

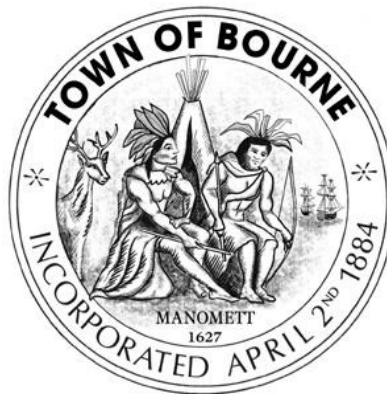
**ARTICLES OF THE WARRANT, MOTIONS,  
VOTER INFORMATION, AND  
RECOMMENDATIONS  
OF THE  
FINANCE COMMITTEE**

**FOR THE  
BOURNE SPECIAL  
TOWN MEETING**

**Monday, November 6, 2023**

**7:00 P.M.**

**Bourne High School Auditorium**



**A Voter's Handbook**

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

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

### **THE PLAYERS**

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

### **WHO MAY VOTE?**

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

### **THE QUORUM**

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

### **THE WARRANT**

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

### **ARTICLES**

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

### **ORDER OF BUSINESS**

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

### **MOTIONS**

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

### **INDEFINITE POSTPONEMENT**

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

### **NEGATIVE RECOMMENDATIONS**

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

### **AMENDMENTS**

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

### **PARTICIPATION**

If you have a question of clarification concerning an article or motion under discussion, or wish to participate in such discussion, please do so. To be recognized by the Moderator, raise your hand or if necessary, stand in place. When recognized, step forward to the nearest microphone as quickly as possible and state your name. Speak slowly and clearly into the microphone. Be as concise and brief as possible, and by all means stick to the point at hand. Keep your remarks to 3½ minutes or less.

### **VOTING**

Generally, after appropriate motion and discussion, if any, the Moderator will call for a ballot vote using electronic keypads. The Moderator, at her discretion, may use electronic balloting for any or all votes.

### **DEFINITIONS**

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

### **CONSENT ARTICLE**

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

### **GENERAL FUND**

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

general expenses of the Town.

### **STABILIZATION FUND**

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

### **RESERVE FUND**

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

### **FREE CASH**

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

### **RAISE AND APPROPRIATE**

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

### **TAX LEVY**

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

### **TAX RATE**

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

### **THE BOURNE RULE**

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

### **RULES OF DEBATE:**

1. All debate will be conducted in a respectful and courteous manner and in a calm and collected tone.
2. All comments and inquiries will be directed to the moderator and are specifically limited to the subject matter being debated.
3. Confine your remarks to a maximum of 3½ minutes, unless you have *prior approval* to speak longer. If you attempt to use your speech to incite the crowd, you may be removed from the auditorium by the Sgt. at Arms, at the discretion of the moderator.

4. Speak only to the motion on the floor. Do not be repetitive. Be concise and to the point.
5. No comments of a personal nature are allowed.
6. No applause for any speaker is allowed.
7. No boos, catcalls, or similar interference with the speaker's remarks may be directed against any speaker.
8. Any person unwilling or unable to comply with these rules may, by state law, be removed from the auditorium by the Sgt. at Arms at the sole discretion of the moderator.

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

## RULES OF THE MODERATOR

### TOWN MEETING PROCEDURES

1. Non-Voter Seating. At the beginning of the meeting the Moderator designates rows of seats for seating of *non-voters*.
  - 1A. Non-Voter Minor Children. With the permission of a doorkeeper, voter(s) attending town meeting with a child(ren) may be allowed to sit with their child(ren) in voter seating. That said, we respectfully request that you do not bring children under age 6 to town meeting.
2. Moderator rulings and procedure at the Town meeting are governed by Federal and Massachusetts laws, the Town Charter, Town Bylaws, and “Roberts Rules of Order” as interpreted in the book entitled Town Meeting Time.
3. The Moderator will not entertain shouted motions from the floor to Move the Question, or to challenge a quorum, or for any other purpose. Any person wishing to speak must first rise and be recognized by the Moderator. If a person has a mobility or physical disability, please notify the tellers, and the tellers will provide a portable microphone so that person can speak from their seat.
4. Individuals with hearing difficulty need to contact the Select Board’s office at town hall at least three business days prior to the town meeting so that language signers can be made available for the meeting.
5. Speakers. Before speaking, state your name clearly for the record. Speak concisely and speak to the motion on the floor. Speak only long enough to make your point. Do not repeat what prior speakers have already said. Three to five minutes should be more than enough time to make a point, if the speaker is clear and concise.
6. The Moderator will not tolerate personal attacks, cat-calling, applause, booing, heckling, or any other form of disruption during the meeting. Pursuant to Massachusetts law, any person disrupting the town meeting may be caused by the Moderator to be taken into custody and removed from the meeting by the Sergeant-at-Arms or a Constable and held until the conclusion of the meeting.
7. The meeting is now televised live by the local Comcast cable television company, and is later also re-broadcast on the local cable access channel.
8. There is a stenographer keeping an official written transcript of the meeting.
9. Voter Tags. If there is a counted, standing vote, or a secret ballot, voters must have their voter tag visible and be in a seat in the voter’s section in order to be counted. The tellers will not count anyone not seated in a seat in the voter’s section or anyone without a voter tag.



10. Fifteen (15) or more registered voters may request a secret ballot. In the event of a secret ballot, the doorkeepers will call everyone into the auditorium who wishes to vote, and then close the doors. You may leave the auditorium at any time, but you will not be allowed to return to the auditorium until the Moderator declares that vote casting is concluded, and the doorkeepers may open the doors.
11. If a voter wishes to change a motion in some fashion, the procedure is to amend the motion. All motions to amend must be in writing and must state exactly how the voter wishes to change the motion on the floor. That way, the Moderator can know exactly what it is the voter wants to do before ruling on the motion or putting it to a vote. A voter who wishes to amend a main motion must have the amendment in writing and available to hand to the Moderator before rising to offer the amendment. The Moderator may refuse to put to the Meeting an amendment which is not immediately available in writing - The Moderator also will rule out of order any motion to amend which changes the original motion so drastically that, in the Moderator's opinion, the motion is no longer within the "four corners" (the scope) of the posted warrant article. An amendment may consist of adding, deleting, or substituting words in the motion. It may take the form of a "motion to substitute", i.e., a different motion. Sometimes a speaker tries to amend "the article", but this is improper language. It is the motion on the floor, not the article in the Warrant, which is to be amended. A motion to amend requires only a majority vote, even though the main motion to be amended may require two-thirds or more for final passage. If you need assistance drafting a motion to amend, please ask for it, and the deputy moderator will help you.
12. Articles in the warrant seeking to amend the Bourne Zoning Bylaw or Zoning Map require special treatment. Some Moderators refuse to allow any amendment to a main motion on a zoning article. I generally will allow a motion to amend to correct a clerical matter, misspelling, or similar non-substantive change. For example, if the main motion is to increase minimum lot size from 40,000 to 50,000 square feet, a motion to amend to increase only to 45,000 square feet, will not be allowed, as it is a substantive change to the published zoning article. On the other hand, a motion to change the word "feat" (*sic*) to "feet" will generally be allowed to correct a clerical error.
13. Reconsideration – One Hour Rule. Pursuant to Bourne Town Bylaw, notice of intention to reconsider action on an article may only be given *within one hour of continuous town meeting time*. Depending on the hour the original vote is taken and officially recorded by the Town Clerk, this one hour may carry over to a subsequent session of the same town meeting in which the original vote is taken. The subsequent session of town meeting may reconvene several days after the original vote is taken.
14. Reconsideration – Vote on Prevailing Side. Because it is a matter of long time custom and practice in the Town of Bourne, the Moderator will not allow a notice of intention to reconsider or a motion to reconsider a vote except from a voter *who voted on the prevailing side of the original vote*. If "Aye" was the prevailing vote, the voter who wishes to file a notice of intention to reconsider, and/or to move reconsideration, must have voted "Aye". The Moderator will ask the voter which way they voted. The person who files a notice of intention to reconsider, and who makes the actual motion to reconsider, *need not be the same person, but both must have voted on the prevailing side*. Notice of intention to reconsider is only allowed on the main motion. A vote to reconsider an amendment must be made *before*

*the next vote is taken.* A notice of intention to reconsider is not allowed for an amendment to the main motion.

15. It is solely within the discretion of the Moderator to allow non-voters to address the town meeting. It has been a matter of long time custom and practice in Bourne that the Moderator will generally allow non-voters to address the town meeting.
16. A town meeting is a public meeting. There are no expectations of privacy at a public meeting. A transcript of the meeting is kept. The meeting is televised live and also video-taped by the Comcast local cable access channel for later re-broadcast on that cable channel. Press photographers are present taking photographs, including photographs of standing, counted votes. The Moderator does not allow still or motion photography *at the ballot boxes* of voter's casting their votes during a secret ballot.
17. In order to maintain the continuity of a session of a town meeting, if the Moderator needs a brief break, the Moderator may state that the Deputy Moderator, "has the gavel" for the short time the Moderator is absent from the podium, but still present in the building. There is no need to elect a temporary moderator unless the duly elected moderator is actually absent from the building for an extended period of time. If the moderator cannot attend a town meeting, or has to leave a town meeting due to illness, for example, the town clerk (or Select Board chairman, if the town clerk is absent or unable) will hold an election for a temporary moderator to run the town meeting.
18. Persons running for public office, and their supporters, persons distributing literature promoting pro or con action on a warrant article or other matter of public interest, and persons soliciting signatures for candidates or for membership in a political group or organization, must remain not less than 50 feet from any entrance of the meeting location, except when they themselves are entering the town meeting for the purpose of attending the town meeting, or when they are actually in attendance at the town meeting.
19. If the Moderator determines that an article in the warrant is seeking a sense of the meeting on a matter of a celebratory nature, or not involving the Town of Bourne directly, the Moderator will treat the article as a non-binding resolution. As such, one person will be allowed five minutes to speak in favor of the resolution, and one person the same amount of time to speak in opposition to the resolution. The motion will then be put to a vote without further discussion. If, on the other hand, the article is seeking a sense of the meeting on a matter directly involving the Town of Bourne, the Moderator will still treat it as a non-binding resolution, but they *may* allow normal debate on the substance of the article.
20. Except with advance approval from the Moderator in the case of special presentations associated with the subject matter of an article, speakers shall confine their remarks to no more than 3 ½ minutes. Generally, 3 ½ minutes is more than sufficient time to make a point or state a position. Be concise. Speak only to the motion on the floor.
21. Town Counsel. Opinions of Town Counsel are reserved for the benefit of elected and appointed municipal officials. Please do not ask for an opinion of Town Counsel unless you are an elected or appointed Bourne official with an interest in the opinion. Even then, it is up to Town Counsel to determine if they wish to render an "off-the-cuff" opinion without the benefit of more detailed research and reflection.

22. All questions must be directed through the Moderator. You will not be allowed to engage in a back and forth dialogue with one particular official. Whenever possible, try to get your specific questions answered prior to town meeting. Town meeting should be for debate and not for questions and answers.
23. Presentations. If a speaker wants to use a PowerPoint®, videotape, slide, or similar presentation requiring lowering the screen on the stage, the proposed presentation must be in the hands of the Moderator for her review no less than 72 business hours prior to the town meeting, or the Moderator may not allow the presentation.
24. Please put your cell phones and pagers on vibrate or some other silent alarm, so as not to disturb the proceedings.
25. Question a Ruling or Vote. Seven (7) or more registered voters may question a ruling or a vote declaration of the moderator. The question must be raised immediately and before the next action or the next article. For example, if the moderator on a voice vote on the main motion declares “the ayes have it, the motion passes”, that ruling must be questioned before the next article is drawn by the town clerk and the article number announced by the moderator. If an amendment is declared as passed on a voice vote, this declaration must be questioned before the next speaker. If a voice vote declaration is questioned, the moderator will generally ask the tellers to take a standing counted vote.
26. Lobby Displays. No person shall erect or maintain a table or a display in without approval from the Moderator obtained at least 48 hours prior to the town meeting. No display may interfere with the free passage of voters to and from the registration table and the entrance to the meeting location. The Moderator reserves the right to decline to approve any display that they deem to be too large. Also, the size of the lobby limits the total number of displays, from three to five in most cases. The doorkeepers, as agents of the moderator and town clerk, may require relocation of displays in the lobby if the displays are interfering with the free flow of foot traffic.

Thank you for attending Town Meeting!

Amy B. Kullar  
Town Meeting Moderator

**Special Town Meeting**

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

**Sponsor - SELECT BOARD**

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

**Vote Required: Simple Majority**

**EXPLANATION**

This article allows for reports and recommendations to be presented by representatives of Committees and Town Officers.

A YES or AYE vote in favor of the motion would allow committees to address Town Meeting and provide an update on their work.

A NO or NAY vote opposed to the motion would not allow the committee representatives to provide a report to Town Meeting.

The Finance Committee voted unanimously 8-0-0 to recommend approval of this article.

The Select Board voted unanimously 4-0-0 to recommend approval of this article with a yes vote in favor of the motion.

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**ARTICLE 2:** To see if the Town will vote to appropriate a sum of money for the purpose of the payment of unpaid bills from a previous fiscal year that are legally unenforceable due to the insufficiency of appropriation, or take any other action in relation thereto.

**Sponsor - SELECT BOARD**

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

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

**Vote Required: 9/10 Supermajority**  
Designated as an Essential Article

**EXPLANATION**

This article is brought before the Special Town Meeting to provide funding for the payment of bills that arrived after the close of the previous fiscal year.

A YES or AYE vote in favor of the motion would allow the Town to pay outstanding bills from a prior fiscal year.

A NO or NAY vote opposed to the motion would mean that the Town would not be able to pay the outstanding bills.

The Finance Committee voted unanimously 8-0-0 to recommend approval of this article.

The Select Board voted unanimously 4-0-0 to recommend approval of this article with a yes vote in favor of the motion.

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

**Sponsor - SELECT BOARD**

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

**Funding Sources:**

Raise and Appropriate from the FY24 Tax Levy and other General Revenues from the Town \$ 50,000

**Total** \$ 50,000

**These Amounts are to be Voted:**

Public Safety \$ 50,000

**Total** \$ 50,000

**Vote Required: Simple Majority**  
Designated as an Essential Article

**EXPLANATION**

This Operating Budget amendment is needed to meet budgetary requirements that have been identified since the Annual Town Meeting. This budget amendment funds the contractual agreement with the Dispatchers that includes an upgrade of the Dispatcher I position from A-3 to A-5 and adds a Dispatcher II position at A-6 that will have additional supervisory duties including training. This increase in expenditure has been offset by increased revenue from state aid.

A YES or AYE vote in favor of the motion increases the FY24 Operating Budget to allow the proposed adjustments.

A NO or NAY vote opposed to the motion keeps the budget as it was voted in May and there would not be sufficient funds in the budget lines to cover these expenses.

The Finance Committee voted unanimously 8-0-0 to recommend approval of this article.

The Select Board voted unanimously 4-0-0 to recommend approval of this article with a yes vote in favor of the motion.

**ARTICLE 4:** To see if the Town will vote to appropriate, borrow, transfer from available funds, or otherwise provide, a sum of money for the purpose of supplementing and/or reducing the FY2024 Sewer Department Budget as voted under Article 3 (Sewer Department) at the 2023 Annual Town Meeting, or take any other action in relation thereto.

**Sponsor – BOARD OF SEWER COMMISSIONERS**

**MOTION:** *We move that the Town vote to amend the action taken under Article 3 (Sewer Budget) of the 2023 Annual Town Meeting by increasing salaries and wages \$12,500 from \$193,440 to \$205,940, increasing expenses by \$67,500 from \$1,328,525 to \$1,396,025 and increase the amount raised from Sewer Enterprise Receipts \$80,000 from \$1,628,968 to \$1,708,968.*

**Vote Required: Simple Majority**  
Designated as an Essential Article

**EXPLANATION**

This article amends the FY24 Sewer Budget to have the Sewer budget pay \$12,500 of the DPW Director Salary, increases electricity by \$20,000, restores \$45,000 to Capital Equipment for replacement equipment and restores \$2,500 to Capital Equipment – new equipment for a total budget increase of \$80,000.

Because there has been an increase in the number of users the impact of these budget increases on the rates is actually a reduction in the FY24 annual user fee from \$1,196 to \$1,180.

A YES or AYE vote in favor of the motion increases the FY24 Sewer Enterprise Budget to allow the proposed adjustments.

A NO or NAY vote opposed to the motion keeps the Sewer Enterprise Budget as it was voted in May and there would not be sufficient funds in the budget lines to cover these expenses.

The Finance Committee voted unanimously 8-0-0 to recommend approval of this article.

The Select Board voted unanimously 4-0-0 to recommend approval of this article with a yes vote in favor of the motion.

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**ARTICLE 5:** To see if the Town will vote to appropriate, borrow, transfer from available funds, or otherwise provide a sum of money for the purpose of funding the Town’s Other Post-Employment Benefits (OPEB) Liability, or take any other action in relation thereto.

**Sponsor – SELECT BOARD**

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

**Vote Required: Simple Majority**

**EXPLANATION**

This article continues the OPEB funding contribution based on the financial policy established in 2018. The current Financial Policy states that we will contribute 10% of the excess of the certified Free Cash over policy to the OPEB Trust Fund. This year's contribution based on the policy is \$625,000 for town employees. In addition, the article funds an OPEB contribution for ISWM employees at \$260,000 and Sewer employees at \$30,000 for a total of \$915,500 to be added to the OPEB Trust Fund.

A YES or AYE vote in favor of the motion provides funding to meet the Financial Policy Guidelines for OPEB. This will help maintain the Town’s high bond rating.

A NO or NAY vote opposed to the motion would not provide additional funding for OPEB, and would not be consistent with stated financial guidelines.

The Finance Committee voted unanimously 8-0-0 to recommend approval of this article.

The Select Board voted unanimously 4-0-0 to recommend approval of this article with a yes vote in favor of the motion.

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

**Sponsor – SELECT BOARD**

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

**Vote Required: Simple Majority**

**EXPLANATION**

Passage of this article will allow any Host Community Fees generated by ISWM in Fiscal Year 2023 in excess of \$600,000 to be added to the Capital Stabilization Fund that was established at the 2007 Annual Town Meeting. The monies accumulated in the fund will help defray the cost of future Capital Projects approved by the Town.

A YES or AYE vote in favor of the motion provides funding to meet the Financial Policy Guidelines for building the capital stabilization fund. This will help ensure that funds continue to be set aside for the long-term maintenance of the Town’s capital assets.

A NO or NAY vote opposed to the motion would not provide additional funding for the capital stabilization fund, and would not be consistent with stated financial guidelines.

The Finance Committee voted unanimously 8-0-0 to recommend approval of this article.

The Select Board voted unanimously 4-0-0 to recommend approval of this article with a yes vote in favor of the motion.

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

**Sponsor – SELECT BOARD AND CAPITAL OUTLAY COMMITTEE**

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

	<i>Department</i>	<i>Category</i>	<i>Purpose</i>	<i>Amount</i>	<i>Source</i>
<i>A</i>	<i>Sewer</i>	<i>Infrastructure</i>	<i>Replace 4 air release valves in the collection system</i>	<i>\$20,000</i>	<i>Retained Earnings</i>
<i>B</i>	<i>ISWM</i>	<i>Planning</i>	<i>Feasibility study and cost estimating for a new office/garage structure</i>	<i>\$30,000</i>	<i>Retained Earnings</i>
<i>C</i>	<i>Schools</i>	<i>Equipment</i>	<i>Radio Upgrades</i>	<i>\$35,000</i>	<i>Free Cash</i>
<i>D</i>	<i>Facilities</i>	<i>Equipment</i>	<i>Building Access Controls - upgrade</i>	<i>\$182,000</i>	<i>Free Cash</i>
<i>E</i>	<i>Facilities</i>	<i>Planning</i>	<i>Supplemental Funds – design &amp; construction oversight for Library masonry project</i>	<i>\$35,000</i>	<i>Free Cash</i>
<i>F</i>	<i>Engineering</i>	<i>Infrastructure</i>	<i>Hen Cove drainage project</i>	<i>\$181,250</i>	<i>Free Cash</i>
<i>G</i>	<i>Engineering</i>	<i>Infrastructure</i>	<i>Main @ Academy Intersection improvement</i>	<i>\$120,000</i>	<i>Free Cash</i>
<i>H</i>	<i>DPW</i>	<i>Equipment</i>	<i>Sander for Truck #2</i>	<i>\$27,000</i>	<i>Free Cash</i>

**Vote Required: Simple Majority**  
Designated as an Essential Article

**EXPLANATION**

This article appropriates funding for capital expenditures recommended by the Capital Outlay Committee. The Capital Outlay report is included in Appendix C.

A YES or AYE vote in favor of the motion would approve funding for the Capital Outlay expenses recommended by the Capital Outlay Committee.

A NO or NAY vote opposed to the motion would not provide the recommended funding and the projects would not move forward and the necessary equipment would not be purchased.

The Finance Committee voted unanimously 8-0-0 to recommend approval of this article.

The Select Board voted unanimously 4-0-0 to recommend approval of this article with a yes vote in favor of the motion.

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**ARTICLE 8:** To see if the Town will vote, upon recommendation of the Community Preservation Committee, to appropriate a sum of money for the following Community Preservation Fund purposes, and to meet said appropriation, to transfer from available funds or reserves from the FY2024 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action in relation thereto.

**Sponsor – COMMUNITY PRESERVATION COMMITTEE**

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

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

**Vote Required: Simple Majority**

**EXPLANATION**

This article presents the projects that the CPC has voted to recommend for approval at the Special Town Meeting. Approval of this article will not impact your real estate tax as the funds are already a part of the CPA assessment on real estate tax bills. That assessment takes place regardless of the outcome of this article.

A YES or AYE vote in favor of the motion provides funding for the proposed projects, as recommended by the Community Preservation Committee.

A NO or NAY vote opposed to the motion means that the funding would not be provided, and the projects cannot proceed at this time.

The Finance Committee voted 7-0-1 to recommend approval of the Part 1 motion for this article.

The Select Board voted unanimously 4-0-0 to recommend approval of the Part 1 motion for this article with a yes vote in favor of the motion.

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

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

**Vote Required: Simple Majority**

**EXPLANATION**

This article presents the projects that the CPC has voted to recommend for approval at the Special Town Meeting. Approval of this article will not impact your real estate tax as the funds are already a part of the CPA assessment on real estate tax bills. That assessment takes place regardless of the outcome of this article. Further information is included in Appendix D.

A YES or AYE vote in favor of the motion provides funding for the proposed project, as recommended by the Community Preservation Committee.

A NO or NAY vote opposed to the motion means that the funding would not be provided, and the project cannot proceed at this time.

The Finance Committee voted 5-0-3 to recommend approval of the Part 2 motion for this article.

The Select Board voted unanimously 4-0-0 to recommend approval of the Part 2 motion for this article with a yes vote in favor of the motion.

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

**Sponsor – COMMUNITY ENGAGEMENTS COMMITTEE**

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

**Vote Required: Simple Majority**

**EXPLANATION**

The BCEC mission is to sponsor and encourage community events, projects, activities, services, programs, and public improvements which are of mutual interest to the visitors and residents of the Town of Bourne, and, which strengthen the Town by fostering community involvement and spirit.

A YES or AYE vote in favor of the motion provides additional funding for use by the Community Engagements Committee.

A NO or NAY vote opposed to the motion means that no additional funding would be available for use by the Community Engagements Committee.

The Finance Committee voted 6-1-1 to recommend approval of this article.

The Select Board voted unanimously 4-0-0 to recommend approval of this article with a yes vote in favor of the motion.

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

**Sponsor – SELECT BOARD**

***THE SELECT BOARD MOTION WILL BE MADE AT TOWN MEETING.***

**Vote Required: Simple Majority**  
Designated as an Essential Article

**EXPLANATION**

A YES or AYE vote in favor of the motion provides funding to comply with the Civil Service Commission’s Order to reinstate and make an employee whole after a wrongful termination.

A NO or NAY vote opposed to the motion means that the Town would not be able to comply with the Civil Service Commission’s Order and the employee would not receive the funds owed.

The Finance Committee voted 6-0-2 to recommend approval of this article.

The Select Board will make a recommendation at Town Meeting.

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

Section 1.3.1

There shall be a Finance Committee consisting of ~~12~~ **9** voters of the town appointed by the Moderator, none of whom shall hold any other town office. Town of Bourne employees, including school employees, shall not be eligible for appointment to, or service on, the Finance Committee as provided in Section 2-9 of the Town Charter.

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

or take any other action in relation thereto.

**Sponsor – FINANCE COMMITTEE**

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

**Vote Required: Simple Majority**

**EXPLANATION**

A YES or AYE vote in favor of the motion would reduce the members on the Finance Committee from 12 to 9.

A NO or NAY vote opposed to the motion would make no changes and the Finance Committee would remain at 12 members.

The Finance Committee voted 6-2-0 to recommend approval of this article.

The Select Board voted unanimously 4-0-0 to recommend approval of this article with a yes vote in favor of the motion.

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

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

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

or take any other action in relation thereto.

**Sponsor - PLANNING BOARD**

***MOTION** (by Planning Board): We move Article 12 as set forth in the Warrant.*

**Vote Required: 2/3 Supermajority**

**EXPLANATION**

This change to the Wetland definition will bring the definition consistent with the Bourne Conservation Commission’s regulations and FEMA (Federal Emergency Management Agency) FIRM (Flood Insurance Rate Map) mapping.

A YES or AYE vote in favor of the motion changes the Zoning Bylaw so that the definition of a “wetland” is consistent with the definition found in the Wetlands Protection Bylaw.

A NO or NAY vote opposed to the motion would maintain the status quo and not change the zoning bylaw.

The Planning Board voted unanimously 8-0-0 to recommend approval of this article.

The Finance Committee voted 6-0-2 to recommend approval of this article.

The Select Board voted unanimously 4-0-0 to recommend approval of this article with a yes vote in favor of the motion.

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

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

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Add the following section:

**4850 Marijuana Overlay District (MOD)**

**4851. Purpose**

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

**4852. Applicability**

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

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

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

Buzzards Bay, North Sagamore, and South Sagamore areas of the MOD.

- d) The number of Medical-use and Adult-use Marijuana Retailers shall be limited to a maximum of three [3] separate retailers within the Town of Bourne. A Medical-use Marijuana and Adult-use Marijuana retailer that are co-located on the same parcel or adjoining parcels shall be considered one retailer for purposes of this provision.
- e) Nothing in this Bylaw is intended to regulate or prohibit uses or activities related to personal use of marijuana in accordance with MGL c. 94G.
- f) Consumption of Medical-use Marijuana and Adult-use Marijuana products at licensed marijuana establishments is prohibited.
- g) Social consumption of Adult-use marijuana is prohibited at patriotic, fraternal or social organization lodges or clubs, and properties used for general lodging or boarding, but not operating as a licensed marijuana social consumption establishment.
- h) Patriotic, fraternal or social organization lodges or clubs, and general lodging or boarding properties shall not offer marijuana for social consumption.
- i) Marijuana Establishments consistent with G.L. c.94G,§3(a)(2), all types of “marijuana establishments” as defined in G.L. c.94G,§1, to include craft marijuana cooperative, marijuana cultivators, independent testing laboratory, marijuana product manufacturers, social consumption establishment, or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Bourne except Adult-use Marijuana Retailers.

#### **4853. Application Requirements**

- a) Medical-use Marijuana and Adult-use Marijuana Retailers shall conform to 105 CMR 725 et seq. and 935 CMR 500.000 et seq. “Adult-use of Marijuana”, in addition to any requirements herein as adopted, et seq., including any subsequent updates.
- b) In addition to the submittal requirements and review standards provided in this Bylaw, each applicant under this section shall submit:
  - 1. Copy of a fully executed Host Community Agreement between the applicant and the Town of Bourne.
  - 2. Evidence of site control and right to use the site for Medical-use Marijuana and/or an Adult-use Marijuana Retailer in the form of a deed or valid purchase and sales agreement, or in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
  - 3. A wastewater allocation commitment letter from the Board of Sewer Commissioners for proposed developments in the Downtown District.
  - 4. A map depicting all properties and land uses within the distance requirements set forth in section

4854(a) of the project site, whether such uses are located in Bourne.

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

#### **4854. Location Requirements**

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

#### **4855. Site Development Standards**

- a) Medical-use Marijuana and Adult-use Retailer shall conform to all applicable provisions of the

- Zoning Bylaw, including but not limited to section 1230, and any other any requirements herein as adopted, and any amendments thereto.
- b) All aspects of the Medical-use Marijuana or Adult-use Retailer shall take place at a fixed location within a fully enclosed building.
  - c) If provided, fencing and gates shall be a maximum of 6' high, and shall be decorative style wherever viewed from a public way, abutting property, or other area accessible to the public. The style of fencing and gates shall be approved by the SPGA. Chain link fencing is prohibited wherever visible from the public way or abutting property.
  - d) Medical-use Marijuana and Adult-use Retailers shall comply with the Parking and Loading requirements in section 3300. The use shall be classified as "Office, Stores" under section 3320 Table of Requirements and as "Retail/commercial use" under section 2853 Table DTD-3: Required Parking Spaces in the Downtown District.
  - e) All security measures for the building shall comply with State CCC regulations and, further, shall be reviewed for appropriateness by the SPGA to ensure patron and community safety and deter unauthorized access to the premises.
  - f) No products shall be displayed in any Medical-use Marijuana or Adult-use Retailer's window or otherwise be visible from any street, parking lot, or other area accessible to the public.
  - g) All signage for Medical-use Marijuana or Adult-use Retailer must meet the requirements of section 2800 and section 3200 of this Bylaw. Any exterior sign may identify the Medical Marijuana or Adult-use Retailer, but shall not contain any other text. The SPGA may impose additional restrictions on signage as appropriate for the site, provided such regulations and restrictions do not conflict with State law or any State CCC regulations.

#### **4856. Limitations**

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

#### **4857. Marijuana Definitions**

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

#### **Buffer Zone:**

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

be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the Medical Marijuana or Adult-use Retail building entrance to the geometric center of the nearest School Entrance.

**Craft Marijuana Cooperative:**

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

**Independent Testing Laboratory:**

A laboratory that is licensed by the Commission and is:

- (a) Currently and validly licensed under 935 CMR 500.001, or formerly and validly registered by the Commission;
- (b) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (c) Independent financially from any MTC Marijuana Establishment or Licensee; and
- (d) Qualified to test Marijuana and Marijuana Products, including MIPs, in compliance with M.G.L. c. 94C, § 34; M.G.L. c. 94G, § 15; 935 CMR 500.000; 935 CMR 501.000: Medical Use of Marijuana; and Commission protocol(s).

**Manufacture:**

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

**Marijuana (or Cannabis):**

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

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

**Marijuana Cultivator:**

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

**Marijuana Establishment:**

a Marijuana Cultivator (Indoor or Outdoor), Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Independent Testing Laboratory, Marijuana Retailer, Marijuana Transporter, Delivery Licensee, Marijuana Research Facility Licensee (as defined in 935 CMR 500.002:

Marijuana Research Facility Licensee) Social Consumption Establishment (as defined in 935 CMR 500.002: Social Consumption Establishment) or any other type of licensed Marijuana-related business, except a Medical Marijuana Treatment Center (MTC).

**Marijuana Product Manufacturer:**

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

**Marijuana products:**

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

**Marijuana Retailer:**

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

**Medical Marijuana Treatment Center:** Medical Marijuana Treatment Center (MTC), (formerly known as a Registered Marijuana Dispensary (RMD)), means an entity licensed under 935 CMR 501.101: Application Requirements that acquires, cultivates, possesses, Processes (including development of related products such as Edibles, MIPs, Tinctures, aerosols, oils, or ointments), Repackages, transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Marijuana for medical use.

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

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

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

**4858. Severability**

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

shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

**SECTION V DEFINITIONS**

Add: Marijuana: “See section 4850 for all applicable definitions”.

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

**SECTION 2110: TYPES OF DISTRICTS.**

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

**SECTION 2140: DISTRICT PURPOSES**

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

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

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

or take any other action in relation thereto.

**Sponsor - PLANNING BOARD**

**If Article 15 Passes:**

*MOTION (by Planning Board): We move Article 13 as set forth in the warrant.*

**If Article 15 Fails:**

***THE PLANNING BOARD MOTION WILL BE MADE AT TOWN MEETING.***

**Vote Required: 2/3 Supermajority**

Contingent Article, for purposes of sequence: Article 15 will be taken up first, Article 13 will be taken up immediately after Article 15, and Article 14 will be taken up immediately after Article 13, regardless of the order drawn in the lottery.

**EXPLANATION**

This is a Planning Board sponsored article to establish a Marijuana Overlay District (MOD) in Bourne that would allow up to three medical or adult use marijuana retail establishments in specific areas of Bourne but would prohibit all other types of non-medical marijuana establishments. The identified areas include sections of MacArthur Boulevard, the area around Belmont Circle, and areas in Sagamore. The MacArthur Boulevard MOD requires Site Plan review and the other MOD’s require a Special Permit. Maps of the MOD’s are included in Appendix D.



A YES or AYE vote in favor of the motion changes the Zoning Bylaw to include an Overlay District to regulate retail marijuana land uses.

A NO or NAY vote opposed to the motion would maintain the status quo and not change the zoning bylaw.

The Planning Board voted unanimously 6-0-0 to recommend approval of this article.

The Finance Committee voted 5-1-2 to recommend approval of this article.

**If Article 15 passes:**

The Select Board voted unanimously 4-0-0 to recommend approval of this article with a yes vote in favor of the motion.

**If Article 15 fails:**

The Select Board voted unanimously 5-0-0 that they may make an amended motion and will make a recommendation on the article at Town Meeting.

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

The zoning bylaws of Bourne shall state:

**Marijuana not medically prescribed:**

Consistent with MGL c. 94G, §3(a)(2)(i), all types of marijuana establishments as defined in MGL c. 94G, §1, to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, **shall be prohibited within the Town of BOURNE.**

**By petition – Doug Oesterheld**

***MOTION (by petitioner):** We move to amend the Town of Bourne's Zoning Bylaw by striking the text in section 4830 of said Bylaw in its entirety and replacing the same with the following text:*

***4830. Marijuana Not Medically Prescribed.** Consistent with MGL c. 94G, §3(a)(2)(i), all types of marijuana establishments as defined in MGL c. 94G, §1, to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited in the Town of Bourne.*

**Vote Required: 2/3 Supermajority**

Contingent Article, for purposes of sequence: Article 15 will be taken up first, Article 13 will be taken up immediately after Article 15, and Article 14 will be taken up immediately after Article 13, regardless of the order drawn in the lottery.

**EXPLANATION**

This is a Private petition article seeking to adopt a zoning bylaw ban to prohibit all non-medical marijuana establishments. Adoption of this zoning bylaw requires a 2/3rds vote and overturn of the bylaw would also require a 2/3rds vote. Adopting this zoning bylaw would make future efforts to repeal the ban on marijuana establishments more difficult.

A YES or AYE vote in favor of the motion changes the Zoning Bylaw to prohibit any marijuana land use within the Town of Bourne, unless it is solely for medicinal purposes.

A NO or NAY vote opposed to the motion would maintain the status quo and not change the zoning bylaw.

The Planning Board voted unanimously 8-0-0 to recommend defeat of this article with a no vote opposed to the motion.

The Finance Committee voted 7-1-0 to recommend defeat of this article with a no vote opposed to the motion.

**If Article 15 passes:**

The Select Board voted unanimously 5-0-0 to recommend defeat of this article with a no vote opposed to the motion.

**If Article 15 fails:**

The Select Board voted 3-2-0 to recommend approval of this article with a yes vote in favor of the motion.

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

**By petition – Lori Hough**

***MOTION** (by petitioner): We move that the Town vote to approve this article as set forth in the Warrant.*

**Vote Required: Simple Majority**

Contingent Article, for purposes of sequence: Article 15 will be taken up first, Article 13 will be taken up immediately after Article 15, and Article 14 will be taken up immediately after Article 13, regardless of the order drawn in the lottery.

**EXPLANATION**

This is a private petition article that seeks to repeal the general bylaw ban on non-medical marijuana establishments in the Town of Bourne.

A YES or AYE vote in favor of the motion would repeal the general bylaw prohibition on adult-use marijuana establishments in the Town of Bourne and allow non-medical, adult-use marijuana establishments in the Town of Bourne.

A NO or NAY vote opposed to the motion would keep the prohibition on adult-use marijuana establishments, and no non-medical marijuana establishments will be allowed.

The Finance Committee voted 4-3-1 to recommend approval of this article.

The Select Board voted 2-1-2 to recommend approval of this article with a yes vote in favor of the motion.

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## **Appendix A**

### Finance Committee Roll Call Votes

# Finance Committee Roll Call Votes

Article 1: Reports of Committees					
VOTE: 8 - 0 - 0 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Yes	Richard Lavoie	Yes
Amanda Bongiovanni	Yes	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Yes		

Article 2: Unpaid Bills					
VOTE: 8 - 0 - 0 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Yes	Richard Lavoie	Yes
Amanda Bongiovanni	Yes	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Yes		

Article 3: Amend FY24 Operating Budget					
VOTE: 8 - 0 - 0 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Yes	Richard Lavoie	Yes
Amanda Bongiovanni	Yes	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Yes		

Article 4: Amend FY24 Sewer Operating Budget					
VOTE: 8 - 0 - 0 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Yes	Richard Lavoie	Yes
Amanda Bongiovanni	Yes	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Yes		

Article 5: OPEB Funding					
VOTE: 8 - 0 - 0 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Yes	Richard Lavoie	Yes
Amanda Bongiovanni	Yes	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Yes		

Article 6: Capital Stabilization Funding					
VOTE: 8 - 0 - 0 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Yes	Richard Lavoie	Yes
Amanda Bongiovanni	Yes	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Yes		

Article 7: FY24 Capital Budget Phase 2					
VOTE: 8 - 0 - 0 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Yes	Richard Lavoie	Yes
Amanda Bongiovanni	Yes	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Yes		

Article 8: CPA					
MOTION 1					
VOTE: 7 - 0 - 1 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Yes	Richard Lavoie	Yes
Amanda Bongiovanni	Abstain	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Yes		

## Finance Committee Roll Call Votes (con't)

Article 8: CPA					
MOTION 2					
VOTE: 5 - 0 - 3 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Yes	Richard Lavoie	Abstain
Amanda Bongiovanni	Abstain	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Abstain		

Article 9: Community Engagements Funding					
VOTE: 6 - 1 - 1 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Yes	Richard Lavoie	No
Amanda Bongiovanni	Abstain	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Yes		

Article 10: Funding of Firefighter Reinstatement					
VOTE: 6 - 0 - 2 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Abstain	Richard Lavoie	Yes
Amanda Bongiovanni	Yes	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Abstain		

Article 11: Bylaw - Reduce Finance Committee					
VOTE: 6 - 2 - 0 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Yes	Richard Lavoie	Yes
Amanda Bongiovanni	No	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	No		

Article 12: Zoning Bylaw - Wetland					
VOTE: 6 - 0 - 2 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Yes	Richard Lavoie	Abstain
Amanda Bongiovanni	Abstain	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Yes		

Article 13: Zoning Bylaw - MOD					
VOTE: 5 - 1 - 2 to recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	Abstain	Richard Lavoie	No
Amanda Bongiovanni	Abstain	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Yes		

Article 14: Private Petition-Zoning Bylaw-Prohibit Marijuana Establishments					
VOTE: 7 - 1 - 0 to not recommend approval of the article					
James Sullivan	Yes	Priscilla Harcourt	No	Richard Lavoie	Yes
Amanda Bongiovanni	Yes	Thomas Joyce	Yes	Arthur Wayne Sampson	Yes
Renée Gratis	Yes	Kathleen LeGacy	Yes		

Article 15: Private Petition-Bylaw-Repeal Prohibition on Marijuana Establishments					
VOTE: 4 - 3 - 1 to recommend approval of the article					
James Sullivan	No	Priscilla Harcourt	No	Richard Lavoie	Yes
Amanda Bongiovanni	Abstain	Thomas Joyce	Yes	Arthur Wayne Sampson	No
Renée Gratis	Yes	Kathleen LeGacy	Yes		

## **Appendix B**

Fiscal Year 2024 Supplemental Budget

B.1. Sources and Uses

B.2 Free Cash & Enterprise Fund Retained Earnings Analysis

B.3 Sewer Enterprise Fund Budget Adjustments



<b>FISCAL 2024 SOURCES &amp; USES OF FUNDS</b>				
	<b>FY24 Adopted Budget 5/1/2023</b>	<b>FY24 Proposed Budget 11/6/2023</b>	<b>\$ Increase / Decrease over ATM</b>	<b>% Increase / Decrease over ATM</b>
<b>GENERAL FUND REVENUES</b>				
<b><u>Property Taxes</u></b>				
Prior Year Tax Levy Limit PY - Amended New Growth	\$ 54,262,372	\$ 54,262,372	\$ -	0.00%
2.5% Allowance	1,356,559	1,356,559	-	0.00%
New Growth	400,000	400,000	-	0.00%
Override	-	-	-	-
<b>Sub-total</b>	<b>56,018,931</b>	<b>56,018,931</b>	<b>-</b>	<b>0.00%</b>
Debt Exclusion	3,994,396	3,994,396	-	0.00%
Cape Cod Commission Tax	216,000	216,000	-	0.00%
Unused Levy Capacity	-	-	-	-
<b>Total Tax Levy</b>	<b>60,229,327</b>	<b>60,229,327</b>	<b>-</b>	<b>0.00%</b>
<b><u>State Aid</u></b>				
General/Non Earmarked	2,948,322	2,968,261	19,939	0.68%
Education	6,580,398	6,803,405	223,007	3.39%
<b>Total State Aid</b>	<b>9,528,720</b>	<b>9,771,666</b>	<b>242,946</b>	<b>2.55%</b>
<b><u>Local Receipts</u></b>				
Motor Vehicle Excise	3,130,201	3,106,609	(23,592)	-0.75%
Other Excise - Meals Tax	500,000	500,000	-	0.00%
Other Excise - Room/Hotel	600,000	600,000	-	0.00%
Other Excise - Boat	55,000	55,000	-	0.00%
Penalties & Interest	200,000	200,000	-	0.00%
Payments in Lieu	20,000	20,000	-	0.00%
Marinas	1,260,000	1,260,000	-	0.00%
Other Dept Revenue	275,000	275,000	-	0.00%
Licenses & Permits	800,000	800,000	-	0.00%
Fines & Forfeits	130,000	130,000	-	0.00%
Investment Income	50,000	50,000	-	0.00%
Miscellaneous-Recurring	630,000	630,000	-	0.00%
Miscellaneous-Recurring Energy Credits	700,000	700,000	-	0.00%
Miscellaneous-Non Recurring	61,204	61,204	-	0.00%
<b>Total Local Receipts</b>	<b>8,411,405</b>	<b>8,387,813</b>	<b>(23,592)</b>	<b>-0.28%</b>
<b><u>Other Sources</u></b>				
ISWM General Fund Support	2,441,696	2,441,696	-	0.00%
Sewer General Fund Support	157,003	157,003	-	0.00%
<b>Total Other Sources</b>	<b>2,598,699</b>	<b>2,598,699</b>	<b>-</b>	<b>0.00%</b>
<b><u>Special Revenues</u></b>				
Conservation Comm. RFA	30,000	30,000	-	0.00%
PL 874 Grant Fund	100,000	100,000	-	0.00%
Ambulance Fund	1,500,000	1,500,000	-	0.00%
CPA Fund Revenues for Debt Service	271,025	271,025	-	0.00%
Community Septic Management Program	19,455	19,455	-	0.00%
Waterways Improvement Fund	140,000	140,000	-	0.00%
TNC Rideshare Fund	7,081	7,081	-	0.00%
<b>Total Special Revenue Funds</b>	<b>2,067,561</b>	<b>2,067,561</b>	<b>-</b>	<b>0.00%</b>
<b>Total General Fund Revenues</b>	<b>82,835,712</b>	<b>83,055,066</b>	<b>219,354</b>	<b>0.26%</b>
<b><u>Use of Reserves</u></b>				
Free Cash for Budget	-	-	-	-
Capital Stabilization for Debt Service	1,120,000	1,120,000	-	0.00%
<b>Total Use of Reserves</b>	<b>1,120,000</b>	<b>1,120,000</b>	<b>-</b>	<b>0.00%</b>
<b>Grand Total Revenues</b>	<b>\$ 83,955,712</b>	<b>\$ 84,175,066</b>	<b>\$ 219,354</b>	<b>0.26%</b>

<b>FISCAL 2024 SOURCES &amp; USES OF FUNDS</b>				
	<b>FY24 Adopted Budget 5/1/2023</b>	<b>FY24 Proposed Budget 11/6/2023</b>	<b>\$ Increase / Decrease over ATM</b>	<b>% Increase / Decrease over ATM</b>
<b>GENERAL FUND EXPENSES</b>				
<b><u>Town Budget</u></b>				
General Government Services	\$ 4,471,061	\$ 4,471,061	\$ -	0.00%
Public Safety Services	12,702,109	12,752,109	50,000	0.39%
Public Works Services	3,437,639	3,437,639	-	0.00%
Health & Human Services	998,207	998,207	-	0.00%
Culture & Recreation Services	1,039,050	1,039,050	-	0.00%
Total Town	<b>22,648,066</b>	<b>22,698,066</b>	<b>50,000</b>	<b>0.22%</b>
<b><u>Schools</u></b>				
Bourne School Department	25,818,363	25,818,363	-	0.00%
Upper Cape Technical School	3,624,750	3,624,750	-	0.00%
Total Schools	<b>29,443,113</b>	<b>29,443,113</b>	<b>-</b>	<b>0.00%</b>
<b><u>Shared Costs</u></b>				
Shared Costs-Public Utilities	1,581,000	1,581,000	-	0.00%
Shared Costs	16,680,539	16,680,539	-	0.00%
Total Shared Costs	<b>18,261,539</b>	<b>18,261,539</b>	<b>-</b>	<b>0.00%</b>
<b>Total Operating Budget</b>	<b>70,352,718</b>	<b>70,402,718</b>	<b>50,000</b>	<b>0.07%</b>
<b><u>Capital Budgets</u></b>				
Debt Service Budget Non Exempt	2,805,125	2,805,125	-	0.00%
Debt Service Budget Exempt	4,029,375	4,029,375	-	0.00%
Total Debt Service	<b>6,834,500</b>	<b>6,834,500</b>	<b>-</b>	<b>0.00%</b>
<b>Total General Fund Budget</b>	<b>77,187,218</b>	<b>77,237,218</b>	<b>50,000</b>	<b>0.06%</b>
<b><u>General Articles</u></b>				
Reserve Fund	350,000	350,000	-	0.00%
<b>Total General Articles</b>	<b>350,000</b>	<b>350,000</b>	<b>-</b>	<b>0.00%</b>
<b><u>Off-Budget Expenditures</u></b>				
Cherry Sheet Assessments	5,438,356	5,608,144	169,788	3.12%
Cherry Sheet Offsets*	880,138	879,704	(434)	-0.05%
Overlay Reserve	100,000	100,000	-	0.00%
<b>Total Off Budget Expenses</b>	<b>6,418,494</b>	<b>6,587,848</b>	<b>169,354</b>	<b>2.64%</b>
<b>Grand Total Expenses</b>	<b>\$ 83,955,712</b>	<b>\$ 84,175,066</b>	<b>\$ 219,354</b>	<b>0.26%</b>

<b>FISCAL 2024 SOURCES &amp; USES OF FUNDS</b>				
	<b>FY24 Adopted Budget 5/1/2023</b>	<b>FY24 Proposed Budget 11/6/2023</b>	<b>\$ Increase / Decrease over ATM</b>	<b>% Increase / Decrease over ATM</b>
<b>SEWER REVENUES</b>				
<b><u>Revenues</u></b>				
Retained Earnings	\$ 150,000	\$ 150,000	\$ -	0.00%
Retained Earnings for Articles	-	-	-	100.00%
Sewer Enterprise Revenues	1,628,968	1,708,968	80,000	4.91%
<b>Total Revenues</b>	<b>\$ 1,778,968</b>	<b>\$ 1,858,968</b>	<b>\$ 80,000</b>	<b>4.50%</b>
<b>SEWER EXPENSES</b>				
<b><u>Expenditures</u></b>				
Salaries & Wages	\$ 193,440	\$ 205,940	\$ 12,500	6.46%
Expenses	1,328,525	1,396,025	67,500	5.08%
General Fund Admin. Fees	157,003	157,003	-	0.00%
<b>Total Operating Budget</b>	<b>1,678,968</b>	<b>1,758,968</b>	<b>80,000</b>	<b>4.76%</b>
<b><u>Off Budget Expenditures</u></b>				
Reserve Fund	100,000	100,000	-	0.00%
<b>Total Off Budget Expenditures</b>	<b>100,000</b>	<b>100,000</b>	<b>-</b>	<b>0.00%</b>
<b>Grand Total Expenses</b>	<b>\$ 1,778,968</b>	<b>\$ 1,858,968</b>	<b>\$ 80,000</b>	<b>4.50%</b>

<b>ISWM REVENUES</b>				
<b><u>Operating Revenues</u></b>				
Retained Earnings	\$ -	\$ -	\$ -	
Facility Receipts	13,794,731	13,794,731	-	0.00%
<b>Total Revenues</b>	<b>13,794,731</b>	<b>13,794,731</b>	<b>-</b>	<b>0.00%</b>
<b><u>Use of Reserves</u></b>				
Post Closure Reserves	-	-	-	
Retained Earnings for Articles	-	-	-	
<b>Total Use of Reserves</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Grand Total Revenues</b>	<b>\$ 13,794,731</b>	<b>\$ 13,794,731</b>	<b>\$ -</b>	<b>0.00%</b>
<b>ISWM EXPENSES</b>				
<b><u>Operating Expenditures</u></b>				
Salaries & Wages	\$ 2,319,692	\$ 2,319,692	\$ -	0.00%
Expenses	7,508,343	7,508,343	-	0.00%
General Fund Admin. Fees	2,441,696	2,441,696	-	0.00%
Host Community Fee	925,000	925,000	-	0.00%
<b>Total Expenditures</b>	<b>13,194,731</b>	<b>13,194,731</b>	<b>-</b>	<b>0.00%</b>
<b><u>Off Budget Expenditures</u></b>				
Reserve Fund	600,000	600,000	-	0.00%
<b>Total Off Budget Expenditures</b>	<b>600,000</b>	<b>600,000</b>	<b>-</b>	<b>0.00%</b>
<b>Grand Total Expenses</b>	<b>\$ 13,794,731</b>	<b>\$ 13,794,731</b>	<b>\$ -</b>	<b>0.00%</b>

**FY2024 Free Cash/Retained Earnings Analysis**

**General Fund**

FY2024 General Fund Operating Budget (GFOB) \$77,187,218.00  
5% of GFOB \$3,859,360.90

	Free Cash Balance	Free Cash as a % of		Excess over		Policy Allowance FC	
		GFOB	5% of GFOB	5% of GFOB	For Budget		
<b>Certified Free Cash Balance, 7/1/2023</b>	<b>\$ 10,115,005.00</b>	13.1%	\$ 6,255,644.10	\$ 3,127,822.05			
11/6/23 FTM A#2 Unpaid Bills	\$ (9,162.06)	\$ 10,105,842.94	13.1%	\$ 6,246,482.04	\$ 3,123,241.02		
11/6/23 FTM A#5 Other Post-Employment Benefits Liability	\$ (625,500.00)	\$ 9,480,342.94	12.3%	\$ 5,620,982.04	\$ 2,810,491.02		
11/6/23 FTM A#6 Capital Stabilization Fund (Excess Host Community Fee)	\$ (386,000.00)	\$ 9,094,342.94	11.8%	\$ 5,234,982.04	\$ 2,617,491.02		
11/6/23 FTM A#7 Capital Program (P2)	\$ (580,250.00)	\$ 8,514,092.94	11.0%	\$ 4,654,732.04	\$ 2,327,366.02		
11/6/23 FTM A#9 Community Engagements Committee	\$ (50,000.00)	\$ 8,464,092.94	11.0%	\$ 4,604,732.04	\$ 2,302,366.02		
11/6/23 FTM A#10 Back pay for FF/Medic per Civil Service Order	\$ (380,247.99)	\$ 8,083,844.95	10.5%	\$ 4,224,484.05	\$ 2,112,242.03		
<b>Subtotal FTM</b>	<b>\$ (2,031,160.05)</b>						
		\$ 8,083,844.95	10.5%	\$ 4,224,484.05	\$ 2,112,242.03		
		\$ 8,083,844.95	10.5%	\$ 4,224,484.05	\$ 2,112,242.03		
		\$ 8,083,844.95	10.5%	\$ 4,224,484.05	\$ 2,112,242.03		
<b>Subtotal STM</b>	<b>\$ -</b>						
		\$ 8,083,844.95	10.5%	\$ 4,224,484.05	\$ 2,112,242.03		
		\$ 8,083,844.95	10.5%	\$ 4,224,484.05	\$ 2,112,242.03		
		\$ 8,083,844.95	10.5%	\$ 4,224,484.05	\$ 2,112,242.03		
		\$ 8,083,844.95	10.5%	\$ 4,224,484.05	\$ 2,112,242.03		
		\$ 8,083,844.95	10.5%	\$ 4,224,484.05	\$ 2,112,242.03		
		\$ 8,083,844.95	10.5%	\$ 4,224,484.05	\$ 2,112,242.03		
		\$ -					
		\$ -					
<b>Subtotal ATM</b>	<b>\$ -</b>						
<b>Total Used All Meetings</b>	<b>\$ (2,031,160.05)</b>						

**Sewer Enterprise Fund**

	Retained Earnings	
	Balance	
<b>Certified Retained Earnings, 7/1/2023</b>	<b>\$</b>	<b>1,010,701.00</b>
11/6/23 FTM A#5 Other Post-Employment Benefits Liability	\$ (30,000.00)	\$ 980,701.00
11/6/23 FTM A#7 Capital Program (P2)	(20,000.00)	\$ 960,701.00
		\$ 960,701.00
		\$ 960,701.00
<b>Total Used</b>	<b>\$ (50,000.00)</b>	

**ISWM Enterprise Fund**

FY2023 Operating Expenses \$ 9,372,047.00  
FY2023 Operating Expenses per Month \$ 781,003.92  
Working Capital = 3 months or 25% \$ 2,343,011.75

	Retained Earnings		Excess over	
	Balance		Working Capital \$	Capital %
<b>Certified Retained Earnings, 7/1/2023</b>	<b>\$</b>	<b>10,219,777.00</b>	7,876,765.25	336%
11/6/2023 FTM A#5 Other Post-Employment Benefits Liability	\$ (260,000.00)	\$ 9,959,777.00	7,616,765.25	325%
11/6/2023 FTM A#7 Capital Program (P2)	(30,000.00)	\$ 9,929,777.00	7,586,765.25	324%
		\$ 9,929,777.00	7,586,765.25	324%
		\$ -		
<b>Total Used</b>	<b>\$ (290,000.00)</b>		7,586,765.25	324%

**Town of Bourne  
Proposed FY24 Sewer Supplemental Budget Adjustments**

<b>SoftRight</b>						<b>ATM</b>	<b>Proposed FTM</b>	<b>Change</b>			
<b>Fund</b>	<b>Page #</b>	<b>Dept.</b>	<b>GL #</b>	<b>GL Description</b>	<b>5.1.2023</b>	<b>11.6.2023</b>	<b>Inc (Dec)</b>	<b>Explanation</b>			
SEF		Sewer	60-999-400-442-5100-5111-999-99	Salaries - Dept Head	-	12,500.00	\$ 12,500.00	Allocate portion of Supt. Salary (6 Mos)			
SEF		Sewer	60-999-400-442-5200-5211-999-99	Electricity	110,000.00	130,000.00	20,000.00	Adjust for expected increase in electrical cost			
SEF		Sewer	60-999-400-442-5800-5870-999-99	Capital - Replacement Equip.	45,000.00	90,000.00	45,000.00	Restore Capital Equipment Budget			
SEF		Sewer	60-999-400-442-5800-5870-999-99	Capital - New Equip.	2,500.00	5,000.00	2,500.00	Restore Capital Equipment Budget			
					<b>Subtotal SEF Expense Adjustment</b>			<u><b>80,000.00</b></u>			
								User Charges	<u>80,000.00</u>		
					<b>Subtotal SEF Revenue Adjustment</b>			<u><b>80,000.00</b></u>			
					<b>Net Change</b>			<u><u>\$ -</u></u>			

**Appendix C**

Capital Outlay Committee Report  
Updated Capital Budget

Capital Outlay Committee  
Town of Bourne  
24 Perry Ave.  
Bourne, MA 02532

Ms. Marlene McCollum  
Town Administrator  
Town of Bourne  
24 Perry Ave.  
Bourne MA 02532

October 18, 2023

Dear Ms. McCollum

Please find attached the report of the Capital Outlay Committee on the capital items scheduled to be addressed at the November 6, 2023, Special Town Meeting.

Please forward this report to the Board of Selectman and please copy the members of the Finance Committee.

Our committee would like to thank you for your assistance along with Erica Fleming and Mike Ellis who provided valuable information to the Capital Outlay Committee in preparation for and during our meetings,

very truly yours,

*A. Wayne Sampson*

A. Wayne Sampson,  
Chair Capital Outlay Committee

Capital Outlay Committee  
Town of Bourne  
24 Perry Ave.  
Bourne, MA 02532

Ms. Marlene McCollum  
Town Administrator  
Town of Bourne  
24 Perry Ave.  
Bourne MA 02532

October 18, 2023

Dear Select Board Members,

The Capital Outlay Committee met on June 14, October 2, and October 16, 2023, for the purpose of discussing various capital requests.

The following requests were brought before the committee for consideration.

1. The Sewer Department requested \$20,000 to replace four air release valves in the sewer collection system. The current valves have been in place for approximately 40 years and this maintenance will preserve the system for approximately another 20 years.
2. Dan Barrett of the ISWM requested \$30,000 for a feasibility study to build a new office building and maintenance garage. This work is necessary as we move forward into the next phases of landfill development. The timing is appropriate so that planning can be done prior to the demolition of current buildings.
3. The School Department was requesting \$35,000 for an upgrade to the portable radio systems for the Bourne Public Schools. This request is a necessity for the safety of the schools and the value for the number of radios being purchased is good.



4. The Facilities Department is requesting \$130,000 to upgrade the town access control system and this is a necessity for building security.
5. The facilities department requested an additional \$35,000 to include four additional security points.
6. The Engineering Department is requesting \$181,250 to provide improvements to the Hens Cove Storm Water System Tim Lyden explained that by voting on the money now, they will be able to be able to procure additional federal funding in the spring with construction beginning in late spring or early summer.
7. The Engineering Department requested \$120,000 for Main Street traffic calming and pedestrian improvement projects. Tim Lyden explained that this project was originally to be completed this past summer through a grant with Mass DOT. The town has requested an extension of the grant to complete this project and this money will be in addition to the Mass DOT grant.
8. The DPW Is requesting \$27,000 to replace a sander for a highway truck. This cost is for the sander equipment only and town employees will provide labor to save on the installation cost.
9. The committee also heard requests for CPC funding for the Pocasset Village Association in the amount of \$90,000, a request from Jordan Geist requesting and irrigation pump replacement at the Bourne Middle School soccer fields for \$20,000 and a request for \$367,300 to establish a town wide rural urban pollinator trail. Assistant Town Administrator Liz Hartsgrove explained the project which would allow the community, visitors, and students as well as educators to enjoy throughout the entire town.

Respectfully submitted,

A. Wayne Sampson  
Chairman, Capital Outlay Committee

**CAPITAL IMPROVEMENT PLAN  
FISCAL YEARS 2024-2028**

<b>DEPARTMENT</b>	<b>FY2024 - ATM REQUEST</b>	<b>FY2024-FTM REQUEST</b>	<b>FY2025 REQUEST</b>	<b>FY2026 REQUEST</b>	<b>FY2027 REQUEST</b>	<b>FY2028 REQUEST</b>	<b>ESTIMATED TOTAL COST ALL YEARS</b>
<b>Information Management Systems</b>							
Document Management/Digital Records	\$ -		TBD	\$ -	\$ -	\$ -	TBD
Town of Bourne Website			TBD				TBD
Server EOL OS Upgrade					TBD		TBD
WINDOWS 10 Workstations			TBD				TBD
<b>Subtotal IMS</b>	<b>-</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Engineering</b>							
Hen Cove drainage project (matching funds)		181,250					
Academy at Main intersection project		120,000					
<b>Subtotal Engineering</b>		<b>301,250</b>					<b>301,250</b>
<b>Facilities</b>							
	TBD						-
Fire Station Land Acquisition	40,000						40,000
Town Hall HVAC	60,000						60,000
Town Hall Fire Alarm	30,000						30,000
Facilities Ford Transit Connect Van	200,000						200,000
Roof Investigation and Design Funds <i>(Town Hall, Community Building, Station #3)</i>		182,000					
Building Access Controls Upgrade		35,000					
Supplemental - Const. Oversight - Library Masonry			15,000,000				15,000,000
Fire Station Replacement			TBD				-
Community Building Exterior Doors	150,000						150,000
Library Feasibility	100,000						100,000
Library Stabilization Front Main Wall					TBD		-
Library Renovation/Expansion/Replacement					TBD		-
Town Hall Feasibility Study					TBD		-
Fire Station #1 Renovation/Feasibility Study						50,000	50,000
Bourne Archives Backup Generator & ATS						128,000	128,000
Town Hall Elevator							
<b>Subtotal Facilities</b>	<b>580,000</b>	<b>217,000</b>	<b>15,000,000</b>	<b>-</b>	<b>-</b>	<b>178,000</b>	<b>15,758,000</b>
<b>Police</b>							
	391,820		366,886	377,893	389,229	400,906	1,926,734
Police Vehicle Replacement Plan (5 Vehicles Per Year)	413,771						413,771
Police Body/Cruiser Camera Program	67,410			22,700			90,110
Portable Speed Warning Sign/Variable Message Board			300,000				300,000
Replacement/Upgrade to Record Management/Dispatch System							
<b>Subtotal Police</b>	<b>873,001</b>		<b>666,886</b>	<b>400,593</b>	<b>389,229</b>	<b>400,906</b>	<b>2,730,615</b>

**CAPITAL IMPROVEMENT PLAN  
FISCAL YEARS 2024-2028**

<b>DEPARTMENT</b>	<b>FY2024 - ATM REQUEST</b>	<b>FY2024-FTM REQUEST</b>	<b>FY2025 REQUEST</b>	<b>FY2026 REQUEST</b>	<b>FY2027 REQUEST</b>	<b>FY2028 REQUEST</b>	<b>ESTIMATED TOTAL COST ALL YEARS</b>
<i>Fire</i>			150,000				150,000
Cardiac Monitor Replacements			500,000				500,000
Self-contained breathing apparatus and cylinder replacement				60,000			60,000
Replace Car-143 (2017 Tahoe, shift commander car)				425,000			425,000
Replace 2019 Ambulance 133					425,000		425,000
Replace 2019 Ambulance 134						800,000	800,000
Replace Engine 122 (1994)							
<b>Subtotal Fire</b>	<b>-</b>		<b>650,000</b>	<b>485,000</b>	<b>425,000</b>	<b>800,000</b>	<b>2,360,000</b>
<i>Shore &amp; Harbor</i>	225,000		225,000	225,000	225,000	225,000	1,125,000
Annual Dredging/Ramp/Pier Repair & Improvement							
<b>Subtotal Shore &amp; Harbor</b>	<b>225,000</b>		<b>225,000</b>	<b>225,000</b>	<b>225,000</b>	<b>225,000</b>	<b>1,125,000</b>
<i>Natural Resources</i>	90,000						90,000
Replace Y-54 2011 Chevrolet 2500 Silverado PU			15,500				15,500
Replace Y-57 Carolina Skiff 60 HP Engine				25,000			25,000
Station Taylor's Point Marina Pumpout Replacement				75,000			75,000
Engineering Design & Permitting of Monument Beach Marina					2,000,000		2,000,000
Replace Floats, Piers, Pilings, and Harbor Master Shack						200,000	200,000
Replace Harbor Patrol Boat						85,000	85,000
Replace 2015 Chevrolet 1500 Silverado							
<b>Subtotal Natural Resources</b>	<b>90,000</b>		<b>15,500</b>	<b>100,000</b>	<b>2,000,000</b>	<b>285,000</b>	<b>2,490,500</b>
<i>Bourne Public Schools</i>	90,000			50,000		50,000	190,000
Interactive touch panels at BES FY24	170,000			150,000		150,000	470,000
Mini Bus	50,000		3,050,000			-	3,100,000
BMS Roof		35,000					
Radio Upgrades				2,000,000		-	2,000,000
WWTP Repairs				200,000		1,000,000	1,200,000
Universal Pre-K				50,000		-	50,000
BHS auditorium carpet replacement				300,000		-	300,000
Jackson Field Bleachers			50,000			-	50,000
S.T.E.A.M. Renovation Design (HS)							
<b>Subtotal Bourne Public Schools</b>	<b>310,000</b>	<b>35,000</b>	<b>3,100,000</b>	<b>2,750,000</b>	<b>-</b>	<b>1,200,000</b>	<b>7,360,000</b>
<i>Town Clerk</i>	150,000						150,000
Replacement of Voting Equipment							
<b>Subtotal Town Clerk</b>	<b>150,000</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>150,000</b>

**CAPITAL IMPROVEMENT PLAN  
FISCAL YEARS 2024-2028**

<b>DEPARTMENT</b>	<b>FY2024 - ATM REQUEST</b>	<b>FY2024-FTM REQUEST</b>	<b>FY2025 REQUEST</b>	<b>FY2026 REQUEST</b>	<b>FY2027 REQUEST</b>	<b>FY2028 REQUEST</b>	<b>ESTIMATED TOTAL COST ALL YEARS</b>
<i>Public Works</i>			350,000				350,000
Barlow's Landing/Shore Rd Intersection Improvements	62,000						62,000
10yd sander w/plow setup for 10 wheeler		27,000					
Sander for Truck #2				265,000			265,000
Vehicle Refurbishment Project					585,000		585,000
R-2 25cy Rubbish Packer					80,000		80,000
M-11 Sign Van Chevrolet Van				165,000			165,000
Tree Truck International				125,000			125,000
M-5 F550 Dump/Plow					125,000		125,000
M-6 F550 Dump/Plow						585,000	585,000
R-3 25cy Rubbish Packer					225,000		225,000
TK-4 Dump/Sander				50,000			50,000
Road Maintenance (contract services outside of Chapter 90)				90,000			90,000
M-1 F250 Pickup					585,000		585,000
S-1 25cy Rubbish Packer				90,000			90,000
M-2 F250 Pickup						350,000	350,000
Sweeper 4 Elgin Pelican							
<b>Subtotal Public Works</b>	<b>62,000</b>	<b>27,000</b>	<b>350,000</b>	<b>785,000</b>	<b>1,600,000</b>	<b>935,000</b>	<b>3,732,000</b>
<i>Recreation</i>				TBD	TBD	TBD	-
Community Center Outdoor Rec Area Redesign & Construction				450,000			450,000
Chester Park Recreation Area Court Re-Construction							-
Buzzards Bay Park Fitness Equipment							
<b>Subtotal Recreation</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>450,000</b>	<b>-</b>	<b>-</b>	<b>450,000</b>
	<b>2,290,001</b>	<b>580,250</b>	<b>20,007,386</b>	<b>5,195,593</b>	<b>4,639,229</b>	<b>4,023,906</b>	<b>36,457,365</b>
<b>Subtotal Town and School (A)</b>							

**CAPITAL IMPROVEMENT PLAN  
FISCAL YEARS 2024-2028**

<b>DEPARTMENT</b>	<b>FY2024 - ATM REQUEST</b>	<b>FY2024-FTM REQUEST</b>	<b>FY2025 REQUEST</b>	<b>FY2026 REQUEST</b>	<b>FY2027 REQUEST</b>	<b>FY2028 REQUEST</b>	<b>ESTIMATED TOTAL COST ALL YEARS</b>
<i>Sewer</i>	-		-	200,000		-	200,000
Ford F550 Utility Truck with crane			50,000	50,000	50,000	50,000	200,000
Upgrades to collections system		\$ 20,000					
4 air release valves - collection system	-	<b>20,000</b>	<b>50,000</b>	<b>250,000</b>	<b>50,000</b>	<b>50,000</b>	<b>400,000</b>
<b>Subtotal Sewer</b>							
<i>Integrated Solid Waste Management (ISWM)</i>	311,000						311,000
2023 Street Sweeper	125,000						125,000
Replace 1.5 Cubic Yard Wheel Loader	200,000						200,000
Phase 9 Vertical Expansion	50,000						50,000
Survey Grade GPS Base and Rover	20,650						20,650
Survey Grade Drone w/Data Processing Package	50,000						50,000
30kw Portable Generator	34,000						34,000
3 X 40 Cubic yard Roll-Off Containers	225,000						225,000
S-4 Small Rubbish Packer		30,000					
Feasibility Study & Cost Estimates - new office/garage			620,000				620,000
2020 CAT Nexgen D6 Dozer			295,000				295,000
2016 CAT 320E Excavator					620,000		620,000
2022 CAT D6T LGP Dozer						700,000	700,000
2021 CAT 966 M Wheel Loader			700,000				700,000
2006 John Deere 350D Off Road Truck			72,000				72,000
2015 CAT 272D Skid Steer (Wheel)			164,300				164,300
Volvo Roll-Off Truck						225,000	225,000
2018 CAT 84" Smooth Drum Vibratory Roller				57,000			57,000
2016 Ford F250 3/4 ton Crew Cab Pickup (L2)			424,000				424,000
Weigh Scales			250,000				250,000
1992 OSHKOSH Maintenance Truck*			30,000				30,000
Roll Off Containers	<b>1,015,650</b>	<b>30,000</b>	<b>2,555,300</b>	<b>57,000</b>	<b>620,000</b>	<b>925,000</b>	<b>5,172,950</b>
<b>Subtotal ISWM</b>							
	<b>1,015,650</b>	<b>50,000</b>	<b>2,605,300</b>	<b>307,000</b>	<b>670,000</b>	<b>975,000</b>	<b>5,572,950</b>
<b>Subtotal Enterprise (B)</b>							
	<b>\$ 3,305,651</b>	<b>\$ 630,250</b>	<b>\$ 22,612,686</b>	<b>\$ 5,502,593</b>	<b>\$ 5,309,229</b>	<b>\$ 4,998,906</b>	<b>\$ 42,030,315</b>
<b>Grand Total (A+B)</b>							

## **Appendix D**

### Supporting Information

Special Article 8 – CPA – Rural/Urban Pollinator Trail

Special Article 12 – Zoning - Planning Board Report

Special Article 13 – Zoning – Marijuana Overlay District – Maps and Planning Board Report

Special Article 14 – Zoning – Planning Board Report

# 23 FALL STM – ART. 8 - CPC POLLINATOR TRAIL



Complementing the Local Comprehensive Plan Open Space objective to “manage natural habitats that support diverse communities of local wildlife and plant species”, the proposed Rural/Urban Pollinator Trail connects habitat with community as an informative guide demonstrated both virtually and physically by installing pollinator gardens on a wide range of town owned parcels of various sizes and site conditions, and expanding current rain gardens projects - all supporting a multitude of natural habitat benefits.

## PHYSICAL EXHIBITS

### 9 LOCATIONS

LOCATION	TYPE	DETAILS
SOUTH	Bourne Public Library	Pollinator Garden ❖ Garden ❖ Educational Signage ❖ Benches ❖ Public Art
	Eel Pond	Rain Garden ❖ Educational Signage
	Shore Rd Park	Rain Garden ❖ Educational Signage
	Hen Cove/Circuit Ave	3 Rain Gardens ❖ Educational Signage
NORTH	Buzzards Bay Main St (Belmont Cir to BB Park)	20 Pollinator Gardens ❖ Self-watering planters ❖ Educational Signage
	Town Hall	Pollinator Garden ❖ Garden ❖ Educational Signage ❖ Benches ❖ Public Art
	Carter Beal Conservation Area (Herring River Watershed ACEC)	Pollinator Garden ❖ Garden ❖ Path ❖ Educational Signage ❖ Benches ❖ Public Art
	Queen Sewell Pond Watershed (Site 1)	Rain Garden ❖ Educational Signage
	Electric Ave	Pollinator and Rain Garden ❖ Garden ❖ Path ❖ Educational Signage ❖ Benches ❖ Public Art



## VIRTUAL EXHIBITS

### INTERACTIVE WEBSITE:

- ❖ Bourne Public School curriculum synchronized
- ❖ Tool-kits and Worksheets
- ❖ Plant Identifications
- ❖ Narrative and Mapping, Illustrations

### PRINTED MATERIAL:

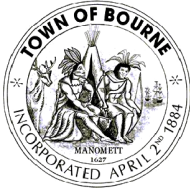
- ❖ Tool-kits and Worksheets
- ❖ Brochures, Posters, Maps, Mailers
- ❖ Branding



## PROJECT SUPPORTED BY:

APTUCXET GARDEN CLUB  
BOURNE CONSERVATION TRUST  
SELECT BOARD  
FINANCE COMMITTEE  
CAPITAL OUTLAY COMMITTEE

COMMUNITY PRESERVATION COMMITTEE  
CONSERVATION COMMISSION  
OPEN SPACE COMMITTEE  
RECREATION COMMITTEE  
BOURNE LIBRARY TRUSTEES



**TOWN OF BOURNE**  
***Planning Board***  
BOURNE TOWN HALL  
24 PERRY AVE.  
BUZZARDS BAY, MA 02532  
PHONE: 508-759-0600 x1301



**Planning Board Report to Special Town Meeting – November 6, 2023**

**ARTICLE 12: Amend Wetland Definition**

In accordance with M.G.L. c. 40A, § 5, the Planning Board conducted a public hearing on August 10, 2023 to review this article to amend the definition of “Wetland” in the Town of Bourne Zoning Bylaw Section V Definitions by deleting said definition in its entirety and replacing it with a new definition.

The following eight (8) Planning Board members were present: Daniel Doucette, M. Elizabeth Brown, David O’Connor, Jeanne Azarovitz, Christopher Farrell, Amanda Wing, John Duggan, and James Robinson.

There were twelve (12) members of the public present.

The legal notice was published in the Cape Cod Times on July 24<sup>th</sup> and July 31<sup>st</sup>.

The Planning Board voted unanimously with 8 in favor and 0 opposed to recommend approval of this article.

Respectfully submitted,  
The Bourne Planning Board  
Daniel Doucette, Chair





**Draft Town of Bourne Marijuana Overlay District  
North Sagamore**





**Draft Town of Bourne Marijuana Overlay District**  
**South Sagamore**



USGS, MassGIS



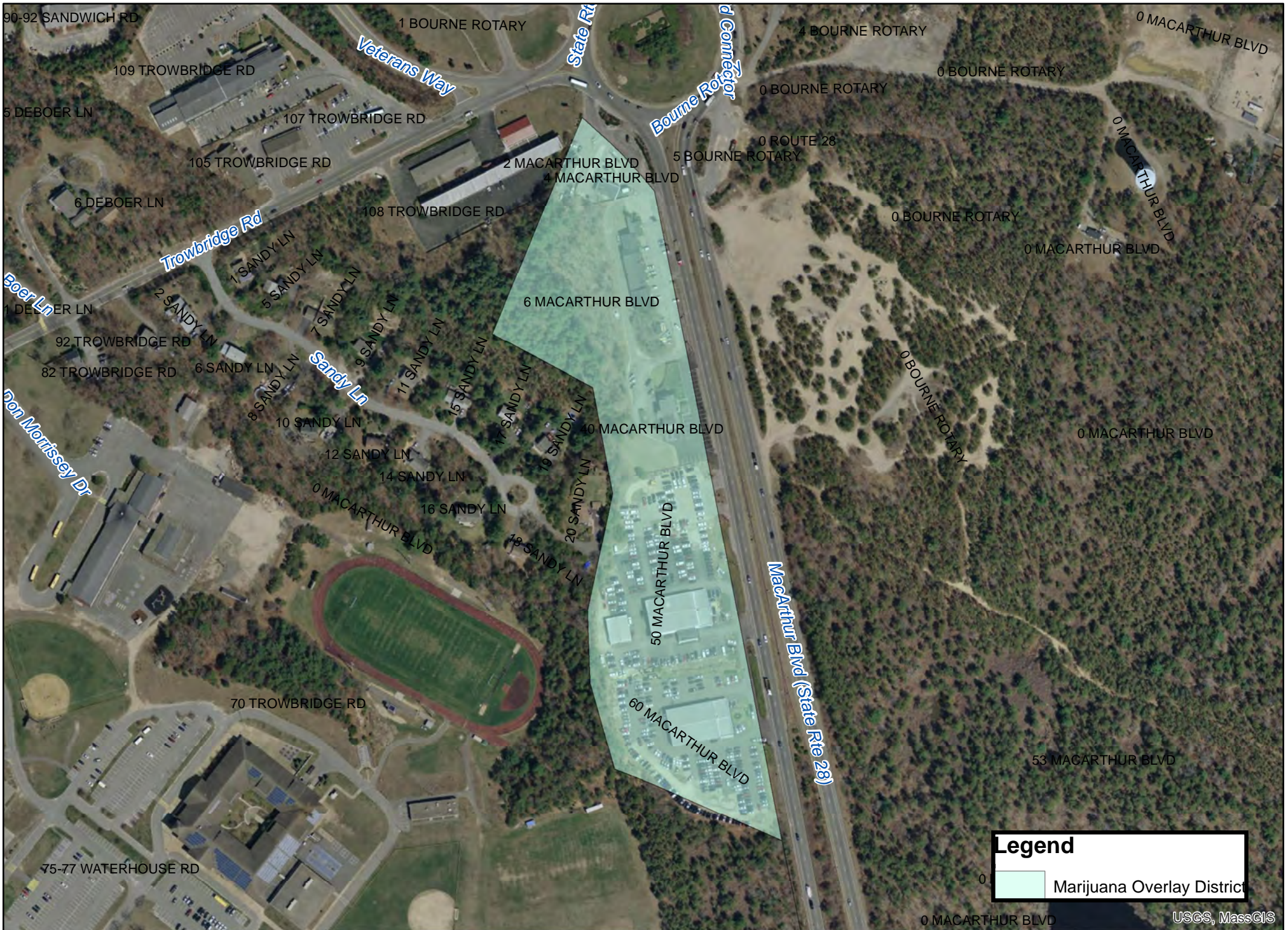
*Town of Bourne Marijuana Overlay District*  
**Downtown District**





*Draft Town of Bourne Marijuana Overlay District*  
**MacArthur Boulevard**

0 1,875 3,750 7,500 Feet  
Date: 07/13/2023



*Draft Town of Bourne Marijuana Overlay District*  
**MacArthur Boulevard**





**Draft Town of Bourne Marijuana Overlay District**  
**MacArthur Boulevard**

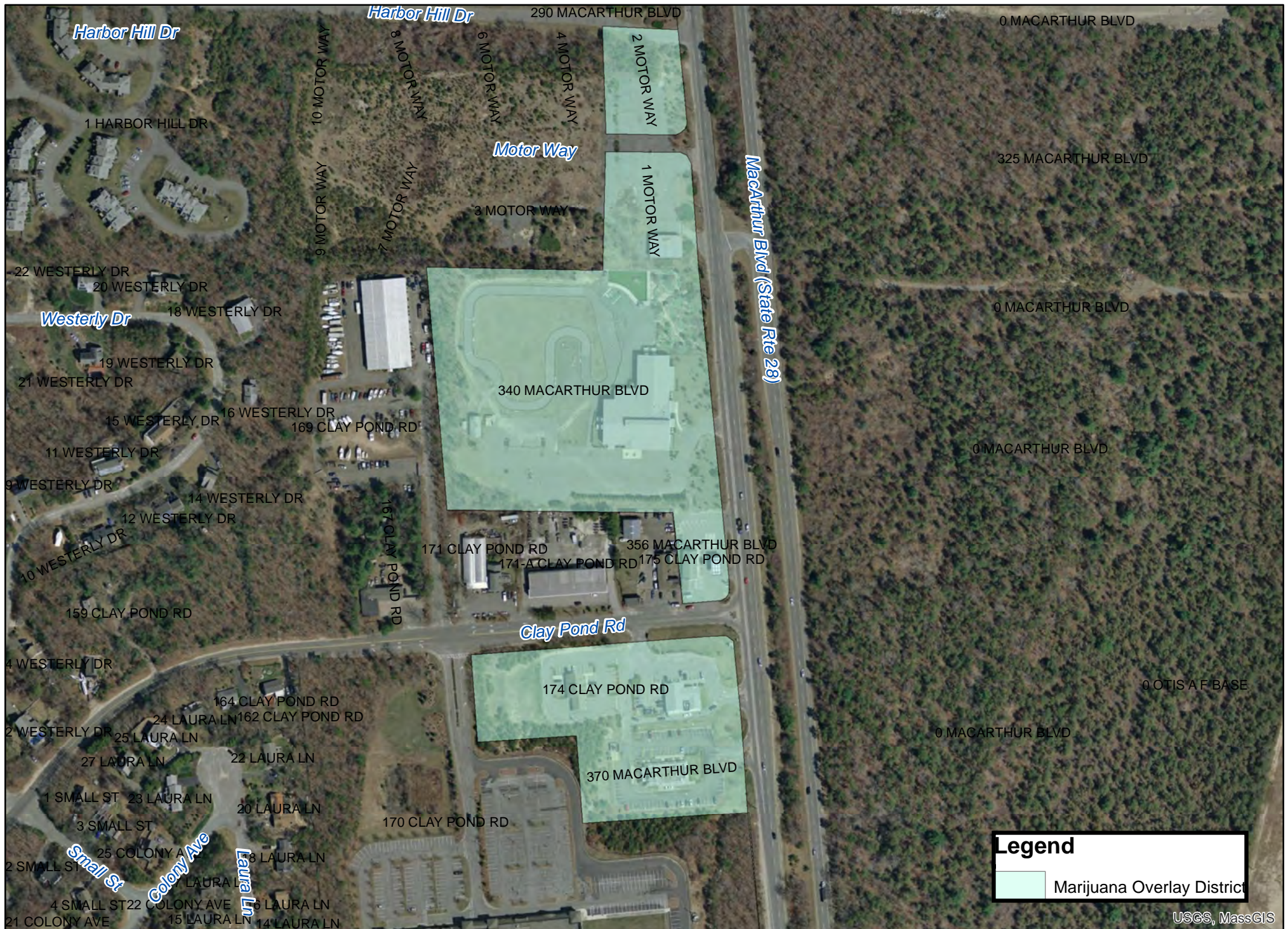




USGS, MassGIS

**Draft Town of Bourne Marijuana Overlay District**  
**MacArthur Boulevard**





**Draft Town of Bourne Marijuana Overlay District**  
**MacArthur Boulevard**



USGS, MassGIS





USGS, MassGIS

**Draft Town of Bourne Marijuana Overlay District**  
**MacArthur Boulevard**





USGS, MassGIS

**Draft Town of Bourne Marijuana Overlay District**  
**MacArthur Boulevard**





**Draft Town of Bourne Marijuana Overlay District**  
**MacArthur Boulevard**





**Draft Town of Bourne Marijuana Overlay District**  
**MacArthur Boulevard**

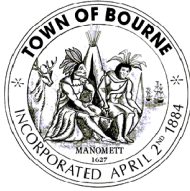




USGS, MassGIS

**Draft Town of Bourne Marijuana Overlay District**  
**MacArthur Boulevard**





**TOWN OF BOURNE**  
**Planning Board**  
BOURNE TOWN HALL  
24 PERRY AVE.  
BUZZARDS BAY, MA 02532  
PHONE: 508-759-0600 x.1301



**Planning Board Report to Special Town Meeting – November 6, 2023**

**ARTICLE 13: Marijuana Overlay District**

Add section 4850 Marijuana Overlay District: 4851 Purpose; 4852 Applicability; 4853 Application Requirements; 4854 Location Requirements; 4855 Site Development Standards; 4856 Limitations; 4857 Marijuana Definitions; 4858 Severability.

Amend Section V Definitions: Add Marijuana Definitions...; Fraternal or Social Organization Lodge definition – delete text: “applies only to the Downtown Bylaw-section 2800”.

Amend Section 2110: Types of Districts: Insert “Marijuana Overlay District (MOD)”.

Amend Section 2140: District Purposes: Insert “Marijuana Overlay District”.

The Planning Board held informal public meetings on the proposed Marijuana Overlay District on June 8<sup>th</sup>, June 22<sup>nd</sup>, and July 13<sup>th</sup>. The Board considered public comments and drafted a proposed Marijuana Overlay District.

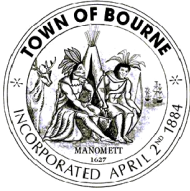
A legal notice was published in the Cape Cod Times on July 24<sup>th</sup> and July 31<sup>st</sup>.

On August 10<sup>th</sup>, in accordance with M.G.L. c. 40A, § 5, the Planning Board opened a public hearing to review the proposed Bourne Zoning Bylaw amendment to add a Marijuana Overlay District. The public hearing was continued to August 24<sup>th</sup>, at which time the Planning Board endorsed the proposed Marijuana Overlay District and the Marijuana Overlay District Maps titled North Sagamore MOD dated 7/13/23 (Sheet A1); South Sagamore MOD dated 8/11/23 (Sheet B1); Downtown MOD dated 7/13/23 (Sheet C1); and MacArthur Boulevard MOD (Sheet D1-D10).

There were twelve (12) members of the public present on August 10<sup>th</sup> and four (4) members of the public present on August 24<sup>th</sup>.

The following six (6) Planning Board members were present on August 24<sup>th</sup>: Daniel Doucette, David O’Connor, Christopher Farrell, Amanda Wing, John Duggan, and James Robinson. The Planning Board voted unanimously 6-0 to recommend approval of this article.

Respectfully submitted,  
The Bourne Planning Board  
Daniel Doucette, Chair



**TOWN OF BOURNE**  
***Planning Board***  
BOURNE TOWN HALL  
24 PERRY AVE.  
BUZZARDS BAY, MA 02532  
PHONE: 508-759-0600 x1301



**Planning Board Report to Special Town Meeting – November 6, 2023**

**ARTICLE 14: Private Petition to Prohibit Marijuana**

In accordance with M.G.L. c. 40A, § 5, the Planning Board conducted a public hearing on October 12, 2023 to review a private petitioned article sponsored by Doug Oesterheld/Bourne Alliance to amend the Zoning Bylaw to prohibit all types of marijuana not medically prescribed within the Town of Bourne.

The following eight (8) Planning Board members were present: Daniel Doucette, M. Elizabeth Brown, David O'Connor, Jeanne Azarovitz, Christopher Farrell, John Duggan, James Robinson, and Catherine Walton.

There were ten (10) members of the public present.

The legal notice was published in the Cape Cod Times on September 24<sup>th</sup> and October 1<sup>st</sup>.

The Planning Board voted 8 in favor and 0 opposed to not recommend or sponsor this article.

Respectfully submitted,  
The Bourne Planning Board  
Daniel Doucette, Chair

## **Appendix E**

### Bourne Rule

Special Town Meeting  
November 6, 2023

### **RESOLUTION – BOURNE RULE**

Ms. Moderator, on behalf of the Select Board, I move the following Resolution:

**RESOLUTION:** Be It Resolved that, at the commencement of this annual town meeting, the Moderator shall ask the Finance Committee and the Board of Selectmen to certify whether or not the total of all Finance Committee funding recommendations on all matters to be voted at the May 1, 2023 annual town meeting, and contained in the warrant for this special town meeting if voted are equal to the maximum property tax levy limit for the Town of Bourne established by law for FY 2024. If the answer is in the negative, the Finance Committee and the Board of Selectmen shall certify the dollar amount which exceeds the Finance Committee dollar recommendations on all of the articles in the warrant, but is less than the maximum tax levy limit, which certified dollar amount shall be available for appropriation by this annual town meeting. If the answer is in the affirmative, then during this annual town meeting any motion to raise and appropriate funds in order to increase any appropriation recommended by the Finance Committee must state an equal dollar reduction in another recommended appropriation or appropriations. A recommendation of indefinite postponement by the Finance Committee shall be construed as a zero dollar funding recommendation.

Respectfully submitted,  
SELECT BOARD