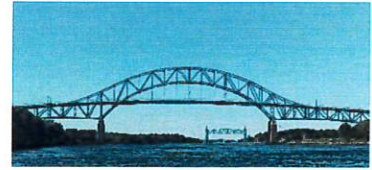


# Board of Selectmen Meeting Notice AGENDA



Date

July 17, 2018

Time

6:00 P.M.

Location

Bourne Veterans' Memorial  
Community Center  
239 Main Street, Buzzards Bay

Note this meeting is being televised and recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.

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

6:00 P.M. Call public session to order in Open Session

**Executive Session:** Strategy sessions in preparation for contract negotiations related to a Host Community Agreement with the Haven Center inasmuch as the Chair has declared that an open meeting will have a detrimental effect on the negotiation position of the Town. Strategy session with respect to litigation regarding Appeal of Public Records Requests; inasmuch as the Chairman has declared that an open meeting will have a detrimental effect of the litigation position of the Town

Roll call Vote to convene in Executive Session for the purpose stated. The Board will reconvene in open session following the Executive Session at approximately 7 P.M.

Roll call Vote to reconvene in open session.

- I. Public vote regarding the Host Community Agreement with the Haven Center deliberation if needed

1. Licenses/Appointments

- a. Selectmen Committee Appointments
- b. Hearing on Transfer of Year Round Retail Package Goods Store License from Patriot Spirits, Inc., d/b/a Liquor 'N More to SZSA Spirits, Inc., d/b/ Spirits 'N More
- c. ISWM Business Model Working Group – Board of Health Representative
- d. ISWM Business Model Working Group – Finance Committee Representative

2. Goals / Workshop

- a. Consideration and approval of Rules of Procedures
- b. Continuation of goals discussion

3. Adjourn

2018 JUL 13 PM 3:21  
TOWN CLERK BOURNE

RECEIVED

1A

To Whom It May Concern:

My name is Dominique Rapoza and I am writing to you to express interest in an available position. I am very interested in joining the Barnstable county Human Rights Commission. Due to my background as a Crime and Justice studies major at the University of Massachusetts Dartmouth, as well as my future endeavors into law school, I feel as though I offer a unique perspective. I have always held a profound interest in Human Rights and Social Justice. This commission is right in line with what I would like to further my career in. Even though I am only 21 I have a lot of wisdom and knowledge that most people my ago do not have. I would be honored if I was given the opportunity to work with the selectman in ensuring that we have a proper discourse. I would be honored to be granted such a position.

Thank you,

Dominique Rapoza

Contact Information



**Town of Bourne  
Interdepartmental Advisory Form**



13

<b>Start Date:</b>	4/4/2018
<b>Owner/Applicant:</b>	Mohammad Zaheer, Mgr., ZASA Spirits, Inc., d/b/a Spirits 'N More, transfer from Leon R. Kinkow, Mgr., Patriot Spirits, Inc., d/b/a Liquor 'N More
<b>Project Location:</b>	170 Clay Pond Road, Monument Beach
<b>Nature of Request:</b>	Transfer in ownership of year round retail package goods store for the sale of all kinds of alcoholic beverages
<b>Liability Insurance Naming Town of Bourne as Additional Insured</b>	Has applicant provided insurance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>Map:</b>	31.4	<b>Parcel:</b>	20.00	<b>District:</b>	
-------------	------	----------------	-------	------------------	--

**Engineering:**

<b>Date of Recording:</b>		<b>Lot Area:</b>	16.17Ac	<b>Frontage:</b>		<b>Zone:</b>	B4
<b>Resource District:</b>	Yes	<b>Town Road:</b>	Yes	<b>Paved:</b>	Yes	<b>Contiguous Lots:</b>	No
<b>Flood Zone:</b>	X	<b>Within 100' of Wetland:</b>	No				

**Owner:**

**Remarks:**

4/4/2018

Date

Timothy P. Lydon

Department Head

**Planning Department:**       **Concurs**       **Does Not Concur**

**Remarks:**

4/4/2018

Date

Coreen Moore/ag

Town Planner

**Planning Board:**       **Concurs**       **Does Not Concur**

**Remarks:**

4/4/2018

Date

Elmer Clegg/ag

Board Member

**Conservation Commission:**       **Must File**       **Determination**       **Notice of Intent**  
 **Need not File**

**Remarks:**

4/6/2018

samuel haines

Date

Conservation Agent

Board of Health:  Concur  Does Not Concur

Remarks: New permits required for Retail Food and/or Tobacco Sales. Existing is non-transferrable.

5/3/2018

Terri Guarino

Date

Health Agent

Building Inspector:  Concur  Does Not Concur

Remarks:

4/4/2018

Roger Laporte/ag

Date

Building Inspector

Sewer Commissioners:  Concur  Does Not Concur

Remarks: N/A

4/4/2018

George M. Sala [dj]

Date

Department Head

Town Collector:  Outstanding Taxes  Taxes Paid In Full

FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00

Remarks:

4/5/2018

A Dastous

Date

Town Collector

Town Clerk:  
If not corporation has business certificate been issued?  Yes  No

Remarks: Must file DBA changing owners Patriot SPirits inc (Liquors 'N' More) to ZASA Inc (Spirits'More)

7-12-2018

wjc

Date

Clerk's Office

Assessors:  
This individual has (have) completed the Form of List?  Yes  No



Remarks:

4/4/2018

J Potter

Date

Assessors Office

---

Department of Public Works:  Approved  Disapproved  Not Under DPW Jurisdiction

Remarks:

4/13/2018

George M. Sala [mr]

Date

Department Head

---

Department of Natural Resources:  Approved  Disapproved  Not Under DNR Jurisdiction

Remarks:

4/4/2018

Tim Mullen

Date

Department Head

---

Police Department:  Concur  Does Not Concur

Remarks:

4/4/2018

Lt. Silvestro

Date

Department Head

---

Fire Department:  Concur  Does Not Concur

Remarks: Need full inspection

4/5/2018

Chief Sylvester

Date

Department Head

---

Board of Selectmen:  Concur  Does Not Concur

Remarks:

Date

Chairman

---

# LEGAL NOTICES

## TOWN OF BOURNE LIQUOR HEARING NOTICE

Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 15 that application has been received from Patriot Spirits, Inc., d/b/a Liquor 'N More, Leon R. Kinkow, Mgr., 170 Clay Pond Road, Monument Beach, Massachusetts to transfer their year round Retail Package Goods Store License for the sale of all kinds of alcoholic beverages to ZASA Spirits, Inc., d/b/a Spirits 'N More, Mohammad Zaheer, Mgr, 170 Clay Pond Road, Monument Beach. Description of premises: 4,850 sq. ft. unit; 6 rooms; 1 sales area, 2 rest rooms, 1 storage area, 10' x 16' walk-in cooler; 1 office. One main entrance and exit door and a rear door for deliveries. A public hearing will be held in the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, MA on Tuesday, July 17, 2018 at 7:15 p.m.

### BOARD OF SELECTMEN

Board of Selectmen  
Peter J. Meier  
Judith M. Froman  
James L. Potter  
George S.G. Slade, Jr.  
Jared P. MacDonald

July 6, 2018

To: Bourne Enterprise  
From: Thomas M. Guerino, Town Administrator  
Date: July 2, 2018  
Subject: Liquor License Hearing

.....  
Please place the following notice in your Friday, July 6, 2018 edition of your newspaper:

NOTICE  
TOWN OF BOURNE  
LIQUOR HEARING

Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 15 that application has been received from Patriot Spirits, Inc., d/b/a Liquor 'N More, Leon R. Kinkow, Mgr., 170 Clay Pond Road, Monument Beach, Massachusetts to transfer their year round Retail Package Goods Store License for the sale of all kinds of alcoholic beverages to ZASA Spirits, Inc., d/b/a Spirits 'N More, Mohammad Zaheer, Mgr, 170 Clay Pond Road, Monument Beach. Description of premises: 4,850 sq. ft. unit; 6 rooms; 1 sales area, 2 rest rooms, 1 storage area, 10' x 16' walk-in cooler; 1 office. One main entrance and exit door and a rear door for deliveries. A public hearing will be held in the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, MA on Tuesday, July 17, 2018 at 7:15 p.m.

BOARD OF SELECTMEN

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Jared P. MacDonald

njs



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

Print Form

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
 MONETARY TRANSMITTAL FORM**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL  
 LICENSING AUTHORITY.

ECRT CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

LICENSEE NAME

ADDRESS

CITY/TOWN  STATE  ZIP CODE

**TRANSACTION TYPE (Please check all relevant transactions):**

- Alteration of Licensed Premises
- Change Corporate Name
- Change of License Type
- Change of Location
- Change of Manager
- Other
- Cordials/Liqueurs Permit
- Issuance of Stock
- Management/Operating Agreement
- More than (3) \$15
- New License
- New Officer/Director
- New Stockholder
- Pledge of Stock
- Pledge of License
- Seasonal to Annual
- Transfer of License
- Transfer of Stock
- Wine & Malt to All Alcohol
- 6-Day to 7-Day License

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE  
 CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

**ALCOHOLIC BEVERAGES CONTROL COMMISSION  
 239 CAUSEWAY STREET  
 BOSTON, MA 02241-3396**





The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

**APPLICATION FOR A RETAIL ALCOHOLIC BEVERAGES LICENSE**

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

**1. NAME OF PROPOSED LICENSEE** (Business Contact)

This is the corporation or LLC which will hold the license, **not** the individual submitting this application. If you are applying for this license as a sole proprietor, **not** an LLC, corporation or other legal entity, you may enter your personal name here.

**2. RETAIL APPLICATION INFORMATION**

There are two ways to obtain an alcoholic beverages license in the Commonwealth of Massachusetts, either by obtaining an existing license through a transfer or by applying for a new license.

Are you applying for a new license or the transfer of an existing license?  New  Transfer

If transferring, please indicate the current ABCC license number you are seeking to obtain:

If applying for a new license, are you applying for this license pursuant to special legislation?

If transferring, by what method is the license being transferred?

Yes  No Chapter  Acts of

**3. LICENSE INFORMATION / QUOTA CHECK**

City/Town

**On/Off-Premises**

TYPE	CATEGORY	CLASS
<input type="text" value="\$15 Package Store"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

**4. APPLICATION CONTACT**

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name:  Middle:  Last Name:   
 Title:  Primary Phone:   
 Email:

**5. OWNERSHIP** Please list all individuals or entities with a direct or indirect, beneficial or financial interest in this license.

An individual or entity has a **direct beneficial interest** in a license when the individual or entity owns or controls any part of the license. For example, if John Smith owns Smith LLC, a licensee, John Smith has a direct beneficial interest in the license.

An individual or entity has an **indirect beneficial interest** if the individual or entity has 1) any ownership interest in the license through an intermediary, no matter how removed from direct ownership, 2) any form of control over part of a license no matter how attenuated, or 3) otherwise benefits in any way from the license's operation. For Example, Jane Doe owns Doe Holding Company Inc., which is a shareholder of Doe LLC, the license holder. Jane Doe has an indirect interest in the license.

- A. All individuals listed below are required to complete a Beneficial Interest Contact - Individual form.
- B. All entities listed below are required to complete a Beneficial Interest Contact - Organization form.
- C. Any individual with any ownership in this license and/or the proposed manager of record must complete a CORI Release Form.

Name	Title / Position	% Owned	Other Beneficial Interest
Mohammad Zaheer	Director	50	
Mohammad S Ahmad	Director	50	

**APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE**

**7. BUSINESS CONTACT**

The Business Contact is the proposed licensee. If you are applying as a Sole Proprietor (the license will be held by an individual, not a business), you should use your own name as the entity name.

\* Please see last page of application for required documents based on Legal Structure \*

Entity Name:  FEIN:

DBA:  Fax Number:

Primary Phone:  Email:

Alternative Phone:  Legal Structure of Entity

**Business Address (Corporate Headquarters)**

Check here if your Business Address is the same as your Premises Address

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**Mailing Address**

Check here if your Mailing Address is the same as your Premises Address

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

Is the Entity a Massachusetts Corporation?  Yes  No

If no, is the Entity registered to do business in Massachusetts?  Yes  No

If no, state of incorporation

**Other Beneficial Interest**

Does the proposed licensee have a beneficial interest in any other Massachusetts Alcoholic Beverages Licenses?  Yes  No

*If yes, please complete the following table.*

Name of License	Type of License	License Number	Premises Address

**Prior Disciplinary Action:**

Has any alcoholic beverages license owned by the proposed licensee ever been disciplined for an alcohol related violation?

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
n/a				

**APPLICANT'S STATEMENT**

I, Mohammad Zaheer the:  sole proprietor;  partner;  corporate principal;  LLC/LLP member  
Authorized Signatory

of ZASA Spirits, Inc., hereby submit this application for Transfer of License  
Name of the Entity/Corporation Transaction(s) you are applying for

(hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature: 

Date:  

Title: President

1 C+D

**Bourne Landfill Business Model Working Group**

The Board of Selectmen shall appoint a Working Group to be known as the Landfill Business Model advisory Working Group, hereinafter referred to as the Working Group. Said Working Group shall be composed of four (4) individuals, appointed on an annual basis, if required. Membership of the Working Group shall consist of one member each from the Board of Selectmen, Board of Health and Finance Committee, or each respective Board of Committees designee. There shall be one member of the working group who is a resident of the Town of Bourne appointed at large by the Board of Selectmen. The Director of ISWM, ISWM staff, and other municipal staff shall provide reasonable information as required to the Working Group. The working group shall serve as an advisory group and shall have no budgetary, expenditure or contractual authority.

**One Year Term**

**Member – Term expires 6/30/18**

	<b>Term</b>
Stanley Andrews – BOH Member – Seeks reappointment	June 30, 2019
Amanda Bongiovanni – Finance Committee – Seeks reappt.	June 30, 2019
Vacancy- Resident	June 30, 2019
Vacancy – BOS [formerly Pickard]	June 30, 2019

**BOARD OF SELECTMEN**  
**Rules of Procedure**  
**(Review session April 24, 2018)**

Background:

*Charter Section 3-8 Rules of Procedure*

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

**I. PROCEDURAL MATTERS**

In procedural matters not specifically covered by the Charter\*, Open Meeting Law, Town Bylaws, Roberts Rules of Order, or Massachusetts General Law, the Board of Selectmen (further referenced as "Board") will be guided by the Rules of Procedure, as most recently revised.\*\*

**VIII. MEETING PROCEDURES**

Board meetings shall be conducted in accordance with generally accepted rules noted in Section I, **Procedural Matters** ~~of parliamentary procedure and the Open Meeting Law~~. 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 ~~action on~~ critical or environmental matters**, the adoption of policy, or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions **by motion and decisions** shall be ~~by motion~~, 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 (and/or ATA)\*, shall attend, unless excused by the Chair of the Board, is expected to be in attendance 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. He/she 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.**

\*Under advisement from Town Counsel.

References\*

Bourne Charter

[https://www.townofbourne.com/sites/bournema/files/file/file/2014\\_charter.pdf](https://www.townofbourne.com/sites/bournema/files/file/file/2014_charter.pdf)

Bourne ByLaws

[https://www.townofbourne.com/sites/bournema/files/uploads/17\\_town\\_bylaw\\_thru\\_2017\\_atm.pdf](https://www.townofbourne.com/sites/bournema/files/uploads/17_town_bylaw_thru_2017_atm.pdf)

Massachusetts General Law

<https://malegislature.gov/Laws/GeneralLaws/PartI Title VII>

Open Meeting Law

<https://www.mass.gov/service-details/new-open-meeting-law-regulations-effective-october-6-2017>).

Roberts Rules of Order

<https://robertsrules.org>

**\*Under advisement of Town Counsel for applicable reference documents as well as the priority order.**



## BOS Rules of Procedure Workshop

7/17/18

### Assumptions/Considerations

The Rules of Procedure have grown over time. In preparing for the workshop to discuss the revisions of the Rules of Procedure, consider:

1. The source of the requirement found in the Charter noted below. The Charter does not require this document to be a policy, so some aspects of the current document may need to be pulled out and considered as actual policies.
2. Redundancies within the current document and with other governing documents.
3. The order in which the Rules of Procedure is presented.
4. The 4/28/18 draft was as far as the former Board got with their review

Advance preparation will help our discussions be more meaningful and productive.

### Foundational Information

#### A. Charter Section 3-8 Rules of Procedure

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

Components include:

- I. Conduct of its meetings
- II. Agenda posting
- III. Public comment
  - a. at beginning of meeting prior to agenda items
  - b. before any vote on a policy issue
- IV. Agenda deviations for unexpected occurrences

#### B. Current Rule of Procedures, Table of Contents

- I. Procedural Matters
- II. Nature of Policies and Procedures
- III. Procedure for Establishing Policies and Procedures
- IV. Meetings of the Board
- V. Meeting Procedures
  - a. Quorum

- b. Town Administrator's Role
- c. Agendas
- d. Timing of availability of supporting materials
- e. Public posting of agendas
- f. Correspondences

- VI. Meeting Minutes
- VII. Voting Process for Multi Member Boards
- VIII. Board of Selectmen New Committee Procedures

C. Cross reference documents for reference and minimize redundancy.

- I. Bourne Charter (2014:  
[https://www.townofbourne.com/sites/bournema/files/file/file/2014\\_charter.pdf](https://www.townofbourne.com/sites/bournema/files/file/file/2014_charter.pdf))
- II. Town ByLaws  
([https://www.townofbourne.com/sites/bournema/files/uploads/17\\_town\\_bylaw\\_thru\\_2017\\_atm.pdf](https://www.townofbourne.com/sites/bournema/files/uploads/17_town_bylaw_thru_2017_atm.pdf))
- III. Massachusetts General Law (<https://malegislature.gov/Laws/GeneralLaws/PartI> Title VII)
- IV. Open Meeting Law (<https://www.mass.gov/service-details/new-open-meeting-law-regulations-effective-october-6-2017>)
- V. Roberts Rules of Order (<https://robertsrules.org> )
- VI. BoS feedback
- VII. Town Counsel

## **BOARD OF SELECTMEN**

### **Rules of Procedure**

#### **I. PROCEDURAL MATTERS**

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

#### **II. NATURE OF POLICIES AND PROCEDURES**

These rules of procedure may from time to time be amended or revised by vote of the Board of Selectmen provided the amendment or revision has been placed on the agenda for the meeting wherein it is to be voted upon by the Board of Selectmen provided further that the amendment or revision is approved by at least three (3) members of the Board of Selectmen.

#### **III. PROCEDURE FOR ESTABLISHING POLICIES AND PROCEDURES**

Adoption of new policies or changing existing policies regarding general town government is a responsibility of the Board of Selectmen. Policies will be adopted/amended only by the affirmative vote of a majority of members of the Board of Selectmen 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 to provide an opportunity for interested parties to react to proposed policies and to provide amendments will be presented as an agenda item to the Board in the following sequence:

1. Information item -- distributed with agenda
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.

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

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

Policies will be effective upon the date set by the Board of Selectmen. 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 a 4/5 vote.

#### **IV. AUTHORITY AND ROLE OF THE BOARD OF SELECTMEN**

The Board is responsible for executive Town policy development and review. The Board works with the Town Administrator on policy development, and oversees the Town Administrator in his role as supervisor of town departments, as stipulated in the Charter.

No actions representing the Board shall be taken by a member or members of the Board without the prior consent of a majority of the Board made at an open meeting. This shall be modified in the event of an emergency should immediate action be required in which case, the Chairman, Vice Chairman, or any Board members shall call an emergency session of the Board prior to the emergency action.

A Board member wishing an in-depth inquiry into a department's policies, procedures, or operations must make such a request during a regular Board meeting in open session and receive approval by Board vote.

Requests by Board members for written legal opinions must be channeled through the Town Administrator or the Chairman, in the Town Administrator's absence.

#### **V. ORGANIZATION OF THE BOARD AND ELECTION OF OFFICERS**

Officers of the Board (Chairman, Vice Chairman, and Clerk) shall be elected annually at a meeting of the board to be scheduled for the first regular meeting following the Annual Town Elections. The election of officers is by majority vote. If a vacancy occurs among any of the officers of the Board, the Board shall elect successor at its next regular meeting. Nominations of officers shall require both a nomination and a second. The Chairman shall preside at all meetings and shall have the same privileges as other board members to offer and second motions, to debate motions and vote on them.

The Board may at any time by majority vote remove the Chairman or any of the officers. The Chairman may not serve in the capacity for more than two consecutive years in a given term. In the event that the Chairman is not re-elected, the Vice Chairman shall serve as Chairman Pro Tem until the new officers of the Board are elected. In the Absence of both Chairman and Vice Chairman, the Clerk shall act as Chairman Pro-Tem.

#### **VI. RESPONSIBILITES OF THE OFFICERS OF THE BOARD**

The Chairman shall:

- Preside at all meetings of the Board at which he/she is present. In doing so, he/she 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 Chairman, following a vote of the board;
- Call special meetings of the Board in accordance with the Open Meeting Law;
- Prepare meetings agendas with the Town Administrator;

- Represent the Board at meetings, conferences, and other gatherings unless otherwise determined by the Board or delegated by the Chairman;
- Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chairman;
- Arrange for the orientation of new members, unless otherwise noted;

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

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

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

## **VII. MEETINGS OF THE BOARD**

A meeting called for any time other than the regular meetings 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 Chairman, 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 Chairman or the Town Administrator, either whom shall give notice of such meeting.

The Board shall conduct working sessions on a monthly basis or as it deems necessary. This requirement does not apply to budget preparation and review. 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.

## **VIII. MEETING PROCEDURES**

Board meetings shall be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. 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, action on critical or environmental matters, the adoption of policy, or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second, and vote. Split votes will be identified by name in the meeting minutes.

The Town Administrator is expected to be in attendance 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. He/she shall carry out the actions of

the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction.

### **VIII. BOARD MEETINGS: EXECUTIVE SESSIONS**

Where practicable, executive sessions shall be scheduled at the beginning of the open meeting of the Board. Should an executive session be required, it may commence prior to the regularly scheduled meeting time of 7:00 P.M. as previously described. Only items clearly allowed under the Open Meeting Law shall be included in executive session. Prior to calling for a motion to adjourn into executive sessions, the Chairman shall state the reasons for which an executive session is sought.

The Chairman shall also state whether or not the Board will reconvene in open session. A majority of the members present and voting must vote to enter executive session by roll call vote.

Minutes of Executive Sessions shall be available to the board in written form within 7 days of the session. Unlike the case with open session, there is no right to tape record or videotape executive sessions. These minutes will then be voted on to approve their content at the next Board of Selectmen Open meeting. The Board will then vote to release or encumber the minutes depending on whether or not the reason for them being kept secret still exists. If they are released they will be filed in the Town Clerk's office. If the minutes are encumbered they will be kept in a confidential file in the Selectmen's Office entitled "Encumbered Board of Selectmen Executive Minutes." The Clerk of the Board of Selectmen is responsible for this file and to bring all encumbered minutes before the Board of Selectmen for review once in every six months to determine if any of the encumbered minutes should be released. This policy will help insure that closed session minutes are kept secret only as long as needed.

### **X. AGENDA PROCEDURES**

The Town Administrator bears primary responsibility for coordinating and planning the agenda for regular meetings of the Board. The Town Administrator, in consultation with the Chairman, shall approve the agenda and schedule a realistic time period for each appointment, interview, conference, or other scheduled item of business. In order for items to be considered for the agenda, they must be submitted to the Town Administrator by 12:00 noon on the Thursday preceding the meeting. Items added to the agenda after this time will be considered out of necessity or due to being routing in nature and exceptions may be made due to emergencies or other cause satisfactory to the Town Administrators and Chairman of the Board of Selectmen.

Agenda items may include:

- Call to Order
- Moment of Silence for Our Troops and Pledge of Allegiance
- Public Comment
- Acceptance of Meeting Minutes (as required)
- Correspondence
- Scheduled Appointments (as required)



- Hearings (as required)
- Committee Reports
- Report of the Town Administrator
- Other Selectmen Business (action as required)
- Reports of Members of the Board
- Adjournment

Each agenda item may state the action anticipated of the Board, as appropriate. Any member of the Board of Selectmen may request an item be put on the agenda for a future meeting. Requests are to be presented at a public Board of Selectmen's meeting or be presented in writing with copies to all Board of Selectmen members and the Town Administrator.

Members of the Board, staff, the Town Administrator, or others who prepare background materials for the meeting should have such material available for Board members by Friday evening. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting, which were not included in the Board's meeting packet, any Board member may request that the relevant item be tabled to allow Board members time for careful study of the material.

The agenda shall be available to the public and the press at the Selectmen's Office at the time of posting and shall be posted on the Town bulletin board inside Town Hall that same day. It shall also be posted on the Town-maintained World Wide Web page by close of business on Friday. Copies of the minutes of previous meetings and all-important correspondence, reports and other pertinent background materials shall be held in the Selectmen's Office for collection by or distribution to Board members.

All correspondence read by the Clerk must be submitted to the Town Administrator, and copies of the correspondence are to be distributed to all members of the Board before the meeting. Matters brought before the board by correspondence received at a meeting or during a public comment period shall be treated as information. Any required action of the board shall be taken up no earlier than the next scheduled meeting. It shall be the policy of the board to take no formal policy vote of the Board of Selectmen. Items of correspondence that are exempt from public disclosure pursuant to the Public Records Law (Chapter 4, Section 7 of the Massachusetts General Laws), or relate to subject matters that qualify for an executive session under the Open Meeting Laws (Chapter 39, Section 23B of the Massachusetts General Laws), will be marked as "Confidential Correspondence" and will not be subject to review in public session. Public comment shall be limited to non-agenda items and discussion be no longer than 2-3 minutes. Non-agenda items that require subsidiary discussion should be placed as a regular item at the request of the proponent.

## **XI. MEETING MINUTES**

The Town Administrator shall ensure that open meetings of the Board are recorded. The Town Administrator shall ensure that minutes are drafted and made available to Board members in a timely manner, generally not to exceed 14 days.

## **XII. BOARD APPOINTMENTS**

As part of the annual appointment process, the Town Administrator will ask incumbents whose terms will expire on June 30 about their availability for reappointment. The Town Administrator will ensure that the Selectmen receive by June 15 a list of appointment vacancies to be filled by the Board.

The Board of Selectmen shall request each appointed Committee Chairperson to submit a report and written record of attendance for each member of his or her Committee for the period of May 1 to April 30 of each year. Any absences excused by the Committee for good cause shall be noted in said record and report, along with any other information that might be helpful to the Board of Selectmen in making decisions concerning the appointment or reappointment of members to said Committee. The Board of Selectmen shall enforce Section 2.4.4 of the Town Bylaws concerning termination of membership due to absence at meetings.

When the bylaw states or when the Selectmen/Sewer Commissioners or Administrator requests a designee of another Board or Committee, the Board or Committee making the designation will vote the appointment of their representative and notify the Town Administrator of the vote including the name of their representative and the date of the vote. One or more names may be submitted. The Town Administrator will bring the names(s) of the representative(s) to the next available Board of Selectmen/Sewer Commissioner meeting for the appointment to be authorized by the Board of Selectmen/Sewer Commissioners or Administrator. The Selectmen/Sewer Commissioners or Administrator may appoint from the designated Committee any other Committee member, who submits a written request to the Board of Selectmen/Sewer Commissioners.

Upon an appointment to a board or committee, et.al, authorized by a vote of the Board of Selectmen/Sewer Commissioners or by the Town Administrator, as authorized by the Town of Bourne Charter, as amended, the appointee shall receive a Certificate of Appointment signed by a majority of the members of the Board of Selectmen or Town Administrator (for those committees authorized by the Town Administrator or Charter). 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 sign and date the appointment slip. The appointee shall then deliver a copy of said slip to the office of the Selectmen for filing. Further, this protocol must be completed before the appointee is authorized to cast a vote at a meeting of the board or committee **to which she/he is appointed.**

All appointments shall be staggered as provided by Section 2.4.3 of the Town Bylaws. Said appointments shall run from July 1 to June 30 of each year.

Committees in which members of the Board of Selectmen 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.

### **XIII VOTING PROCESS FOR MULTI MEMBER BOARDS**

All candidates' names are automatically placed in nomination. No formal nomination or second is required.

Each Board member may vote the number of times equal to the number of vacancies on the multi-member board. For example, if there is one vacancy, each member can only vote for one candidate. If there are three vacancies, each member can vote a maximum of three candidates.

When it's time for voting, the Chairman reads each Selectmen's name and Board members declare their vote.

After all Selectmen have voted, a count of votes is made.

Candidates who receive a majority of votes are appointed. If the vacancies are not all filled, the process is repeated with remaining candidates.

### **XIV. Board of Selectmen New Committee Procedures**

The Board of Selectmen will choose one of its members to attend the first meeting of a newly established committee.

At the first meeting the designated Selectman will read the charge by the Board of Selectmen and answer any questions by committee members so that each member is clear what 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 Selectman shall conduct the 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 Selectmen 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 Chairman, Vice Chairman and Clerk. Officers of the committee shall be chosen at the committee's first meeting after the start of each fiscal year.

In all procedural matters, the committee shall conduct its meeting in accordance with the latest revised edition of Robert's Rules of Order. In the absence of the Chairman, the Vice Chairman shall conduct the meeting.

In accordance with the state 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 Attorney General's Open Meeting Law Guide dated March 12, 2013. "The minutes must be created and approved in a timely manner, must state the date, time and place of the meeting, a list of members present or absent, and the decisions made and actions taken including a record of all votes. The law requires that existing minutes be made available to the public within 10 days upon request, whether

they have been approved or remain in draft form. Materials or other exhibits used by the committee in an open meeting must also be made available to the public within 10 days upon request." Minutes should be approved at the next meeting of the committee and must be submitted to the Clerk's office no more than two (2) weeks after they have been approved. The minutes may also be included in the Selectmen's meeting packets so they may be apprised of the actions of the committee.

Any board, committee or commission appointed by the board of selectmen shall be responsible to the board of selectmen.

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 Selectmen. The Selectmen also reserve the right to request that the committee present this report in person at a Selectmen's meeting. NOTE: per the Attorney General's Open Meeting Guide dated March 12, 2013: "Members of a public body may attend a meeting of another public body provided that they communicate only by open participation; however, they cannot deliberate at such gatherings."

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 selectman to attend a meeting must be made by a vote of the majority of the committee.

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

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## **SPECIAL PERMIT RULES AND PROCEDURES**

These rules and procedures have been prepared and adopted by the Bourne Board of Selectmen in compliance with General Laws Chapter 40A, Section 9 as amended by Chapter 808 of the Acts of 1975. They may be amended or rescinded from time to time by majority vote of the Board. Said rules and procedures to become effective at such times as may be specified therein and upon filing a copy thereof with the Town Clerk.

### **Applications:**

- A. All applications for special permits authorized by the Zoning Bylaw to be issued by the Board of Selectmen shall be made in writing on such form or forms adopted by the Board of Selectmen and available at the offices of the Building Inspector, Board of Selectmen, Town Clerk or Engineering.
- B. Said form shall be filed in quadruplicate with the Board of Selectmen and a

copy shall be filed with the Town Clerk. All of said copies shall bear the signature of the applicant or his duly authorized agent or attorney.

- C. The applicant shall attach to his application a list of all parties in interest and their addresses as appear on the most recent tax list. "Parties in interest" as defined in General Laws Chapter 40A, Section 11, as amended, shall mean the applicant, owner of land for which the permit is sought (if different than the applicant), abutters, owners of land directly opposite on any public or private street or way and abutters to abutters within 300 feet of the property line, the Bourne Planning Board, and the Planning Boards of Falmouth, Wareham, Sandwich and Plymouth.
- D. Applications shall state the section of the Zoning Bylaw for which the Special Permit is sought.
- E. All applications at the time of filing shall be accompanied by:
  - 1) FOUR (4) prints of the latest recorded plan of the land which will be affected, or in cases where no such plan exists, FIVE (5) prints of a plan of the land endorsed by a registered engineer or land surveyor.
  - 2) FOUR (4) prints of the plot showing the exact location of existing and proposed buildings, signs, and other structures.
  - 3) Such additional information and plans as may be required under the Site Plan Review provisions of the Zoning Bylaw, or any other applicable provisions of the Zoning Bylaw.
  - 4) A filing fee payable to the Town of Bourne in the amount of \$250.00 for advertising and mailing costs.

The Board, in its discretion, may dismiss (without prejudice) an application, which fails to comply with the foregoing requirements.

## **NOTICE OF HEARING**

Notice of hearing will be given by the Board of Selectmen in accordance with General Laws Chapter 40A, Section 11, as amended, by mailing and publication.

## **HEARINGS**

- A. An open public hearing will be held at the time and place specified in the notice of the hearing.
- B. The hearing will proceed as follows:
  - 1) The Chairman of the Board of Selectmen will call the meeting to order and read the notice of hearing as published.
  - 2) The Chairman shall inform those present at the hearing of the time requirements under Chapter 40A, Section 17, as amended, for appealing of the decision of the Board.
  - 3) The applicant or his representative shall present the case to the Board.
  - 4) Parties of Interest at the hearing shall be heard.
  - 5) Town representatives may be heard.

- 6) The hearing shall be closed and no further evidence shall be heard.

## **DECISIONS**

- A. All decisions of the Board of Selectmen shall be made in writing and shall contain, but not limited to, the following:
  - 1) Date decision rendered.
  - 2) Number of Special Permit
  - 3) Name and address of applicant.
  - 4) The place, time and date of the public hearing.
  - 5) Findings of facts.
  - 6) Statement of applicable law.
  - 7) Decision of the Board of Selectmen
  - 8) Roll-call vote setting forth the vote of each member of the Board of Selectmen
  - 9) A statement of right of appeal pursuant to General Laws, Chapter 40A, Section 17, as amended.
- B. A copy of the decision shall be filed with the Town Clerk.
- C. A decision granting a special permit shall be effective after the appeal period has expired and an appropriate notice has been filed by the Town Clerk with the Registry of Deeds. A fee for the Registry of Deeds filing shall be paid to the Town Clerk by the applicant.
- D. Duplicate copies of the decision shall be mailed or delivered to the applicant or his agent or attorney, the owner of the property, the Building Inspector, Planning Board, Board of Health, and all parties in interest who at the time of the hearing request a copy.

## **RECORDS OR PROCEEDINGS**

- A. The Board shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact.
- B. Original summary account shall be kept with the case record in the office of the Board of Selectmen, a copy to be filed with the Town Clerk.
- C. All summary accounts shall be signed by the Clerk of the Board of Selectmen who shall be the keeper of the records of said Board.

### **BOARD OF SELECTMEN**

Peter J. Meier  
Donald J. Pickard  
Linda M. Zuern  
Donald E. Ellis  
Stephen F. Mealy



Adopted on August 28, 2001  
Amended November 12, 2002 by adding section 2.4.2  
Amended July 13, 2004 -Special Permit Rules & Procedure 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