board. Correspondence may include, but are not limited to, the following:

- Communications from town, state, or federal agencies.
- Communications from town committees or boards.
- Announcements of non-profit events.
- Letters or emails to the full Select Board to notify the Board of an event or opinion on an issue, or to request that the Select Board address a specific issue at a public meeting.

Correspondence from individual residents of Bourne will only be included in the Board's packet when a Select Board Member notifies the Chair with a request to include it in the meeting materials. If the Chair determines it should be included, the Chair will instruct the Town Administrator to place it in the packet for the next meeting.

When an individual Select Board member receives correspondence from a citizen that requires staff action, it is recommended that the Board member reply and have the citizen contact the TA or appropriate department head directly.

Correspondence to the full Select Board will be reviewed by the Chair, for consideration to be included in the public packet, when it includes the name and address of the writer, also contact information in the form of an email or telephone number must be included. Anonymous correspondence without a name and address will not be responded to, or included in the public correspondence record.

Correspondence received by the Select Board before noon on the Thursday prior to the next Tuesday meeting will be included as correspondence on the agenda, unless there is an exception due to public records applicability.

The Clerk of the Select Board is responsible for replying to acknowledge receipt of correspondence and for forwarding the correspondence to the Chair for review. Receipt will not be acknowledged when the Board is listed as a “CC” recipient, and correspondence with the Board listed as a “CC” may not be included in the public packet.

Individual Select Board members may reply to correspondence received, but to avoid an open meeting law violation “Reply All” should not be used when an email is received by the “All Select Board Member” and an individual member does reply.

Correspondence deemed to be public record will be available in hard copy, or digitally, on the town website in the applicable agenda packet.

Correspondence that requires immediate action of the Board will be taken up at the next scheduled meeting.

Correspondence that requires deliberation may be discussed, however, no action may be taken until it is placed as a regular item on the next available meeting agenda.. Board members who would like an agenda item related to a piece of correspondence should make the request during the correspondence agenda item at the posted meeting where the correspondence is listed.

PUBLIC RECORDS APPLICABILITY

It must be understood that written or email correspondence related to the activity of a public body or municipal employee is deemed a public record under the law and is subject to disclosure to the press and to private individuals upon request. The term “public records” is defined by statute to include all documentary materials or data, regardless of physical form or characteristics, made or received by an officer or employee of any agency or municipality of the Commonwealth, unless falling within a statutory exemption (M.G.L. C.4, S.7). Therefore, the Secretary of the Commonwealth advises that the Public Records Law clearly applies to government records generated or received electronically. All electronic mail sent, and all electronic mail received by principal addressees (not received as a “cc”) at a Town-issued address, or any address when in an official capacity, should be considered a public record subject to inspection and disclosure and scheduled retention and disposition. Employees, committee

members acting in their official capacity and the public emailing to employees or committee members should have no expectation of privacy in their use of electronic mail.

IX. Appointments

As part of the annual appointment process, the Town Administrator will ask incumbents whose terms will expire on June 30 if they wish to be considered for appointment to another term. The Town Administrator will ensure that the Board receive by June 1st a list of appointment vacancies to be filled by the Board.

The Chair of any appointed Committee should notify the Select Board if there is just cause for enforcing Section 2.4.4 of the Town Bylaws concerning termination of membership due to absence at meetings.

When the bylaw states, or when the Board or Town Administrator requests, a designee of another board or committee, the board or committee making the designation will vote the appointment of their representative. The board or committee shall notify the Town Administrator of the action taken. The Select Board shall take action to appoint the designee at the next business meeting.

All candidates for appointment should be prepared to address the Board and answer any questions.

When there are more candidates than open seats available for any committee, there will be a motion made to nominate candidates. Once nominations are made, each Select Board member will vote for as many candidates s as there are open seats. Candidates will be appointed according to the voting results with the candidate receiving the highest number of votes taking the first vacant seat, then the next highest filling subsequent seats until all open seats are filled. In the event of a tie, there will be a runoff vote taken between the candidates with the same number of votes to fill any remaining vacancies.

Upon an appointment to a board or committee, as authorized by the Town of Bourne Charter, the appointee shall receive a Certificate of Appointment signed by a majority of the members of the Board or Town Administrator. Each appointee must present the signed appointment slip to the Town Clerk or his/her authorized designee to be sworn in. The appointee shall have the Town Clerk/or designee sign and date the appointment slip and will bring the slip back to the Select Board/Town Administrator's Office for their records. Once the appointee is sworn in by the Town Clerk the appointee is authorized to cast a vote at a meeting of the board or committee to which s/he is appointed.

Committees in which members of the Select Board are seated either as ex-officio, committee as required by statute or as requested by outside governmental and non-governmental agencies shall not be greater than one (1) year and shall not extend beyond an individual's term of office unless otherwise specified.

X. New Committee Procedures

The Board will choose one of its members to attend the first meeting of a newly established committee. Any board, committee or commission (“committee”) appointed by the Board shall be responsible to the Board.

At the first meeting, the designated Board member will read the charge by the Board and answer any questions by committee members so that each member understands the scope of the committee. Committee Meeting Procedures will also be given to each member and discussed. The members of the committee will establish a regular meeting schedule and determine the date of the next meeting.

The designated Board member shall conduct the initial election of officers of the committee. The committee may decide to hold the election of officers at the beginning of their second meeting; however, at no time shall a committee created by the Board be without officers after the conclusion of its third session. No substantive business will be conducted before the election of officers. By majority vote of the members who constitute the make-up of the committee, they shall elect a chair, vice-chair and clerk.

In all procedural matters, the committee shall conduct its meetings in accordance with Robert’s Rules of Order. In the absence of the chair, the vice chair shall conduct the meeting.

In accordance with the Open Meeting Law, the clerk of the committee or the recording secretary shall keep accurate minutes of the proceedings of the committee including executive session minutes, per the Open Meeting Law.

Upon request, the committee shall send a written update of its actions/recommendations that were taken by a majority vote of the committee members to the Board. The Board also reserves the right to request that the committee present this report in person at a Board’s meeting. NOTE: per the Open Meeting, individual members of the committee may also ask that a member of the Board be present at a particular meeting as a member of the audience. A formal request for a Board member to attend a meeting must be made by a vote of the majority of the committee.

The chair shall prepare the agenda on behalf of the committee. Any committee member may insert an agenda item for any meeting. The chair or designee will post the agenda at Town Hall according to the Open Meeting Law.

XI. Certificates of Vote

Certificates of vote shall be prepared for filing with the Town Clerk in the following cases:

1. When formal action of the Board needs to be communicated to an agency and there is no other documentation generated as part of the proceedings (i.e. if the Town Administrator has been authorized to sign a contract or document on behalf of the Select Board).
2. The recession/removal of any policy.
3. To set the dates on which to open and close Town Meeting Warrants.
4. To reduce or increase the number of members on a committee.

5. To declare Town property or equipment as surplus.
6. To establish or dissolve a standing or ad hoc committee.
7. To establish or amend a charge for a standing or ad hoc committee.
8. To revoke the authority of an Acting Town Administrator.
9. Upon request of the Town Clerk, or when determined necessary by the Board or Town Administrator.

Furthermore, unless specifically limited by the Select Board, the Town Administrator is authorized to use the Board Member's signature stamps when preparing Certificates of Votes.

SELECT BOARD

Mary Jane Mastrangelo, Chair
Melissa Ferretti, Vice Chair
Anne-Marie Siroonian, Clerk
Peter J. Meier
Jared MacDonald

Adopted on August 28, 2001

Amended November 12, 2002 by adding section 2.4.2

Amended July 13 2004 – Special Permit Rules & Procedures added

Revised: May 16, 2006

Revised: November 21, 2006

Revised: May 1, 2007

Revised: April 29, 2008

Revised: December 17, 2013

Revised: February 24, 2015

Revised: September 25, 2018, Comprehensive Revision

Revised: XX, 2023, Comprehensive Revision

Select Board
Minutes of Tuesday, September 12, 2023
Bourne Veterans' Community Center
Buzzards Bay, MA
Or Virtually

TA Marlene McCollem
ATA Liz Hartsgrove (remote)

Select Board

Mary Jane Mastrangelo, Chair
Melissa Ferretti, Vice Chair
Anne-Marie Siroonian, Clerk
Jared MacDonald

Others: Larry Bender, State Senator Sue Moran, Kristina Prodouz, Irja Finn, Tim Lydon, Engineering, Jonathan Lovett, Peter Lindberg, Jim Sullivan, Finance Committee Chair, Michael Rausch, Bourne Enterprise, Erica Flemming, Finance Director (remote), Mike Ellis, Town Accountant (remote), John York (remote), Catherine Walton, Kathleen LeGacy (remote), Wayne Sampson, Amanda Bongiovanni, Tom Joyce, Priscilla Harcourt, Renée Gratis, and Judith Froman (remote).

The Zoom Chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute. Note this meeting is being televised, streamed, or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time.

Michael Rausch, Bourne Enterprise, acknowledged that he is recording the meeting.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099** entering the ID/pass above.

Zoom Meeting ID: 869 5775 5505 Password : BOURNE

All items within the meeting agenda are subject to deliberation and vote(s) by the Select Board.

Chair Mastrangelo said that Peter Meier is excused from this meeting.

7:00 PM Call Public Session to Order in Open Session

- 1. Moment of Silence to recognize our Troops and our public safety personnel.**
- 2. Salute to the Flag.**
- 3. Reading of the Vision and Mission Statements:**

Vision: Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to its citizens a healthy, active lifestyle.

Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable, and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

- 4. Public Comment on Non-Agenda Items** – Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.

Larry Bender of Buzzards Bay said he was at the meeting to address the bylaw that concerns the peddlers and hawker's license in the Town of Bourne. He said he spent a grueling 6 weeks trying to obtain this license. He said that he has a business license in the Town of Bourne, and he operates his promotional products business out of his house. He said that he was approached by a Police Officer at the July 4th parade at his kiosk that was set up on private property and was asked if he had a hawker's and peddler's license. Mr. Bender said that he did not know that he needed one.

He said that it took many weeks to go through the whole process to apply for the peddler's and hawker's license. He said that he has checked with others that do what he does, which is sell items at town festivals, and most said that they did not know that they needed one. He asked the Police Department if they check to see if everyone selling has one, and they responded by saying they only check if they get a complaint. He is wondering about the purpose of the license, and the license is only good for 120 days, and costs \$50.00. He has questioned the Police more about it and they said that they will look at it. He feels that he is being singled out, and he feels that everyone should have a license if he is made to do so.

Chair Mastrangelo said that they can't comment. She said that there was a recent bylaw change for the hawkers and peddlers license and sometimes bylaws do something other than what you think they are going to do. She said that it is something that they can bring attention to the bylaw committee.

- 5. Presentation of gift by Rep. Sue Moran to Chair Mastrangelo and the Library Trustees.**

Chair Mastrangelo said that is says Rep. Sue Moran on the agenda but should say State Senator Sue Moran. State Senator Moran thanked the Board for allowing her to be at the meeting, and she said that she sat through the Sewer Commissioner hearing earlier and thought that a great job of communicating was done by the Commissioners.

Ms. Moran presented Chair Mastrangelo and the Library Trustees with a gift of \$25,000 for a feasibility study. She said that libraries are more important today than they ever were, and she talked about the reasons why.

- 6. Library Strategic Plan update.**

Kristina Prodouz, Chair of the Board of Library Trustees, showed a slide presentation on the methodology to develop the three-to-five-year Strategic Plan for the Bourne Public Library. She started by talking about the members of the trustees, and the facilitator, Assistant Town

Administrator, Liz Hartsgrove. She thanked the Town Administrator, Marlene McCollem, the Select Board, the friends of the library, and all the members of the community that participated, and the patrons of the library.

Ms. Prodouz said that they revised their Strategic Plan to accurately reflect the revolving needs and wants of the Bourne Community. She talked about the process in which they developed the plan, which was looking at the strengths, weaknesses, opportunities, and threats of the library. She talked about the areas of focus and the public participation plan. She said that they received 264 responses to a survey about the Bourne Library. She said that they also conducted 2 in person and 1 virtual workshops.

Irja Finn, Library Director, said that the results of their work on this plan centered on 3 keys areas – the people, the place, and the process. She said that the who and the what were not the challenges, it's the where. She said that they must provide exceptional services in an inclusive and accessible manner directly where the customers are through accessibility, parking, the hours, the location, the spaces, and digital equity.

Ms. Finn said that they are trying to connect all the villages of Bourne by having satellite programs. They are also looking at expanding their outside programs. She talked about the strategies for the future of the Bourne Public Library. She said that the plan is due to the State by October 1st. She said that they are opening public comment for people to go and look at the plan, which is available online.

7. Discussion and possible vote to accept a gift from residents for improvements to the Tobey Island Bridge abutment.

Tim Lydon, Engineering Department, said that the Town was approached Jonathan Lovett about making improvements to the entire entry way to Tobey Island. He said that the improvements are on a town owned abutment. These improvements are to have a long-lasting effect on some town infrastructure.

Jonathan Lovett, of Emmons Road, talked about how the ramp to Tobey Island has degraded over the years. He said that he is President of the Tobey Island Neighbors Association, which is made up of 8 families, and they would like to work with the town to make the repairs to the ramp. He said that they would like to get this work done this Fall.

Voted: Jared MacDonald moved, and Anne-Marie Siroonian seconded to support the donation and direct staff to draft the appropriate documents going forward.

Vote: 4-0-0.

8. Discussion and possible vote to approve the use of the Community Building for a Psychic Fair and Craft Show fundraising event hosted by the Friends of Bourne Council on Aging/Food Pantry on 10/28/23. Additionally requesting a waiver of fees for use of the building.

Peter Lindberg, President of the Bourne Friends of the Council on Aging and Friends Food Pantry, said that this request is for the second biannual Psychic Fair and Craft Show. He said that the proceeds go directly to purchasing food for the food pantry. He said that if the fees are waived, they will take that money and put it into the food fund also.

Voted: Melissa Ferretti moved, and Anne-Marie Siroonian seconded to approve the use of the Community Building for a Psychic Fair and Craft Show fundraising event hosted by the Friends of Bourne Council on Aging and Food Pantry on 10/28/23, to be set up on 10/27/23, and on 10/28/23 and additionally requesting a waiver of fees for use of the building.

Vote: 4-0-0.

9. Consent Agenda

- a. Appointment of Catherine Walton to the Roadway Traffic Safety Committee, Cape Cod Water Protection Collaborative and the Cape & Vineyard Electric Collaborative – June 30, 2024.**
- b. Appointment of Charles Bresnahan to the Recycling Committee, - fill term – June 30, 2024.**
- c. Appointment of Mary Smith to the Recycling Committee, - fill term – June 30, 2024.**
- d. Appointment of Noah Schmidt to the Commission on Disabilities – 3 yr. – June 30, 2026.**

Voted: Jared MacDonald moved, and Melissa Ferretti seconded to approve the Consent Agenda as presented.

Vote: 4-0-0.

10. Discussion with the Finance Department.

a. Update and status of the FY23 annual audit.

Finance Committee Chair Jim Sullivan called the meeting of the Finance Committee to order at 7:44 PM.

Ms. McCollem said that they have been requested to discuss the audit particularly regarding DPW spending in FY23. She said that she and the Finance Department met with the town's audit firm on August 2nd, 2023, to begin the FY23 audit process. She said that the major points that they discussed with the auditors included some new processes for the town, and about giving extra attention to the expenditures and internal control within the DPW including the year-end deficits that were experienced at the end of 23 and possibly the practice of subsidizing the operational appropriation with capital article fundings and the snow and ice budget.

Ms. McCollem said that the auditors have begun reviewing the DPW information and it is ongoing. She said that they will recommend a course of action to the Select Board if it appears that a deeper look into anything may be warranted. She said that the town is proceeding with their standard scope of services for the audit. She said they have not committed to any type of forensic analysis or anything additional at this time. She said they will be providing updates.

Finance Director Erica Flemming said that regarding the audit, that this year they implemented a new subscription-based IT Service, GASB 96, which they must recognize any asset and offset it with the corresponding liability. She said that it is new to them, and this could be their biggest challenge with this year's audit, and they are not sure how much effort and time will be needed for it. She also said that they will be reviewing the documents and procedures as it involves the DPW expenditures, as well as inventory controls and assets in that department.

Ms. Flemming said that they were able to get free cash certified early this year, therefore the audit is well underway, and they are hoping that they can speed up the timeliness of the audit completion.

Catherine Walton said she was speaking as a town member and not as a member of the Bourne Planning Board. Ms. Walton thanked Ms. McCollem for the explanation of the budget, and she said that she understands that regarding her request for a forensic audit would be done if needed. She said that she is here because the Town Administrator and the Select Board have been accused publicly of fraud, and she said that is bothersome to her. She said that it is not fair, and a negative net has been put on the whole town.

Chair Mastrangelo asked Ms. Walton about the fraud accusations and Ms. Walton said that she was in a meeting where someone said that the money for safety gear or clothing was misappropriated. Chair Mastrangelo said that the accusation was on a Facebook post and has since been taken down. Ms. Walton reiterated that the integrity of the town leader and the Select Board is getting destroyed by these accusations, and that the town taxpayers need answers, and although the forensic audit costs money, she feels that it is needed.

Chair Mastrangelo said that they are following a process. She said that the auditors look at the expenditures and the internal controls. She said that the DPW budget did not end up in a deficit, although there were line items that did end up in a deficit.

Kathleen Legacy asked for more clarification on GASB 96. Ms. Flemming explained that it is a financial statement disclosure and will be recorded in the financial statement. She said that any contract that conveys control of the right to use another party's IT software alone or in combination with a tangible asset. She said that they must test to identify and understand to get a complete sample, and once the completeness box has been checked, then they must test the contracts and assets to determine if they need to be recorded. If they need to be recorded, then it will show in tangible assets that is offset by subscription liability.

at 7:58 PM, Jim Sullivan said that the Finance Committee meeting will be adjourning.

Voted: Wayne Sampson moved, and Amanda Bongiovanni seconded to adjourn.

Roll Call Vote: Kathleen LeGacy – yes, Priscilla Harcourt – yes, Wayne Sampson – yes, Tom Joyce – yes, Amanda Bongiovanni – yes, Renée Gratis – yes, and Chair Jim Sullivan - yes **Vote:** 7-0-0.

b. DPW – FY23 year-end operating budget review and capital article spending.

Ms. McCollem said that this budget is under review by the auditors. She said that she is not making any conclusions and she will not say anything definitively until they have the results from the auditors. She said that she would take the Select Board through some of the things that she has noticed and show some of the reasons why she thinks any extra look by the auditors is necessary.

Ms. McCollem said in the packet that the Select Board has, there is a document that is the DPW Operating Budget, and it is in the 400's. She said that while spending in a municipal budget, you can not use salary and wages appropriations to offset other expense limits in the budget. She said that there is one line (e) that is \$78,271.42, which is the total unexpended balance at year end, which is from the salary and wages line, due to time, or employee hours, vacant during the year.

She said if you go to another line (c) which is \$57,990. was a budget adjustment of about \$10,500 for an upgrade to a position that went from being a laborer to a mechanic. She said that they went to the Town Meeting to increase the budget by that amount. The rest shown in that line, \$47,500., was the year end budget transfer to cover expenses, and that is the deficit. She said that the expense budget at the end of the year was in a deficit of \$47,500.

Micheal Ellis said that \$73,000. was a surplus in salaries and \$47,500. was a deficit in expenditures and keeping those two independently, they needed a budget transfer to cover the total deficit in the expense lines. He said that if you are looking at the budget as a whole, there is a surplus of \$26,000., although they have never operated that way, as the salaries and expenses have always been kept independent.

Ms. McCollem talked about the Snow and Ice account budget. She said that the Town of Bourne budgets this account fairly, and it is the one account that they are legally able to deficit spend, and it can be balanced later or raised on the recap. She said that for obvious reasons it is wholly dependent on the weather. She said that in her opinion it is a fair budget starting out. Her concern is for a deficit in the snow and ice account for FY23 because it was not a very snowy winter.

Ms. McCollem said that she looked over this budget in detail and the main components of the snow and ice spending are labor, which is generally for overtime for town staff and for contractors, fuel which is assumed is for the number of hours driven in response to a storm and in the number pieces of equipment utilized in a storm, and supplies. She said the labor piece of last winter was lower than average. She said that the fuel budget is an area that the auditors will look at carefully because there was a lot of money spent and moved around. She said that their expenses line was through the roof and is another area that the auditors need to look at. She said that what was being charged off to snow and ice maybe should have been charged off to the operating budget. These expenditures raised red flags, which is what made them ask for a deeper audit.

Ms. McCollem said she asked the auditors to look at whether the capital articles are being used correctly. She said that there was a capital DPW request for \$265,000. that was funded for 8 trucks at \$13,250. per truck, and for large repairs. She has asked for over a year for the plan on what trucks are being repaired and for a scope of work on these trucks. She said that some of the money had been used and after she started asking about the snow and ice budget, money was shifted, and you can see this by the dates of the expenditures. She said she had a meeting in early May with DPW and asked about the snow and ice budget, and there were many costs that were charged to the article after that meeting.

There was more discussion about the repair plan, and Ms. McCollem said that DPW came to her twice and asked to put an article on the Capital Budget and she said that she would not support this article until she sees a plan laid out per truck that is being rebuilt, and what is being rebuilt, and be able to look at it piece by piece. There was some talk about a software program that will track repairs.

Renée Gratis, of Pocasset, asked if small repairs that should not have been used by the capital article line would have to be fixed and how would they go about fixing it. Michael Ellis said that if they found that everything transaction in this article was maintenance and not capital in nature, and if they wanted to move it back to the budget, then everything from June 30th, 2022, and prior, would be an unpaid bill and they would have to find an appropriation for it in the budget.

Erica Flemming said that she wanted to clarify that the amount that was appropriated at Town meeting was \$150,000. The original ask was \$265,000. This was at the May 2022 Town Meeting for FY23.

Ms. McCollem said that there was another capital request for road maintenance outside of Chapter 90. She said that plan in the request was for about \$10,000. for drainage repairs on certain roads in various locations. It was funded at \$50,000. She said that there have been two expenditures out of this article. She asked the auditors to look at one of these expenditures for about \$14,000. to contractor Lawrence Lynch. The bill was for repairs to the curbing at the Community Building. The money was not spent on drainage or on a road, or at any location identified in the proposal. She said that she spoke to DPW about this project because the trustees of the Community Building were upset that it was taking so long to take care of the damage. She said that when she talked to the DPW about the repair they identified what part of the budget that the repair would be charged to, and it was not supposed to be charged to the capital article, and this work was a repair due to damage caused by town staff during snow removal.

Jared MacDonald said that Ms. McCollem, Ms. Flemming, and Mr. Ellis presented the need for audit very well without jumping to conclusions, and it was very clear and concise, and he thanked them.

c. Changes to “safety provisions” as requested by the Union as part of collective bargaining.

Ms. McCollem said that when she arrived in Bourne, every contract with every union was up. She spent a lot of time in her first 6 months bargaining. One of the contracts that she needed to settle was the DPW Unit. She said the unit put a proposal on the table asking her to change the provisions in the contract regarding their uniforms. She said that the Union wanted to increase the money that they would receive in their allowance instead of receiving uniforms. She said that they bargained it, and they were able to agree. She said that the union put the proposal on the table on September 16th, 2022, and they wanted to remove the language “the employer shall furnish uniforms and laundry service to employees who shall be required to wear such uniforms as condition of employment”.

She said they also wanted to change the \$450 boot allowance to a \$1,000. boot and uniform allowance, that would be received on an annual basis, per employee. Ms. McCollem said that this change went into effect year 2 of the CBA, which is FY24. She said that they wanted to strike the uniform allowance budget line and increase the boot allowance line. She said that she tentatively agreed to it at the table. The change was incorporated into the party’s MOA which was signed on September 30th, 2022, by her, 2 stewards of the Union, and the Union’s District Counsel Representative. She said that the Union’s District Counsel Representative sent her an email on October 6th, 2022, confirming that “DPW voted unanimously to accept the contract”.

Ms. McCollem said that she brought it to the Select Board on October 11th, 2022, and the Select Board voted to ratify the MOA. She said that as part of the budget process, this change was accounted for. She said that the total protective equipment appropriations increased from \$20,500. to \$41,500. and the uniform appropriations were eliminated, which was \$17,500. She said that these changes were explained by her and the DPW Director at Select Board meetings and Finance Committee meetings in advance of the May 2023 Town Meeting where the FY 24 budget was approved with this change.

Ms. McCollem said that in August she sent out a confirm about this with the Acting DPW Director, and she also in August confirmed her understanding of this change with the Union District Counsel Representative, who concurred. She said there have been no grievances filed claiming that she is violating the contract. She said that ISWM and Unit B also requested the same.

Ms. Gratis wanted the people at home to know that the numbers can be seen in the meeting packet that they can get online, and she suggests that people look at that packet to be able to follow along while watching the meeting. She also said that there is no substance about the Facebook post about safety gear being cut. She thanked the Select Board and Ms. McCollem.

Judith Froman of Sagamore Beach thanked the staff and everyone that helped put together the list of questions, and she thanked the Select Board for putting this on the agenda. Ms. Froman asked about a timeline for the audit. Chair Mastrangelo said that there is no definitive timeline. Ms. McCollem said that the audit of the financial statements will be in the Spring, and she thinks that there may be some updates about this department sooner.

11. Introductory Discussion: Proposed Finance Dept. Reorganization.

Ms. McCollem said that this will be brought informally to the Select Board this evening because procedurally by charter, a public hearing must be held for this. She said that they will advertise the public hearing for October 3rd. Ms. Flemming explained the changes that she is proposing for the Finance Department. She said that when there are vacancies, it gives them an opportunity to review the efficiencies and deficiencies of the department, and to look at the job descriptions. The 3 items that she is proposing are:

- a. Unplug the Assistant Town Accountant position. She said that this position recently became vacant, and at the present time it is not where she feels help is needed.
- b. Create a Payroll Specialist with the funding from this position.
- c. Increase the hours for Finance Department staff from 35 hours to 37.5 hours per week, also from the funding of the vacant Assistant Town Accountant position.

There was some discussion on creating new positions and holding a public hearing for reorganizing departments. There was also discussion about changes to the organizational chart.

12. Discuss Fall STM capital outlay request for funding feasibility/design for relocation Pocasset recreational facilities.

Chair Mastrangelo said that Ms. McCollem had requested capital items to be presented to her last week and at the Recreation Committee meeting they were talking about this. She said that she personally feels that it is important to have some funding available for planning so that if they go to the Town Meeting in the Spring for replacing the Fire Station, that there are some plans made and that determinations can be made about how the courts will be adjusted and moved. She said that she would like to have funding at the Special Town Meeting in the fall for the feasibility, design and relocating.

Ms. McCollem said that she would like to do the funding for Recreation in the Spring at the same Town Meeting that they ask for the Fire Station capital money. She said she would like the Recreation planning to be a CPA article, which has been missed for the fall.

Chair Mastrangelo explained her request further and Ms. McCollem said that no promises should be made until they know that the ballot question passes. She said that their goal for the Fire Station is to be 100% complete with early schematic design, cost estimate and budget development by mid to late January of 2024. She said that they will be going to the May Town Meeting in '24 and the ballot in '24. If the ballot question passes, the time frame that they need for design to bidding is another 6 to 8 months. She said that they can do the feasibility in the Spring and do the project money in fall of 2024.

Ms. McCollem asked who was managing this recreation department and Chair Mastrangelo said that it hasn't been determined, and it should be the Recreation Department. Chair Mastrangelo said that if there isn't money already for the Recreation project, then the ballot item about the Fire

Station may not pass. There was more discussion about the feasibility for this project. Mr. MacDonald said that he feels that they should not be spending money on something that is not tangible and it concerns him to spend money on saying that they have a plan. There was some discussion about the recreation portion becoming a part of the Fire Station responsibilities.

Wayne Sampson, Chair of the Southside Fire Station Building Committee, said that the committee has been very consistent in what they have been saying for months now, and he does not the residents confused. He said that they have not decided yet that the Fire Station is going to go to the Barlow's Landing location. He said that they are waiting for the technical data to be done and to receive the reports. He said they do not know if they can put it there because of the ecology. He added that they are sensitive to the recreational facilities, and he also believes that it is not within the scope of the guidelines that the Select Board gave to them.

Melissa Ferretti feels that it is a little premature to assume the Fire Station is going there and to request funding now is like putting the cart before the horse, and requesting the feasibility study is too soon. Chair Mastrangelo tabled the discussion until next week.

13. Town Administrator's Report

Ms. McCollem said that regarding the Fire Station, they are currently doing the geo-technical wells at the Barlow's Landing site, and the hazardous material survey has been done. She said that they will be getting the results as they become available.

Ms. McCollem said that they are closely monitoring Hurricane Lee and are participating in regular briefing calls with the Barnstable County Regional Emergency Planning Committee in advance of this weekend.

Ms. McCollem said that maintenance work is scheduled to begin on the Bourne Bridge starting Monday, September 18th, with lane restrictions going into place the night of Sunday, September 17th.

Ms. McCollem said that the Massachusetts Department of Agricultural Resources and the USDA have recently confirmed sightings of the invasive pest known as the box tree moth in Bourne. She said that the box caterpillars feed on the leaves of boxwoods and can cause complete defoliation, eventually killing the plant. There are resources available for dealing with this pest online at www.massnrc.org.

Ms. McCollem said that so far in the calendar year 2023, ISWM has diverted 1.78 tons of food waste. The program has expanded to the high school, middle school, and intermediate school. She thanked all ISWM crew, and especially Phil Goddard, for their efforts.

Ms. McCollem said that DEP has issued the town it's comprehensive 10-year permit for maintenance for dredging, beach nourishment, and temporary de-watering activities under Chapter 91, and the permitting process is still ongoing with the Army Corps of Engineers.

Ms. McCollem also said that the town has been awarded an emergency medical dispatch grant in the amount of \$36,580. and she thanked both Chiefs for their efforts in obtaining these funds.

14. Discussion of Select Board attendance at events on September 16, 2023 – including Pocasset Village Association annual meeting & Canal Day.

Chair Mastrangelo said that at the annual meeting of the Pocasset Village Association they are having three IA system vendors come to talk about their systems because they have the Pocasset Water Quality Coalition. They are also having Peter Meier speak about the Southside Fire Station and wish to have a discussion.

Chair Mastrangelo said that Canal Day is scheduled for September 16th, and they are currently watching the weather.

15. Discussion and possible vote to approve a Canal Day rain date of Sunday, September 17th, 2023, due to impending storm.

Chair Mastrangelo said that she heard from Marie Oliva today and she said that it is not possible to hold the event on Sunday, the 17th, due to some of the vendors and food trucks not being available.

16. Minutes –08.29.23

Voted: Melissa Ferretti moved, and Anne-Marie Siroonian seconded to approve the minutes of August 29th, 2023, as presented.

Vote: 4-0-0.

17. Future Agenda items

Ms. McCollem talked about the potential of a joint meeting with the Select Board, the Finance Committee, the School Committee, and the School Committee from Upper Cape Tech in November to discuss the FY25 budget.

18. Committee reports

Ms. Ferretti said that she attended the JBCC meeting last Thursday and there was a lot discussed at the meeting. They discussed migrant housing and bridge replacements. At the meeting it was indicated that there have not been any issues with migrant housing so far. Ms. Ferretti said that she also attended a meet and greet with all the representatives from the Human Rights Commission.

Anne-Marie Siroonian said that they held the initial meeting of the Cable Internet Telecommunications Advisory Committee, and it was a very robust conversation. They have issued tasks on an individual basis.

19. Correspondence

Anne-Marie Siroonian read aloud the correspondence:

- Bourne Public Schools Resource Fair information
- Joint Base Cape Cod – September Public Meetings
- Cape Cod Metropolitan Planning Organization election process

These are all on the Town's website.

20. **Next meeting date: September 19, 2023**
September 26, 2023 – (BOSC)
October 3, 10 & 17, 2023

21. **Adjourn**

Voted: Anne-Marie Siroonian moved, and Jared MacDonald seconded to adjourn.

Vote: 4-0-0.

This meeting of the Bourne Select Board was adjourned at 9:34 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an email to kthut@townofbourne.com or call the Town Administrator's Office at 508-759-0600 x1503.

Select Board – Joint Meeting – Board of Health
Minutes of Tuesday, September 19, 2023
Bourne Veterans' Community Center
Buzzards Bay, MA
Or Virtually

TA Marlene McCollem

Select Board

Mary Jane Mastrangelo, Chair (7:25)
Melissa Ferretti, Vice Chair
Anne-Marie Siroonian, Clerk (7:07)
Jared MacDonald
Peter Meier

Board of Health

William Doherty, Chair
William Meier
Barbara Princiotta (remote)
Bob Collett (remote, 7:11)

Others: Terri Guarino, Health Agent, Attorney Bryan Bertram, Town Counsel, Tabitha Vasconcelos, Alice Zinkevich, Sean O'Brien, and Jim Sullivan (remote 8:05).

The Zoom Chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute. Note this meeting is being televised, streamed, or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099** entering the ID/pass above.

Zoom Meeting ID: 869 5775 5505 Password : BOURNE

All items within the meeting agenda are subject to deliberation and vote(s) by the Select Board.

6:00 PM Call Public Session to Order in Open Session

Select Board Vice Chair Melissa Ferretti called the meeting to order.

Board of Health (BOH) Chair, William Doherty, called the Board of Health meeting to order at 6:04 PM.

1. Discussion regarding hotel/motel occupancy limits in Bourne

BOH Chair Doherty gave a little background on families in shelters. He said that the Biden Administration has not moved forward in speeding up the ability of the people in these shelters to

be able to work. He said that the Board of Health has the obligation of enforcing regulations. He has asked Town Counsel to draft a letter to put people on notice that the town does not have facilities that allow people to stay for 90 days, and to get an extension for another 90 days. He said that they have a 3-week limited stay which must end at that time, otherwise the owner is under violation.

Mr. Doherty read aloud a paragraph from the letter: "The Board is aware that one or more of the violations may be due to the Commonwealth of Massachusetts acting directly or indirectly to the Executive Office of Housing and Livable Communities, renting, or otherwise procuring rooms to temporarily house displaced persons who have recently arrived in this country. Neither the Board or the Health Department or any other instrumentality of the town however have received any communication or a directive from the Commonwealth to explain why such actions should override the regulations. Absence of such communication or directive of establishing a proper legal base to suspend enforcement of the regulations, the Board is obligated to enforce both to protect the health, safety, and welfare of the community".

Mr. Doherty said that there are two approaches to problems – managing the problem and the other is to solve the problem. He talked about an editorial that the Globe had published the past Sunday that mentioned a bill that is pending in the legislature that would create minimum standards for local Health Departments while providing the money departments need to meet these standards.

William Meier asked if what Mr. Doherty was saying is that the state has come up with a revised plan about what the Board of Health can and cannot enforce. Mr. Doherty said they have not yet, and that is the problem. He said that the Commonwealth excludes themselves from oversight.

Jared MacDonald said that what the BOH has presented is that as a local agency the town is enforcing the rules and regulations that the town has set forth. He said that on the Cape and Islands there are some different restrictions to enforce due to being typically a short-term rental area. He said that the state has failed, and it has been quite some time since the first group of these people were shipped to Martha's Vineyard, and you would think that the state would have something in order. He said that the state must solve this problem, and until that is done, the Board of Health must continue to do their job.

Peter Meier said that they are in violation of the hotel/motel stays. If the hotel/motel decides to turn in their licenses and convert to shelter, would this be a loophole regarding regulations, and if this happens then the town is losing money off the cherry sheet. He said that this is not sustainable long-term, and the town needs the state to help.

Anne-Marie Siroonian asked if the 3 week limit of stay has been enforced. Mr. Doherty said that is why it is being brought up today, and he has a draft letter that is going out to all the hotel/motel owners. Mr. MacDonald said that in the past it has been enforced.

Tabitha Vasconcelos of Buzzards Bay said that she owns property in Buzzards Bay, and she finds this topic very concerning. She said that she feels that this is a race matter. She feels that if this was a group of well-behaved white people, that there would not be a problem with it. She feels that by enforcing the 3 weeks, it will put a lot of families out on the street. She talked about how she

has worked in Bourne for 25 years and has seen how the rich people have come in and bought homes in Bourne. She said that she feels a lot of people will be hurt if the rules are enforced in this case.

Alice Zinkevich of Sagamore said that she takes offense to the racist remark because there are 170 countries coming into the country and they are not always black or brown or yellow. She said that she received a message from one of the house reps. that said that Maura Healey has not heard a word from the government on how they would reimburse her, and they don't know if they are getting any money because nobody has talked to them.

Chair Mastrangelo arrived, Vice Chair Ferretti turned the meeting over to her, and Mr. MacDonald and BOH Chair Doherty gave Chair Mastrangelo an update on what has been talked about so far during the meeting.

Mr. MacDonald asked BOH Chair Doherty if in his letter there is going to be a stay of execution for those enforcements. BOH Chair Doherty read a section of the letter that states: "if you believe that some action of the Commonwealth operates to suspend all or part of the regulations or otherwise exempt you from enforcement of the same, the Board encourages you to explain the basis of that belief as necessary and have the Commonwealth officially communicate its position and possible directives to the Board. The Board cannot evaluate legal sufficiency of any position for which it has received no communication or directive, nor can the Board forego its enforcement responsibilities absent the same." He added that this letter will go to the owners and to the State.

Chair Mastrangelo added that in the letter it states that there is a 7-day window for the state to take whatever action is required by the State to overrule the local regulations. BOH Chair Doherty said that until the state takes action, then the Bourne BOH is obligated to enforce regulations.

Peter Meier said that it is true that the BOH must enforce regulations. He said that these people came here and went through the processing center somewhere and were sent here, and it is not their fault that Bourne ended up with them. Chair Mastrangelo said that the Board of Health must enforce the regulations. There was more conversation about the 7-day portion and about this being a state problem and about changing regulations.

Voted: William Meier moved, and Bob Collett seconded to approve the letter as written and pass.

Roll Call Vote: Barbara Princiotta – yes, Bob Collett – yes, William Meier – yes, and Chair William Doherty – yes. 4-0-0.

2. Discussion regarding Title V regulations

Terri Guarino, Health Agent, said that she has presented several times regarding Title V regulations, and she is open to any questions that either Board may have. BOH Chair Doherty said that the AquaFund Program is still in effect for the County for low interest loans for those who qualify.

Chair Mastrangelo said that there are certain dates that are important based on the regulations for the Town of Bourne. She said that Gerald Martin from DEP wrote a letter to the Town

Administrator and copied Terri Guarino and herself, and she forwarded it to the rest of the Select Board. In the letter he highlighted the timeframes that are part of the final Title V regulations, the notice of intent and application period. She said that there are two areas in watersheds in the Town of Bourne, Squeteague-Megansett and Phinneys Harbor, that are designated as Natural Resource Nitrogen Sensitive Areas. She said that if they do not file a notice of intent for the watershed permits within the next two years, then homeowners in those two areas would have 5 years to replace their septic systems with an I/A system.

Chair Mastrangelo also said that the requirement for enhanced nitrogen removal systems for new construction will begin January 8th, 2024, in those two watersheds if the town does not file a notice of intent for a watershed permit. She said the requirement for existing septic systems for upgrades will commence on July 8th, 2025.

Chair Mastrangelo said that she and Town Administrator Marlene McCollem met with representatives from Falmouth about the shared area of Squeteague-Megansett, and Falmouth is planning to file a notice of intent before the January deadline. She said that they need to decide if Bourne will be filing watershed permits, and they need to understand who becomes responsible and it should be clarified in the Comprehensive Wastewater Management Plan (CWMP). She said that if they don't file that notice of intent then the Board of Health is going to be responsible for requiring the I/A systems in new construction in those two watersheds starting in January.

Chair Mastrangelo said that the town of Bourne's CWMP is looking towards I/A systems except for in one watershed. She asked that if the plan is based on I/A systems, if the BOH discussed starting to make a local regulation. BOH Chair Doherty said they have not discussed it and he asked where they are in the progress of the CWMP. Chair Mastrangelo said that they finished phase 1 and they have a draft of phase 2, which talks about what the plan is for each of the watersheds. She said that it is time for feedback from the BOH.

BOH Chair Doherty said the discussion needs to take place, and he was unaware of completion of phase 1. He said that they will put it as an agenda item, and they will discuss if they receive a copy of phase 1. Ms. Guarino said that it is available on the town's website.

Chair Mastrangelo said the big question right now is whether they are going to file a watershed permit in these two areas and if so, do they want to do it before January. Mr. MacDonald said that the important thing is the timeframe.

It was decided to have another joint meeting and have DEP attend to answer questions, possibly in late October.

3. Public Health Excellence Grant – potential Intermunicipal Agreement.

BOH Chair Doherty said he is interested in hearing what the Select Board thinks about the grant. He said that it is \$491,000. that is available from the County, and the County is offering to be a coordinator and a regulator of the grant.

Ms. Siroonian asked Ms. Guarino if in anticipation of becoming a part of this collaborative, she has identified specific areas of need in the Bourne community. Ms. Guarino said that she and the Town Administrator signed a commitment letter on January 26th and there are certain parties that are concerned about parts of the agreement.

Chair Mastrangelo read aloud the scope of services for the BCDHE, which is what the town would become a cooperative of. She said she is concerned if a designated position of a lead entity been done.

Sean O'Brien, Director of Barnstable County Department of Health, and Environment, said that their goal is to support the 15 Boards of Health on the Cape. He said that they have been to receive a grant out of Massachusetts Department of Public Health to kind of reinforce things that they have already been doing. He said that the only difference is that it is EPA money coming in and they are looking at municipal agreements to hold everything together. He said that towns can pull out at any time. He said that the state is trying to look at ways to have communities work together on various health related projects.

Barbara Princiotta said that her only concern with this collaborative is the current capacity of the current Board of Health. She said that she wants to be thoughtful of Terri's capacity and the team's capacity to take this on. She thinks it is a reciprocal type of agreement, and she feels that the team is stretched thin already, and she would hate to have it take anything away from the town.

Ms. Ferretti said that she was excited about this agreement. She said that she was concerned about the time of the BOH also, but she feels that it is a great opportunity.

BOH Chair Doherty said he feels that regarding capacity, that this program would add extra help to relieve the chief Health Officer so that she can still do what she does on a regular basis. Mr. O'Brien said that he understands the comments about time, and there may be some meetings that would ne to be attended and there could be some opportunities for continuing ed. He said that he doesn't see the need for a lot of additional work on it. He said that it would more foster communications between towns.

Ms. McCollem said that she agrees that some of the concepts and ideas in the grant are very promising. She said that she and Counsel have spent time looking at the language and she has concerns about the town entering into the agreement at this time. Chair Mastrangelo said that she has concerns regarding certain milestones that should have been already met. It was decided that more information is needed and that they would like to have another discussion later.

BOH Chair Doherty said that he would like to know what the Town Administrator's objections are. Ms. McCollem said that the Barnstable County Department of Health and Environment will follow up with the Select Board about the request for outstanding documents. BOH Chair Doherty said again that he would like the list of objections from the Town Administrator given to him, and Ms. McCollem said that once the Select Board receives what they have requested, then they will see how much time they want her and Counsel to put in. Chair Mastrangelo said that there are two separate things here, and one is the question of whether the Select Board is interested in participating in this intermunicipal agreement. based on the money available, the services provided

to the town, and the commitment that the Town of Bourne would be making. She said that if they are interested, then they can talk to Ms. McCollem to talk about her specific concerns with the I/A.

4. Adjourn

Voted: Peter Meier moved, and Anne-Marie Siroonian seconded to adjourn the joint meeting.

Vote: 5-0-0.

Voted: William Meier moved, and Barbara Princiotta seconded to adjourn the meeting of the Board of Health with the Select Board.

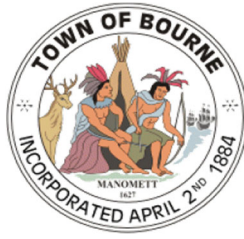
Roll Call Vote: Barbara Princiotta – yes, Bob Collett – yes, William Meier – yes, and Chair William Doherty – yes. 4-0-0.

This meeting of the Bourne Select Board and Board of Health was adjourned at 7:22 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an email to kthut@townofbourne.com or call the Town Administrator's Office at 508-759-0600 x1503.



Select Board's Correspondence

October 10, 2023

- A. DEP letter – Action Memo – PFAS Contaminated Residential Drinking Water
- B. DEP letter 0 EECA NTCRA for a PFAS Contaminated Drinking Water Supply Well
- C. Email from Bourne Enterprise reporter re comments at 10/3 Select Board meeting
- D. Joint Base Cape Cod – October public meetings
- E. Email from J. York re Bourne Rotary Improvements – PS&E Plans 07.19.23
- F. Cape Cod Commission – Sept. 2023 edition of the REPORTER
- G. Letter from P. Mascetta re banning marijuana
- H. Z. Commeau – Talent Bank – Conservation & Roadway Traffic Safety Committees



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

September 29, 2023

Air Force Civil Engineer Center/JBCC
Attn: Rose Forbes
Remediation Program Manager
322 East Inner Road
Otis ANG Base, Massachusetts 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0000037
Joint Base Cape Cod (JBCC)
**Draft Action Memorandum Non-Time
Critical Removal Action to Address an Off-
Base PFAS-Contaminated Residential
Drinking Water Supply Well, Fire Training
Area-1, Comments**

Dear Ms. Forbes:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the document “**Draft Action Memorandum Non-Time Critical Removal Action to Address an Off-Base PFAS-Contaminated Residential Drinking Water Supply Well, Fire Training Area-1**” dated September 2023 (the Action Memorandum). The Air Force Civil Engineer Center (AFCEC) Action Memorandum documents the installation of a whole-house granular activated carbon filtration system as a Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) non-time critical removal action (NTCRA) for one off-base residential drinking water well. The Remedial Action Objective of the NTCRA is to eliminate existing and future exposure to per- and polyfluorinated alkyl substances (PFAS6) in drinking water exceeding the Massachusetts Maximum Contaminant Level (MMCL) from a residential drinking water well impacted by contaminated groundwater attributed to releases from the Fire Training Area-1 (FTA-1) Operable Unit at JBCC.

MassDEP has no comments on the Action Memorandum.

Please incorporate this letter into the Administrative Record for the Fire Training Area-1 Operable Unit. If you have any questions regarding this matter, please contact me at (617) 694-2644.

Sincerely,

A handwritten signature in black ink, appearing to read "Pinaud", enclosed within a circular scribble.

Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

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September 29, 2023

Air Force Civil Engineer Center/JBCC
Attn: Rose Forbes
Remediation Program Manager
322 East Inner Road
Otis ANG Base, Massachusetts 02542

RE: **BOURNE – BWSC**
Release Tracking Number: 4-0000037
Joint Base Cape Cod (JBCC)
**Draft Engineering Evaluation and Cost
Analysis Non-Time Critical Removal Action to
Address an Off-Base PFAS-Contaminated
Residential Drinking Water Supply Well, Fire
Training Area-1, Comments**

Dear Ms. Forbes:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the document “**Draft Engineering Evaluation and Cost Analysis Non-Time Critical Removal Action to Address an Off-Base PFAS-Contaminated Residential Drinking Water Supply Well, Fire Training Area-1**” dated September 2023 (the EE/CA). The Air Force Civil Engineer Center (AFCEC) EE/CA recommends the installation of a whole-house granular activated carbon filtration system as a Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) non-time critical removal action (NTCRA) for one off-base residential drinking water well. The Remedial Action Objective of the NTCRA is to eliminate existing and future exposure to per- and polyfluorinated alkyl substances (PFAS6) in drinking water exceeding the Massachusetts Maximum Contaminant Level (MMCL) from a residential drinking water well impacted by contaminated groundwater attributed to releases from the Fire Training Area-1 (FTA-1) Operable Unit at JBCC. MassDEP offers the following comments on the EE/CA.

In accordance with the Assistant Secretary of Defense Memorandum “**Managing Controlled Unclassified Information in Department of Defense Environmental Cleanup Data and Reports**” dated August 24, 2023 which states “**For ROE agreements that have been previously established with residential property owners DoD Components will request written permission to release latitude/longitude associated with drinking water sampling results on residential property, when requested by State regulatory agencies supporting DoD cleanup**”, MassDEP requests the AFCEC contact the property owner whose private well is associated with this NTCRA to request permission to share with MassDEP the well’s latitude and longitude or street address. MassDEP requests the AFCEC provide the information to MassDEP within thirty (30) days from the date of this letter.

MassDEP maintains its comment expressed in previous letters, that MassDEP continues to reserve its right to challenge the Air Force's policies on Controlled Unclassified Information and to seek public records from the AFCEC that would allow MassDEP to evaluate actual or potential impacts to human health.

Please incorporate this letter into the Administrative Record for the Fire Training Area-1 Operable Unit. If you have any questions regarding this matter, please contact me at (617) 694-2644.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Pinaud", enclosed within a circular outline.

Leonard J. Pinaud, Chief
Federal Site Management
Bureau of Waste Site Cleanup

Ec: Upper Cape Select Boards
Upper Cape Boards of Health
JBCC Cleanup Team
MassDEP Boston/Southeast Region

From: [Mary Jane Mastrangelo](#)
To: [All Select Board](#)
Cc: [Marlene McCollem](#); [Elizabeth Hartsgrove](#); [Kathleen Thut](#)
Subject: FW: Comments At 10/3 Select Board Meeting
Date: Wednesday, October 4, 2023 6:37:59 PM
Attachments: [Clip - Doug Oesterheld 0703 Interview.m4a](#)

Email to a quorum of the Board - please do not reply all.

FYI please include this email in Select Board correspondence.

MJ Mastrangelo
Chair Bourne Select Board
Clerk Bourne Sewer Commissioners
508-563-9415
Cell 508-265-4636

From: Calli Remillard [remillard@capenews.net]
Sent: Wednesday, October 04, 2023 4:49 PM
To: dkoest2@comcast.net; Mary Jane Mastrangelo
Subject: Comments At 10/3 Select Board Meeting

Hello Doug and Mary Jane,

It has come to my attention that comments were made at last night's Select Board meeting by Mr. Oesterheld that called into question the integrity of my work as a journalist. I am writing today to definitively correct the record in regard to these comments, which were in reference to [this June 7 article headlined "Marijuana Hearing Public Comment Causes Confusion, Misinterpretation Of Statement,"](#) which was entirely reported and written by me.

Mr. Oesterheld recently made a remark via email to my reporter, Michael Rausch, which appeared to offhandedly state that The Enterprise used "off-the-record" comments from him in the above-referenced article. That was less than a week ago, so I was rather taken aback when I was informed that those same comments made it to last night's Select Board meeting.

Last night, Kevin Hough shared statements from the above-referenced article. Immediately following his comments, Mr. Oesterheld took to the podium to denounce my article as "a smear" and suggest that it "should be dismissed" from public consideration. This comment is a very serious accusation that I take great offense to, as I have never and would never intentionally or knowingly publish uncorroborated, misleading, or libelous statements.

My article is based entirely on the words of Mr. Oesterheld as documented by the public record and through my very on-the-record interview with Mr. Oesterheld over the phone on July 3. That interview was also called into question last night, with Mr. Oesterheld falsely asserting the following: "The reporter was an off-the-record reporter, she introduced that as an off-the-record reporter."

The "reporter" in question here was me and, as both the editor of and a reporter for The Bourne Enterprise, I am greatly offended by Mr. Oesterheld's assertions. The suggestion that I misled a source by publishing comments made during an "off-the-record" interview is not only patently false but is extraordinarily damaging to my

professional character and reputation as a journalist. I take great pride in the work I do as a journalist and I will not stand by and allow my work to be slandered so carelessly by Mr. Oesterheld, especially in a public setting.

I've compiled some notes to set the record straight, once and for all.

Mr. Oesterheld called my cell phone that afternoon in response to an email I had sent him, and we spoke for about 9 minutes. As I do with every interview I conduct, the very first thing I said to Mr. Oesterheld was that I was looking to ask him questions **on the record** to clear up confusion related to the statement he read at the planning board meeting.

When I am conducting any phone interview, my typical practice is to record myself asking for and receiving permission for the interview to be "on the record," aka recorded, for this very reason. Therefore, I have attached the first 30 seconds of my phone call with Mr. Oesterheld from July 3, during which I very clearly state that the interview we are engaging in is on the record, to which Mr. Oesterheld responds affirmatively and then proceeds to ask me what my questions are.

Below is a transcript of that 30-second recording:

Calli: I was just hoping to ask you a few questions on the record just to clear something up.

Doug: On the record? Uh oh, just a minute I need to lawyer up here.

Calli asks Doug to repeat himself, he does, both laugh

Calli: [laugther] No need to lawyer up, I promise.

Doug: Okay okay Calli, what was the question or several questions that you had?

[Interview begins]

That being said, I wholly stand by the work of myself and my reporter Michael Rausch. I do appreciate the Select Board's attempts to shut down the conversation before it got to where it did and I am confident that the contents of this email will suffice to put this topic to bed once and for all.

I'd like to request that this email be formally entered into the public record and included in the Select Board's correspondence at its next meeting. I strongly believe that the record deserves correcting to reflect that, as I've shown here, the public statements made last night by Mr. Oesterheld are both incorrect and defamatory. Submitting this email for the record seems to be the best avenue to do that.

And to Mr. Oesterheld: should you feel inclined to do so, an apology from you would be warmly welcomed.

Please let me know if there are any questions or concerns regarding this. Thank you for your time.

Sincerely,
Calli

Calli Remillard

News Editor

The Bourne Enterprise

she/her/hers

2021 Graduate of Northeastern University | B.A. in Journalism



remillard@capenews.net



www.calliremillard.com



Falmouth, MA



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Kathleen Thut

From: Kelly, Emily D NFG NG MAARNG (USA) <emily.d.kelly2.nfg@army.mil>
Sent: Wednesday, October 4, 2023 3:15 PM
Subject: Joint Base Cape Cod October public meetings
Attachments: october calendar 2023.pdf

Good afternoon,

Below and attached is the public meeting calendar for Joint Base Cape Cod for October 2023.

**Massachusetts National Guard
Environmental & Readiness Center
Joint Base Cape Cod Update
OCTOBER PUBLIC MEETINGS**



Environmental Management Commission Community Advisory Council

The Environmental Management Commission Community Advisory Council will meet at 6:00 p.m. on Wednesday, October 11, at Building 1805, West Outer Road, Camp Edwards on Joint Base Cape Cod in Bourne, MA.

The Community Advisory Council is an advisory committee to the Environmental Management Commission, which was established by Massachusetts law for the purpose of monitoring military and other activities on the northern training areas of Camp Edwards within the Upper Cape Water Supply Reserve.

For further information please contact Leonard Pinaud, EMC Environmental Officer, at 617-694-2644 or leonard.pinaud@mass.gov. Information about the EMC is available at: <https://www.mass.gov/info-details/environmental-management-commission-emc>

Environmental Management Commission

The Environmental Management Commission (EMC) will meet on Thursday, October 19, at 9:30 a.m. at Building 1805, West Outer Road, Camp Edwards on Joint Base Cape Cod in Bourne, MA.

The EMC ensures the protection of the drinking water supply and wildlife habitat on the northern 15,000 acres of Camp Edwards, also known as the Upper Cape Water Supply Reserve. The Reserve is protected through the oversight and monitoring of military and other activities taking place there.

For further information please contact Leonard Pinaud, EMC Environmental Officer, at 617-694-2644 or leonard.pinaud@mass.gov. Information about the EMC is available at: <https://www.mass.gov/info-details/environmental-management-commission-emc>

Joint Base Cape Cod Access

The Community Advisory Council and Environmental Management Commission meetings are open to the public. Entry to Joint Base Cape Cod is through the Main Gate in Bourne only. Meeting attendees will be asked to

show valid ID at the security gate and may be asked the name and location of the meeting, for example:
"Community Advisory Council meeting at Building 1805."

Emily Derbyshire Kelly
Program Coordinator
MANG Environmental & Readiness Center
3468 Beaman Street
Camp Edwards, MA 02542
339-202-9341

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Kathleen Thut

From: [REDACTED]
To: Tuesday, October 3, 2023 8:32 AM
Cc: All Select Board
Subject: Marlene McCollem; Judith Froman; Timothy Lydon; Brandon M. Esip
Select Board Meeting 10/03/2023 Agenda item 12 - Bourne Rotary Rotary
Improvements, PS&E plans 7/19/2023
Attachments: 610542_PS&E_Plan.pdf

Select Board, Town Administrator, et al.,

Attached is a pdf of the Plans, Specifications and Estimate (PS & E) plans for MassDOT Project 610542 Bourne Rotary Improvements. These plans were provided by Tim Lydon who requested and received them from MassDOT.

These PSE plans are preliminary and represent the project as envisioned by MassDOT as of July 19, 2023. The project was advertised for bids on August 26, 2023. Bids are scheduled to be opened today, Tuesday, October 3, 2023, at 2 PM. Final construction drawings and specifications included in the bid package may differ from these plans.

The proposed re-striping and roadway modifications on the rotary are best depicted on sheet 25 of the plans. The re-striping shown is for two lanes instead of the previously proposed three lane configuration. The striping is of the new style, with marked lanes diverging from the rotary towards each exit. Vehicles intending to remain on the rotary must cross marked lanes to continue past an exit. The most recent driving manuals for rotaries instruct drivers not to cross lanes when navigating a rotary.

Road furniture (islands and divider strips) are similar to existing features except for a proposed addition of a divider strip between rotary lanes near the Rotary/MacArthur Boulevard northbound junction.

The project also includes a rework of signage around the rotary. Current motor vehicle wayfinding, warning and regulatory signs will be replaced with different signs in accord with the new lane markings and more recent signage standards.

The plans do not include any improvements for pedestrians or cyclists ... no wayfinding signage for pedestrians or cyclists heading to or from the Bourne Bridge, no crosswalks, no warning or alert signs for motorists to be aware of pedestrians or cyclists entering or crossing the roadway where the bridge sidewalk ends.

Because this project provides improvements to motor vehicle features without any improvements for pedestrians or cyclists, this project requires a Design Exception signed by the Massachusetts Highway Administrator. Although the Design Exception Request appears to contain significant errors, the Highway Administrator signed the Design nException Request on August 7, 2023.

Note: A table on Sheet 1, the title page of these plans, indicates that the design speed of Sandwich Road/Route 6A is 25 miles per hour. It might be good to ask MassDOT about this designation. Perhaps this low nominal design speed is a factor contributing to MassDOT's low priority for Sandwich Road improvements at the Upper Cape Regional School and Gallo Arena.

John York
[REDACTED]

....
From: Lane, Joseph (DOT)
Sent: Wednesday, July 19, 2023 12:49 PM
To: Timothy Lydon
Subject: RE: Project #610542 - Bourne Rotary Retrofit - Utility Field Meeting

Thanks Tim. Attached is the most recent copy of the plans that I have, from the PS&E review.

Thanks,
Joe

Kathleen Thut

From: Bourne Representative <bourne@capecodcommission.org>
Sent: Wednesday, October 4, 2023 1:16 PM
To: All Select Board; Marlene McCollem
Subject: Fw: Cape Cod Commission REPORTER - September 2023

Good afternoon,


Attached is the September issue of the CC Commission Reporter. I note the articles on flood area design guidelines and Expanding broadband and digital equity on Cape Cod may be of interest.




Please contact me if you have any questions regarding non-regulatory hearing issues.

Sincerely,
Stephen Mealy
Cape Cod Commission Member
Bourne


From: Cape Cod Commission <info+capecodcommission.org@ccsend.com>
Sent: Friday, September 29, 2023 12:54 PM
To: Bourne Representative <bourne@capecodcommission.org>
Subject: Cape Cod Commission REPORTER - September 2023

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SEPTEMBER 2023



Cape Cod Commission develops flood area design guidelines

The Cape Cod Commission has developed flood area design guidelines for Cape Cod that outline strategies for reducing or eliminating hazards from sea level rise and storm surge while protecting the region's distinct character and historic resources

[Read More](#)



Five years of ferry surveys: Data collection helps preserve transit funding

Surveys conducted by Commission staff over a five-year period helped preserve commuter status for ferry service between Hyannis and Nantucket. Read more to learn about the project.

[Read More](#)



Supporting mixed-use development on Cape Cod

A vibrant downtown often includes a mix of uses: residential, retail, restaurants, and other commercial businesses. Mixed-use development can provide opportunities for increased, compact housing in areas that are walkable, bikeable, and accessible to public transportation, and can help create new or enhance existing active areas.

Read more to learn about the Cape Cod Commission's work to develop strategies to maintain existing and encourage new compact, mixed-use development on Cape Cod.

[Read More](#)



Expanding broadband and digital equity on Cape Cod

Internet connectivity and access to the digital world is no longer an amenity – it is a necessity in our daily lives. The Cape Cod Commission's broadband work aims to ensure reliable, affordable, and equitable access to the Internet for residents and visitors to our region.

The Commission is currently conducting a regional broadband assessment, offering municipal digital equity planning, and coordinating with the statewide digital equity plan.

[Read More](#)



Cape Cod Regional Pond Monitoring Program

The Cape Cod Freshwater Initiative is a science-based, information-driven planning process to enable action to protect and restore Cape Cod's freshwater resources. Critical to successfully managing freshwater ponds is understanding drivers of water quality degradation and how freshwater quality is changing over time.

The Regional Pond Monitoring Program, launched collaboratively with the Association to Preserve Cape Cod in April 2023, aims to collect data on a representative selection of ponds. The Program will provide insight into how different types of ponds respond to changing regional environmental conditions over the course of the monitoring season and from year to year. Data collection at the 50 ponds selected for the program will take place from April through October for three years. To date, 274 water quality samples have been collected.



National report highlights Commission partnerships

A new report issued by the Federal Highway Administration highlights the Cape Cod Commission's ongoing collaborative work with the Cape Cod National Seashore including the effort to produce and implement the Outer Cape Bike and Pedestrian Master Plan.

[Read more](#)



Telling the whole story: Elevating traditionally under-represented histories

Bringing underrepresented histories to light has become a top priority in historic preservation in recent years and in work to improve equity and build strong communities.

There are several local efforts to elevate these stories through the birth of new museums, new exhibits at established museums, specialized tours, and research done by scholars and local historians.

[Read More](#)

Cape Cod Commission participates in International Festival



Cape Cod Commission staff participated in this year's International Festival, hosted by Independence House in collaboration with Health Imperatives' Immigrational Resource Fair. The International Festival's goal is to ensure that all communities on Cape Cod are recognized and offered opportunities to enhance their livelihoods. The shared event connected individuals and families with service providers, programs, and public entities while celebrating the Cape's vibrant

and diverse communities. Staff were available to share information and discuss regional planning efforts on topics such as transportation, digital equity, housing, and climate change.



How do you connect with Cape Cod's freshwater resources?

Share your perspectives about the freshwater resources that are meaningful to you. What concerns do you have? What has been done to help improve or preserve a pond you spend time at? How do you use your favorite pond? What stories would you like to share about living near or visiting a pond on Cape Cod?

Launched at OneCape 2023, the online, interactive Local Stories tool collects stories about ponds to better understand and characterize their vital role in our community. All are encouraged to log on to the tool and share stories.

Information collected through the Local Stories tool, along with data and research being conducted, will be used as we work with stakeholders to develop a framework for action to address freshwater ponds.

Share your pond story



Cape Cod Commission | 3225 Main Street, PO Box 226, Barnstable, MA 02630

[Unsubscribe bourne@capecodcommission.org](mailto:bourne@capecodcommission.org)

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To: Town of Bourne Select Board
From: Pam Mascetta
RE: The General Bylaw to Ban Commercial Marijuana
Date: October 4, 2023

Dear Ms. Mastrangelo and Select Board Members,

Recently the Cannabis Control Commission has approved regulatory changes that will impact our communities. I am including a document transcribed from the CCC website announcement of these changes for your convenient reference.

<<https://masscannabiscontrol.com/2023/09/cannabis-control-commission-approves-historic-regulatory-changes-to-implement-commonwealths-equity-reform-law/>>

Upon careful examination, it is becoming painfully clear that the CCC is planning to assert an ever increasing level of control over towns with Host Community Agreements. A bullet point, on top of page 3, states "Allowing interested parties to file complaints alleging non-compliance with HCA requirements with the Commission and allowing Licensees or License Applicants to bring a private breach of contract action in a court of competent jurisdiction." This further opens up avenues for litigation over Community Impact Fees and what the CCC determines to be non-compliance. Even more concerning is that we don't know what they will come up with next. We started with Medical Marijuana dispensaries, which gave way to Adult Recreational Marijuana and now the CCC is proposing to allow Adult Consumption sites. They seem more interested in promoting the Marijuana Industry and Social Equity than they are in promoting the well-being of our communities. That's why it is so important that you stand strong for Bourne. Hopefully you will read the news release from the CCC and come to the same conclusions that so many of us have.

**Please support maintaining the General Bylaw to Ban
Commercial Marijuana.**

Thank- you.

Pam Mascetta

Buzzards Bay

News / Cannabis Control Commission Approves Historic Regulatory Changes to Implement Commonwealth's Equity Reform Law

For Immediate Release

September 27, 2023

Contact

Tara Smith
Press Secretary
617-549-1166

Tim Caputo
Press Secretary
774-525-1507
Press@CCCMass.com

Cannabis Control Commission Approves Historic Regulatory Changes to Implement Commonwealth's Equity Reform Law

WORCESTER—Following five days of public meetings, the Cannabis Control Commission (Commission) on Friday, September 22, 2023 voted 3-1 to approve final changes to Massachusetts' adult and medical use of marijuana regulations, including policies that will implement the agency's oversight of host community agreements (HCAs), new municipal equity requirements, and suitability reform, in accordance with Chapter 180 of the Acts of 2022, *An Act Relative to Equity in the Cannabis Industry*.

To get to this point, regulatory working groups, led by Commissioners and staff, participated in months of policy discussion and stakeholder engagement, then initially proposed draft regulations that were first approved by Commissioners in a 4-0 vote at their **July 28 public meeting**. The Commission then **filed the draft with the Secretary of the Commonwealth in August**, gathered written testimony, and held a public hearing for stakeholders to weigh in on the policy proposals on September 8, prior to the September 22 vote on final regulations.

"Commissioners and staff have worked tirelessly for months to revise our regulations—driving a transparent process and listening to feedback from diverse constituents, convening numerous public meetings, and making thoughtful changes," said **Acting Chair Ava Callender Concepcion**. "I am grateful to our partners in the Legislature and in the Executive Branch for entrusting us with the authority to move the agency and industry forward and am proud of the final product that we will be filing with the Secretary of the Commonwealth."

"I am thrilled that Massachusetts is one step closer to implementing important reforms that will ensure our legal industry includes full participation by communities that have been harmed by the War on Drugs," said **Commissioner Nurys Camargo**. "These changes are a long time coming, but I am confident that these regulations will move the needle forward on equity and inclusion in our marketplace."

"The Commission has done its part to write regulations that will ensure local contracts between municipalities and licensees comply with state law, and cities and towns prioritize equity as much as the Commonwealth does," said **Commissioner Kimberly Roy**. "While Commissioners may not have been in agreement about every change in these final drafts, I am proud we are on our way to promulgating new policies in accordance with Chapter 180."

"These new regulations will increase opportunities for all licensees to truly compete in this industry, and I am excited to see these new policies take effect," said **Commissioner Bruce Stebbins**. "Massachusetts is now home to a \$5 billion industry, and the time is now to ensure equity participants can participate meaningfully in all the regulated marketplace has to offer."

Next, staff will finalize the policy changes discussed last week and file the regulations with the Secretary of the Commonwealth toward promulgation no later than November 9, in compliance with Chapter 180. They include:

HCAs

- New Commission authority to:
 - Review, approve, and certify HCAs, and develop a model contract;
 - Deem an HCA provision invalid or unenforceable, or voidable; and

- Issue sanctions against a host community that is noncompliant with HCA regulatory requirements, abstain from considering new license applications in that host community, or publish a list of communities that are out of compliance.
- Starting no later than March 1, 2024, the Commission will enforce the requirement that License Applicants and/or Licensees and host municipalities reach and adhere to an HCA that complies with state law, or agree to a compliant waiver;
 - To be considered compliant, any conditions set in an HCA must be reasonable. Some conditions that are presumed reasonable, include those that are:
 - Required under local rules, regulations, ordinances, or bylaws;
 - Deemed necessary to ensure public safety and proposed by the host community's chief law enforcement authority and/or fire protection chief, to include a detailed explanation of necessity;
 - Deemed necessary to ensure public health and proposed by the host community's chief public health authority, to include a detailed explanation of necessity;
 - A local requirement customarily imposed by the host community on other, non-cannabis businesses operating in the municipality;
 - Not in conflict with other laws; or
 - Otherwise deemed reasonable by the Commission.
- New provisions specifying the stipulations between the HCA and the License Applicant and/or Licensee and a set timeline for host communities to transmit an invoice of claimed impact fees to the Licensee who is subject to the HCA;
 - Each impact fee invoice must include specific line items for cost and purpose of each good or service as well as their relation to the operation of the Licensee.
 - The host community shall not attempt to collect impact fees relating to any operations occurring prior to the date a licensee is granted a final license by the Commission; and
 - The host community shall not attempt to collect impact fees from any Licensee that has held a final license for more than nine years.
- Permission for the host community and License Applicant and/or Licensee to include HCA terms that they agree to bring HCA-related disputes before a private mediator retained by the parties, without compelling parties to participate;
- Prohibitions on certain HCA provisions, terms, conditions, or clauses, including:
 - A promise to make future monetary payment, in-kind contribution, or charitable contributions, whether explicit or implicit;
 - Requiring a License Applicant or Licensee to make upfront payments as a condition for operating in the host community;
 - Obligating a Licensee to set aside money in an escrow, bond, or other similar account for a host community's use or purpose;
 - Imposing legal, overtime, or administrative costs or any costs other than a Community Impact Fee on a Licensee with the exception of tax obligations and routine, generally occurring fees;
 - Inducements to negotiate or execute an HCA;
 - Requiring that the Community Impact Fee be a certain percentage of the Licensee's total or gross sales as a term or condition of an HCA, or demanding the fee exceed three percent of the licensee's gross sales;
 - Discouraging any party from bringing a civil cause of action or other legal challenge relative to an HCA or to an individual term or provision of an HCA; and
 - Waiving away a Licensee's ability to dispute whether the impact fees alleged by a host community are reasonably related to the costs imposed on their operations;
- A set timeline (a maximum of 90 days) and process for the Commission to complete its review of an HCA upon receiving it from a License Applicant and/or Licensee—which may be extended 90 days on receiving an amended HCA;
- The ability of Licensees to access equitable relief if a municipality decides to no longer continue as their host community;

- The Commission may give the impacted Licensee additional time to receive the approval of the city/town for a compliant HCA or make a change of location, waive fees, institute procedures to wind down licensee operations, or determine other equitable relief;
- Allowing interested parties to file complaints alleging noncompliance with HCA requirements with the Commission and allowing Licensees or License Applicants to bring a private breach of contract action in a court of competent jurisdiction.

Municipal Equity

- Authorizing Licensees to satisfy, in part, existing requirements to submit a **Plan to Positively Impact Disproportionately Harmed People** to the Commission by donating to the Cannabis Social Equity Trust Fund that is administered by the Executive Office of Economic Development in collaboration with the **Cannabis Social Equity Advisory Board**;
- Expansion of the Commission's **pre-certification process**, which is currently available for delivery or social consumption licenses, to all license types, thereby enabling Certified Economic Empowerment Priority Applicants and Social Equity Program Participants to demonstrate to a prospective host city or town their propensity to open any licensed cannabis business;
- A new pre-verification and verification process available to prospective license applicants who may later qualify as a Social Equity Business under Chapter 180 to become eligible for consideration as part of host communities' equity efforts at the local licensing level;
- Eliminating existing administrative burdens on License Applicants and Licensees who qualify as Social Equity Businesses and businesses held by majority ownership of Social Equity Program Participants and/or Economic Empowerment Priority Applicants;
- To increase transparency into municipal licensing frameworks and available HCAs, a requirement that cities and towns publish information about their local licensing process in a conspicuous place and online, and create a standard evaluation form to ensure businesses have clarity about why licenses are issued to certain entities over others;
- Setting specific standards for host communities during HCA negotiations with verified or pre-verified Social Equity Businesses and License Applicants, including:
 - The ability to waive or reduce fees such as CIFs, zoning, and occupancy fees;
 - Set numbers of conferences with equity parties and the requirement of providing a certified interpreter to assist non-English speakers;
 - The ability of an equity party to propose an amendment to, or seek cancellation of, an HCA within 30 days of execution;
- Prohibition against the use of undue influence, duress, coercion, intimidation, threats, or any strong-arm tactics to negotiate an HCA with an equity party, or compelling any equity party to sign the contract;
- Requiring that host communities with saturated licensing caps reserve for equity businesses at least one, and as many as 50% of any expanded license opportunities; and
- Authorizing the Commission, starting March 1, 2025, to fine cities and towns that are found to be out of compliance with the Commission's municipal equity regulations, and deposit those fines into the Cannabis Social Equity Trust Fund.

Suitability

- In accordance with Chapter 180, eliminating previously existing disqualifiers that prevented individuals with certain criminal backgrounds from employment in the legal industry as Registered Agents for Marijuana Establishments and Medical Marijuana Treatment Centers, with exceptions for Independent Testing Laboratory Agents and license owners.
- As part of the final regulations, Commissioners also extended the timeframe for reviewing past actions of certain agents that could lead to a negative suitability determination. This review or lookback period has been extended from five years to an indefinite duration for issues where an agent's prior actions posed or would likely pose a risk to the public health, safety, or welfare, and those actions relate or would likely relate to the operation of a Marijuana Establishment or Medical Marijuana Treatment Center.

Additional information is available by visiting **MassCannabisControl.com**, by contacting the Commission by phone (774-415-0200) or email (**Commission@CCCMass.com**), or following the agency on **Facebook** and **X**.

July 27, 2023

Dear Friends and Fellow Bourne Residents,

I have lived in Buzzards Bay for 35 years now, and I can say that I have seen many changes in our town since we have taken up residence here. Change is inevitable and change can be good. Connecting 495 to the Bourne Bridge was good, as were beautification efforts downtown, building a new Police Station and an attractive park with spacious parking for visitors. But change can also be bad. Ask yourself, will allowing retail marijuana establishments in Bourne be a change for the good? Will it make our town better and who will it benefit?

It won't benefit me. I don't smoke pot. And if I did I would either grow it myself or go to the Pot Shop 1.5 miles down the road from me on the Cranberry Highway, or the one on Main St. in Wareham, or Plymouth or Carver. Will it make my home more valuable? I doubt it. Will the tax revenues offset the costs incurred by our town? Who knows. Will it improve the traffic issues? Of course not.

My main concern is the influence it will have on our children and young people. What kind of a message are we sending to them? That it is ok? That it can't hurt you or will make your life better? That may or may not be true for those of us mature (older) folk, but it is not true for the youth. We all know that pot is here to stay, but does that mean that it is good to promote it? Trust me as an older person now, who was once young, and can speak from personal experience, the benefits that pot proponents claim do not outweigh the potential damage that it can do to developing minds. Let's support parents and kids alike to be the best they can be: to dream big, work hard and achieve their goals unhampered by the consequences of marijuana use.

So finally, we must ask, who really benefits from retail marijuana establishments? They are the people who stand to make the most money. Sure, there may be small business owners just trying to make a living like the rest of us, but Cannabis is big business now. Check out Curaleaf <https://curaleaf.com/about-curaleaf> with headquarters in Wakefield, MA for example. According to Wikipedia "In 2020, Curaleaf became the world's largest cannabis company by revenue..." with distribution in 23 states across the U.S. They and other large corporations are in the business of promoting marijuana to grow their revenues. We don't have to help them.

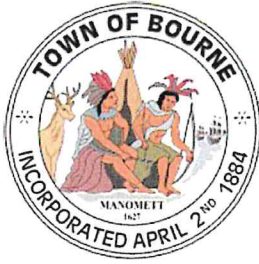
Let's uphold the ban on marijuana establishments in Bourne. Let's get out the vote.

Sincerely,

Pam Mascetta

(Professional Figure Skating Coach / over 45 years)


Buzzards Bay



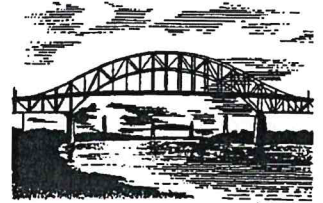
Town of Bourne



www.townofbourne.com



24 Perry Ave, Bourne, MA 02532



TALENT BANK FORM

The success of any local government depends largely on the participation of its citizen volunteers

The Town of Bourne seeks interested residents to become involved as volunteer members of Town Boards, Committees or Commissions. Please fill out this form if you are interested in serving.

Name: **Zachary Commeau**

Address:

Village:

Telephone:

Email:

Occupation: **Regional Environmental, Health and Safety Manager Safe Harbor Marinas**

Please list in order of preference which committee(s) you are interested in:

Conservation & Roadway Traffic Safety

Briefly describe why you would be an asset to this committee(s). Include any special training and qualifications:

I pride myself on my knowledge of Environmental laws and managment practices. I am AMI Clean marina certified.

I have been in the marine industry for 10 years and I am young and eager to help protect our planet!

I have a large amount of OSHA knowledge and I am certified in CPR/First aid