

Board of Selectmen Meeting Notice AGENDA



Date
March 30, 2021

Time
7:00 P.M.

Location
Zoom Remote
Public Access: See Below

Note this Zoom videoconference meeting is being televised, streamed or recorded by Bourne TV.

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: 1-929-205-6099 Meeting ID: 819 2643 0826 Password: 302706

If you already have the Zoom App downloaded to your device or computer, you may simply join the meeting by entering the Meeting ID and Password noted above, or go to <https://zoom.us/meetings> and look for the Join Meeting button.

Participants wishing to speak should click the "Reactions" icon on the lower toolbar and then click "Raise Hand" in the dialog box to notify the Chair. The Chair will recognize participants.

For Participants who are calling into the meeting and wishing to speak should press *9 to notify the Chair. The Chair will recognize participants.

Please MUTE your phone/microphone upon entry.

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

7:00 P.M. 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. **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.
4. **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.
5. **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.

2021 MAR 25 PM 2:16
TOWN CLERK BOURNE

RECEIVED

6. **Selectmen's Business**

- a. Town Administrator notification of Appointment – Bourne Fire Chief

7. **Selectmen's Business**

- a. Discuss STM/ATM Quorum reduction with the Town Moderator in accordance with Chapter 92 of the Acts of 2020 and on-going Covid-19 State of Emergency
- b. Discuss and vote on second night of Town Meeting if required
- c. Review Special and Annual Town Meeting Articles for Posting
- d. Discuss and vote to post the Special and Annual Town Meeting Warrants
- e. Review and Discuss updated/revised FY22 Revenue and Expense estimates, Sources and Uses and FY22 budget adjustments
 - i. Vote revised FY22 Budgets and updated Sources and Uses
- f. Review Articles and Motions for May 3, 2021 Special and Annual Town Meeting
 - i. Board of Selectmen vote recommendation for each Article
- g. Discuss and Vote Essential Articles
- h. Discuss and vote to approve the sale and issuance of Bond Anticipation Notes (BAN)

8. **Correspondence**

9. **Adjourn**

Acts (2020)

Chapter 92

AN ACT RELATIVE TO MUNICIPAL GOVERNANCE DURING THE COVID-19 EMERGENCY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith both public health and the viability of town meetings in the face of the state, national and global public health emergencies existing as a result of the COVID-19 pandemic, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

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

SECTION 1. Subsection (a) of section 1 of chapter 45 of the acts of 2020 is hereby amended by striking out the words “May 30, 2020” and inserting in place thereof the following words:- June 30, 2020.

SECTION 2. Said subsection (a) of said section 1 of said chapter 45 is hereby further amended by striking out the words “June 30, 2020” and inserting in place thereof the following words:- August 1, 2020.

SECTION 3. Said chapter 45 is hereby further amended by inserting after said section 1 the following section:-

SECTION 1A. The select board, board of selectmen, town council or board of registrars may vote to eliminate a municipal caucus, scheduled to occur between March 23, 2020 and July 31, 2020, if such board concludes that holding the municipal caucus would constitute a threat to the public health and safety due to the 2019 novel coronavirus, also known as COVID-19. In any town that eliminates the municipal caucus, nomination papers shall be used to nominate candidates pursuant to sections 7 and 10 of chapter 53 of the General Laws; provided, however, that such nomination papers shall be signed by not fewer than 10 registered voters of the town; provided, however, that to the extent that the forty-ninth day prior to the date of the election has passed, nomination papers shall be made available immediately, and shall be returned to the office of the board of registrars for certification no later than the date designated by the town clerk, which shall be no earlier than 36 days and no later than 32 days prior to the date of the election; provided further, that candidates shall be notified if their names will be

placed on the ballot on the next business day after the deadline for filing, and the time for filing withdrawals and objections shall expire at 5:00 p.m. on the following business day.

SECTION 4. The second paragraph of section 4 of said chapter 45 is hereby amended by striking out the words “June 30, 2020” and inserting in place thereof the following words:- August 1, 2020.

SECTION 5. Subsection (a) of section 5 of said chapter 45 is hereby amended by striking out the words “June 30, 2020” and inserting in place thereof the following words:- August 1, 2020.

SECTION 6. The second sentence of section 11 of chapter 53 of the acts of 2020 is hereby amended by striking out the words “a city or town shall not” and inserting in place thereof the following words:- a city, town or district shall not.

SECTION 7. (a) Notwithstanding section 13 of chapter 39 of the General Laws or any other general or special law, charter provision or by-law to the contrary, a town may act by vote of its select board or board of selectmen, in consultation and with the approval of the town moderator, to prescribe the number of voters necessary to constitute a quorum at any town meeting held during the governor’s March 10, 2020 declaration of a state of emergency at a number that is less than the number that would otherwise be required by law, town by-law or town

charter; provided, however, that the number of voters necessary to constitute a quorum shall not be less than 10 per cent of the number that would otherwise be required.

(b) The select board or board of selectmen shall publish notice of its intention to consider an adjustment of town meeting quorum requirements under this section not less than 7 days before the vote of the select board or board of selectmen. The select board or board of selectmen shall provide for adequate means of public access that will allow interested members of the public to clearly follow the deliberations of the select board or board of selectmen on making a quorum adjustment as those deliberations are occurring.

(c) Not less than 10 days after a vote of the select board or board of selectmen to adjust the quorum requirement under this section, the town clerk shall notify the attorney general of the adjusted quorum requirement.

(d) All actions taken pursuant to this section are hereby ratified, validated and confirmed to the same extent as if the town meeting had been conducted in accordance with all other applicable laws, charter provisions, ordinances and by-laws.

SECTION 8. (a) Notwithstanding any general or special law, charter provision, ordinance or by-law to the contrary, in order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, during the governor's March 10, 2020 declaration of a state of emergency,

if the moderator in a town having a representative town meeting form of government determines that it is not possible to safely assemble the town meeting members and interested members of the public in a common location while complying with any applicable state or local orders, directives or guidance concerning public assemblies, the moderator may request that the select board or board of selectmen of the town call for a representative town meeting to be held through remote participation, including, but not limited to, by means of a video or telephone conferencing platform. Such a request by the moderator to the select board or board of selectmen shall be in writing and shall include, but shall not be limited to: (i) the moderator's determination and request to hold a town meeting through remote participation in accordance with this section; (ii) the video or telephone conferencing platform the moderator has determined to use to hold the town meeting; (iii) confirmation that the moderator has consulted with the local disability commission or coordinator for federal Americans with Disabilities Act compliance; and (iv) a certification by the moderator that: (A) the moderator has tested the video or telephone conferencing platform; and (B) the platform satisfactorily enables the town meeting to be conducted in substantially the same manner as if the meeting occurred in person at a physical location and in accordance with the operational and functional requirements set forth in this section.

A video or telephone conference platform used by a town meeting for remote participation under this section shall, at minimum, provide for the ability for: (i) the moderator, town meeting members, town officials and any other interested members of the public to identify and hear the moderator and each town meeting member who attends and participates in the remotely-held town meeting, as well as any other individuals who participate in the remotely-held town meeting; (ii) the ability to determine whether a quorum is present; (iii) a town meeting member, town official or other individual to request recognition by the moderator without prior authorization; provided, however, that to the extent technologically feasible, the request is visible or audible to the public in real time and upon review of the recording of the town meeting proceedings, preserved according to subsection (h); (iv) the moderator to determine when a town meeting member wishes to be recognized to speak, make a motion, raise a point of order or object to a request for unanimous consent; (v) the moderator to recognize a town meeting member, town official or other individual to speak and to enable that person to speak; (vi) the ability to conduct a roll call vote; (vii) any interested members of the public to access the meeting remotely for purposes of witnessing the deliberations and actions taken at the town meeting; and (viii) the town meeting to be recorded. Registered voters residing in the town wishing to participate in a remote town meeting conducted pursuant to this section shall submit a

request to participate to the town clerk not less than 48 hours in advance of the town meeting. Upon receipt of the request and verification of the requester's voter registration status, the clerk shall provide to the requester instructions for participating in the remote town meeting.

(b) Not later than 10 business days following receipt of a written request by the moderator for remote participation at a town meeting pursuant to subsection (a), the select board or board of selectmen shall vote to determine if the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator.

(c) If the select board or board of selectmen votes to approve the request of the moderator for remote participation at a town meeting and the select board or board of selectmen has already issued a warrant pursuant to section 10 of chapter 39 of the General Laws calling a town meeting to be held not later than June 30, 2020, the select board or board of selectmen shall, at the same meeting of the board, approve and issue, in consultation with the moderator, a notice that expressly states: (i) that the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator; (ii) the date and time of the meeting; and (iii) any information necessary for the moderator, town meeting members, town officials and interested members of the public to access and witness the deliberations and actions taken at the town meeting remotely.

The notice issued by the select board or board of selectmen shall be: (i) accompanied by the written request of the moderator submitted to the select board or board of selectmen under subsection (a); (ii) filed and posted in accordance with the requirements of subsection (b) of section 10A of chapter 39 of the General Laws; (iii) distributed to each town meeting member; and (iv) publicly posted not less than 10 days before the scheduled date of the remote town meeting. The notice may include a date, time and place for the town meeting to be resumed if the town meeting does not vote to continue the town meeting remotely pursuant to subsection (f).

(d) If the select board or board of selectmen votes to approve the request of the moderator for remote participation at a town meeting and the select board or board of selectmen has not yet issued a warrant for a town meeting, the select board or board of selectmen shall approve and issue a warrant pursuant to section 10 of said chapter 39 for the town meeting that expressly states: (i) that the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator; (ii) the date and time of the meeting; and (iii) any information necessary for the moderator, town meeting members, town officials and interested members of the public to access and witness the deliberations and actions taken at the town meeting remotely.

The warrant issued by the select board or board of selectmen shall be: (i) accompanied by the written request of the moderator submitted to the select board or board of selectmen under subsection (a); and (ii) filed in accordance with said section 10 of said chapter 39, all other applicable laws and any relevant provisions of the town charter or by-laws. The warrant may include a date, time and place for the town meeting to be resumed if the town meeting does not vote to continue the town meeting remotely pursuant to subsection (f).

(e) Not later than 5 business days after a vote of the select board or board of selectmen to approve the request of the moderator to hold a town meeting remotely pursuant to subsection (c) or (d), the town clerk shall submit certified copies of the vote of the select board or board of selectmen and the written request of the moderator to the attorney general.

(f) Prior to taking up any business at a representative town meeting held through remote participation under this section, the town meeting members present and voting at the meeting shall vote on whether or not to commence business at the town meeting remotely by means of the chosen video or telephone conferencing platform. If the town meeting votes to continue conducting the town meeting remotely, then the town meeting shall proceed by remote participation to address the articles included in the warrant. If the town meeting does not vote to continue conducting the town meeting remotely, then the town

meeting shall be adjourned to the date, time and place specified in the notice or warrant under subsection (c) or (d). If no date, time and place has been specified in the notice or warrant, the town meeting shall immediately be dissolved without taking any votes on any other matters and the select board or board of selectmen may call the town meeting pursuant to a new warrant that provides for the town meeting to be held in person at a physical location in accordance with said section 10 of said chapter 39, all other applicable laws and provisions of the town charter and by-laws.

(g) Any roll call vote taken at a representative town meeting held through remote participation pursuant to this section shall be taken by any means that the moderator determines accurately and securely records the votes of those entitled to vote at the meeting, including, but not limited to, roll call vote, electronic voting, voting by ballot, voting by phone or any combination thereof. The vote of each town meeting member on a roll call vote shall be recorded and kept with the minutes of the town meeting.

(h) A representative town meeting held remotely pursuant to this section shall be recorded and the recording shall be preserved and made publicly available on the town's website for not less than 90 days after the conclusion of the remote town meeting.

(i) All actions taken during a remote town meeting held pursuant to this section are hereby ratified, validated and confirmed to the same extent as if the town meeting had been conducted in person and such actions are in accordance with all other applicable laws, charter provisions, ordinances and by-laws.

SECTION 9. Notwithstanding section 9 of chapter 39 of the General Laws or any other general or special law, charter provision, ordinance or by-law to the contrary, in order to address the disruptions caused by the 2019 novel coronavirus, also known as COVID-19, during the governor's March 10, 2020 declaration of a state of emergency, a select board or board of selectmen, in consultation with and with the approval of the town moderator, may vote to hold town meeting outside the geographic limits of the town if the select board or board of selectmen determines that it is not possible to adequately conduct town meeting in a location within the geographic limits of the town in a manner that ensures health and safety; provided, however, that a meeting for the election by ballot of federal, state or other officers or the determination of other matters that are to be determined by ballot at an election shall be held within the geographic limits of the town. The select board or board of selectmen shall publicly post notice of the location of town meeting to be held outside the geographic limits of the town not less than 10 days before the date of the meeting. Nothing in this section shall supersede or otherwise

affect the validity of any special law, charter or by-law in place before the governor's March 10, 2020 declaration of a state of emergency that provides for holding town meeting outside the geographic limits of the town.

SECTION 10. (a) Notwithstanding section 5B of chapter 40 of the General Laws or any other general or special law to the contrary, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects of the governor's March 10, 2020 declaration of a state of emergency, for fiscal year 2021, a town or city may suspend the dedication of revenues to 1 or more special funds for fiscal year 2021 when such revenues are dedicated to a stabilization fund under said section 5B of said section 40 or dedicated to a special fund pursuant to special law, and such revenues shall during fiscal year 2021 be credited to the general fund of the city or town.

(b) Notwithstanding said section 5B of said chapter 40 or any other general or special law to the contrary, for fiscal year 2021, a city, town or district may appropriate funds from any stabilization fund created pursuant to said section 5B of said chapter 40 or special fund established by special law for any lawful purpose notwithstanding the specified purpose of the fund.

(c) The options exercised pursuant to subsections (a) and (b) shall be exercised in a town with a town meeting form of government by a 2/3 vote of its select board, board of

selectmen or town council and, in a city, by a 2/3 vote of its city or town council with the approval of the mayor or manager; provided, however, that an option exercised pursuant to said subsection (b) shall also require the approval of a city's or town's school committee when the stabilization fund has been established for educational purposes.

(d) Subsection (a) shall not apply to surcharges assessed pursuant to section 39M of chapter 40 or chapter 44B of the General Laws or any other special fund established pursuant to the General Laws.

SECTION 11. Notwithstanding section 32 of chapter 44 of the General Laws or any other general or special law, charter provision or ordinance to the contrary, if the mayor of a city is unable, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the effects of the governor's March 10, 2020 declaration of a state of emergency, to submit an annual budget for fiscal year 2021 to the city council within 170 days as required by the first paragraph of said section 32 of said chapter 44, the time periods and deadlines set forth in said section 32 of said chapter 44 for the mayor and city council to act on the annual budget shall be extended until 60 days after the termination of the governor's March 10, 2020 declaration of the state of emergency; provided, however, that within 30 days after the termination of the declaration of emergency or on July 31, 2020, whichever is earlier, the mayor shall submit to the city council the annual

budget for fiscal year 2021 for the purposes of said section 32 of said chapter 44 and the time periods and deadlines set forth in said section 32 of said chapter 44 shall, if not inconsistent with this section, otherwise thereafter apply; and provided further, that notwithstanding said section 32 of said chapter 44 to the contrary, the mayor may submit to the city council a continuing appropriation budget for the city on a month-by-month basis for a period not to exceed 3 months if the city has not approved an annual budget for fiscal year 2021 by June 30, 2020, as a result of the outbreak of COVID-19 and the governor's March 10, 2020 declaration of a state of emergency.

SECTION 12. (a)(1) Notwithstanding sections 52 and 56 of chapter 41 of the General Laws, a city or town may approve a payment for the period beginning on or after March 10, 2020 through the remainder of fiscal year 2020 on an existing service contract for school or education-related services entered into by the school committee or a service contract renegotiated or modified by the school committee in order to maintain the availability of and access to the services secured under the underlying contract between the parties; provided, that: (i) the underlying service contract was in effect before March 10, 2020 and the service contractor was unable to perform services under the contract as a result of the disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19 and effects of the governor's March 10, 2020 declaration of a state of emergency;

and (ii) there are sufficient unencumbered available funds remaining for such payment in the appropriation for the purpose.

(2) Before any payment, the service contractor shall present to the approving authorities set forth in subsections (b) and (c), a sworn statement reporting grants, discounted loans or other financial support that the service contractor has received from a state, federal or local government as a result of the outbreak of COVID-19 or, if the service contractor has not received any such grants, discounted loans or other financial support, affirming that the service contractor has not received, and shall not receive thereafter, any such grants, discounted loans or other financial support. If the service contractor reports it has received grants, discounted loans or other financial support from a state, federal or local government, the payments to the service contractor made pursuant to this section and section 13 shall not exceed the total amount to which the service contractor is eligible under the service contract less the amount the service contractor received in such grants, discounted loans or other financial support and the sworn statement shall include an attestation that the payment is not in excess of that amount.

(b) In a city, the payment set forth in subsection (a) shall be approved by: (i) the school committee; (ii) a city auditor, accountant or other officer having similar duties; and (iii) the chief executive officer of the city as defined in clause Fifth B of section 7 of chapter 4 of the General Laws.

(c) In a town, the payment set forth in subsection (a) shall be approved by: (i) the school committee; (ii) a town accountant or other officer having similar duties; and (iii) the chief executive officer of the town as defined in clause Fifth B of section 7 of chapter 4 of the General Laws.

(d) This section shall not apply to tuitions and rates set by the bureau of purchased services within the operational services division pursuant to section 22N of chapter 7 of the General Laws, which are set and are non-negotiable for fiscal year 2020.

SECTION 13. (a)(1) Notwithstanding sections 52 and 56 of chapter 41 and section 16A of chapter 71 of the General Laws, a regional school district may approve a payment for the period beginning on or after March 10, 2020 through the remainder of fiscal year 2020 on an existing service contract for school or education-related services entered into by the regional school district or a service contract renegotiated or modified by the regional school committee in order to maintain the availability of and access to the services secured under the underlying contract between the parties; provided, however,

that: (i) the underlying service contract was in effect before March 10, 2020 and the service contractor was unable to perform services under the contract as a result of the governor's March 10, 2020 declaration of a state of emergency or the outbreak of the 2019 novel coronavirus, also known as COVID-19; and (ii) there are sufficient unencumbered available funds remaining for such payment in the appropriation for the purpose.

(2) Before any payment, the service contractor shall present to the approving authorities set forth in subsection (b), a sworn statement reporting grants, discounted loans or other financial support that the service contractor has received from a state, federal or local government as a result of the outbreak of COVID-19 or, if the service contractor has not received any such grants, discounted loans or other financial support, affirming that the service contractor has not received, and shall not receive thereafter, any such grants, discounted loans or other financial support. If the service contractor reports it has received grants, discounted loans or other financial support from a state, federal or local government, the payments to the service contractor made pursuant to this section and section 12 shall not exceed the total amount to which the service contractor is eligible under the service contracts less the amount the service contractor received in such grants,

discounted loans or other financial support and the sworn statement shall include an attestation that the payment is not in excess of that amount.

(b) The payment set forth in subsection (a) shall be approved by the regional school committee and a business manager, assistant superintendent for business or other employee with title of similar import and responsibilities as those of a town accountant.

(c) This section shall not apply to tuitions and rates set by the bureau of purchased services within the operational services division pursuant to section 22N of chapter 7 of the General Laws, which are set and are non-negotiable for fiscal year 2020.

SECTION 14. (a) For purposes of this section, “emergency educator license” shall mean a license issued by the commissioner of elementary and secondary education pursuant to subsection (b) and subject to the provisions of this section.

(b) Notwithstanding section 38G of chapter 71 of the General Laws or any other general or special law to the contrary, in order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, or the governor’s March 10, 2020 declaration of a state of emergency, the commissioner of elementary and secondary education may issue emergency educator licenses to

individuals upon application to the commissioner. The commissioner may issue emergency educator licenses during the period of the state of emergency and for a period of 180 days after the termination of the state of emergency. An emergency educator license shall be valid through June 30, 2021 or a different time specified by the commissioner, unless the commissioner suspends or revokes it for cause, pursuant to standards and procedures that shall be established by the board of elementary and secondary education.

(c) To be eligible to receive an emergency educator license, an individual must possess a bachelor's degree and must have been prevented from completing the testing, demonstration of subject matter knowledge, coursework or program requirements for an educator license as a result of the outbreak of COVID-19 or the March 10, 2020 declaration of a state of emergency. Emergency educator licenses shall be available only to individuals seeking their first Massachusetts academic and vocational teacher, specialist teacher, administrator or professional support personnel license. Individuals shall identify the field and level of the license sought in their application to the commissioner. If the regulations of the board of elementary and secondary education require an underlying educator license, the emergency educator license shall be available in that field only to individuals who hold the underlying license.

(d) Service of an employee under an emergency educator license shall not be counted as service in acquiring professional teacher status or other rights under section 41 of chapter 71 of the General Laws; provided, however, that if the employee obtains a temporary, initial, provisional or professional educator's license in the same field as the emergency educator's license by June 30, 2021 or a different deadline specified by the commissioner and continues to work for the same employer under the newly acquired license, the service under the emergency educator license shall be counted as service toward professional teacher status.

(e) The commissioner shall prescribe the form and manner of applications for the emergency educator license and may issue guidance or regulations for the implementation of this section.

SECTION 15. Notwithstanding any general or special law to the contrary, the actions taken by any town to postpone an election in accordance with this act or chapter 45 of the acts of 2020 or to postpone the statutory deadlines for circulating, filing and certifying nomination papers to new dates consistent with the date of their rescheduled election shall be ratified, validated and confirmed as though said chapter 45 had specifically authorized the same and this act had been in place prior thereto.

SECTION 16. If this act does not take effect until after the date of a scheduled municipal caucus or municipal election during the governor's March 10, 2020 declaration of a state of emergency, the actions of the board of selectmen, town council, city council and local election officials to postpone a municipal caucus or municipal election shall be ratified, validated and confirmed as if this act had been in place prior thereto.

SECTION 17. If this act does not take effect at least 15 days prior to the date of a scheduled representative town meeting to be held during the governor's March 10, 2020 declaration of a state of emergency, the actions of a town moderator, select board or board of selectmen, and town meeting that are substantially consistent with the requirements of section 8 shall be ratified, validated and confirmed in all respects as if this act had been in place prior thereto.

SECTION 18. Section 11 shall take effect on May 1, 2020.

Approved, June 5, 2020.

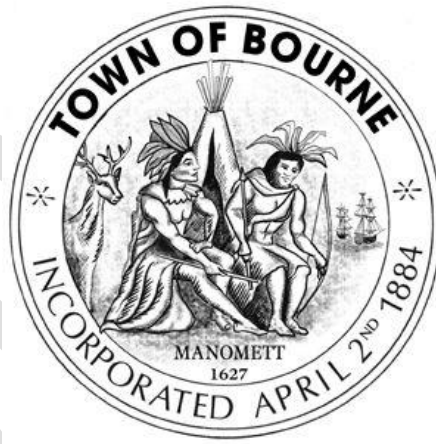
NOTICE
TOWN OF BOURNE
BOARD OF SELECTMEN
PUBLIC NOTICE

Notice is hereby given that the Board of Selectmen will hold a public meeting on March, 30, 2021 at 7:00PM for the purpose of discussion and vote pursuant to section 7(b) of the recently approved legislation (H. 4777) and signed by the Governor under Chapter 92 of the Acts of 2020 “An Act Relative to Municipal Governance During the COVID-19 Emergency” on whether to reduce the required Quorum at the Annual and Special Town Meeting scheduled for May 03, 2021.

BOARD OF SELECTMEN

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

Articles of the Warrant
For the Bourne
Special Town Meeting
Monday, May 03, 2021
7:00 p.m.
Bourne Middle School Gymnasium



Special Town Meeting

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

Sponsor – Board of Selectmen

Approved: March 30, 2021

BOARD OF SELECTMEN

Judith MacLeod Froman

Peter J. Meier

James L. Potter

Jared P. MacDonald

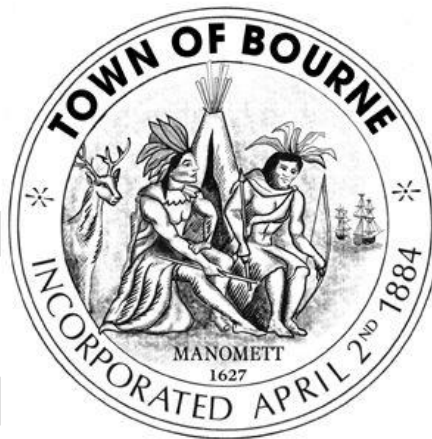
George G. Slade, Jr.

Articles of the Warrant
For the Bourne

Annual Town Meeting
Monday, May 03, 2021

7:00 p.m.

Bourne Middle School Gymnasium



ANNUAL TOWN MEETING

ARTICLE 1: To see if the Town will vote the **following Consent Articles**, or pass any vote or take any other action relative thereto.

Sponsor – Board of Selectmen

1. **Regular Required Authorizations** - To see if the Town will vote the **following regularly required authorizations**:

- a. Assumption of liability in the manner provided by Section 29 and 29A of **Chapter 91 of the General Laws**, as most recently amended, for all damages that may be incurred by work performed by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, (including the Merrimack and Connecticut Rivers) in accordance with Section II of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth, and further to assume liability pursuant to Section 1 of Chapter 814 of the Acts of 1972;
- b. Road Contracts - To see if the Town will vote to authorize the Town Administrator to enter into a contract with the Massachusetts Department of Transportation or the Federal Government for the construction and maintenance of public highways in the Town of Bourne for the ensuing year;
- c. Grant Program Authorization - To see if the Town will vote to authorize the Board of Selectmen and/or the Town Administrator to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Bourne by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program;
- d. Contracts in Excess of Three Years - To see if the Town will vote in accordance with the provisions of G.L. c. 30B, § 12(b), and Section 4-6 (l) of the Town Charter to authorize the Town Administrator or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate;
- e. Authorize the Treasurer and the Town Collector, pursuant to Chapter 44, Section 53F, Massachusetts General Laws, as amended and supplemented, with the approval of the Board of Selectmen, to enter into agreements for periods not to exceed three years with banking institutions to maintain deposits in exchange for banking services;
- f. Authorize the Board of Selectmen, pursuant to Chapter 44, Section 72, Massachusetts General Laws, as amended and supplemented, to allocate any funds received as part of the Medicaid Medical Services Program to the School Committee for use, without further appropriation, for the benefit of educational programs.

2. Elected Officials Salaries - To see if the Town will vote to fix the **salaries and compensation of all elected officials** of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws as amended for the fiscal year commencing July 1, 2021 as follows:
 - a. Town Moderator: **\$644**
 - b. Selectmen 4 @ \$3,570 for total of **\$14,280**
 - c. Selectman (Chair) 1 @ \$4,590 for a total of **\$4,590**
 - d. Town Clerk: **\$43,691**

3. Chapter 90 - To see if the Town will vote to appropriate a sum of money from funds received or to be received from the Commonwealth of Massachusetts for the construction, reconstruction and improvement on all approved public ways which qualify under the **State Aid Highway** (Chapter 90) guidelines adopted by the Public Works' Commission, said funds to be expended under the direction of the D.P.W. Superintendent, with the approval of the Board of Selectmen.

4. Reserve Fund - To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$350,000** to establish the **Finance Committee Reserve Fund**.

5. Revolving Funds - To see if the Town will vote under authority of M.G.L., Chapter 44, Section 53E ½ to establish **Revolving Funds** to be known as described below including spending authorization, revenue source, use of said fund and spending limit:

#	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY 2022 Spending Limit
1	Recreation Programs Fund	Recreation Department with the approval of the Town Administrator	All fees charged for all programs run by the Recreation Department	Purchase & Acquire recreational equipment and materials and part-time seasonal staff to facilitate seasonal recreational programs	\$ 175,000
2	Shellfish Propagation Fund	Department of Natural Resources with the approval of the Town Administrator	Fees for commercial shellfish licenses	Part-time salaries & expenses related to the propagation, cultivation, protection & study of shellfish	\$ 75,000
3	Transportation Revolving Fund	School Department with the approval of the School Committee	Fees for transportation services	To pay for transportation fees	\$ 50,000
4	Public Library Book Fund	Library with the approval of the Town Administrator	Fines & Fees received from overdue, lost, damaged materials	To purchase additional library books and materials	\$ 20,000
5	COA Supportive Day/Bridging the Years	COA with the approval of the Town Administrator	Fees from and for Clients for Program Services	To pay for services and expenses related to providing supportive day programs	\$ 100,000
6	COA Programs	COA with the approval of the Town Administrator	Fees & Charges from COA classes and programs	To pay the instructors and expenses of programs offered.	\$ 100,000

7	Community Building Rental Fund	Recreation Director with the approval of the Town Administrator	Fees from renting the building	To pay part time salaries and expenses related to the extra hours used for the rental of the building	\$ 10,000
8	Tax Title Collection Fund	Town Collector/Treasurer with the approval of the Town Administrator	Fees from tax takings, redemptions and foreclosures	To pay expenses related to tax takings, redemptions and foreclosures	\$ 60,000
Total spending					\$ 590,000

6. Accrued Contractual Compensated Absences - To see if the Town will vote to appropriate, borrow or transfer from Free Cash the sum of **\$100,000** to fund the costs related to payments of **accrued contractual compensated absences upon retirement**.

ARTICLE 2: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to defray the **regular annual expenses** of the Town, or take any other action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to **operate the Sewer Department**, or take any other action in relation thereto.

Sponsor – Board of Sewer Commissioners

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the **Integrated Solid Waste Management Program**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the **Fiscal Year 2022 Capital Budget**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 6: To see if the Town will vote to hear **Reports and Recommendations** of Committees and Town Officers, or take any other action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 7: To see if the Town will vote to close out and transfer available balances in previous Town Meeting Articles whose purposes have been satisfied or take any other action in relation thereto.

Sponsor - Community Preservation Committee

Community Preservation Articles				
	Article Description	Voted	Balance	Fund To Return To
1	Chester Park Playground	STM May 2015	\$6,258.75	Open Space Reserves
2	Beach Access Mats	ATM May 2017	\$193.20	Open Space Reserves
3	Improvements to Parcel Next to Aptucxet	ATM May 2018	\$45,179.78	Open Space Reserves
4	Designs Monument Beach Boat Ramp	STM May 2014	\$6,434.88	Open Space Reserves
Total Open Space				\$58,066.61

5	Affordable Housing Specialist	ATM May 2018	\$10,572.35	Community Housing Reserves
6	Affordable Housing Specialist	ATM May 2019	\$14,485.71	Community Housing Reserves
Total Community Housing				\$25,058.06

ARTICLE 8: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the following **Community Preservation Fund purposes**, and to meet said appropriation, to transfer from available funds or reserve from the FY2022 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action relative thereto:

Sponsor - Community Preservation Committee

Item	Sponsor	Project Description	CPA Purpose	Community Preservation Committee Recommend	
A	Bourne Housing Partnership	Affordable Housing Services and Support	Community Housing	\$59,200 from Community Housing Reserves	
B	Bourne Affordable Housing Trust	Emergency Rent and Mortgage Assistance	Community Housing	\$77,668.08 from Undesignated Fund Balance and 6,331.92 from Community Housing Reserves	
C	Bourne Archives	Catalog, Preserve, Re-Organize and Re-House the Vertical File, Replace 2 File Cabinets	Historic Preservation	\$27,500 from Historic Preservation Reserves	
D	Bourne Historical Commission	Interpretive Signage for Buzzards Bay Park Pediment	Historic Preservation	\$5,000 from Historic Preservation Reserves	
E	Open Space Committee	Improvements to Town Owned Open Space Parcels and Passive Recreation Projects	Open Space	\$75,000 from Open Space/Recreation Reserves	
			SUBTOTAL REQUESTS	\$250,700	
F	Community Preservation Committee	Reserve for Open Space	Open Space	\$848,581	2022 Open Space/Rec Estimated Revenues
G	Community Preservation Committee	Reserve for Community Housing	Community Housing	\$187,539	2022 Housing Estimated Revenues
H	Community Preservation Committee	Reserve for Historic Preservation	Historic Preservation	\$187,539	2022 Historic Estimated Revenues
			SUBTOTAL RESERVES	\$1,223,659	
			TOTAL REQUESTS & RESERVES	\$1,474,359	

ARTICLE 9: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the purposes of the **administrative and operating expenses of the Community Preservation Committee**, or take any other action in relation thereto.

Sponsor – Community Preservation Committee

ARTICLE 10: To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to the **Capital Stabilization Fund**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 11: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the **Human Services Grant program**, or take any action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 12: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the **Special Education Reserve Fund**, or take any action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 13: To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation, as set forth below:

AN ACT EXEMPTING THE CHIEF OF THE POLICE DEPARTMENT OF THE TOWN OF BOURNE FROM THE CIVIL SERVICE LAW

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

SECTION 1. Notwithstanding any general or special law to the contrary, the position of Chief of Police within the police department of the Town of Bourne shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in Section 1 on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

or take any other action thereon or in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 14: Shall the Town of Bourne request the Board of Selectmen to communicate to Governor Baker and the State Legislature that the Town favors using all means available at the **Pilgrim Nuclear Power Station** to ensure that: (1) spent nuclear fuel be secured in better quality dry casks and hardened onsite storage; and (2) spent fuel and dry casks be protected with heightened security to prevent intrusion in order to protect the health, welfare, and economic interests of the Town?

Sponsor – Board of Selectmen on behalf of Leona Bombaci and others

ARTICLE 15: To see if the Town will vote to adopt the following as **Chapter 3, Article 3.1, Section 3.1.46 of the Town of Bourne Bylaws:**

The purchase by the Town of Bourne of either water or any other beverage in single use plastic containers is prohibited on town property. Any Town department when engaged in public health and safety operations shall be exempt from the Bylaw, Effective date: As soon practicable but no later than January 1, 2022. In the event of a declaration (by Emergency Management Director, or other duly-authorized Town, Commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water for Bourne residents the Town shall be exempt from this Bylaw until seven (7) calendar days after such declaration has ended.

Sponsor – Board of Selectmen on behalf of Wendy Welsh and others

ARTICLE 16: To see if the Town will vote to amend the Town of Bourne Bylaws, **Article 3.7. Wetland and Natural Resources Protection, Section 3.7.4 Definitions: Regulations, “Wetland Resource Values”, Section (d),** by deleting the current Section (d) and inserting in its’ place. *d) Storm Damage Prevention* means the project must be designed in a manner that ensures the prevention of damage to the Wetland Resource Area and abutting properties caused by, but not limited to, erosion and sedimentation, damage to vegetation, damage to property or buildings, or damage caused by the displacement of water, water- borne debris or water-borne ice. Within a velocity Zone the Commission may approve, “Dinghy Docks”, as defined at Section 15.0 of the Town of Bourne Waterways Rules and Regulations; a seasonal small pier/dock as defined by the Massachusetts Department of Environmental Protection “General license Certification”; walkways permissible under 310 CMR 10.32(4); FEMA compliant structures; and other small projects deemed by the commission to meet the intent of this section. All projects must meet FEMA regulations and guidance for work within a flood zone and the Massachusetts State building code. Within the velocity zone the Commission may require the project engineer to certify in writing that the design of said project complies fully with the first sentence of Section 3.7.4(d) or that the project is designed to meet or exceed FEMA regulation & guidance; and the Massachusetts State building code regulations. Projects that fail to gain certification shall be deemed a threat to the health and safety of Bourne’s residents and the proposed project shall be denied by the Commission, or take any action in relation thereto.

Sponsor – Conservation Commission

ARTICLE 17: To see if the Town will vote to amend the Town of Bourne Bylaws, **Article 3.7. Wetland and Natural Resources Protection, Section 3.7.12 Promulgation of Rules and Regulations,** by deleting the current Section 3.7.12 and inserting in its’ place. Section 3.7.12 **Section 3.7.12 Promulgation of Rules and Regulations.** After public notice and public hearing the Commission shall promulgate such Rules and Regulations to effectuate the purpose of this by-law. Failure by the Commission to promulgate such Rules and Regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of the by-law or any Rules and/or Regulations promulgated hereunder, or take any action in relation thereto.

Sponsor – Conservation Commission

ARTICLE 18: To see if the Town will vote to amend the Town of Bourne Bylaws, **Article 3.1 Public Safety and Good Order, Section 3.1.17 Hawkers and Peddlers,** by deleting Section 3.1.17 it in its entirety and inserting a new “Section 3.1.17 Hawkers and Peddlers: Door-to-Door Sales” as printed below, or take any action in relation thereto.

Section 3.1.17

Hawkers and Peddlers; Door-to-Door Sales

Purpose

This bylaw seeks to regulate the hawking, peddling and solicitation of goods within the Town through the issuance of licenses and imposition of other limitations on such conduct for the purpose of protecting the Town’s residents from the disruption of peaceful enjoyment of their residences and from crime and fraud, and further, to allow reasonable access to residents by persons or organizations who wish to lawfully engage in commercial solicitation. This bylaw also seeks to provide residents the ability to verify the identity of those that are legitimately conducting business and to allow those residents who wish to not be interrupted by such sales a mechanism to avoid such encounters.

Definitions

Door-to-Door Sales: The in-person solicitation or sales of goods or services for present or future delivery, including but not limited to magazine subscriptions and financial contributions, by entry upon residential property, including multifamily or duplex residential property, or by soliciting persons located on residential property from a street, sidewalk or other adjacent property, without the prior invitation of the person to be solicited.

Solicitor/Hawker/Peddler: Any person, either principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares, merchandise, or personal property of any nature, either on foot, or on/from any animal or vehicle, for immediate or future delivery, or for services to be furnished or performed immediately or in the future whether or not he or she collects advance payments on such sales.

No Solicitation List: A list of residential addresses in the Town, organized alphabetically by street name, indicating those residential properties placed on the list at the request of the owner or occupant indicating that he or she does not want sales agents to enter his or her property. There shall be no names or other identifiers on this list.

Permit to Solicit and Sell: A permit, issued by the Chief of Police, allowing for the solicitation of contributions or offering for sale of magazine subscriptions or any goods or services of any kind for present or future delivery within the Town of Bourne, as regulated by this bylaw.

Sales Organization: Any entity engaged in the supervision, recruitment, retention or employment of a salesperson or salespersons, including any person or representative thereof.

Salesperson: Any person engaged in door-to-door sales of goods or services for present or future delivery.

General Regulations

No person, organization, hawker or peddler, shall solicit contributions or offer for sale magazine subscriptions or any goods or services of any kind for present or future delivery within the Town of Bourne without first obtaining a Permit to Solicit and Sell issued by the Chief of Police. The fee for such permit shall be \$50.00 and any such permit shall be valid for a period of no more than one hundred twenty (120) days. Anyone conducting Door-to-Door Sales must obtain a Permit to Solicit and Sell and abide by all Door-To-Door Sales Regulations listed in this bylaw. The door-to-door sales of magazines/periodicals shall be in accordance with MGL Chapter 101 Section 34. The Police Department will maintain, in a manner accessible to the public, a current list of all approved and active permits, including the time period for which the Permit to Solicit and Sell is authorized.

Door-to-Door Sales Regulations

1. No salesperson shall engage in door-to-door sales without first receiving a Town of Bourne Permit to Solicit and Sell and must abide by all other regulations under this bylaw.
2. No sales organization shall allow any salesperson to engage in door-to-door sales who has not applied for and received a Town of Bourne Permit to Solicit and Sell.
3. No salesperson shall solicit sales from a person situated within a residential property included on the "No Solicitation List", including any solicitation of such person from a street, sidewalk, or other adjacent property.
4. Each salesperson shall carry a Town of Bourne Permit to Solicit and Sell and display a company or state issued photo ID at all times while engaged in door-to-door sales and shall display said permit upon request by any police officer or any person present at a residential property where door-to-door sales are solicited.

“No Solicitation” List

A No Solicitation List shall be established and maintained by the Town of Bourne. Residents may submit their property for inclusion on the list without charge by making such request in person at the Police Department or in any other manner as determined by the Chief of Police. Upon approval and issuance of a Town of Bourne Permit to Solicit and Sell, each salesperson shall be provided with the most currently available copy of the No Solicitation List. An updated list shall be made available to the Town Administrator's Office at a regular interval. Once a property is submitted to the town for inclusion on the No Solicitation List, said property shall remain on the list until removal is requested by the current property owner.

Application Requirements

Each hawker/peddler operating in the Town of Bourne, or salesperson performing door-to-door sales activities within the Town of Bourne, must apply individually to the Chief of Police by submitting an application along with a fee of \$50 (per individual applicant). The fee will be used to cover the cost of investigating the facts stated in the application. Each applicant must complete a sworn application in writing at least ten (10) working days prior to the requested starting date for solicitation. The application shall include the following information: name; physical description; date of birth; permanent residential address of applicant; full local address of applicant (if different from residential address); home telephone number; current cell phone number; temporary local address; sales organization information; sales supervisor identity; nature of the business to be conducted; names of manufacturer of source merchandise; proposed method for delivery; duration (not to exceed 120 days) of the hawking/peddling/door-to-door sales activity (including times and days); and make/model/color/registration number of any vehicle(s) used to transport the sales agent or sales materials. The application shall be accompanied by the following: a copy of a current government-issued photographic identification; a copy of the sales organization issued credentials (if applicable); and a statement as to whether or not the applicant has been convicted of any crime listed in the “Investigation and Issuance” section of this bylaw or is a Level 2 or Level 3 Sex Offender required to register with the Massachusetts Sex Offenders Registry Board. A digital photograph shall be taken by the police department at the time the application is filed.

Investigation and Issuance

If after an investigation and review of the facts contained in the Permit to Solicit and Sell application, but in no event more than ten (10) working days after receipt of a fully-completed application, the Chief of Police is satisfied the applicant is of suitable character consistent with the bylaw, the applicant shall be granted a Permit to Solicit and Sell. This Permit to Solicit and Sell shall include identifying information of the salesperson, a description of the authorized solicitation, a photograph of the salesperson, and the expiration date of the permit. Persons engaged in solicitation or peddling as defined in this bylaw must display the Permit to Solicit and Sell while soliciting or peddling and present the permit to any police officer, authorized enforcing agent, or person solicited upon request.

The Chief of Police shall refuse to issue a Permit to Solicit and Sell to any organization or individual whose Permit to Solicit and Sell has been revoked for a violation of this bylaw within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, distribution or trafficking of any controlled substance, or any larceny offense that is a felony, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Chief of Police shall also refuse to grant a Permit to Solicit and Sell to a person who is a sex offender required to register with the Massachusetts Sex Offenders Registry Board and who is finally classified as a Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate

to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sexual crimes. The Town shall not make an adverse determination based on criminal history or sex offender status without first notifying the applicant of the potential adverse determination. The Town shall provide the applicant with information regarding the source of the criminal history or sex offender status. The Town shall identify the part of the history which appears to make the applicant unsuitable. The Town shall afford the applicant the opportunity to dispute the accuracy of the criminal history or sex offender status or otherwise present to the Town any mitigating or other circumstances bearing on the history.

Records

The Chief of Police shall maintain all pertinent records of Permits to Solicit and Sell issued and violations recorded.

Exemptions

Nothing in this bylaw shall be construed to impose any license requirement or otherwise restrict or in any way regulate any activity for non-commercial purposes, including, but not limited to, any activity for religious, charitable, civic, or political purpose, regardless of whether such activity includes acts that would otherwise constitute soliciting.

Additionally, in accordance with Massachusetts General Law Chapter 101 Section 17, persons and organizations offering for sale newspapers, religious publications, ice, flowering plants, and such flowers, fruit, nuts, and berries as are wild and uncultivated shall be exempt from paying the Permit to Solicit and Sell fee; however, they must still make themselves known to the Chief of Police and abide by all other regulations in this bylaw.

Violations and Penalties

It shall be the duty of any police officer of the Town to require any person seen soliciting or peddling and who is not known by such officer to be duly licensed, to produce his or her Permit to Solicit and Sell and to enforce the provisions of this bylaw against any person found to be violating the same. Police officers shall utilize the Town's Non-Criminal Citation for issuing any violations of this bylaw. Any violation of a provision of this bylaw shall be punished by a fine of three hundred dollars (\$300). Each day on which a violation exists shall be deemed to be a separate offense. Upon the occurrence of a second or subsequent violation of this bylaw by any salesperson, the Chief of Police may request a hearing before the Board of Selectmen for the purpose of determining if two or more violations of this bylaw occurred. If the Board of Selectmen makes such a determination, they may utilize the hearing to decide if the salesperson's or organization's Permit to Solicit and Sell, should be suspended or revoked for a determined period of time. The salesperson and sales organization being reviewed will be provided with fourteen (14) days written notice prior to any such hearing. A Permit to Solicit and Sell may be suspended immediately by the Chief of Police, without notice or hearing, if the public safety or welfare so requires for any of the following: fraud, misrepresentation, or false statement contained in the Permit to Solicit and Sell application; fraud, misrepresentation, or false statements made in the course of carrying on the business of solicitation; any violation of this bylaw; conviction of any crime listed in the "Investigation and Issuance" section of this bylaw or classification as a Level 2 or Level 3 Sex Offender; conducting the business of soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to health, safety, or the general welfare of the public; and, high-pressure tactics, harassment, or a failure to accept a refusal as an answer. If a Permit to Solicit and Sell is suspended or revoked under the provisions of this section, notice of a hearing with regard to the same shall be given forthwith in accordance to the "Appeals and Hearings" section of this bylaw.

Appeals and Hearings

Any person or organization who is denied a Permit to Solicit and Sell may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within five (5) days after receipt of the notice of denial. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal. If the notice of appeal is received by the Board of Selectmen less than 72 hours before their next meeting, the appeal may be scheduled for the following meeting. Saturdays, Sundays, and legal holidays shall not count towards this 72 hour period. If the Board of Selectmen fails to make a determination regarding a denial of a Permit to Solicit and Sell within thirty (30) days after receiving the notice of appeal, the Permit to Solicit and Sell shall be deemed granted.

A notice of hearing for revocation or suspension of a Permit to Solicit and Sell shall be given forthwith in writing, setting forth specifically the grounds of the complaint and a time and place of the hearing. Such notice shall be hand delivered to the licensee or forwarded by certified mail to the licensee at his or her last known address at least five days prior to the hearing date. If the Board of Selectmen fails to make a determination regarding a suspension or revocation of a Permit to Solicit and Sell within thirty (30) days after a licensee receives notice, the Permit to Solicit and Sell shall be deemed reinstated.

Expiration

All Permits to Solicit and Sell in the Town are valid only for the particular dates specified thereon, and in no case, for longer than 120 days.

Severability

The invalidity of any portion(s) of this bylaw shall not invalidate any other portion, provision or section thereof.

Sponsor - Bylaw Committee

ARTICLE 19: To see if the Town will vote to authorize the Board of Selectmen to Petition the General Court to amend the provisions of **Massachusetts General Laws Chapter 29C, Section 19** by adding language authorizing the Cape Cod and Islands Water Protection Fund to provide subsidies and other assistance for Water Pollution Abatement Projects for Buzzards Bay in accordance with an Intermunicipal Agreement pursuant to Massachusetts General Laws Chapter 40, Section 4A, or take any action in relation thereto.

Sponsor - Board of Selectmen

ARTICLE 20: To see if the Town will vote to amend the Bourne Zoning Bylaws relative to the Floodplain Regulations as follows, delete **Section 3100 Lowland regulations** in its entirety and replace with the following, or take any other action relative thereto:

Sponsor – Planning Board

SECTION III GENERAL REGULATIONS

3100. LOWLAND REGULATIONS -

3110. Floodplain Overlay District Provisions.

3111. Purpose and Intent. The Floodplain Overlay District is herein established as an overlay district. The District includes all special flood hazard areas designated within the Town of Bourne on the Barnstable County Flood Insurance Rate Map (FIRM) dated July 6, 2021 issued by the Federal Emergency Management Agency for the administration of the

National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and Engineering Department.

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury
- 2) Eliminate new hazards to emergency response officials
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- 5) Eliminate costs associated with the response and cleanup of flooding conditions
- 6) Reduce damage to public and private property resulting from flooding waters

3112. Floodplain Definitions – The following definitions are specific to these Lowland Regulations, and shall have the meanings ascribed to such definitions herein.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of

the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

3120. PROCEDURAL REQUIREMENTS

3121. General Performance Standards

a) All development in the Floodplain Overlay District, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- 1) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR);
- 2) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- 3) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- 4) Coastal Wetlands Restriction DEP (currently 310 CMR 12.00);
- 5) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

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

b) Substantial Damage and Substantial Improvements are subject to cumulative costs. All permits for the same structure within a two-year period are considered a single

improvement and/or repair. This period runs two (2) years prior to the issuance of any permit under consideration.

- c) The following shall be prohibited in the Floodplain Overlay District: mobile homes, mobile home parks, and campgrounds. In 'VE' Zones, the following are also prohibited: any man made alteration of sand dunes, which would increase potential flood damage.
- d) Where these Floodplain Overlay District Provisions impose greater or lesser restrictions or requirements than those of other applicable bylaws or regulations, the more restrictive shall apply.
- e) Designation of community Floodplain Administrator: The Town of Bourne hereby designates the position of the Chief Zoning Enforcement Officer to be the official floodplain administrator for the Town.
- f) Permits are required for all proposed development in the Floodplain Overlay District. The Town of Bourne requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- g) Assure that all necessary permits are obtained: Bourne's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.
- h) Variances to building code floodplain standards: The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.
- i) AO and AH zones drainage requirements: Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- j) Subdivision proposals: All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

 - (a) Such proposals minimize flood damage.
 - (b) Public utilities and facilities are located & constructed so as to minimize flood damage.
 - (c) Adequate drainage is provided.

- k) Abrogation and greater restriction section: The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.
- l) Disclaimer of liability: The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.
- m) Severability section: If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

3122. Base Flood Elevation and Floodway Data.

- a) In A Zones, in the absence of FEMA base flood elevation data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.
- b) Base Flood Elevation Data. Base Flood elevation data is required for Subdivisions proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones
- c) Floodway encroachment
- d) In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3123. Notification of Watercourse Alteration.

In a riverine situation the Planning Board shall notify the Conservation Agent who shall in turn notify the following of any alteration or relocation of a watercourse.

- a) Adjacent Communities
- b) NFIP State Coordinator
Massachusetts Department of Conservation Services 251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- c) NFIP Program Specialist

3124. Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114
Federal Emergency Management Agency, Region I 99 High Street, 6th Floor
Boston, MA 02110

3125. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

3126. Recreational vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

3130. Cranberry Bogs.

- a) No cranberry bog shall be created, and no land shall be separated from premises containing an active cranberry bog, in such manner as to leave less than 100 feet of separation between the bank of the bog and the property line, as proposed.
- b) In any development under Section 4600 Open Space Community, no dwelling shall be separated by less than 200 feet from any active cranberry bog bank, and the plan design shall minimize the number of dwelling units located within 300 feet of the bog bank.

Approved: March 30, 2021

BOARD OF SELECTMEN

Judith MacLeod Froman

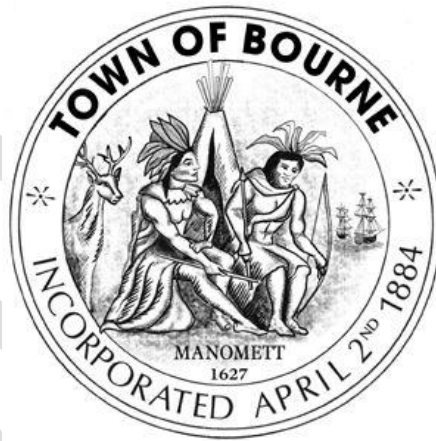
Peter J. Meier

James L. Potter

Jared P. MacDonald

George G. Slade, Jr.

Articles of the Warrant
For the Bourne
Special Town Meeting
Monday, May 03, 2021
7:00 p.m.
Bourne Middle School Gymnasium



Special Town Meeting

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

Sponsor – Board of Selectmen

MOTION: We move that the Town vote to appropriate the sum of \$56,724.03 for the purposes of this article and to meet this appropriation to transfer the sum of \$56,724.03 from Free Cash to satisfy the unpaid bills of the town as listed in the chart below.

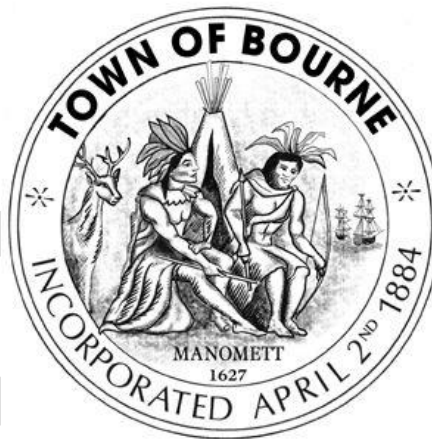
Unpaid Bills	
Department	Amount
IT	\$ 37,066.50
DPW	509.00
School	18,818.95
Police	<u>329.58</u>
Total	<u>\$ 56,724.03</u>

Articles of the Warrant
For the Bourne

Annual Town Meeting
Monday, May 03, 2021

7:00 p.m.

Bourne Middle School Gymnasium



ANNUAL TOWN MEETING

ARTICLE 1: To see if the Town will vote the **following Consent Articles**, or pass any vote or take any other action relative thereto.

Sponsor – Board of Selectmen

1. **Regular Required Authorizations** - To see if the Town will vote the **following regularly required authorizations**:

- a. Assumption of liability in the manner provided by Section 29 and 29A of **Chapter 91 of the General Laws**, as most recently amended, for all damages that may be incurred by work performed by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, (including the Merrimack and Connecticut Rivers) in accordance with Section II of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth, and further to assume liability pursuant to Section 1 of Chapter 814 of the Acts of 1972;
- b. Road Contracts - To see if the Town will vote to authorize the Town Administrator to enter into a contract with the Massachusetts Department of Transportation or the Federal Government for the construction and maintenance of public highways in the Town of Bourne for the ensuing year;
- c. Grant Program Authorization - To see if the Town will vote to authorize the Board of Selectmen and/or the Town Administrator to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Bourne by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program;
- d. Contracts in Excess of Three Years - To see if the Town will vote in accordance with the provisions of G.L. c. 30B, § 12(b), and Section 4-6 (l) of the Town Charter to authorize the Town Administrator or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate;
- e. Authorize the Treasurer and the Town Collector, pursuant to Chapter 44, Section 53F, Massachusetts General Laws, as amended and supplemented, with the approval of the Board of Selectmen, to enter into agreements for periods not to exceed three years with banking institutions to maintain deposits in exchange for banking services;
- f. Authorize the Board of Selectmen, pursuant to Chapter 44, Section 72, Massachusetts General Laws, as amended and supplemented, to allocate any funds received as part of the Medicaid Medical Services Program to the School Committee for use, without further appropriation, for the benefit of educational programs.

2. Elected Officials Salaries - To see if the Town will vote to fix the **salaries and compensation of all elected officials** of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws as amended for the fiscal year commencing July 1, 2021 as follows:
 - a. Town Moderator: **\$644**
 - b. Selectmen 4 @ \$3,570 for total of **\$14,280**
 - c. Selectman (Chair) 1 @ \$4,590 for a total of **\$4,590**
 - d. Town Clerk: **\$43,691**

3. Chapter 90 - To see if the Town will vote to appropriate a sum of money from funds received or to be received from the Commonwealth of Massachusetts for the construction, reconstruction and improvement on all approved public ways which qualify under the **State Aid Highway** (Chapter 90) guidelines adopted by the Public Works' Commission, said funds to be expended under the direction of the D.P.W. Superintendent, with the approval of the Board of Selectmen.

4. Reserve Fund - To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$350,000** to establish the **Finance Committee Reserve Fund**.

5. Revolving Funds - To see if the Town will vote under authority of M.G.L., Chapter 44, Section 53E ½ to establish **Revolving Funds** to be known as described below including spending authorization, revenue source, use of said fund and spending limit:

#	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY 2022 Spending Limit
1	Recreation Programs Fund	Recreation Department with the approval of the Town Administrator	All fees charged for all programs run by the Recreation Department	Purchase & Acquire recreational equipment and materials and part-time seasonal staff to facilitate seasonal recreational programs	\$ 175,000
2	Shellfish Propagation Fund	Department of Natural Resources with the approval of the Town Administrator	Fees for commercial shellfish licenses	Part-time salaries & expenses related to the propagation, cultivation, protection & study of shellfish	\$ 75,000
3	Transportation Revolving Fund	School Department with the approval of the School Committee	Fees for transportation services	To pay for transportation fees	\$ 50,000
4	Public Library Book Fund	Library with the approval of the Town Administrator	Fines & Fees received from overdue, lost, damaged materials	To purchase additional library books and materials	\$ 20,000
5	COA Supportive Day/Bridging the Years	COA with the approval of the Town Administrator	Fees from and for Clients for Program Services	To pay for services and expenses related to providing supportive day programs	\$ 100,000
6	COA Programs	COA with the approval of the Town Administrator	Fees & Charges from COA classes and programs	To pay the instructors and expenses of programs offered.	\$ 100,000

7	Community Building Rental Fund	Recreation Director with the approval of the Town Administrator	Fees from renting the building	To pay part time salaries and expenses related to the extra hours used for the rental of the building	\$ 10,000
8	Tax Title Collection Fund	Town Collector/Treasurer with the approval of the Town Administrator	Fees from tax takings, redemptions and foreclosures	To pay expenses related to tax takings, redemptions and foreclosures	\$ 60,000
Total spending					\$ 590,000

6. Accrued Contractual Compensated Absences - To see if the Town will vote to appropriate, borrow or transfer from Free Cash the sum of **\$100,000** to fund the costs related to payments of **accrued contractual compensated absences upon retirement**.

MOTION: We move that the Town approve Article 1 as set forth in the Warrant and further move that the sum of \$350,000 for the Finance Committee Reserve Fund be raised and appropriated and \$100,000 be transferred from Free Cash as set forth in the article for Accrued Contractual Compensated Absences.

ARTICLE 2: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to defray the **regular annual expenses** of the Town, or take any other action in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move that the sum of Seventy One Million Nine Hundred Ninety Thousand Nine Hundred Forty Five Dollars (\$71,990,945) be hereby appropriated from the funding sources listed below to defray the expenses of the Municipal Town Departments in the chart entitled “These Amounts are to be Voted” as shown below for the fiscal year July 1, 2021 to June 30, 2022:

Funding Sources:

Raise and Appropriate from the FY22 Tax Levy and other General Revenues from the Town	\$ 69,133,256
PL874 Grant Funds	200,000
Ambulance Fund	1,325,000
Conservation Commission Receipts Reserved for Appropriation	30,000
Community Preservation Fund Revenues for Debt Expense	651,735
Community Septic Management Program	19,485
Waterway Improvement Fund	140,000
Capital Stabilization for Debt Expense	491,469
Total	<u>\$ 71,990,945</u>

These Amounts are to be Voted:

General Government	\$ 4,086,334
Public Safety	11,041,385
Public Works	2,726,650
Health & Human Services	1,105,973
Culture & Recreation	1,007,466
Bourne Public Schools	24,251,247
Upper Cape Cod Regional Technical High School	3,237,063
Shared Costs	17,555,327
Debt Service	6,979,500
Total	<u>\$ 71,990,945</u>

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to **operate the Sewer Department**, or take any other action in relation thereto.

Sponsor – Board of Sewer Commissioners

MOTION: We move the sum of \$1,357,223 be authorized to be expended by the Sewer Commissioners for the operation of the Sewer Department for fiscal year July 1, 2021 to June 30, 2022 as follows:

<u>Salaries & Wages</u>	<u>\$ 214,020</u>
<u>Expenses</u>	<u>\$1,093,203</u>
<u>Reserve Fund</u>	<u>\$ 50,000</u>

And we further move that the sum of \$148,315 be transferred to the General Fund to offset Sewer Enterprise indirect expenses, and in order to meet this appropriation, we move that the sum of \$1,455,538 be raised from Sewer Enterprise Receipts and \$50,000 be transferred from Sewer Retained Earnings.

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the **Integrated Solid Waste Management Program**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move that the sum of \$10,620,251 be authorized to be expended for the operation of the Integrated Solid Waste Management Enterprise Fund for fiscal year July 1, 2021 to June 30, 2022 as follows:

<u>Salaries & Wages</u>	<u>\$2,230,751</u>
<u>Expenses</u>	<u>\$6,889,500</u>
<u>Reserve Fund</u>	<u>\$ 600,000</u>
<u>Host Community Fee</u>	<u>\$ 900,000</u>

And we further move that the sum of \$2,329,937 be transferred to the General Fund to offset the ISWM Enterprise Fund indirect expenses and in order to meet this appropriation, we further move the sum of \$12,585,188 be raised from ISWM Enterprise Receipts and \$365,000 be transferred from ISWM Retained Earnings.

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the **Fiscal Year 2022 Capital Budget**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

MOTION: We move that the Town vote to appropriate \$2,737,510 to pay costs of the capital outlay projects listed in the schedule printed with the motion and to meet this appropriation, we move to transfer the sum of \$1,002,500 from ISWM Retained Earnings; \$200,000 from the Waterways Improvement Fund and \$1,535,010 from Free Cash to satisfy this article.

Capital Budget - Fiscal Year 2022					
	Department	Category	Purpose	Amount	Source
1	Police	Equipment	Electronic Control Weapons/Tasers	\$ 100,000	Free Cash
2	Police	Transportation	Police Vehicles (4)	210,560	Free Cash
3	Fire	Transportation	Pickup to Replace C-146	51,000	Free Cash

4	Fire	Transportation	Pickup to Replace C-144	51,000	Free Cash
5	Fire	Equipment	2 nd Set of PPE & Extractors/Dryers	200,000	Free Cash
6	Fire	Equipment	COMIRS Radio Upgrade	91,000	Free Cash
7	Bourne Public Schools	Equipment	Technology Plan	293,000	Free Cash
8	Bourne Public Schools	Transportation	Minibus (2)	123,000	Free Cash
9	Public Works	Equipment	3CY Front End Loader	208,450	Free Cash
10	Public Works	Transportation	Chassis Rehab or R4 packer with split body side loader	155,000	Free Cash
11	Public Works	Equipment	Air Compressor	25,000	Free Cash
12	Shore & Harbor	Infrastructure	Annual Dredging/Ramp/Pier Repair	200,000	Waterways
13	Recreation	Transportation	Ford Transit Connect	27,000	Free Cash
14	ISWM	Transportation	Ford F550 1-ton Container Truck	100,000	Retained Earnings
15	ISWM	Equipment	25-ton hydraulic excavator	282,000	Retained Earnings
16	ISWM	Equipment	Low ground pressure bulldozer	597,000	Retained Earnings
	ISWM	Equipment	Roll Off Containers (4-40 yard)	23,500	Retained Earnings
			Total	\$2,737,510	

ARTICLE 6: To see if the Town will vote to hear **Reports and Recommendations** of Committees and Town Officers, or take any other action in relation thereto.

Sponsor – Board of Selectmen

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

ARTICLE 7: To see if the Town will vote to close out and transfer available balances in previous Town Meeting Articles whose purposes have been satisfied or take any other action in relation thereto.

Sponsor - Community Preservation Committee

Community Preservation Articles				
	Article Description	Voted	Balance	Fund To Return To
1	Chester Park Playground	STM May 2015	\$6,258.75	Open Space Reserves
2	Beach Access Mats	ATM May 2017	\$193.20	Open Space Reserves
3	Improvements to Parcel Next to Aptucket	ATM May 2018	\$45,179.78	Open Space Reserves
4	Designs Monument Beach Boat Ramp	STM May 2014	\$6,434.88	Open Space Reserves
Total Open Space				\$58,066.61
5	Affordable Housing Specialist	ATM May 2018	\$10,572.35	Community Housing Reserves
6	Affordable Housing Specialist	ATM May 2019	\$14,485.71	Community Housing Reserves
Total Community Housing				\$25,058.06

MOTION: *We move that the Town vote to close out the articles as printed in the schedule in Article 7 of the Town Meeting Warrant and to transfer the balances as follows: \$58,066.61 to Open Space Reserves, and \$25,058.06 to Community Housing Reserves.*

ARTICLE 8: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the following **Community Preservation Fund purposes**, and to meet said appropriation, to transfer from available funds or reserve from the FY2022 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action relative thereto:

Sponsor - Community Preservation Committee

Item	Sponsor	Project Description	CPA Purpose	Community Preservation Committee Recommend	
A	Bourne Housing Partnership	Affordable Housing Services and Support	Community Housing	\$59,200 from Community Housing Reserves	
B	Bourne Affordable Housing Trust	Emergency Rent and Mortgage Assistance	Community Housing	\$77,668.08 from Undesignated Fund Balance and 6,331.92 from Community Housing Reserves	
C	Bourne Archives	Catalog, Preserve, Re-Organize and Re-House the Vertical File, Replace 2 File Cabinets	Historic Preservation	\$27,500 from Historic Preservation Reserves	
D	Bourne Historical Commission	Interpretive Signage for Buzzards Bay Park Pediment	Historic Preservation	\$5,000 from Historic Preservation Reserves	
E	Open Space Committee	Improvements to Town Owned Open Space Parcels and Passive Recreation Projects	Open Space	\$75,000 from Open Space/Recreation Reserves	
			SUBTOTAL REQUESTS	\$250,700	
F	Community Preservation Committee	Reserve for Open Space	Open Space	\$848,581	2022 Open Space/Rec Estimated Revenues
G	Community Preservation Committee	Reserve for Community Housing	Community Housing	\$187,539	2022 Housing Estimated Revenues
H	Community Preservation Committee	Reserve for Historic Preservation	Historic Preservation	\$187,539	2022 Historic Estimated Revenues
			SUBTOTAL RESERVES	\$1,223,659	
			TOTAL REQUESTS & RESERVES	\$1,474,359	

MOTION: *We move that the Town vote, upon the recommendation of the Community Preservation Committee, to raise and appropriate and reserve the sum of \$1,474,359 for the Community Preservation Fund Projects and Special Purpose Reserves listed in the Community Preservation Fund Committee report as printed in Article 8; and to meet this appropriation and reserve, to appropriate the sum of \$1,223,659 from FY2022 Estimated CPA Revenues, transfer \$65,531.92 from Community Housing Reserves, transfer \$32,500 from Historic Preservation Reserve, transfer \$75,000 from Open Space Reserves and transfer \$77,668.08 from Community Preservation Undesignated Fund Balance.*

ARTICLE 9: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the purposes of the **administrative and operating expenses of the Community Preservation Committee**, or take any other action in relation thereto.

Sponsor – Community Preservation Committee

MOTION: *We move that the Town vote, upon recommendation of the Community Preservation Committee, to appropriate the sum of \$75,000 for the purpose of administrative and operating expenses of the Community Preservation Committee for FY2022 and to meet this appropriation to transfer the sum of \$75,000 from the Community Preservation Undesignated Fund Balance.*

ARTICLE 10: To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to the **Capital Stabilization Fund**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

MOTION: *We move that the Town vote to appropriate the sum of \$476,000 for the purposes of this article and to meet this appropriation to transfer the sum of \$476,000 from free cash.*

ARTICLE 11: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the **Human Services Grant program**, or take any action in relation thereto.

Sponsor – Board of Selectmen

Motion: *We move that the Town vote to appropriate the sum of \$20,000 for the Human Services Grant Program and to meet this appropriation to transfer the sum of \$20,000 from free cash.*

ARTICLE 12: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the **Special Education Reserve Fund**, or take any action in relation thereto.

Sponsor – Board of Selectmen

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

ARTICLE 13: To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation, as set forth below:

AN ACT EXEMPTING THE CHIEF OF THE POLICE DEPARTMENT OF THE TOWN OF BOURNE FROM THE CIVIL SERVICE LAW

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

SECTION 1. Notwithstanding any general or special law to the contrary, the position of Chief of Police within the police department of the Town of Bourne shall be exempt from chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in Section 1 on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

or take any other action thereon or in relation thereto.

Sponsor – Board of Selectmen

MOTION: *We move that the Town vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation, as set forth in Article.*

ARTICLE 14: Shall the Town of Bourne request the Board of Selectmen to communicate to Governor Baker and the State Legislature that the Town favors using all means available at the **Pilgrim Nuclear Power Station** to ensure that: (1) spent nuclear fuel be secured in better quality dry casks and hardened onsite storage; and (2) spent fuel and dry casks be protected with heightened security to prevent intrusion in order to protect the health, welfare, and economic interests of the Town?

Sponsor – Board of Selectmen on behalf of Leona Bombaci and others

MOTION: We move that the Town So Vote.

ARTICLE 15: To see if the Town will vote to adopt the following as **Chapter 3, Article 3.1, Section 3.1.46 of the Town of Bourne Bylaws:**

The purchase by the Town of Bourne of either water or any other beverage in single use plastic containers is prohibited on town property. Any Town department when engaged in public health and safety operations shall be exempt from the Bylaw, Effective date: As soon practicable but no later than January 1, 2022. In the event of a declaration (by Emergency Management Director, or other duly-authorized Town, Commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water for Bourne residents the Town shall be exempt from this Bylaw until seven (7) calendar days after such declaration has ended.

Sponsor – Board of Selectmen on behalf of Wendy Welsh and others

MOTION: We move that the Town So Vote.

ARTICLE 16: To see if the Town will vote to amend the Town of Bourne Bylaws, **Article 3.7. Wetland and Natural Resources Protection, Section 3.7.4 Definitions: Regulations, “Wetland Resource Values”, Section (d)**, by deleting the current Section (d) and inserting in its’ place. ***d) Storm Damage Prevention*** means the project must be designed in a manner that ensures the prevention of damage to the Wetland Resource Area and abutting properties caused by, but not limited to, erosion and sedimentation, damage to vegetation, damage to property or buildings, or damage caused by the displacement of water, water- borne debris or water-borne ice. Within a velocity Zone the Commission may approve, “Dinghy Docks”, as defined at Section 15.0 of the Town of Bourne Waterways Rules and Regulations; a seasonal small pier/dock as defined by the Massachusetts Department of Environmental Protection “General license Certification”; walkways permissible under 310 CMR 10.32(4); FEMA compliant structures; and other small projects deemed by the commission to meet the intent of this section. All projects must meet FEMA regulations and guidance for work within a flood zone and the Massachusetts State building code. Within the velocity zone the Commission may require the project engineer to certify in writing that the design of said project complies fully with the first sentence of Section 3.7.4(d) or that the project is designed to meet or exceed FEMA regulation & guidance; and the Massachusetts State building code regulations. Projects that fail to gain certification shall be deemed a threat to the health and safety of Bourne’s residents and the proposed project shall be denied by the Commission, or take any action in relation thereto.

Sponsor – Conservation Commission

MOTION: We move that the Town So Vote.

ARTICLE 17: To see if the Town will vote to amend the Town of Bourne Bylaws, **Article 3.7. Wetland and Natural Resources Protection, Section 3.7.12 Promulgation of Rules and Regulations**, by deleting the current Section 3.7.12 and inserting in its’ place. **Section 3.7.12 Section 3.7.12 Promulgation of Rules and Regulations.** After public notice and public hearing the Commission shall promulgate such Rules and Regulations to effectuate the purpose of this by-law. Failure by the Commission to promulgate such Rules and Regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of the by-law or any Rules and/or Regulations promulgated hereunder, or take any action in relation thereto.

Sponsor – Conservation Commission

MOTION: We move that the Town So Vote.

ARTICLE 18: To see if the Town will vote to amend the Town of Bourne Bylaws, **Article 3.1 Public Safety and Good Order, Section 3.1.17 Hawkers and Peddlers**, by deleting Section 3.1.17 in its entirety and inserting a new “Section 3.1.17 Hawkers and Peddlers: Door-to-Door Sales” as printed below, or take any action in relation thereto.

Section 3.1.17

Hawkers and Peddlers; Door-to-Door Sales

Purpose

This bylaw seeks to regulate the hawking, peddling and solicitation of goods within the Town through the issuance of licenses and imposition of other limitations on such conduct for the purpose of protecting the Town’s residents from the disruption of peaceful enjoyment of their residences and from crime and fraud, and further, to allow reasonable access to residents by persons or organizations who wish to lawfully engage in commercial solicitation. This bylaw also seeks to provide residents the ability to verify the identity of those that are legitimately conducting business and to allow those residents who wish to not be interrupted by such sales a mechanism to avoid such encounters.

Definitions

Door-to-Door Sales: The in-person solicitation or sales of goods or services for present or future delivery, including but not limited to magazine subscriptions and financial contributions, by entry upon residential property, including multifamily or duplex residential property, or by soliciting persons located on residential property from a street, sidewalk or other adjacent property, without the prior invitation of the person to be solicited.

Solicitor/Hawker/Peddler: Any person, either principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares, merchandise, or personal property of any nature, either on foot, or on/from any animal or vehicle, for immediate or future delivery, or for services to be furnished or performed immediately or in the future whether or not he or she collects advance payments on such sales.

No Solicitation List: A list of residential addresses in the Town, organized alphabetically by street name, indicating those residential properties placed on the list at the request of the owner or occupant indicating that he or she does not want sales agents to enter his or her property. There shall be no names or other identifiers on this list.

Permit to Solicit and Sell: A permit, issued by the Chief of Police, allowing for the solicitation of contributions or offering for sale of magazine subscriptions or any goods or services of any kind for present or future delivery within the Town of Bourne, as regulated by this bylaw.

Sales Organization: Any entity engaged in the supervision, recruitment, retention or employment of a salesperson or salespersons, including any person or representative thereof.

Salesperson: Any person engaged in door-to-door sales of goods or services for present or future delivery.

General Regulations

No person, organization, hawker or peddler, shall solicit contributions or offer for sale magazine subscriptions or any goods or services of any kind for present or future delivery within the Town of Bourne without first obtaining a Permit to Solicit and Sell issued by the Chief of Police. The fee for such permit shall be \$50.00 and any such permit shall be valid for a period of no more than one hundred twenty (120) days. Anyone conducting Door-to-Door Sales must obtain a Permit to Solicit

and Sell and abide by all Door-To-Door Sales Regulations listed in this bylaw. The door-to-door sales of magazines/periodicals shall be in accordance with MGL Chapter 101 Section 34. The Police Department will maintain, in a manner accessible to the public, a current list of all approved and active permits, including the time period for which the Permit to Solicit and Sell is authorized.

Door-to-Door Sales Regulations

1. No salesperson shall engage in door-to-door sales without first receiving a Town of Bourne Permit to Solicit and Sell and must abide by all other regulations under this bylaw.
2. No sales organization shall allow any salesperson to engage in door-to-door sales who has not applied for and received a Town of Bourne Permit to Solicit and Sell.
3. No salesperson shall solicit sales from a person situated within a residential property included on the "No Solicitation List", including any solicitation of such person from a street, sidewalk, or other adjacent property.
4. Each salesperson shall carry a Town of Bourne Permit to Solicit and Sell and display a company or state issued photo ID at all times while engaged in door-to-door sales and shall display said permit upon request by any police officer or any person present at a residential property where door-to-door sales are solicited.

"No Solicitation" List

A No Solicitation List shall be established and maintained by the Town of Bourne. Residents may submit their property for inclusion on the list without charge by making such request in person at the Police Department or in any other manner as determined by the Chief of Police. Upon approval and issuance of a Town of Bourne Permit to Solicit and Sell, each salesperson shall be provided with the most currently available copy of the No Solicitation List. An updated list shall be made available to the Town Administrator's Office at a regular interval. Once a property is submitted to the town for inclusion on the No Solicitation List, said property shall remain on the list until removal is requested by the current property owner.

Application Requirements

Each hawker/peddler operating in the Town of Bourne, or salesperson performing door-to-door sales activities within the Town of Bourne, must apply individually to the Chief of Police by submitting an application along with a fee of \$50 (per individual applicant). The fee will be used to cover the cost of investigating the facts stated in the application. Each applicant must complete a sworn application in writing at least ten (10) working days prior to the requested starting date for solicitation. The application shall include the following information: name; physical description; date of birth; permanent residential address of applicant; full local address of applicant (if different from residential address); home telephone number; current cell phone number; temporary local address; sales organization information; sales supervisor identity; nature of the business to be conducted; names of manufacturer of source merchandise; proposed method for delivery; duration (not to exceed 120 days) of the hawking/peddling/door-to-door sales activity (including times and days); and make/model/color/registration number of any vehicle(s) used to transport the sales agent or sales materials. The application shall be accompanied by the following: a copy of a current government-issued photographic identification; a copy of the sales organization issued credentials (if applicable); and a statement as to whether or not the applicant has been convicted of any crime listed in the "Investigation and Issuance" section of this bylaw or is a Level 2 or Level 3 Sex Offender required to register with the Massachusetts Sex Offenders Registry Board. A digital photograph shall be taken by the police department at the time the application is filed.

Investigation and Issuance

If after an investigation and review of the facts contained in the Permit to Solicit and Sell application, but in no event more than ten (10) working days after receipt of a fully-completed application, the Chief of Police is satisfied the applicant is of suitable character consistent with the bylaw, the applicant shall be granted a Permit to Solicit and Sell. This Permit to Solicit and Sell shall include identifying information of the salesperson, a description of the authorized solicitation, a photograph of the salesperson, and the expiration date of the permit. Persons engaged in solicitation or peddling as defined in this bylaw must display the Permit to Solicit and Sell while soliciting or peddling and present the permit to any police officer, authorized enforcing agent, or person solicited upon request.

The Chief of Police shall refuse to issue a Permit to Solicit and Sell to any organization or individual whose Permit to Solicit and Sell has been revoked for a violation of this bylaw within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, distribution or trafficking of any controlled substance, or any larceny offense that is a felony, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Chief of Police shall also refuse to grant a Permit to Solicit and Sell to a person who is a sex offender required to register with the Massachusetts Sex Offenders Registry Board and who is finally classified as a Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sexual crimes. The Town shall not make an adverse determination based on criminal history or sex offender status without first notifying the applicant of the potential adverse determination. The Town shall provide the applicant with information regarding the source of the criminal history or sex offender status. The Town shall identify the part of the history which appears to make the applicant unsuitable. The Town shall afford the applicant the opportunity to dispute the accuracy of the criminal history or sex offender status or otherwise present to the Town any mitigating or other circumstances bearing on the history.

Records

The Chief of Police shall maintain all pertinent records of Permits to Solicit and Sell issued and violations recorded.

Exemptions

Nothing in this bylaw shall be construed to impose any license requirement or otherwise restrict or in any way regulate any activity for non-commercial purposes, including, but not limited to, any activity for religious, charitable, civic, or political purpose, regardless of whether such activity includes acts that would otherwise constitute soliciting.

Additionally, in accordance with Massachusetts General Law Chapter 101 Section 17, persons and organizations offering for sale newspapers, religious publications, ice, flowering plants, and such flowers, fruit, nuts, and berries as are wild and uncultivated shall be exempt from paying the Permit to Solicit and Sell fee; however, they must still make themselves known to the Chief of Police and abide by all other regulations in this bylaw.

Violations and Penalties

It shall be the duty of any police officer of the Town to require any person seen soliciting or peddling and who is not known by such officer to be duly licensed, to produce his or her Permit to Solicit and Sell and to enforce the provisions of this bylaw against any person found to be violating the same. Police officers shall utilize the Town's Non-Criminal Citation for issuing any violations of this bylaw. Any violation of a provision of this bylaw shall be punished by a fine of three hundred dollars (\$300). Each day on which a violation exists shall be deemed to be a separate offense. Upon the

occurrence of a second or subsequent violation of this bylaw by any salesperson, the Chief of Police may request a hearing before the Board of Selectmen for the purpose of determining if two or more violations of this bylaw occurred. If the Board of Selectmen makes such a determination, they may utilize the hearing to decide if the salesperson's or organization's Permit to Solicit and Sell, should be suspended or revoked for a determined period of time. The salesperson and sales organization being reviewed will be provided with fourteen (14) days written notice prior to any such hearing. A Permit to Solicit and Sell may be suspended immediately by the Chief of Police, without notice or hearing, if the public safety or welfare so requires for any of the following: fraud, misrepresentation, or false statement contained in the Permit to Solicit and Sell application; fraud, misrepresentation, or false statements made in the course of carrying on the business of solicitation; any violation of this bylaw; conviction of any crime listed in the "Investigation and Issuance" section of this bylaw or classification as a Level 2 or Level 3 Sex Offender; conducting the business of soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to health, safety, or the general welfare of the public; and, high-pressure tactics, harassment, or a failure to accept a refusal as an answer. If a Permit to Solicit and Sell is suspended or revoked under the provisions of this section, notice of a hearing with regard to the same shall be given forthwith in accordance to the "Appeals and Hearings" section of this bylaw.

Appeals and Hearings

Any person or organization who is denied a Permit to Solicit and Sell may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within five (5) days after receipt of the notice of denial. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal. If the notice of appeal is received by the Board of Selectmen less than 72 hours before their next meeting, the appeal may be scheduled for the following meeting. Saturdays, Sundays, and legal holidays shall not count towards this 72 hour period. If the Board of Selectmen fails to make a determination regarding a denial of a Permit to Solicit and Sell within thirty (30) days after receiving the notice of appeal, the Permit to Solicit and Sell shall be deemed granted.

A notice of hearing for revocation or suspension of a Permit to Solicit and Sell shall be given forthwith in writing, setting forth specifically the grounds of the complaint and a time and place of the hearing. Such notice shall be hand delivered to the licensee or forwarded by certified mail to the licensee at his or her last known address at least five days prior to the hearing date. If the Board of Selectmen fails to make a determination regarding a suspension or revocation of a Permit to Solicit and Sell within thirty (30) days after a licensee receives notice, the Permit to Solicit and Sell shall be deemed reinstated.

Expiration

All Permits to Solicit and Sell in the Town are valid only for the particular dates specified thereon, and in no case, for longer than 120 days.

Severability

The invalidity of any portion(s) of this bylaw shall not invalidate any other portion, provision or section thereof.

Sponsor - Bylaw Committee

MOTION: We move that the Town So Vote.

ARTICLE 19: To see if the Town will vote to authorize the Board of Selectmen to Petition the General Court to amend the provisions of **Massachusetts General Laws Chapter 29C, Section 19** by adding language authorizing the Cape Cod and Islands Water Protection Fund to provide subsidies and other assistance for Water Pollution Abatement Projects for Buzzards Bay in accordance with an Intermunicipal Agreement pursuant to Massachusetts General Laws Chapter 40, Section 4A, or take any action in relation thereto.

Sponsor - Board of Selectmen

MOTION: That the Town vote to authorize the Board of Selectmen to Petition the General Court for Special Legislation to accomplish the following:

To amend the provisions of Massachusetts General Laws Chapter 29C, Section 19 by adding language authorizing the Cape Cod and Islands Water Protection Fund to provide subsidies and other assistance for Water Pollution Abatement Projects for Buzzards Bay in accordance with an Intermunicipal Agreement pursuant to Massachusetts General Laws Chapter 40, Section 4A.

ARTICLE 20: To see if the Town will vote to amend the Bourne Zoning Bylaws relative to the Floodplain Regulations as follows, delete **Section 3100 Lowland regulations** in its entirety and replace with the following, or take any other action relative thereto:

Sponsor – Planning Board

SECTION III GENERAL REGULATIONS

3100. LOWLAND REGULATIONS -

3110. Floodplain Overlay District Provisions.

3111. Purpose and Intent. The Floodplain Overlay District is herein established as an overlay district. The District includes all special flood hazard areas designated within the Town of Bourne on the Barnstable County Flood Insurance Rate Map (FIRM) dated July 6, 2021 issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and Engineering Department.

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury
- 2) Eliminate new hazards to emergency response officials
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- 5) Eliminate costs associated with the response and cleanup of flooding conditions
- 6) Reduce damage to public and private property resulting from flooding waters

3112. Floodplain Definitions – The following definitions are specific to these Lowland Regulations, and shall have the meanings ascribed to such definitions herein.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance,

or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

3120. PROCEDURAL REQUIREMENTS

3121. General Performance Standards

- a) All development in the Floodplain Overlay District, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:
 - 1) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR);
 - 2) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 - 3) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
 - 4) Coastal Wetlands Restriction DEP (currently 310 CMR 12.00);
 - 5) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

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

- b) Substantial Damage and Substantial Improvements are subject to cumulative costs. All permits for the same structure within a two-year period are considered a single improvement and/or repair. This period runs two (2) years prior to the issuance of any permit under consideration.
- c) The following shall be prohibited in the Floodplain Overlay District: mobile homes, mobile home parks, and campgrounds. In 'VE' Zones, the following are also prohibited: any man made alteration of sand dunes, which would increase potential flood damage.
- d) Where these Floodplain Overlay District Provisions impose greater or lesser restrictions or requirements than those of other applicable bylaws or regulations, the more restrictive shall apply.
- e) Designation of community Floodplain Administrator: The Town of Bourne hereby designates the position of the Chief Zoning Enforcement Officer to be the official floodplain administrator for the Town.
- f) Permits are required for all proposed development in the Floodplain Overlay District. The Town of Bourne requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of

agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

- g) Assure that all necessary permits are obtained: Bourne's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.
- h) Variances to building code floodplain standards: The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.
- i) AO and AH zones drainage requirements: Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- j) Subdivision proposals: All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

 - (a) Such proposals minimize flood damage.
 - (b) Public utilities and facilities are located & constructed so as to minimize flood damage.
 - (c) Adequate drainage is provided.
- k) Abrogation and greater restriction section: The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.
- l) Disclaimer of liability: The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.
- m) Severability section: If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

3122. Base Flood Elevation and Floodway Data.

- a) In A Zones, in the absence of FEMA base flood elevation data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

- b) Base Flood Elevation Data. Base Flood elevation data is required for Subdivisions proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones
- c) Floodway encroachment
- d) In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3123. Notification of Watercourse Alteration.

In a riverine situation the Planning Board shall notify the Conservation Agent who shall in turn notify the following of any alteration or relocation of a watercourse.

- a) Adjacent Communities
- b) NFIP State Coordinator
Massachusetts Department of Conservation Services 251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- c) NFIP Program Specialist

3124. Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114
Federal Emergency Management Agency, Region I 99 High Street, 6th Floor
Boston, MA 02110

3125. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

3126. Recreational vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

3130. Cranberry Bogs.

- a) No cranberry bog shall be created, and no land shall be separated from premises containing an active cranberry bog, in such manner as to leave less than 100 feet of separation between the bank of the bog and the property line, as proposed.
- b) In any development under Section 4600 Open Space Community, no dwelling shall be separated by less than 200 feet from any active cranberry bog bank, and the plan design shall minimize the number of dwelling units located within 300 feet of the bog bank.

MOTION: We move that the Town So Vote.

DRAFT