

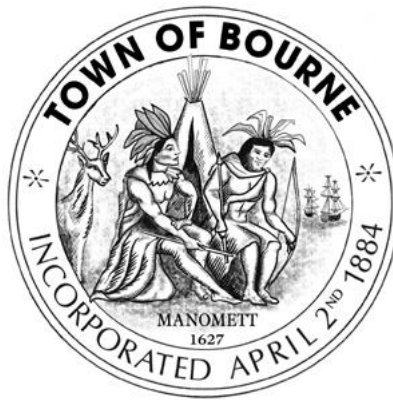
**ARTICLES OF THE WARRANT
FOR THE BOURNE**

SPECIAL TOWN MEETING

Monday January 26, 2015

7:00 P.M.

BOURNE HIGH SCHOOL AUDITORIUM



ARTICE INDEX

1. Unpaid Bills
2. MBTA Ballot Question
3. Photovoltaic Ground Mounted System – Bourne Water District
4. Wastewater and Treatments Options
5. Amend Bourne Zoning Bylaw Section 2842
6. Funding Reserve Fund
7. Council on Aging

RESOLUTION

STATEMENT OF THE MODERATOR

TOWN MEETING PROCEDURES

1. At the beginning of the meeting the Moderator designates rows of seats in the left rear section of the auditorium for seating of *non-voters*. With the permission of a doorkeeper, voter(s) attending town meeting with a child(ren) may be allowed to sit with their child(ren) in voter seating. We respectfully request that you do not bring children under age 6 to town meeting.
2. Moderator rulings and procedure at the Town meeting are governed by Federal and Massachusetts laws, the Town Charter, Town Bylaws, and “Roberts Rules of Order” as interpreted in the book entitled *Town Meeting Time*.
3. The Moderator will not entertain shouted motions from the floor to Move the Question, or to challenge a quorum, or for any other purpose. Any person wishing to speak must first rise and be recognized by the Moderator. If a person is physically challenged, please so advise the Moderator, and the tellers will provide a portable microphone so that person can speak from his/her seat.
4. Large print town meeting handbooks are available for individuals with limited eyesight. Individuals with hearing difficulty need to contact the selectmen’s office at town hall at least three business days prior to the town meeting so that language signers can be made available for the meeting.
5. Before speaking, state your name clearly for the record. Speak concisely and speak to the motion on the floor. Speak only long enough to make your point. Do not repeat what prior speakers have already said.
6. The Moderator will not tolerate personal attacks, cat-calling, applause, booing, heckling, or any other form of disruption during the meeting. Pursuant to Massachusetts law, any person disrupting the town meeting may be caused by the Moderator to be removed from the meeting by the Sergeant-at-Arms or a Constable and held until the conclusion of the meeting.
7. The meeting is video taped by the local cable television company for later re-broadcast on the local cable access channel.

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

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

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

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

12. Articles in the warrant seeking to amend the Bourne Zoning Bylaw or Zoning Map require special treatment. Some Moderators refuse to allow any amendment to a main motion on a zoning article. I generally will allow a motion

to amend to correct a clerical matter, misspelling, or similar non-substantive change. For example, if the main motion is to increase minimum lot size from 40,000 to 50,000 square feet, a motion to amend to increase only to 45,000 square feet, will not be allowed, as it is a substantive change to the published article. On the other hand, a motion to change the word “feat” (a misspelling) to “feet” will generally be allowed.

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

13. Because it is a matter of long time custom and practice in the Town of Bourne, the Moderator will not allow notice of intention to reconsider or a motion to reconsider a vote except from a voter *who voted on the prevailing side of the original vote*.

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

15. A town meeting is a public meeting. There are no expectations of privacy at a public meeting. A transcript of the meeting is kept. The meeting is video-taped by the local cable access channel. Press photographers are present taking photographs, including photographs of standing, counted votes. The Moderator does not allow still or motion photography *at the ballot boxes* of voter’s casting their votes during a secret ballot.

16. In order to maintain the continuity of a session of a town meeting if the Moderator needs a brief break, the Moderator may direct that the Town Clerk, in accordance with state statute, “has the gavel” for the short time the Moderator is absent from the podium, but still present in the area of town meeting.

17. Persons running for public office, and their supporters, and persons distributing literature promoting action on a warrant article or other matter of public interest, must remain not less than 50 feet from the outside entrance to the auditorium, except when they themselves are entering the town meeting for the purpose of attending the meeting, or when they are actually in attendance at the town meeting.

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

19. Except with advance approval from the Moderator in the case of special presentations associated with the subject matter of an article, speakers are asked to confine their remarks to no more than five (5) minutes. Generally, five minutes is more than sufficient time to make a point or state a position. Be concise. Speak only to the motion on the floor.

20. Opinion of Town Counsel. Opinions of Town Counsel are reserved for the benefit of elected and appointed municipal officials. Please do not ask for an opinion of Town Counsel unless you are an elected or appointed Bourne official with an interest in the opinion. Even then, it is up to Town Counsel to determine if he wishes to render an “off-the-cuff” opinion without the benefit of more detailed research and reflection.

21. All questions must be directed through the Moderator. You will not be allowed to engage in a back and forth dialogue with one particular official. Whenever possible, try to get your specific questions answered prior to town meeting.

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

Thank you for attending Town Meeting!

Robert W. Parady, Esq.
Town Meeting Moderator

SOME ABC'S ABOUT TOWN MEETING

THE PLAYERS

As you face the front of the auditorium, you see before you various officials and resource people in the following approximate positions: In the middle is the Moderator, an elected town official who conducts the meeting. Beside and behind him is the Town Clerk and staff who record the proceedings. Seated from left to right: Finance Committee; School Committee; Planning Board; Town Counsel; Town Administrator and Board of Selectmen.

WHO MAY VOTE

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

THE QUORUM

Two hundred (200) voters present constitute a quorum required for commencing the business of Town Meeting.

THE WARRANT

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

ARTICLES

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

ORDER OF BUSINESS

The Moderator determines when a quorum is present and calls the meeting to order. Following the pledge of allegiance and invocation, the Moderator reviews the basic rules under which the meeting will be conducted. Special Resolutions are presented and acted upon. The Moderator then proceeds with the reading of the first article drawn at random by the Town Clerk, invites motions, discussion and vote. This procedure is followed for each article until the warrant has been completed. If necessary, due to time constraints, additional meetings will be scheduled.

MOTIONS

Following the reading of each article by the Moderator, he will usually ask if the Finance Committee has a recommendation and a motion to offer. This is because Town Bylaw requires the Finance Committee to review and make recommendations on all articles in the warrant. On articles presented by the Planning Board, the Moderator will ask them to present a report, recommendation and motion. Motions not related to subjects in the warrant or to the conduct of the meeting are not permitted.

INDEFINITE POSTPONEMENT

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

NEGATIVE RECOMMENDATIONS

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

AMENDMENTS

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

PARTICIPATION

If you have a question of clarification concerning an article or motion under discussion, or wish to participate in such discussion, please do so. To be recognized by the Moderator, raise your hand or if necessary, stand in place. When recognized, step to the nearest microphone as quickly as possible and state your name. Speak slowly and clearly into the microphone. Be as concise and brief as possible, and by all means stick to the point at hand.

VOTING

Generally, after appropriate motion and discussion, if any, the Moderator will call for a voice vote. If he is not clear as to which response constitutes a majority, he will call for a show of hands, which will be counted by designated checkers. On votes requiring other than a majority, if the result is not unanimous, a show of hands is required. On certain occasions, a secret

ballot may be taken if requested by at least 15 voters.

DEFINITIONS

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

GENERAL FUND

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

STABILIZATION FUND

Monies appropriated by the Town to fund capital expenditures for equipment, land, or large-scale projects or other lawful purposes. A 2/3 vote is required to spend money from this Fund. Only a majority vote is required to appropriate money into the Fund.

RESERVE FUND

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

FREE CASH

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

RAISE AND APPROPRIATE

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

TAX LEVY

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

TAX RATE

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

THE BOURNE RULE

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

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

Sponsor – Board of Selectmen

MOTION: We move that the Town vote to appropriate the sum of \$613.71 to pay the following unpaid bills pursuant to Massachusetts General Laws Chapter 44, Section 66:

UNPAID BILLS		
Department	Vendor	Amount
Fire Department	Foley Carrier Services	\$ 195.00
ISWM Working Group	Carole Ellis	\$ 40.00
Memorial Community Building	Assa Abloy Entrance Systems	\$ 378.71
Total		\$ 613.71

And to meet this appropriation to transfer the sum of \$613.71 from free cash.

Recommendation of Finance Committee to be made at the special town meeting.

ARTICLE 2: To see if the Town will vote, pursuant to M.G.L. c, 161A, §6 to place the following question on the ballot for the next annual or special town election: “Shall this Town be added to the Massachusetts Bay Transportation Authority?”

Yes: _____ No: _____”

Sponsor – Board of Selectmen

MOTION: We move that, pursuant to M.G.L. c. 161 A, §6, the following question be placed on the ballot for the next annual or special town election:

“Shall this Town be added to the Massachusetts Bay Transportation Authority?

Yes: _____ No: _____”.

Recommendation of Finance Committee to be made at the special town meeting.

See Appendix A – Pages 22 & 23

ARTICLE 3: To see if the Town will vote to characterize a large scale Solar Photovoltaic Ground Mounted System as an “institutional use”- municipal use; as proposed by the Bourne Water District; for the purpose of placing the system on lands owned by Bourne Water District outside the Town of Bourne’s Solar Photovoltaic Ground-Mounted System Overlay District; pursuant to Section 2220 “Use Regulation Schedule” of the Bourne Zoning Bylaw, or take any action in relation thereto.

Sponsor – Robert Prophet and others

MOTION: We move the Town so vote.

Recommendation of Finance Committee to be made at the special town meeting.

See Appendix A – Page 24

ARTICLE 4: To see if the Town will vote to appropriate or transfer a sum of money to continue the future wastewater and treatment options for the protection of human and environmental health and to enhance economic development in Bourne, said funds to be used for administrative tasks, grant writing, and other environmental assistance, or take any action in relation thereto.

Sponsor – Wastewater Advisory Committee

MOTION: We move that the Town vote to appropriate the sum of \$3,000.00 for the purposes of this Article, and to meet this appropriation, to transfer the sum of \$3,000.00 from free cash.

Recommendation of Finance Committee to be made at the special town meeting.

ARTICLE 5: To see if the Town will vote to amend the **Bourne Zoning Bylaws Section 2842. Performance Standards for Residential Uses**, by deleting the current Section 2842 in its entirety and substituting in its place a new Section 2842 as follows:

Sponsor – Planning Board

MOTION: We move that the Town vote to amend the Bourne Zoning Bylaws Section 2842. **Performance Standards for Residential Uses**, by deleting the current Section 2842 in its entirety and substituting in its place a new Section 2842 as printed in the Town Meeting Warrant.

Recommendation of Finance Committee to be made at the special town meeting.

See Appendix A – Pages 25-29

2842. Performance Standards for Residential Uses

a) **General Residential Use Performance Standards**

- 1) The number of dwellings on each lot is limited by the required number of parking spaces for each dwelling under Section 2850 and the base density in Table DTD-2.
- 2) New residential uses are allowed by right above the ground floor in existing or new buildings with frontage and orientation on Main Street, St. Margaret's Street, Wallace Avenue, Washington Avenue, Cohasset Avenue and Academy Drive. All other allowable residential uses require a special permit from the Planning Board if dwelling units are located at ground level and accessed by these public streets.
- 3) Affordable Housing:
 - a. Residential developments whether new construction, alteration, or expansion that results in a net increase of 10 (ten) or more

dwelling units shall include a minimum of 10% of the total number of units available to low and moderate-income residents in accordance with the Commonwealth of Massachusetts Department of Housing and Community Development standards for affordable housing.

- b. As an alternative to providing affordable units on site, an applicant may develop, construct or otherwise provide affordable units equivalent to those required off-site.
- c. The location of the off-site units shall be approved by the Planning Board after consultation with the Bourne Affordable Housing Partnership.
- d. Where feasible, the affordable units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule set forth in the Permit.
- e. Fees-in-Lieu-of and Affordable Housing Unit Provision:
 - 1. As an alternative to providing an affordable housing unit on site or off site, an applicant may contribute funds to the “Bourne Affordable Housing Trust Fund” (Housing Trust) to be used for the development of affordable housing in lieu of constructing and offering affordable units within the proposed development or at an off-site locus.

2. For the purposes of this bylaw the calculation of the fee-in-lieu of the construction of affordable units will be determined as a per-unit cost as calculated from regional construction and sales reports. The Planning Board will make the final determination of acceptable value, after consultation with the Bourne Affordable Housing Partnership.
3. Payment of the Fee-in-lieu-of-units shall be made according to the schedule set forth in the conditions of the Permit.
4. Payment made to the Bourne Affordable Housing Trust Fund in accordance with Bylaw shall be used only for purposes of providing affordable housing for low or moderate income households, as defined by the Bylaw.
5. The Housing Trust may use these funds through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, or affordable units within larger developments.

ARTICLE 6. To see if the Town will vote to appropriate or transfer from available funds a sum of money for the purpose of funding the reserve fund, or take any other action in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move that the Town vote to appropriate the sum of \$70,000.00 for the purposes of this Article, and to meet this appropriation, to transfer the sum of \$70,000.00 from free cash.

Recommendation of Finance Committee to be made at the special town meeting.

ARTICLE 7: To see if the Town will vote to amend the Town of Bourne Bylaws, Article 2.5 Council on Aging by deleting it in its entirety and inserting a new Article 2.5. Council on Aging as follows, or take any other action in relation thereto:

Sponsor – Board of Selectmen & Council on Aging

MOTION: We move that the Town vote to amend the Ton of Bourne Bylaws, Article 2.5 Council on Aging, by deleting it in its entirety and inserting a new Article 2.5 Council on Aging as printed in the Town Meeting Warrant.

Recommendation of Finance Committee to be made at the special town meeting.

See Appendix A – Page 30

Article 2.5 Council on Aging

BOURNE COUNCIL ON AGING
TOWN OF BOURNE, MASSACHUSETTS

ARTICLE I – ESTABLISHMENT

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

ARTICLE II – PURPOSE

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

- A. To identify the needs;
- B. To educate the community and enlist support and participation of all citizens about their needs;
- C. To design, advocate and/or implement services to fill these needs, or to coordinate existing services;

- D. To cooperate with the Massachusetts Executive Office of Elder Affairs and the programs regarding elders;
- E. To utilize the abilities of the seniors to serve the community and to strive for intergenerational goals;
- F. The Board of the Bourne COA acts in an advisory capacity to the Executive Director, who reports to the Town Administrator for programs and implementation of for the purpose of carrying out its programs, policies and services.
- G. According to the Charter Section 3-5, all boards, committees and commissions appointed by the Board of Selectmen shall be responsible to the Board of Selectmen.

ARTICLE III – MEMBERSHIP

The Council shall consist of from seven to eleven members and two alternates, appointed by the Board of Selectmen for a term of three (3) years, unless the appointment is to fill the unexpired term of a retiring member. At least five members shall be over the age of sixty (60) at the time of their appointment.

ARTICLE IV – MEETING PROCEDURES

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

ARTICLE V – OFFICERS AND DUTIES

- A. The council shall annually elect a chairman, vice chairman and a secretary from its membership and shall report the fact to the Town Clerk. Officers are elected at the Annual Meeting.

- B. Upon vacancy of any office, a successor shall be elected by the Council at the next regularly scheduled meeting.
- C. The duties of the officers shall be as follows:
 - 1. Chairperson: Presides at meetings, is the chief executive officer subject to the direction of the members of the Council, acts as a spokesman for the Council and shall appoint all necessary committees as brought forward and recommended and deemed necessary by the Executive Director or Town Administrator and can be an ex-officio member of them. The Director may bring forward or refer a committee for sub-committees.
 - 2. Vice-Chairperson: presides in absence of Chairperson and performs the Chairperson's functions.
 - 3. Secretary: Is responsible for the minutes of the meetings, recording, and submitting to the office of the Town Clerk, 7 days after notice of the minutes have been approved.

ARTICLE VI – AMENDMENTS

These By-laws may be amended at a meeting called for such purpose. Notification shall be at least fourteen (14) days prior to the meeting, including the proposed text of amendments to be considered. Amendments must be approved by a majority of the members of the Council present and must be reviewed and approved by Town Counsel.

ARTICLE VII – EXECUTIVE DIRECTOR

Pursuant to the Town of Bourne Charter as amended.

Resolution

The Town of Bourne requests that NSTAR abandon its current plan to use herbicides along rights-of-way on Cape Cod and commit to a No-Spray, pesticide-free policy of vegetation management on Cape Cod and the Islands.

It is our understanding between 2004-2007, NSTAR began spraying pesticides on Cape Cod along rights-of-way. Residents of Cape Cod learned of these pesticide plans when NSTAR filed a new Vegetation Management

Plan in 2008. Following months of public outcry and delay, NSTAR agreed to a moratorium on herbicide spraying through the end of 2010. It is our understanding that they have begun spraying once again. We, the undersigned town, oppose pesticide use along rights-of-ways on Cape Cod and ask that NSTAR commit to a no-spray, herbicide-free policy on Cape Cod rights-of-way for the following reasons:

In general, herbicides are harmful to living organisms. The herbicides NSTAR proposed for use on Cape Cod can migrate off rights-of-way, seep into groundwater and surface water and potentially expose humans and aquatic organisms to toxic chemicals.

State policy lags behind current science in the regulation of herbicides. We urge state policy making to review current herbicide regulations in light of latest scientific information.

We recognize that herbicide treatment can be less expensive in the short-term; however, the use of herbicides to control vegetation growth along right-of-way on Cape Cod in an unnecessary risk for public health and the environment. The short-term financial benefits are far outweighed by the long-term liability for risks posed to precious drinking water, the health of Cape Cod communities, and the safety of workers.

We request, by virtue of this resolution, that NSTAR abandon its current plan to use herbicides along rights-of-way on Cape Cod and commit to a no-spray, pesticide-free policy of vegetation management on Cape Cod and the Islands.

APPENDIX A

ARTICLE 2. MBTA Ballot Question – Pages 22 & 23

ARTICLE 3. Photovoltaic Ground Mounted System – Page 24

ARTICLE 5. Zoning Bylaws 2842 – Pages 25 - 28

ARTICLE 7. Council on Aging Bylaw – Page 29

Secret Ballot Voting – Page 30

Article 2

General Laws

PART I ADMINISTRATION OF THE GOVERNMENT

TITLE XXII CORPORATIONS

PREV

CHAPTER 161A MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

Section 6 Ballot question for cities and towns regarding issue of joining transportation area

Section 6. Any city or town seeking to receive transportation service from the authority, may place upon the official ballot at any biennial or regular or special city election or annual or special town election the following question:

“Shall this (city, town) be added to the Massachusetts Bay Transportation Authority”

Yes: _____ No: _____.

Such question shall not be placed upon the official ballot unless the city council or town meeting shall have voted to have such question so placed or unless a petition signed by not less than 5 per cent of the registered voters of the city or town, certified as such by the registrars of voters thereof, shall have been filed with the city or town clerk, at least 90 days before the date of any such election. Forms for such petitions shall be made available without cost by the city or town clerk and each form shall bear the following heading:

“The undersigned registered voters of the (city, town) hereby petition for the placement upon the official ballot of the question whether this (city, town) shall be added to the Massachusetts Bay Transportation Area”.

The votes upon such question shall be counted and returned to the city or town clerk in the same manner as votes for candidates in municipal elections. Said clerk shall forthwith notify the authority of the results of the vote. If a majority of the votes cast upon the question shall be in the affirmative, the city or town shall be deemed to be added to the authority effective on the first day of January next following the notification by the clerk. If the city council or town meeting of more than one city or town shall vote to have such question placed on the official ballot, or if a petition signed as provided in this section shall be filed with more than one city or town clerk, and if such combination of cities or towns, if regarded as a single municipality, would be contiguous to the area constituting the authority, such question shall be placed upon the official ballot in each such city or town. The votes upon such questions shall be counted and returned to each city or town clerk in the same manner as votes for candidates in municipal elections. The city or town clerks for each said city or town shall forthwith notify the authority of the result of its vote. If a majority of the votes cast upon the vote in each city or town shall be in the affirmative, each said city or town shall be deemed to be within the authority effective on the first day of January next following the notifications by the clerks. The authority may not provide service to a city or town that fails to join the transportation area, unless such city or town was receiving service as of July 1, 2000.

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