

# Board of Selectmen Meeting Notice **AMENDED** -AGENDA



Date

February 15, 2022

Time

7:00 PM

Location

Zoom Remote

Public Access – See Below

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

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099 Meeting ID: 838 5485 5223 Password: 563385**

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

Participants wishing to speak should click the “Participants” icon on the lower toolbar and then click “Raise Hand” in the dialog box to notify the Chair. The Chair will recognize participants. For Participants who are calling into the meeting and wishing to speak should press \*9 to notify the Chair. The Chair will recognize participants.

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

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

1. Moment of Silence to recognize our Troops and our public safety personnel
2. Salute to the Flag
3. Vision: Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.
4. Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.
5. Public Comment on Non-Agenda Items
  - a. Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.
6. Minutes: 1/4/22

RECEIVED  
2022 FEB 11 AM 11:01  
TOWN CLERK OFFICE

**7. Deliberation and potential vote on the terms and execution of a Town Administrator employment agreement for Marlene McCollem**

**8. Appointments and Licenses**

- a. Discussion and possible vote to appoint Paul Forsberg to the Shore and Harbor Committee.
- b. Discussion and possible vote to approve the application for Adrienne Wytas on behalf of Habitat for Humanity 5<sup>th</sup> Annual Ride for Homes on September 11, 2022 from 6:00 a.m. to 2:00 p.m. from Bourne to Falmouth and back.
- c. Discussion and possible vote to approve the Annual Cliff Walk Event Fundraiser for ALS - September 11, 2022 - 7:30 a.m. to 4:00 p.m. – Buzzards Bay Park -Mary Ann Singersen.

**9. Selectmen's Business**

- a. Discussion and possible vote relative to committee agenda posting on the town website. Town Clerk, Barry Johnson will address the Board of Selectmen on the preferred method to post committee agendas on the town website.
- b. Discussion and possible vote relative to the potential to amend Town Bylaw 3.1.28 Repair of Private Roads.
- c. Discussion and possible vote relative to requesting formal access over the railroad tracks at Monument Beach from MassDOT.
- d. Presentation by Rich Libin of the Shore and Harbor Committee and Chris Southwood, the Natural Resources Director relative to dredging of the Pocasset River.
- e. Calamar Construction update (The Tides at Bourne)
- f. Discussion and possible vote relative to the Barlow's landing Road/Shore Road intersection improvements proposed by the Transportation Engineering firm (Environmental Partners). Jim Fitzgerald will give a presentation relative to transportation improvement at the intersection.

**10. Town Administrator**

- a. South Side Fire Station Committee Candidates update
- b. West End street light and Academy Drive/Main St. intersection
- c. Recent job postings
- d. Community Center status
- e. Police Chief search process

**11. Correspondence**

**12. Committee Reports**

**13. Adjourn**

**Board of Selectmen  
Minutes of Tuesday, February 15, 2022  
Zoom Remote – Public Access**

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**ATA Glenn Cannon**

**Board of Selectmen**

Peter Meier, Chair  
George Slade, Clerk  
Judith Froman, Vice Chair  
Mary Jane Mastrangelo  
Jared MacDonald

RECEIVED  
2022 OCT 13 PM 1:00  
TOWN CLERK BOURNE

**Others:** Marlene McCollem, Shawn Patterson, Renée Gratis, Chris Southwood, Michael Rausch, Jerry Hill, Dave Pelonzi, James Fitzgerald, Barry Johnson, Paul Forsberg, Richard Libin, Ken Murphy, Trish Donegan, Margot Schoenfelder (7:29), Ken Cirillo (7:30).

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others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

**5. Public Comment on Non-Agenda Items**

- a. Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.

**6. Deliberation and potential vote on the terms and execution of a Town Administrator employment agreement for Marlene McCollem.**

Chair Meier said that the Board of Selectmen met in Executive Session earlier this evening to go over some concerns with respect to the employment agreement, and they were able to come to an agreement on those terms. Chair Meier introduced Marlene McCollem as the new Town Administrator and asked her to say hello. Marlene McCollem said she looks forward to joining the team and getting started.

**Voted:** Mary Jane Mastrangelo moved, and Jared MacDonald seconded to approve the terms of an employment agreement as negotiated with Ms. Marlene McCollem for the position of Town Administrator and execute the employment agreement between the Town of Bourne and the Town Administrator effective for the term beginning on February 28<sup>th</sup>, 2022, concluding on June 30<sup>th</sup>, 2025.

**Roll Call Vote:** Mary Jane Mastrangelo – yes, Jared MacDonald – yes, Judith Froman – yes, George Slade – yes, and Chair Meier – yes.

**Vote:** 5-0-0.

**Voted:** Mary Jane Mastrangelo moved, and Jared MacDonald seconded, to approve a residency exemption for Ms. Marlene McCollem as Town Administrator pursuant to the provisions of section 4-1 of the Town of Bourne Home Rule Charter allowing Ms. McCollem to reside outside of the Town of Bourne for the duration of her service as Town Administrator.

**Roll Call Vote:** Judith Froman – yes, Mary Jane Mastrangelo – yes, George Slade – yes, Jared MacDonald – yes, and Chair Meier – yes.

**Vote:** 5-0-0.

Chair Meier welcomed Marlene McCollem to the Town, and Town Clerk Barry Johnson did also.

**7. Approval of Minutes: 1/4/22**

**Voted:** Mary Jane Mastrangelo moved, and George Slade seconded to approve the minutes of January 4, 2022.

**Roll Call Vote:** George Slade – yes, Jared MacDonald – abstain, Mary Jane Mastrangelo – yes, Judith Froman – yes, and Chair Meier – yes.

**Vote:** 4-0-1.

**8. Appointments and Licenses**

- a. Discussion and possible vote to appoint Paul Forsberg to the Shore and Harbor Committee.



- b. Discussion and possible vote to approve the application for Adrienne Wytas on behalf of Habitat for Humanity 5<sup>th</sup> Annual Ride for Homes on September 11, 2022, from 6:00 a.m. to 2:00 p.m. from Bourne to Falmouth and back.**
- c. Discussion and possible vote to approve the Annual Cliff Walk Event Fundraise for ALS – September 11, 2022 – 7:30 a.m. to 4:00 p.m. – Buzzards Bay Park – Mary Ann Singersen.**

**8.a. Discussion and possible vote to appoint Paul Forsberg to the Shore and Harbor Committee.**

Paul Forsberg said that since he retired from the Fire Department 3 years ago, he has been looking for a way to get back into Town government. He said he served on the Recreation Authority for fifteen years and he would appreciate the opportunity to serve again, and his passions are related to the shoreline.

**Voted:** Mary Jane Mastrangelo moved, and Jared MacDonald seconded, to appoint Paul Forsberg to the Shore and Harbor Committee for the term ending on June 30, 2023.

**Roll Call Vote:** Jared MacDonald – yes, George Slade – yes, Mary Jane Mastrangelo – yes, Judith Froman – yes, and Chair Meier – yes.

**Vote:** 5-0-0.

**8.b. Discussion and possible vote to approve the application for Adrienne Wytas on behalf of Habitat for Humanity 5<sup>th</sup> Annual Ride for Homes on September 11, 2022, from 6:00 a.m. to 2:00 p.m. from Bourne to Falmouth and back.**

Judith Froman had some questions about the route. She thinks it is a great idea and she wants to make sure everyone is safe along the route. Chair Meier said it has been his experience that the Police Department will meet with the organization two months and one month before the ride to go over any concerns. Jared MacDonald confirmed that the Police Department gives a good look at the event to be held.

George Slade said that he thinks they need some more items, like insurance, that need to be checked off, and he thinks it should be re-visited. Chair Meier said this item could go on the agenda for March 1<sup>st</sup> and ask them to come before the Board to talk about this ride. Judith Froman said she would like to have them come in and although she fully supports the cause she would like confirmation from the police saying that the route doesn't have any trouble areas. Mary Jane Mastrangelo said she would like to have the insurance clarified. She also would like the routing slip that says that the police are going to meet with them to approve the route.

**Voted:** George Slade moved, and Judith Froman seconded, to defer action on the application for Adrienne Wytas on behalf of Habitat for Humanity 5<sup>th</sup> Annual Ride for Homes on September 11, 2022, from 6:00 a.m. to 2:00 p.m. from Bourne to Falmouth and back.

**Roll Call Vote:** Jared MacDonald – yes, George Slade – yes, Judith Froman – yes, Mary Jane Mastrangelo – yes, and Chair Meier – yes.

**Vote:** 5-0-0.

**8.c. Discussion and possible vote to approve the Annual Cliff Walk Event Fundraise for ALS – September 11, 2022 – 7:30 a.m. to 4:00 p.m. – Buzzards Bay Park – Mary Ann Singersen.**

Chair Meier said that this event has been happening for a long time and it is a great event and there have never been any issues. Acting Town Administrator Glenn Cannon confirmed that there have never been any issues. Chair Meier said he has been assured that everything is all set for this event. Ms. Mastrangelo said she doesn't see that they have insurance. Chair Meier said that this event should be deferred until next month as well.

**Voted:** Judith Froman moved, and Jared MacDonald seconded, to defer action on the application of Mary Ann Singersen on behalf of ALS use of the Buzzards Bay Park as a staging area for a seven (7) mile walk along the Cape Cod Canal service road setting up on September 10, 2022, from 9:00 AM to 4:00 PM with the walk occurring on September 11, 2022, from 7:30 AM to 4:00 PM

**Roll Call Vote** – Judith Froman – yes, Mary Jane Mastrangelo – yes, George Slade – yes, Jared MacDonald – yes, and Chair Meier – yes.

**Vote:** 5-0-0.

**9. Selectmen's Business**

- a. **Discussion and possible vote relative to committee agenda posting on the town website. Town Clerk, Barry Johnson will address the Board of Selectmen on the preferred method to post committee agendas on the town website.**
- b. **Discussion and possible vote relative to the potential to amend Town Bylaw 3/1/28 Repair of Private Roads.**
- c. **Discussion and possible vote relative to requesting formal access over the railroad tracks at Monument Beach from MassDOT.**
- d. **Presentation by Rich Libin of the Shore and Harbor Committee and Chris Southwood, the Natural Resources Director relative to dredging of the Pocasset River.**
- e. **Calamar Construction update (The Tides at Bourne).**
- f. **Discussion and possible vote relative to the Barlow's Landing Road/Shore Road intersection improvements proposed by the Transportation Engineering firm (Environmental Partners). Jim Fitzgerald will give a presentation relative to transportation improvement at the intersection.**

**9.a. Discussion and possible vote relative to committee agenda posting on the town website. Town Clerk, Barry Johnson will address the Board of Selectmen on the preferred method to post committee agendas on the town website.**

Barry Johnson, Town Clerk, is requesting that the Board of Selectmen vote to issue a Board of Selectmen certificate stating clearly that all boards and town committees' meetings are to be posted on the main meeting calendar. He is bringing this forward because recently he ran into a rash of incidences where the meetings and agendas are not being posted on the main calendar and are posted under their own committee or through another board. He said that the postings of agendas in the Town should be uniform and the directive should come from the Board of Selectmen.

Chair Meier asked Mr. Johnson if he thought a certificate of vote would be sufficient and he said yes because the Town will follow the directive of the Board of Selectmen. Ms. Froman said she

fully supports consistency, and she wants to know who uploads and updates that calendar. Mr. Johnson said that it is spread out throughout the organization in certain cases. He said that access to the main calendar is directed from the Board of Selectmen and Administrative Office. Ms. Mastrangelo said that she thinks it is important the meetings get posted at the Town Clerk's office and on the main calendar on the website. She said that one of the issues that the Town has had with posting on the website is that it is a very complex process. There was more discussion about where agendas should be posted.

Ms. Froman said that she recommends that there is a protocol, including steps and training, and having agendas linked from the main calendar to the committee's own page. Mr. MacDonald said that he thinks a written required process needs to be posted.

**Voted:** Judith Froman moved, and Jared MacDonald seconded, to defer the decision for a central location for the meeting posts being on the calendar to the March 1, 2022, agenda following the discussion and outline of what the process would be and to have it discussed at the March meeting to post that process.

**Roll Call Vote** – Jared MacDonald – yes, George Slade – yes, Mary Jane Mastrangelo – yes, Judith Froman – yes, and Chair Meier – yes.

**Vote:** 5-0-0.

**9.b. Discussion and possible vote relative to the potential to amend Town Bylaw 3.1.28 Repair of Private Roads.**

Ms. Mastrangelo said that the Board of Selectmen policy subcommittee started the discussion in early February. She said although Shawn Patterson was unable to attend, they made a lot of progress. They drafted a bylaw which was sent to the Board and to Town Counsel. Town Counsel then made some adjustments to the bylaw, then they took it to the Bylaw Committee. There was a suggestion to make a slight change by Interim Director of Police Services, Paul Shastany and the Bylaw Committee was fine with the change. This change was under emergency temporary repairs that instead of saying "if such repairs are determined by the Superintendent of Public Works to be required to correct a defect or condition" that it be "are determined by the Superintendent of Public Works in consultation with the Police Chief and/or the Fire Chief".

**Voted:** Mary Jane Mastrangelo moved, and Judith Froman seconded, to support the amended Town Bylaw 3.1.28 Repair of Private Road as presented with the additional wording "in consultation with the Police Chief and/or the Fire Chief" and direct the Acting Town Administrator to prepare an Article for the Town Warrant relative to the amended Town Bylaw 3.1.28, subject to final approval by Town Counsel.

Mr. Slade asked if this will be a requirement and he doesn't want to make a requirement that shouldn't be. Ms. Mastrangelo suggests that they try it because "in consultation" is loosely worded as to not say "with approval of".

**Roll Call Vote** – Judith Froman – yes, Mary Jane Mastrangelo – yes, George Slade – yes, Jared MacDonald – yes, and Chair Meier – yes.

**Vote:** 5-0-0.



**9.c. Discussion and possible vote relative to requesting formal access over the railroad tracks at Monument Beach from MassDOT.**

Chair Meier said the only deep-water access at this point is at Barlow's Landing Road. He wants to see if there is a way for people to have access so they can use the new boat ramp at Monument Beach. Mr. Cannon added that as they are working on the Bourne Rail Trail and that more and more requirements have come in from MassDOT to fix the rail line and not just the bike path. He suggested that the Board have a discussion with Trish Donegan from VHB as she has a lot of experience with this and could answer any questions that the Board may have.

Mr. MacDonald said he has a lot of concerns with this, including turning radius and parking. He does not feel that it is a matter of fairness where the deep water is. Ms. Mastrangelo said that they should approach this cautiously and with goals in mind.

Trish Donegan said she has been working with MassDOT on the Bourne Rail Trail project. She said she also has been working with Jacobs Engineering, which is the Railroad Division on-call consultant to talk about access over the railroad. One of the things that they are interested in is evaluating all the crossings, including this one. She said the town does have permission for emergency and pedestrian crossing at this location, and the Town can ask for a formal request from the Railroad Division to make this a formal crossing. Regarding the traffic, the Town could have the access point at an hourly or daily access, for example, there could be access for launching boats at 6:00 AM.

Ms. Donegan also said that in terms of improvements for the access, and the turning points, she would do a sketch by taking the largest vehicle and largest vehicle plus boat that would be using this location to Shore Road and from the parking lot out to Shore Road to make sure that the access point was wide enough to accommodate that vehicle and trailer configuration. They would also look at the parking circulation in the area.

Ms. Donegan said that for the Rail crossing itself, MassDOT required a Diagnostic Team Review, which means that there would be Town emergency officials, the Railroad Division, FRA, and the operator and they would evaluate what improvements would be required for the intended future use.

Chair Meier said the process should be started to do a feasibility study. Mr. Slade said that he agrees. Natural Resource Director Chris Southwood said that safety is the number one concern for him. He said that they have used the tracks for emergency use and dredging. He said a feasibility study would be the right direction to go in, and he said it would impact the parking. Mr. Cannon said that if they were to move forward with a feasibility study, then there would most likely need to be a separate contract with VHB.

Ms. Mastrangelo said that she has concerns with the proposed bylaw at Barlow's Landing and she thinks they need to look at the whole picture so that boats have access and can launch safely. Ms. Froman agrees with Ms. Mastrangelo, and she also wants to wait until they know what a feasibility study would cost before moving forward with it. Chair Meier said that this should be in front of

the Capital Outlay Committee once the costs would be known. Mr. Cannon said he could work with Trish Donegan to see if estimated costs could be determined. Chair Meier said no decisions will be made tonight and at least the discussion has been started.

**9.d. Presentation by Rich Libin of the Shore and Harbor Committee and Chris Southwood, the Natural Resources Director relative to dredging of the Pocasset River.**

Chris Southwood said that the information that he has with him tonight was collected by the Barnstable County Dredge Department and from Bourne's Natural Resources Department. He said that the Pocasset River dredge was a pilot project using a portable dredge and geotextile bags with a de-watering polymer. The river is a recreational destination in the community. There is a public and private marina and there are over 100 moorings and docking slips and there is a 160-acre area of critical environmental concern.

The dredging will restore all tide and navigation in the channel while also improving the water quality. The river has not been dredged for over 60 years. He said they were awarded a \$250,000 match grant from the State for the dredging project. He explained the options that they had and how the actual dredging took place.

Richard Libin thanked all the people involved in the Pocasset River dredge project. He said the project was a good project, and there is no odor at Monument Beach. Mr. Cannon said that these dredging projects help with water quality and offset some wastewater costs. Mr. MacDonald said he would like to give a lot of credit where credit is due with this project.

Ken Cirillo, Director of the Barnstable County Dredge Program, said that this was the first time for the County to be doing a project like this. He said there were not many options for doing this project, so they did go down a road that they needed to define success and they had to be very careful, and they had to adjust as they progressed. The debris at the bottom of the river did cause a lot of problems. The cooperation was essential and went very well.

Mr. Libin said that Mr. Cirillo put together a PowerPoint presentation that he will send it out to everyone and put on the website.

**9.e. Calamar Construction update (The Tides at Bourne).**

Mr. Cannon said that the Calamar project is currently shut down right now. A cease-and-desist order was issued on February 11<sup>th</sup>. This was done primarily because at the time there was no licensed construction supervisor on the site and Mr. Ken Murphy, the Building Inspector for Bourne, had some concerns about the construction activities there. There is a meeting this Friday. Mr. Murphy has requested that the architect and the licensed construction supervisor, and all the Town's inspectors be on site for that meeting.

Jerry Hill, V.P. of Calamar Construction, said that he is limited on what he can say at tonight's meeting because this personnel issue arose with a former employee, and he is not able to discuss the situation in public. Mr. Hill said that the issues raised were easily explained, easily within the regulations and the practice and he thinks that Mr. Murphy has been good in conversation with his

people since then and he has every expectation that any of his concerns will be addressed when they meet on Friday, and they will be ready to move forward. He said they regret this delay of a couple of weeks and there will be further delays in getting the subcontractors back on the job.

Chair Meier said that people are concerned about this project taking so long. There was some discussion about the progress of the project. Mr. Hill said that the building is sold out and there is a waiting list, and the only units that are left are subsidized units that are required.

Mr. Murphy said that Mr. Hill mentioned the delays as they are a result of the cease-and-desist order and he said the progress of this project is very slow and for him to say that the further delays are because of the Building Department, is not a fair assessment. Mr. Hill said that he did not mean to intend that the delays are because of the Town's Building Department, and he said he just wanted to say that this will impact the schedule. Mr. Murphy asked Mr. Hill to reach out to the people who have deposits on units because they call the Building Department constantly and it is slowing their permit process due to the number of calls. Mr. Hill said that they are all being contacted this week and being invited to an in-person meeting next week.

Mr. MacDonald expressed his concerns with the slow progress and Ms. Froman said she has talked with many people that have made deposits and they are concerned about housing if the project is not done in time for when they need to be out of their current housing situations. Chair Meier said that he is going to take Mr. Hill up on his offer to be back before the Board of Selectmen next month for an update on the progress.

**9.f. Discussion and possible vote relative to the Barlow's Landing Road/Shore Road intersection improvements proposed by the Transportation Engineering firm (Environmental Partners). Jim Fitzgerald will give a presentation relative to transportation improvement at the intersection.**

Mr. Cannon said that there was a presentation to the Board of Selectmen from Environmental Partners regarding the intersection of Barlow's Landing Road and Shore Road. This is an intersection that has been on the Town's radar for a long time. He said that they are looking for the Board to endorse the concept of going from a two-way stop to a four-way stop.

Jim Fitzgerald, Transportation Director at Environmental Partners, gave a presentation on the screen on the proposed Barlow's Landing Road/Shore Road intersection project. He said the purpose of this project is to improve pedestrian accommodations, address safety deficiencies and the high crash rate, remove excess pavement and improve circulation and delineation for abutting businesses. He explained in depth the proposed improvements at the intersection, and he talked about the feedback that has been received.

Shawn Patterson said that in his opinion, Jim Fitzgerald is the best traffic engineer in the State, and he thinks that this plan is great, and he would like to Board to adopt this plan. He said that there is safety and good traffic flow in this plan.

Mr. MacDonald said that a four-way stop has been talked about for some time, and this plan clearly gives the best options for safety. Ms. Froman agrees and said that she fully supports the concept



and design. Ms. Froman also said she appreciated that they addressed the questions and concerns of the people that use the intersection frequently.

Ms. Mastrangelo asked if anything has changed from the presentation that was given on January 4<sup>th</sup>. Mr. Fitzgerald said that the only differences are the comments that came in from the Pocasset Village Association primarily having to do with the sidewalk along Village Way. Ms. Mastrangelo said that she listened to two listening sessions, and she also listened to the listening session of the Pocasset Village people and she listened to the Bourne meeting when they talked about it, and she said that the people in the village are concerned that this is changing the way their village is. They want to know if there are interim things that could be done that would solve some of these issues without having a major change to their village. She said that they want this to go to the Roadway Safety Committee to see if a smaller project, with less impact on the Village, could be done rather than a large project as presented tonight. Ms. Mastrangelo said that she is uncomfortable moving forward with this project.

Mr. Fitzgerald said that the geometric changes from their perspective don't change the character of what is already there, and it makes it a little bit better and compliant. He said operationally it was studied to make sure it is adequate. He said that in their opinion that the concept appears to work on the existing character of the location, and they do not want to change that.

Ms. Froman asked what the timeframe is to implement this plan. Mr. Fitzgerald said that the engineering side would be minimal compared to the funding side, and it could be done in one construction season. Mr. Patterson said that it would have to go to Town Meeting on a special article in the Fall, so the earliest is 2023 that it would be implemented. Ms. Froman said she is not sure that the Roadway Safety Committee would be able to come up with a temporary fix and she would like to spend time on moving this forward. Mr. MacDonald said again that he feels that this is a good plan, and he thinks it should move forward at this time.

Ms. Mastrangelo asked what the cost for feasibility is and how is it being funded. Mr. Fitzgerald said that as far as the design is concerned, they are at the conceptual phase and their next step is completing the design and preparing bid documents. Mr. Patterson said the funding source is Chapter 90 and he agreed from day 1 to pay for all design work. Mr. Patterson said it is about \$120,000.00 for each intersection so far. Ms. Mastrangelo said that if the funding source is Chapter 90, it does not require going to Capital Outlay or Town Meeting. She said it is at the discretion of the DPW to spend because Town Meeting has authorized it. There was more discussion on funding and Town Meeting.

Chair Meier asked if the Town owns the piece of property where the proposal says to close the curb cut at the Corner Café and if the Town does not own that access point, what will happen if the owner says no. Mr. Patterson said that he talked to the owner of the Corner Café, and she is in favor of closing the corner off because she thinks it's dangerous.

Mr. Slade said he doesn't mind moving forward with this, but everything is not a done deal, and he would like to see and hear from the people from the village one more time somewhere along the way. Mr. Libin is in full agreement about the intersection and Village Way needs to be looked at. Ms. Froman asked if they vote to move forward tonight, are they locked into this concept, and Mr.

Patterson said that they will not be locked in, and they can make changes and they just really need to decide if they are going to go in this direction or not.

**Voted:** Judith Froman moved, and Jared MacDonald seconded, to support the roadway plans as presented by Environmental Partners converting the Shore Road/Barlow's Landing Road intersection from a two (2) way stop to a four (4) way stop.

**Roll Call Vote** – George Slade – yes, Jared MacDonald – yes, Mary Jane Mastrangelo – abstain, Judith Froman – yes, and Chair Meier – yes.

**Vote:** 4-0-1.

## **10. Town Administrator**

- a. South Side Fire Station Committee Candidates update**
- b. West End streetlight and Academy Drive/Main St. intersection**
- c. Recent job postings**
- d. Community Center status**
- e. Police Chief search process**

### **10.a. South Side Fire Station Committee Candidates update**

Mr. Cannon said that candidates are coming in and they will present them all in one package to the Board next Friday.

### **10.b. West End streetlight and Academy Drive/Main St. intersection**

Mr. Cannon said Mr. Patterson is working with Environmental Partners on a shared street grant to upgrade the Main Street/Academy Drive intersection and to provide lighting for Main Street there.

### **10.c. Recent job postings**

Mr. Cannon said on the website the postings for Facilities Manager, Town Planner, and Computer Network Technician are posted, and they are hoping to get a few more jobs posted.

### **10.d. Community Center status**

Mr. Cannon said most of the issues that he is aware of at the Community Center have been addressed. The backup generator and other issues have been addressed and/or fixed. He said the Wi-Fi issue still needs some attention.

### **10.e. Police Chief search process**

Mr. Cannon said that he has been talking to the Interim Director of Police Services, Paul Shastany, about the search for a Police Chief. He is going to hold off on the search so he can talk to Marlene about the options, seeing that she will be on board soon.

Chair Meier asked for some temporary lighting at the Main Street/Academy Drive intersection soon so that it is in place for the summer, and Mr. Cannon said he will work on it.

**11. Correspondence**

George Slade said he has one Talent Bank Form, and he would like to defer the remaining correspondence due to the time. The Talent Bank Form is from P. Lindberg seeking an appointment on the Shore and Harbor Committee. He said all the correspondence is on the Town's website.

**12. Committee Reports – Deferred.**

**13. Adjourn**

**Voted:** Jared MacDonald moved, and Judith Froman seconded to adjourn.

**Roll Call Vote** – George Slade – yes, Jared MacDonald – yes, Judith Froman – yes, Mary Jane Mastrangelo – yes, and Chair Meier – yes.

**Vote:** 5-0-0.

Respectfully Submitted,

Kim Johnson, Recording Secretary



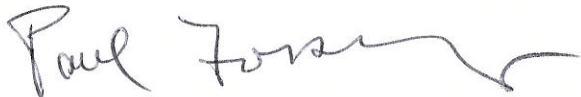
January 26, 2022

Dear, Town Administrator,

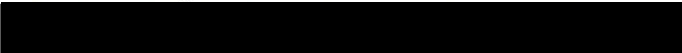
I would like to express my interest in becoming a member of the shore and harbor committee. If an opening is to occur I am ready and willing to step in immediately. I have lived in the Town of Bourne for 50 plus years. I proudly served on The Bourne Recreation Authority for 15 years with an almost perfect attendance record. I was chairman for many years, we had many achievements while I was on the board.

I am now retired from the Bourne and Falmouth Fire Departments and owner operator of The Realty Cape Cod in Pocasset. I am a lifetime boater in Bourne and I understand the many challenges that face us. I am also very safety minded. Before my days as a Firefighter I worked as a safety compliance officer at Pilgrim Nuclear Power Plant. I feel there needs to be a balance between the needs of our boating community and the needs and safety of our community. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul Forsberg", with a stylized flourish at the end.

Paul Forsberg



cc: Town of Bourne Board of Selectmen

# TALENT BANK FORM

## ACT NOW- SERVE YOUR COMMUNITY

Town government needs citizens who are willing to give time in the service of their community. The Talent Bank was adopted by the Selectmen, Moderator and Town Administrator as a means of compiling names of interested citizens to serve on a voluntary basis, on boards and committees and working groups. This file is available for use by the public as well as the Moderator, Selectmen and Town Administrator. Talent bank forms are being updated to include categories consistent with the changing needs of the Town. Indicate your preference and return the form to:

### TOWN GOVERNMENT TALENT BANK

c/o Town  
Administrator,  
24 Perry Avenue  
Buzzards Bay, MA  
02532

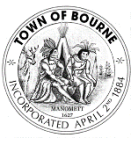
NAME: Paul Forsberg DATE: 1/26/22  
 ADDRESS: [REDACTED] PRECINCT: [REDACTED]  
 OCCUPATION: Realtor TELEPHONE # [REDACTED]  
 BACKGROUND: Retired Firefighter

Check	AREAS OF INTEREST (LIST ORDER OF PREFERENCE)
	AFFORDABLE HOUSING TRUST - provides the Town with many tools to create and preserve affordable housing, including the ability to option, lease, purchase, renovate, and lease out or sell real estate.
	ZONING BOARD OF APPEALS - The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws, and by this Bylaw, those powers being to hear and decide applications for Special Permits upon which the Board is empowered to act under this Bylaw; to hear and decide petitions for variances, excluding variances for use; to hear and decide other appeals from any aggrieved person, officer, or board, or the Cape Cod Planning and Economic Development Commission, to issue comprehensive permits as provided by Sections 20-23, Ch.40B, G.L., and in special cases to issue withheld building permits, as provided by Section 81Y, Ch.41, G.L.
	BOARD OF ASSESSORS
	BARNSTABLE COUNTY COASTAL RESOURCES - is the County's coastal advisory committee, serves as a liaison between towns and the County on coastal issues and is the local governance committee for the Cape Cod region of the Massachusetts Bays Program.
	BARNSTABLE COUNTY HOME CONSORTIUM - is comprised of 15 communities on Cape Cod. Jurisdiction to receive and disburse HOME funds.
	BARNSTABLE COUNTY HUMAN RIGHTS COMMISSION - To promote and protect the basic human rights of all persons in Barnstable County
	BUZZARDS BAY ACTION - The mission of the Buzzards Bay Action Committee is to improve collaboration among watershed municipalities.
	BY-LAW COMMITTEE - Reviews and also recommends updates or changes to the Town By-laws
	CABLE ADVISORY COMMITTEE- performs research/makes recommendations for cable license renewal
	CAPE & VINEYARD ELECTRIC COOPERATIVE - was organized on September 12, 2007. Provides for the establishment of energy cooperatives.
	CAPE COD COMMISSION - is an agency within Barnstable County regional government, but with its own separate and unique funding source, the Cape Cod Environmental Protection Fund.

	CAPE COD WATER PROTECTION COLLABORATIVE - to help Cape Cod and Islands towns pay for necessary wastewater infrastructure and water quality remediation projects.
	CAPE LIGHT COMPACT - mission is to serve our 205,000 customers through the delivery of proven energy efficiency programs, effective consumer advocacy, and renewable competitive electricity supply.
	CAPITAL OUTLAY COMMITTEE – Reviews requests and makes recommendations to the Town Administrator on large equipment or building projects
	CHARTER COMPLIANCE COMMITTEE – Hears and adjudicates complaints filed alleging Charter Violations
	CHARTER REVIEW COMMITTEE –Reviews Charter every five years
	COMMISSION ON DISABILITIES - cause the integration and participation of people with disabilities; assists municipal officials in ensuring compliance with the ADA and other state/federal laws
	COMMUNITY ACTION COMMITTEE OF CAPE COD & ISLANDS, INC. - is a private, non-profit organization that provides a variety of services to low-income individuals and families to help them improve the quality of their lives and achieve self-sufficiency.
	COMMUNITY ENGAGEMENTS - 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. The Committee shall create an application for funding and invite organizations or individuals to submit on events or activities that will benefit the Town of Bourne and its citizens. In no event may a Member present a project before the Committee. The committee shall provide quarterly reporting to the Board of Selectmen and Town Administrator.
	COMMUNITY PRESERVATION COMMITTEE will give preference to proposals Are eligible for Community Preservation Act (CPA) funding according to the requirements described in the CPA legislation; specifically, The acquisition, creation, and preservation of open space. The acquisition, preservation, rehabilitation, and restoration of historic resources. The acquisition, creation, and preservation of land for recreational use. The creation, preservation, and support of community housing (including items such as annual payments to the housing authority to preserve or expand the affordable housing supply). The rehabilitation and restoration of open space, land for recreational use, and community housing that is acquired or created using monies from the fund.
	CONSERVATION COMMISSION- administers the Wetlands Protection Act, Local Wetlands bylaws
	COUNCIL ON AGING- coordinates programs designed for the needs of aging in coordination with the MA Executive Office of Elder Affairs
	CULTURAL COUNCIL - reviews applications for local arts and cultural events and awards grant funds received from the MA Cultural Council.
	DESIGN REVIEW BOARD (DRB)- reviews alterations, including demolitions of properties located within the demarked areas, adopts design guidelines, rules/regulations
	EDUCATION/SCHOLARSHIP
	FINANCE COMMITTEE- reports to town meeting on the proposed budget of town manager and any warrant articles having a fiscal impact on the Town.
2	HISTORICAL COMMISSION - caretakers of the Town history.
	HOUSING PARTNERSHIP - addresses local housing needs through a collaborative effort between local govt., community organizations, banks and the private sector.
	HUMAN SERVICES - The Committee is charged with recommending policies and potential programs to the Town Administrator related to the delivery of human services to the citizens of Bourne.
	LANDFILL BUSINESS PROJECT MODEL WORKING GROUP-Make recommendations on long term viability of the Integrated Solid Waste Management Department to the Town Administrator and Selectmen



	LOCAL EMERGENCY PLANNING COMMITTEE - mission is to provide residents with an emergency response program for hazardous materials incidents, extreme weather, and other high impact events.
	OPEN SPACE COMMITTEE - was formed in 1999 for the purpose of recommending acquisitions of interest in real property to be owned or managed by the Conservation Commission or other designated nonprofit organization or in the case of interests to acquire sites for future wellhead development for a Water Resource District.
	RECREATION COMMITTEE – Works with the Director of Recreation on long term planning for the recreational needs of the Town
	RECYCLING - Provide advice and assistance to the Board of Selectmen, the ISWM General Manager and Town residents concerning recycling requirements and procedures. Assist the Board of Selectmen with public education concerning recycling, composting and source reduction.
	REGISTRAR OF VOTERS - The Board of Registrars responsibilities include registering voters, making local listings of residents, certifying nomination papers and petitions, processing absent voter applications and administering election recounts.
	ROAD ACCEPTANCE ADVISORY COMMITTEE
	ROADWAY TRAFFIC SAFETY COMMITTEE - This committee is a review and clearing house for all issues relating to the roadways and traffic or other related safety issues in the Town of Bourne.
	SELECTMEN'S ENERGY ADVISORY COMMITTEE - assist the Board of Selectmen on the investigation, research and consideration of siting and utilizing alternative forms of energy for municipal purposes.
	SOUTH SIDE FIRE STATION FEASIBILITY AND DESIGN BUILDING COMMITTEE - To serve as advisors to the Town Administrator and Bourne Board of Selectmen as it prepares the design, siting and feasibility of a new replacement fire/ems station on the south side of the Cape Cod Canal.
1	SHORE AND HARBOR COMMITTEE – Works on plans, future development and recommends regulatory change and enforcement
	SPECIAL WORKS OPPORTUNITY PROGRAM - SWOP's mission statement is to provide social opportunities to adults with intellectual disabilities residing in the Town of Bourne. We do this through social settings that foster independence and cultivate respect and support through community involvement.
	TOWN ADMINISTRATORS ADVISORY COMMITTEE ON PEDESTRIAN BICYCLE PATHWAY - to assist in the creation of a pedestrian and bicycle pathway within the geographic boundaries of the Town of Bourne, connecting with the Shining Sea pathway in Falmouth
	TRANSPORTATION ADVISORY COMMITTEE - shall have the following responsibilities on transportation-related projects proposed by the town and others and shall include, but not limited to, highways and other roadways, rail services, bus services, shuttle services and transportation facilities.
	WASTEWATER FACILITY DESIGN AND BUILDING - To serve as advisors to the Town Administrator and Bourne Board of Sewer Commissioners as it prepares the final design, siting and construction of a 100,000 gpd facility within Buzzards Bay.
	UPPER CAPE REGIONAL TRANSFER STATION - is the body that oversees all operations for the municipally-owned regional solid waste transfer station located on Joint Base Cape Cod (JBCC) in Sandwich.
	VETERANS GRAVES OFFICER
	OTHER (please list)



**Town of Bourne**  
**Interdepartmental Advisory Form**



<b>Start Date:</b>	11/10/2021
<b>Owner/Applicant:</b>	Habitat for Humanity of Cape Cod 5 <sup>th</sup> Annual Ride for Homes Adrianne Wytas 508.362.3559 x18 - 774.313.7255 - events@habitatcapecod.org
<b>Project Location:</b>	Fundraising Bike Ride
<b>Nature of Request:</b>	9/11/22 - 6:00 a.m. to 2:00 p.m. Annual Fundraising Bike Ride through Bourne to Falmouth and back, Start and End at the Aptucxet Trading Post Museum in Bourne Attendance: 120
<b>Liability Insurance Naming Town of Bourne as Additional Insured</b>	Has applicant provided insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Map:</b>		<b>Parcel:</b>		<b>District:</b>	
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☐ **Engineering:**

<b>Date of Recording:</b>		<b>Lot Area:</b>		<b>Frontage:</b>		<b>Zone:</b>	
<b>Resource District:</b>		<b>Town Road:</b>		<b>Paved:</b>		<b>Contiguous Lots:</b>	
<b>Flood Zone:</b>		<b>Within 100' of Wetland:</b>					

**Owner:**  
**Remarks:**

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11/12/2021	Timothy P Lydon
Date	Department Head

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☐ **Planning Department/Planning Board:** ☒ **Concurs** ☐ **Does Not Concur**

**Remarks:**

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11/15/2021	CMoore/jlc
Date	Town Planner

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

**Remarks:**

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1/13/2022	Stephanie Fitch
Date	Conservation Agent

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☐ **Board of Health:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

1/24/2022

Terri Guarino

Date

Health Agent

☐ Building Inspector: ☒ Concur ☐ Does Not Concur

Remarks:

11/15/2021

Ken Murphy/ag

Date

Building Inspector

☐ Sewer Commissioners: ☐ Approved ☐ Disapproved ☒ Not Under Sewer Jurisdiction

Remarks:

1/13/2022

K. Thut/admin

Date

Department Head

☐ Town Collector: ☐ Outstanding Taxes ☒ Taxes Paid In Full

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

Remarks: N/A

12/6/2021

A Dastous

Date

Town Collector

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

Remarks: Not Applicable

11/12/2021

CCobb

Date

Clerk's Office

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

Remarks: na

1/12/2022

JPotter

Date

Assessors Office

☐ Department of Public Works: ☒ Approved ☐ Disapproved ☐ Not Under DPW Jurisdiction

Remarks:

11/15/2021

Matthew Quinn

Date

Department Head

☐ Department of Natural Resources: ☐ Approved ☐ Disapproved ☒ Not Under DNR Jurisdiction

Remarks:

11/12/2021

Sharon Hamilton

Date

Department Head

☐ Recreation Department: ☐ Concurs ☐ Does Not Concur ☒ Not Under Jurisdiction

Remarks:

11/12/2021

Krissanne M. Caron

Date

Department Head

☐ Police Department: ☒ Concurs ☐ Does Not Concur ☐ Not Under Police Jurisdiction

Remarks:

12/6/2021

Lt. John R. Stowe

Date

Department Head

☐ Fire Department: ☒ Concurs ☐ Does Not Concur

Remarks:

11/15/2021

David S. Pelonzi, Assistant Chief

Date

Department Head

☐ Town Administrator/Board of Selectmen: ☐ Concurs ☐ Does Not Concur

Remarks:

Date

Town Administrator/Board of Selectmen Chairman

## 40 MILE ROUTE

### HABITAT CAPE COD RIDE FOR HOMES

Begin at the **Aptuxet Trading Post Museum**

Take a right when leaving the trading post parking lot onto **Aptuxet Road**

Take a quick left onto **Old Monument Neck Road**, go under the bridge

Take a quick right onto **Shore Road**

Bear right onto **Monument Neck Road**

Right onto **President's Road**

Bear left to stay on **President's Road**

Bear left onto **Mashnee Road** – you will see a sign for Mashnee Village

Follow onto Mashnee Island

Take the first right once you are on the island onto **Channel Road**

Bear left onto **Rope Walk Road**, follow to the end

Take a left onto **Captains Row**

Take a left on **Clipper Road**

Take a left on **Mooring Road**

Take a right onto **Mashnee Road**

Follow **Mashnee Road**, bear right onto **President's Road**

Take a left onto **Monument Neck Road**

Bear right onto **Shore Road**

Follow **Shore Road**

Keep right to stay on **Shore Road**

**CAUTION METAL DRAWBRIDGE AHEAD - DISMOUNT BIKE TO CROSS**

Turn right onto **Red Brook Harbor Road**

**CAUTION RAILROAD TRACKS AHEAD – DISMOUNT BIKE TO CROSS**

Go straight at the Stop sign and tennis courts, turns into **Squeteague Harbor Road**

Bear right to stay on **Squeteague Harbor Road**

Turn right onto **Megansett Road**, this turns into **Garnett Ave**

At Stop sign, take a left onto **County Road** and follow to the beginning of the Shining Sea Bike Path

**\*\*\*CHECK POINT HERE ON THE LEFT IN THE BIKE PATH PARKING LOT\*\*\***

**THE BEGINNING OF THE BIKE PATH IS ACROSS THE STREET ON THE RIGHT**

Follow **Shining Sea Bike Path** to the end (RESTROOM AVAILABLE AT STEAMSHIP AUTHORITY & HABITAT VOLUNTEER MANNED WATER STOP AND CHECK IN)

Turn around in the Steamship Authority parking lot and follow the Bike Path back to the end

**\*\*\*CHECK POINT ON THE RIGHT IN THE BIKE PATH PARKING LOT\*\*\***

Turn left on **County Road**

Go straight through the Stop

Bear right on **Garnet Ave**

**Garnet Ave** turns into **Megansett Road**

Turn left onto **Squeteague Harbor Road**

Bear left to stay on **Squeteague Harbor Road**

Go straight across **Scraggy Neck Road** onto **Red Brook Harbor Road**

**CAUTION RAILROAD TRACKS AHEAD – DISMOUNT BIKE TO CROSS**

At Stop Sign, turn left on **Shore Road**

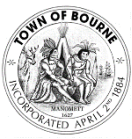
**CAUTION METAL DRAWBRIDGE AHEAD - DISMOUNT BIKE TO CROSS**

Slight right to stay on **Shore Road**

Quick left to stay on **Shore Road**

Take a left onto **Old Monument Neck Road**

Then a quick right onto **Aptuxet Road** to the finish



# Town of Bourne Interdepartmental Advisory Form



<b>Start Date:</b>	11/10/2021
<b>Owner/Applicant:</b>	Mary Ann Singerser [REDACTED] A.L.S. Family Charitable Foundation, Inc. One Trowbridge Road, Ste322, Bourne, MA 02532
<b>Project Location:</b>	Buzzards Bay Gazebo Park
<b>Nature of Request:</b>	<p>Event: September 11, 2022 - 7:30 a.m. to 4:00 p.m.          Setup: September 10, 2022 - 9:00 a.m. to 4:00 p.m.          26th Annual Cliff Walk Fundraiser for ALS - is a 7 mile walk along the Cape Cod Canal to raise funds for patients and families in New England living with ALS.          We will follow whatever COVID protocols are in place in Massachusetts regarding attendance.          Insurance Certificate will be provided.          Rental of handicap porta potty, if needed.          Use of the playground if needed.          3 or 4 food trucks be serving food and we will require electricity.          Tent &amp; Table company will provide tents that are weighted down and do not require stakes.          There will be live entertainment (band or DJ)          Estm attendance: 400</p>
<b>Liability Insurance Naming Town of Bourne as Additional Insured</b>	<b>Has applicant provided insurance?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Map:</b>	24.3	<b>Parcel:</b>	22.00	<b>District:</b>	
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☐ **Engineering:**

<b>Date of Recording:</b>		<b>Lot Area:</b>	1.87	<b>Frontage:</b>		<b>Zone:</b>	VB
<b>Resource District:</b>	No	<b>Town Road:</b>	Yes	<b>Paved:</b>	Yes	<b>Contiguous Lots:</b>	No
<b>Flood Zone:</b>	X	<b>Within 100' of Wetland:</b>	Yes				

Owner:  
Remarks:

12/9/2021	Timothy P Lydon
Date	Department Head

☐ **Planning Department/Planning Board:**     
 ☒ **Concurs**     
 ☐ **Does Not Concur**

Remarks:

12/7/2021	CMoore/jlc
Date	Town Planner

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

Remarks:

02/08/22 1:51 PMM:\Exec\01 Selectmen's Meetings\1 Selectmen Agendas\2022 Agendas\02.15.22\Backup Material - SIP\Annual Cliffwalk.doc

1/13/2022

Date

Stephanie Fitch

Conservation Agent

☐ **Board of Health:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks: Food trucks will need food permits no less than 30 days prior to the event.

1/24/2022

Date

Terri Guarino

Health Agent

☐ **Building Inspector:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks: No propane, no heaters, no smoking under tents. Tent permit is required. \$35 per tent.

12/6/2021

Date

Ken Murphy/ag

Building Inspector

☐ **Sewer Commissioners:** ☐ **Approved** ☐ **Disapproved** ☒ **Not Under Sewer Jurisdiction**

Remarks:

1/13/2022

Date

K. Thut/admin

Department Head

☐ **Town Collector:** ☐ **Outstanding Taxes** ☒ **Taxes Paid In Full**

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

Remarks: N/A

11/16/2021

Date

A Dastous

Town Collector

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

Remarks: Not Applicable

11/16/2021

Date

CCobb

Clerk's Office

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



Remarks: na

1/12/2022

JPotter

Date

Assessors Office

☐ Department of Public Works: ☒ Approved ☐ Disapproved ☐ Not Under DPW Jurisdiction

Remarks:

11/15/2021

Matthew Quinn

Date

Department Head

☐ Department of Natural Resources: ☐ Approved ☐ Disapproved ☒ Not Under DNR Jurisdiction

Remarks:

11/16/2021

Chris Southwood

Date

Department Head

☐ Recreation Department: ☐ Concurs ☐ Does Not Concur ☒ Not Under Jurisdiction

Remarks:

11/17/2021

Krissanne M. Caron

Date

Department Head

☐ Police Department: ☒ Concurs ☐ Does Not Concur ☐ Not Under Police Jurisdiction

Remarks:

12/6/2021

Lt. John R. Stowe

Date

Department Head

☐ Fire Department: ☒ Concurs ☐ Does Not Concur

Remarks: Will need an inspection for the food trucks and tent. Any propane for the tent would need a permit.

11/16/2021

David S. Pelonzi, Assistant Chief

Date

Department Head

☐ Town Administrator/Board of Selectmen: ☐ Concurs ☐ Does Not Concur

Remarks:

Date

Town Administrator/Board of Selectmen Chairman

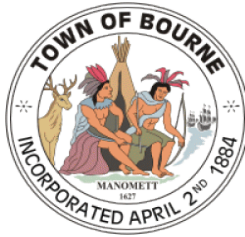
### **Section 3.1.28 Temporary Repairs of Private Ways**

In accordance with chapter 40, section 6N of the General Laws, the purpose of this bylaw is to set forth the level of service the Town will provide for temporary repairs to private ways that have not been accepted by the Town but have been continuously open to public use for six years and which will remain open to public use. Private ways posted as restricted in use to owners and/or their guests will not be maintained under this bylaw.

- A. Owners Responsible for Private Ways. The owners abutting private ways are responsible for the maintenance of such ways. Constructed private ways must be maintained so there are no defects to impede the safe passage of emergency vehicles. The making of temporary repairs to private ways by the Town pursuant to this section 3.1.28, no matter how often or to what extent, shall not constitute acceptance, maintenance, or use of such a way or any portion thereof as a public way.
- B. Emergency Temporary Repairs. The Town may perform emergency temporary repairs to private ways if such repairs are determined by the Superintendent of Public Works to be required to correct a defect or condition that impairs the safe transit of public safety vehicles or poses an imminent and substantial risk to the public safety. Said repairs shall be considered a public necessity and shall be limited to abating the immediate hazard caused by the defect or condition. . Defects, such as potholes, shall be repaired with materials similar to the road surface and base.
- C. Temporary Repairs. For all repairs that are not emergency repairs pursuant to subsection b, said repairs shall be undertaken only if petitioned for by the abutters who own at least 50% of the lineal footage of such way and only if the Board of Selectmen shall declare that said repairs are required by the public necessity and convenience. The cost of such repairs shall be paid by the abutters by a cash deposit or by betterment assessment as hereinafter provided, and no work shall commence unless and until such cash deposit in the amount of the estimated cost of such repairs as determined by the Superintendent of Public Works to do the work is paid over to the Town or the Board of Selectmen have made a determination that betterments will be assessed. If the Selectmen determine that betterments will be assessed, the Selectmen shall assess betterments upon the owners of estates which derive particular benefit or advantage from the making of such repairs on any such private way. Such assessment shall be a sum equal, in the aggregate, to the total cost of such repairs and, in the case of each such estate, in proportion to that frontage thereof of such way. Except as otherwise provided, the provisions of Chapter 80 of the General Laws relating to public improvements and assessments therefor shall apply to repairs to private ways ordered to be made under this section; provided, that no assessment amounting to less

than twenty-five dollars shall be apportioned and no assessment may be apportioned into more than five portions. Before any work commences, the Town shall be held harmless on account of any damages whatever caused by such repairs by suitable indemnity agreements executed by the abutters who petitioned therefor.

- D. Scope of Authorized Temporary Repairs. The scope of temporary repairs that may be authorized pursuant to this section 3.1.28 include and are limited to: (1) filling or patching of potholes or cracks; (2) grading and leveling of surfaces; (3) oiling and tarring of road surfaces and the covering of the oil or tar with sand or gravel; (4) installation of guardrails or other infrastructure; (5) installation of stormwater drainage infrastructure; (6) cleaning of catch basins and drainage structures; (7) skim coating or armor coating of road surfaces; (8) reconstructing a way, including the removal of roadway surface and the regaining and installation of fill and roadway surface materials, including asphalt and concrete; and (9) any other temporary repair that the Superintendent of Public Works determines to be necessary to protect the public health, safety, or welfare.
- E. Liability of the Town. The Town shall not be liable for any damage or injury related to any defect or condition in a private way, or any temporary repairs or failure to make such repairs pursuant to this section 3.1.28 or otherwise. subsequent repair or failure to make repairs to private ways. In any legal action brought against the Town for damages or injury to persons or property suffered by reason of a defect or want of repair in a private way that has been so repaired, the Town may deny that the repaired way is a public way.



## Selectmen's Correspondence

February 15, 2022

- A. Abutters notice for 217 Presidents Road
- B. Letter re opposition to discharge of radioactive water
- C. Letter NPDES comments on Mass Maritime permit
- D. Pocasset Water Quality Coalition letter re Mass Maritime permit
- E. MA Fisheries letter opening shellfishing
- F. Talent Bank form for P. Lindberg – Shore & Harbor Committee (also South Side Fire Station Committee being held until after applications close.)

Note: Talent bank forms submitted for the South Side Fire Station Committee are being held until the due date of 2/24 and will be distributed prior to the 3/1 Selectmen's meeting..

**NOTIFICATION TO ABUTTERS UNDER THE  
MASSACHUSETTS WETLANDS PROTECTION ACT  
Chapter 131, Section 40**

BOURNE BD OF SELECTMEN  
ROUTED 2022 FEB 4 AM 9:29

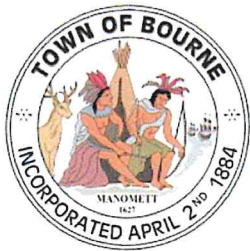
In accordance with the 2<sup>nd</sup> paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the Applicant is: **John J. Mitchell, III**
- B. The Applicant has filed a Notice of Intent (NOI) with the Bourne Conservation Commission seeking permission to perform work which might: remove, fill, dredge or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws, Chapter 131, Section 40).
- C. Description of the Project:  
**The project consists of the maintenance of an existing granite bulkhead located to the north of an existing single-family dwelling.**
- D. The location where the activity is proposed is:  
**217 Presidents Road (Map 26.1, Parcel 165).**
- E. Copies of the Notice of Intent may be examined at the Bourne Conservation office, Town Hall 24 Perry Avenue, between the hours of 8:30 a.m. and 4:30 p.m. (Monday – Friday) Tel. 508-759-0600 Ex 1344 or can be obtained from the Applicant's Representative: Bracken Engineering, Inc., 49 Herring Pond Road, Buzzards Bay, MA 02532, between the hours of 8:00 a.m. and 5:00 p.m. (Monday – Friday) Tel: 508-833-0070.
- F. T The Public Hearing is scheduled for **Thursday, February 17<sup>th</sup> at 7:00 p.m.** via ZOOM until further notice.

**NOTE: Notice of the scheduled Public Hearing:**

1. Will be published at least five (5) days in advance in the Bourne Enterprise newspaper; and,
2. Meeting agendas are posted on the Town of Bourne's website no less than 48 hours in advance of the hearing. [www.townofbourne.com/conservation](http://www.townofbourne.com/conservation)

**NOTE:** You may also contact the Department of Environmental Protection Southeast Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP's Southeast Regional Office: 508-946-2800



# TOWN OF BOURNE

## Town Administrator

24 Perry Avenue ½ Room 101  
Buzzards Bay, MA 02532  
[www.townofbourne.com](http://www.townofbourne.com)  
508.759.0600, Ext. 1308



Glenn Cannon, Acting Town Administrator

Email: [gcannon@townofbourne.com](mailto:gcannon@townofbourne.com)

February 4, 2022

Nuclear Decommissioning Citizens Advisory Panel (NDCAP)

Via email [NDCAP@state.ma.us](mailto:NDCAP@state.ma.us)

Martin Suuberg, Commissioner  
Massachusetts Department of Environmental Protection  
1 Winter St.  
Boston, MA 02108

Deborah Szaro, Acting Region 1 Administrator  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square - Suite 100  
Boston, MA 02109-3912

Christopher T. Hanson, Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re: Opposition to Discharge of Radioactive Water from Pilgrim Nuclear Power Station

To whom it may concern:

The Bourne Board of Selectmen read news reports in late November about Holtec International's plan to remove water from the spent fuel pool and discharge the radioactive water into Cape Cod Bay.

**The Bourne Board of Selectmen voted on December 14, 2021, to go on record opposing any plan to discharge radioactive water from the Pilgrim Nuclear Power Station's reactor vessel and spent fuel pool into Cape Cod Bay.**

**In addition, the Board requests that that the Town of Bourne and the Bourne Board of Selectmen be notified by MassDEP, EPA, the Nuclear Decommissioning Citizens Advisory Panel (NDCAP), and the Nuclear Regulatory Commission (NRC) of any proposed use or actual use of an NPDES permit for the discharge of radioactive water in the waters of the Cape Cod Canal or Cape Cod Bay.**

As a Cape Cod community, we are very concerned about the potential adverse impacts any discharge of radioactive water would have on our region's public health, the environment, and the local economy.

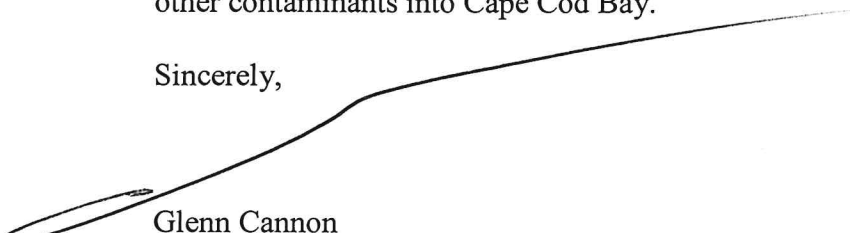
Designated as a State Ocean Sanctuary in 1970, Cape Cod Bay is recognized for its ecological diversity and significance. Its marine and coastal habitats support many commercially important fish and shellfish species, as well as state and federally listed birds and marine mammal species. In late winter and spring, the bay serves as a rich feeding ground for the critically endangered North Atlantic right whale.

Yet Cape Cod Bay's ecological bounty also underscores its environmental fragility. Cape Cod Bay is unique in that it is a semi-enclosed embayment that is not conducive to dilution and disbursement of pollutants. The cumulative effects of radiation combined with the enclosed nature of the bay translate into too many unknown risks to make the proposed discharge acceptable. From a human health perspective, the potential for bioaccumulation of radiation in shellfish and finfish that are used as food sources is of great concern to us. These health concerns also translate into potential threats to our coastal economy, with ramifications for our commercial fisheries as well as the many businesses that rely on tourism dollars.

Discharging the contaminated water into Cape Cod Bay is not the only option available to Holtec. Instead of releasing the water into the bay, the company has other alternative actions to take that include storing the water at the site, employing evaporation, or trucking the water to another location. There is too much at stake to gamble with the health of the region's environment and its residents by permitting Holtec to use Cape Cod Bay as its dumping ground simply because it is cheaper for the company to do so.

We therefore state our strong opposition to any plans to discharge water containing radiation or other contaminants into Cape Cod Bay.

Sincerely,



Glenn Cannon  
Acting Town Administrator

Cc:  
Governor Charlie Baker  
Office of the Governor  
Massachusetts State House  
24 Beacon St.  
Boston, MA 02133

Massachusetts Attorney General Maura Healey  
Attorney General's Office  
1 Ashburton Place, 20th Floor  
Boston, MA 02108

U.S. Senator Elizabeth Warren  
309 Hart Senate Office Building  
Washington, DC 20510

U.S. Senator Edward Markey  
255 Dirksen Senate Office Building



Washington, DC 20510

U.S. Representative William Keating  
2351 Rayburn HOB  
Washington, DC 20515

State Senator Julian Cyr  
State House, 24 Beacon St. Room 312-E  
Boston, MA, 02133

State Senator Susan Moran  
State House, 24 Beacon St. Room 506  
Boston, MA, 02133

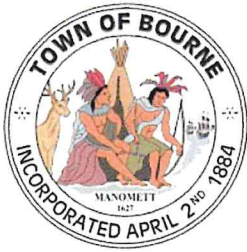
State Representative David Vieira  
State House,  
24 Beacon St. Room 167  
Boston, MA, 02133

State Representative Steven Xiarhos  
State House  
24 Beacon St.  
Boston, MA, 02133

Christopher T. Hanson, Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Michael S. Regan, Administrator  
U.S. Environmental Protection Agency Office of the Administrator, 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460





# TOWN OF BOURNE

**Town Administrator**  
24 Perry Avenue - Room 101  
Buzzards Bay, MA 02532  
[www.townofbourne.com](http://www.townofbourne.com)  
508.759.0600, Ext. 1308



Glenn Cannon, Acting Town Administrator  
Email: [gcannon@townofbourne.com](mailto:gcannon@townofbourne.com)

February 4, 2022

Mr. George Papadopoulos  
Environmental Engineer  
USEPA – 5 P.O. Square, Suite 100  
Boston, MA 02109-3912

Re: NPDES comments on permit number MA0024368 (Mass Maritime)

Hello Mr. Papadopoulos,


Thank you for the opportunity to comment on the draft NPDES Permit for the Massachusetts Maritime Academy (permit number MA0024368)

Water quality is a significant issue for the Town of Bourne and all efforts to improve the water quality in Bourne should be pursued. The Massachusetts Maritime Academy operates a waste water treatment facility in the Taylor's Point neighborhood in Bourne.

We support the efforts made by the Massachusetts Maritime Academy to improve the water quality in Bourne and we have supplied additional comments attached to this letter.

Again, thank you for the opportunity to comment on the NPDES permit of the Massachusetts Maritime Academy and let me know if I can be of any assistance to you.

Thank you for your consideration,



Glenn Cannon  
Acting Town Administrator

Cc: Board of Selectmen  
Board of Sewer Commissioners  
Allen Metcalf, Massachusetts Maritime Academy  
Thomas Barlow, Save the Canal

Re: NPDES Permit No. MA0024368 2022 Draft Permit

I am writing on behalf of the Town of Bourne Board of Sewer Commissions to provide comments regarding:

NPDES Permit No. MA0024368 2022 Draft Permit for Outfall (1) at Mass Maritime Academy. The Board's requests for conditions in the final permit are underlined in each of comments.

**1) Comment:** There seems to be a conflict between the monitoring for total Nitrogen included in the Draft Permit and the monitoring for Total Nitrogen included in the 2022 Fact Sheet. See bolded text below.

**PART 1 A EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**  
**Draft Permit Pages 2 – 3 of 18**

Ammonia Nitrogen	---	---	Report mg/L	<b>1/quarter</b>	Composite
Total Kjeldahl Nitrogen <sup>9</sup>	---	---	Report mg/L	<b>1/quarter</b>	Composite
Nitrate + Nitrite <sup>9</sup>	---	---	Report mg/L	<b>1/quarter</b>	Composite
Total Nitrogen <sup>9</sup>	---	---	Report mg/L	<b>1/quarter</b>	Calculation

**Fact Sheet Pages 20-21 of 53**

*“Specifically, the Draft Permit requires the continued evaluation of treatment facility operations to minimize nitrogen discharges, along with annual reports to summarize progress and activities related to optimizing nitrogen removal efficiencies and track trends relative to previous years. In addition to the optimization requirements, the Draft Permit continues monthly monitoring for total nitrogen (TN). For compliance reporting on monthly DMRs, the Draft Permit requires the reporting of monthly average TN load and concentration along with its components: total kjeldahl nitrogen, nitrite and nitrate. “*

**The Board requests that Monthly monitoring of all nitrogen categories be required in the Final Permit.**

**2) Comment : Fact Sheet Section 4.3 Available Dilution**

The Board supports the reduction in available dilution from 6,500:1 to 500:1

**The Board requests that the Final permit requires the continued study of dilution and the effects of all effluent on swimming beaches, shellfish harvesting and nitrogen in the areas adjacent to the outfall.**

**3) Comment: 5.1.10.1 Total Nitrogen**

We note the average total nitrogen loading averaged 69 lb./day during the review period.

*“The MMA WWTP discharges to the Cape Cod Canal in the Buzzards Bay Watershed. The 2011 Permit required quarterly monitoring for total Kjeldahl nitrogen, nitrate and nitrite, the sum of which provides the total nitrogen (TN) concentration. Using the TN concentration data and average monthly flow data, the calculated annual average total nitrogen loading from the MMA facility ranged from 0 lb/day to 110 lb/day and averaged 69 lb/day during the review period. “*

We note that study has been made on what improvements are needed to reduce to meet a target effluent nitrogen concentration of 10 mg/L.

*“The Facility discharges to the Cape Cod Canal which empties to the Buzzards Bay watershed. The 2011 permit noted that MMA loading is a very small percentage (0.000017%) of the overall nitrogen loading to the watershed. The 2011 Permit required the Permittee to evaluate alternatives for operating the treatment plant to optimize the removal of nitrogen. In a report dated April 20, 2012, the Permittee determined that a third treatment train with increased detention times and aeration with chemical addition in the equalization tank would be required to meet a target effluent nitrogen concentration of 10 mg/L. “*

We note that there are impairments in certain coves of Buzzards Bay.

*“Although there are no impairments associated with nitrogen in Cape Cod Canal, there are some impairments in certain coves of Buzzards Bay. Therefore, EPA has determined that the facility must continue to optimize its treatment plant for the removal of total nitrogen. “*

**The Board requests that the final permit requires continued evaluation of treatment facility operations to minimize nitrogen discharges as well as continued study of options with the Town of Bourne on wastewater alternatives. The Town of Bourne is in the process of developing a Comprehensive Wastewater Management plan and has requested a representative of Mass. Maritime to be a member of the Wastewater Advisory Committee that will be working with the CWMP consultant.**

*“Specifically, the Draft Permit requires the continued evaluation of treatment facility operations to minimize nitrogen discharges, along with annual reports to summarize progress and activities related to optimizing nitrogen removal efficiencies and track trends relative to previous years. “*

#### **4) Comment Overall on the Draft Permit**

The Board appreciates the due diligence on the part of Mass DEP, EPA and Mass Maritime Academy during this permit renewal and the enhanced protection to the environment based on the permit renewal.



**Pocasset Water Quality Coalition**

**P.O. Box 852**

**Pocasset, MA 02559**

February 8, 2022

BY EMAIL

George Papadopoulos  
Environmental Engineer  
USEPA- 5 P.O. Square, Suite 100  
Boston, MA 02109-3912

Dear Mr. Papadopoulos:

The Pocasset Water Quality Coalition Inc. (PWQC) is pleased for the opportunity to provide the following Comments on the draft renewal permit for the NPDES discharge for the Massachusetts Military Academy (MMA) – NPDES permit number MA002-4368.

The Pocasset Water Quality Coalition Inc. was established in December 2019 and granted nonprofit status (501(c)3) in January 2020. Our Motto is: “Healthy Harbors for Families and Nature.” Our mission is “to restore the water quality of the Red Brook Harbor/Pocasset Harbor watershed, including Hen Cove, Barlow’s Landing harbor, and the inlet of Wings Neck to healthy environmental levels. We are working toward the day when we have clean, pure saltwater for our families and community to enjoy, as well as healthy natural marshes and wetlands for our birds and marine wildlife.”

The PWQC has over 250 dues-paying members and a mailing list that encompasses a wider audience across Bourne and Cape Cod. Our immediate areas of concern are Red Brook Harbor, Hen Cove and Pocasset Harbor. All of these are connected to Buzzards Bay. As such it is our responsibility to comment on water quality issues affecting Bourne waters including the Cape Cod Canal, Buzzards Bay and adjacent waters of Cape Cod Bay. This NPDES permit renewal falls within this purview.

We, the Board of Directors of the PWQC, on behalf of our members and the broader Pocasset community of the Town of Bourne, hereby present our General Comments, covering the Draft Permit, the Fact Sheet and relevant portions of the Massachusetts State Water Quality Standards (314 CMR 4.00, December 10, 2021), in this letter, below. We present our Specific Comments on individual items as Appendix A.

## **General Comments**

1) Based on our knowledge and experience, the Draft Permit and Fact Sheet appear to be in compliance, in a very strict sense, with the requirements of the Clean Water Act, applicable Massachusetts law, and federal and state regulations.

2) However, the water quality in the waters in Buzzards Bay near this discharge is extremely degraded, to the point where the waters do not meet the Designated Use of fishable and swimmable quality. We will elaborate on this later in Specific Comments. The limitations on the Applicant specified in this draft permit do nothing to improve or even maintain the water quality of nearby waters. Much of the responsibility for this egregious omission lies with the EPA Region 1 and with the Commonwealth of Massachusetts. This needs to be remedied, starting with the improvements we identify below.

3) The major cause for this ongoing degradation of water quality, and failure to achieve Designated Uses, is the discharge of excess nitrogen that fertilizes noxious algal growth, coming from permitted point-source discharges, septic system loading to groundwater, and surface nonpoint-source discharges from the watersheds of streams and sub-estuaries feeding the Canal and Buzzards Bay.

4) The MMA wastewater discharge, with its nitrogen loading, is a contributor, albeit a minor one, to this ongoing watershed-wide loading and continued degradation. The Draft Permit appears to minimize the intensity of monitoring of nitrogen, and presents only perfunctory requirements for current or future management of nitrogen, or even requirements for updated compliance studies for evaluating options for future reductions of nitrogen loading, e.g., during the 5-year term of this permit.

4a) We did note that this draft estimated initial dilution of the discharge based on slack tide as the critical condition – an improvement over estimates in previous studies. However, this initial physical dilution of nitrogen species is largely irrelevant to protecting and improving the water quality of nearby Buzzards Bay. Within a day or two of discharge of nitrogen-laden effluent, biogeochemical (not physical) processes dominate, so that inorganic nitrogen species are taken up by growing algae. Crucially, these processes that are causing the ongoing Bay-wide degradation of water quality must be quantified (see 7 below).

5) The inference that the PWQC draws from this avoidance of considering nitrogen in the Draft Permit is that the Applicant and the Permit Writer optimistically expect that the sole “viable” corrective option proposed to date – pumping the MMA waste flow to the Wareham WWTP, and return pumping of the treated effluent for discharge to MMA Outfall 001 – will be approved and meet any regulatory obligations of the Applicant (we infer that the 2012 study that looked at the option of on-site nitrogen removal appeared to have been dismissed out of hand). However, we note that the Citizens’ Petition to prohibit the Bourne Select Board from approving an expanded discharge to the Canal was overwhelmingly approved by the Bourne Town Meeting in November 2021. Given that vote, we expect that continued development of this alternative, involving a Permit Modification to MMA’s Permit, would be the subject of future litigation (though we have no knowledge of any specific plans for any litigation).

6) The major reason for EPA’s and Mass. DEP’s failure to vigilantly monitor nitrogen and plan for its removal from this waste stream is their narrow focus on the Cape Cod Canal (aside from perfunctory reference to impairment in “certain coves”) as the receiving water, and failure to recognize, monitor, and document the decades-long nitrogen-caused decline in the water quality of Buzzards Bay and the associated widespread declines of its ecological and recreational resources, both near the outfall and down the main body of the Bay. Had these water quality regulatory authorities properly monitored the decline, this would have triggered a listing of Buzzards Bay proper on the biennial Massachusetts (303(d)) Impaired Waters List and would have resulted in implementation of a full TMDL process for nitrogen, and perhaps suspended solids. We note that TMDLs have been and are being conducted by the Mass. Estuaries Program for some of the tributary estuaries where water quality degradation conditions are particularly egregious due to residential septic loading, NPS discharges, combined with increased siltation and reduced water exchange with the main stem of the Bay. (We note that the PWQC was formed to advocate for funding for an urgent study of options for increasing flushing for the Red Brook Harbors complex in Pocasset).

7) The PWQC believes it is EPA’s and the State’s legal obligation to document and recognize the decline in Buzzards Bay water quality, implement a Bay-wide TMDL that documents the loadings from each of its

tributaries and establish, e.g., through water quality modeling, the Assimilative Capacity for nitrogen for the main stem of Buzzards Bay. It will then be the responsibility of these agencies to establish loading limits for each sub-watershed, which the individual municipalities must then incorporate into their Comprehensive Wastewater Management Plans (CWMPs) as enforceable limits. EPA has an established track record for funding, undertaking and managing such nitrogen TMDLs for estuaries around the country; the most prominent example is the TMDL for nitrogen, phosphorus and suspended solids for the Chesapeake Bay and its 36 tributaries, and the ongoing multi-state restoration program.

8) We note that there are several other aspects of the Draft Permit and Fact Sheet that need correction and improvement, including State Standards and monitoring requirements for metals that are outdated relative to current scientific knowledge, and will soon be updated in EPA's Recommended Water Quality Criteria. We are pleased that the Draft Permit includes monitoring requirements for PFAS substances, but note that this large residential facility likely generates wastewater with many other unregulated and incompletely treated Chemicals of Emerging Concern (CECs), such as from pharmaceuticals, personal care products and other home product additives. These chemicals may need to be added to future renewals of this permit. These will be addressed in our Specific Comments, below.

In conclusion, the PWQC makes the following requests for modifications for the draft Permit:

- a) Restoration of monthly monitoring of all forms of nitrogen, instead of the proposed reduction to quarterly monitoring.
- b) Establishment of a five-year compliance period that includes a study of other options for nitrogen reduction, instead of the apparent reliance on the contentious option of treatment and return from the Wareham WWTP.
- c) Update the metals monitoring to focus on the metals species (dissolved metals) and ambient water quality constituents (dissolved organic carbon, hardness, pH) that EPA is recommending for estimating metals bioavailability to aquatic organisms, and possible toxicity (as estimated by EPA's Biotic Ligand Model, or similar multiple regression estimator).
- d) The Permittee should be required to also notify the Bourne Board of Health about any permit violations, system upsets, SSOs, or other incidents that may endanger human health or the environment.

Please feel free to contact me if you need further information.

Kind regards,

*Keith Barber*

Keith Barber

President

cc (BY EMAIL):

MMA Superintendent

Bourne Select Board/Board of Sewer Commissioners

Chairman, Bourne Board of Health

Director, Bourne Department of Natural Resources

Hon. William Keating, US Congress

Sen. Susan Moran, Massachusetts Senate

Rep. Steven Xiarhos, Mass. House of Representatives

Rep. David Vieira, Mass. House of Representatives

Rep. Dylan Fernandes, Mass. House of Representatives

Korin Petersen, Esq., Buzzards Bay Coalition

Andrew Gottlieb, Association for the Preservation of Cape Cod

## Appendix A

### Detailed Comments

#### Draft Permit

Page	Item	Comment
2	Ammonia Nitrogen	Quarterly sampling is grossly insufficient; the previous Permit required monthly sampling. Sampling should be at least monthly. There is no required effluent limitation. The permit should require the Applicant to update their 2012 study of options for reducing nitrogen (Fact Sheet 5.1.10.1). This study is different from the Nitrogen Optimization Special Condition (I.F.1).
3	Total Kjeldahl Nitrogen	Quarterly sampling is grossly insufficient; the previous Permit required monthly sampling. Sampling should be at least monthly. There is no required effluent limitation. The permit should require the Applicant to update their 2012 study of options for reducing nitrogen (Fact Sheet 5.1.10.1). This study is different from the Nitrogen Optimization Special Condition (I.F.1).
3	Nitrate + Nitrite	Quarterly sampling is grossly insufficient; the previous Permit required monthly sampling. Sampling should be at least monthly. There is no required effluent limitation. The permit should require the Applicant to update their 2012 study of options for reducing nitrogen (Fact Sheet 5.1.10.1). This study is different from the Nitrogen Optimization Special Condition (I.F.1).
3	Metals as Effluent Characteristic	Total Recoverable and Dissolved Metals in the Outfall 001 Effluent should be monitored and reported quarterly. EPA's own studies have shown that the 1996 Metals Translator is inadequate for predicting toxicity from metals. EPA's most recent guidance is to estimate the Bioavailable fraction of metals based on a model like the Biotic Ligand Model, applied to measured dissolved metal, with Dissolved Organic Carbon, hardness and pH as additional required inputs. Simultaneous measurement of Total recoverable would fulfill the requirement to report Total metal.
3-4	Metals for Whole Effluent Toxicity	Total concentrations are not relevant for aquatic toxicity, so dissolved metal should be measured and used. For this freshwater effluent, Dissolved Organic Carbon, hardness and pH should be measured and reported. In marine ambient water or dilution water, DOC should be measured and reported. These constituents will then allow the use of new metal Bioavailability estimators (the Biotic Ligand Model, or EPA's new multiple regression estimators of the metal species potentially contributing to toxicity. EPA will propose new metals bioavailability estimators for fresh waters within a few months, and will develop and promulgate similar bioavailability estimators for marine waters within the 5-year term of this permit. We note that EPA Office of Water proposed new marine (saltwater) copper criteria based on a marine BLM in 2016, which could result in CM Criteria as low as 0.5 micrograms/L. However, this proposal was withdrawn early in the Trump Administration; OW is likely to propose new Bioavailability-based criteria for copper and other metals during the term of this Permit, so the "Reasonable Potential to Exceed..." analysis (Fact Sheet 5.1.11.2)



		will need to be redone using recent effluent data.
3-4	6 PFAS chemicals	We are glad to see this new monitoring, in compliance with EPA's national requirement, and look forward to initiation of monitoring once EPA approves its new methods for wastewater and sludge. We note that these persistent chemicals may bioaccumulate in tissues of aquatic organisms, particularly the nearby oysters in aquaculture grants across from the Academy along Mashnee Dike, in the recreational shellfish beds adjacent to the Academy at Taylors Point, and for shellfish in aquaculture grants and beds in nearby Buttermilk Bay, so monitoring data are urgently needed for a human health risk assessment of risks to humans ingesting these shellfish.
10	I.A.4	"The discharge shall be free from pollutants..." We maintain that this Condition has been too narrowly interpreted, such that the enormous far-field and secondary effects of nitrogen, which is the root cause that induces virtually ALL of the adverse effects listed in this Condition.
10	I.A.5	"... adversely affect the physical, chemical, or biological nature of the bottom of the water course." Again, this Condition has been interpreted too narrowly. Excess nitrogen is generating organic matter that is settling all over the main stem and side estuaries of the Bay. Large areas of the bay benthos have been converted from oxygenated sandy habitat with eel grass and other abundant biota, to fine muck with anoxic black sediment a few centimeters below the surface, smothering local benthic diversity.
10	I.B.2	"...except SSOs that do not impact a surface water or the public,..." What is the threshold for determination of no impact? Who makes this determination, and with what authority?
18	I.G.7	Any verbal reports should also be made to the Town of Bourne Board of Health.

## Fact Sheet

Page	Item	Comment
6	2.2.3	Impaired Waters List reporting: We maintain that the State has failed to identify the worsening impairments of the main body of Buzzards Bay due to excess nitrogen, in violation of the requirements of the Clean Water Act. Water transparency continues to degrade due to algal densities. Benthic habitat in main stem areas (e.g., Mashnee Flats) continue to lose eel grass beds. PWQC members can point out many more areas where water quality impairment is growing.
14	4.1	<p>Receiving Water:</p> <p>The 2016 Listing of the Cape Cod Canal/Buzzards Bay as Category 4A ("TMDL Completed") is misleading and incorrect. The 2009 TMDL was only for pathogens, while Designated Uses of Aquatic Life, Aesthetics, and Fish Consumption were "Not Assessed".</p> <p>This omission needs to be corrected in the next biennial Impaired Waters List, based on a systematic survey of the condition of the Designated Uses in the main body of Buzzards Bay.</p>
31	5.7	<p>Essential Fish habitat:</p> <p>EFH extends throughout the Bay, not just within the Cape Cod Canal proper. This artificial restriction of the limits of the "Receiving Waters" of the Permit ignores the degradation of "all aquatic life", including Essential Fish Habitat. This needs to be remedied with a proper survey, likely resulting in listing the whole of Buzzards Bay as Impaired: Category 5 on the 303(d) List.</p>



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114  
p: (617) 626-1520 | f: (617) 626-1509  
[www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

RONALD S. AMIDON  
Commissioner

DANIEL J. MCKIERNAN  
Director

January 31, 2022

Honorable Coastal Select Boards and Mayors of the Commonwealth of Massachusetts.

Ladies and Gentlemen,

In accordance with Chapter 130, section 74A of the Massachusetts General Laws, the Division of Marine Fisheries has determined that shellfish areas in the above listed towns/cities (shellfish growing areas N1-N28, GBH1-GBH6, MB1-MB14, CCB1-CCB51, OC1-OC10, SC1-SC64, NS1-4, NT1-NT14, V1-V36, E1-E14, MHB1- MHB5 and BB1-BB58), closed at sunset on January 28, 2022 due to heavy snowfall and high winds, now meet the National Shellfish Sanitation Program guidelines for an “OPEN” status.

Therefore, under authority of MGL, Chapter 130, Sections 74A and 322 CMR 7.01 (7) the below-defined areas will revert to their former status prior to the closure of sunset on January 28, 2022, **effective at sunrise on Monday January 31, 2022.**

Those areas previously classified as “APPROVED” and in the “OPEN” status, prior to the January 28, 2022 shellfish closure, will revert to their previous status at sunrise on Monday January 31, 2022, and open to the harvest of shellfish for direct human consumption subject to local rules and regulations under authority of MGL Chapter 130, section 52.

Similarly, those areas previously classified as “CONDITIONALLY APPROVED” or “CONDITIONALLY RESTRICTED” and in the “OPEN” status prior to the January 28, 2022 shellfish closure will revert to their previous status at sunrise on Monday January 31, 2022 subject to the previous status conditions. All conditions, management plans and MOU’s remain in effect. Areas classified as “PROHIBITED” and “RESTRICTED” shall remain closed to the harvest of shellfish for direct human consumption.

### **STATUS: OPEN TO THE TAKING OF SHELLFISH**

“The waters, flats and all tributaries of the Commonwealth of Massachusetts from the Salisbury-New Hampshire State Line south to the Rhode Island – Massachusetts State Line including areas N1-N28, GBH1-GBH6, MB1-MB14, CCB1-CCB51, OC1-OC10, SC1-SC64, NS1-4, NT1-NT14, V1-V36, E1-E14, MHB1- MHB5 and BB1-BB58.

All previous bacterial closures remain in effect.

Sincerely,

A handwritten signature in black ink, reading "Daniel J. McKiernan". The signature is fluid and cursive, with a long horizontal stroke at the end.

---

Daniel J. McKiernan  
Director

cc: P. Moran, K. Clayton, OLE  
D. McKiernan, J. Kennedy, DMF  
R. Amidon, DFG  
J. Hobill, S. King, DEP  
FDA  
DPH  
Shellfish Constables of the areas listed above

# TALENT BANK FORM

## ACT NOW- SERVE YOUR COMMUNITY

Town government needs citizens who are willing to give time in the service of their community. The Talent Bank was adopted by the Selectmen, Moderator and Town Administrator as a means of compiling names of interested citizens to serve on a voluntary basis, on boards and committees and working groups. This file is available for use by the public as well as the Moderator, Selectmen and Town Administrator. Talent bank forms are being updated to include categories consistent with the changing needs of the Town. Indicate your preference and return the form to:

### TOWN GOVERNMENT TALENT BANK

c/o Town Administrator,

24 Perry Avenue

Buzzards Bay, MA 02532

BOURNE BD OF SELECTMEN  
RCVD 2022 FEB 8 PM3:16

NAME: PETER C. LINDBERG

DATE: 2/7/2022

ADDRESS: [REDACTED]

T: 7

OCCUPATION: RETIRED / SELF EMPLOYED TELEPHONE # [REDACTED]

BACKGROUND: LIFE LONG RESIDENT, RETIRED FIRE FIGHTER, ASSOCIATES DEGREE IN ARBORCULTURE + PARK MANAGEMENT, STOCKBRIDGE SCHOOL OF AGRICULTURE, PAST MEMBER OF SOUTH SIDE FIRE STATION COMMITTEE

Check	AREAS OF INTEREST (LIST ORDER OF PREFERENCE)
	AFFORDABLE HOUSING TRUST - provides the Town with many tools to create and preserve affordable housing, including the ability to option, lease, purchase, renovate, and lease out or sell real estate.
	ZONING BOARD OF APPEALS - The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws, and by this Bylaw, those powers being to hear and decide applications for Special Permits upon which the Board is empowered to act under this Bylaw; to hear and decide petitions for variances, excluding variances for use; to hear and decide other appeals from any aggrieved person, officer, or board, or the Cape Cod Planning and Economic Development Commission, to issue comprehensive permits as provided by Sections 20-23, Ch.40B, G.L., and in special cases to issue withheld building permits, as provided by Section 81Y, Ch.41, G.L.
	BOARD OF ASSESSORS
	BARNSTABLE COUNTY COASTAL RESOURCES - is the County's coastal advisory committee, serves as a liaison between towns and the County on coastal issues and is the local governance committee for the Cape Cod region of the Massachusetts Bays Program.
	BARNSTABLE COUNTY HOME CONSORTIUM - is comprised of 15 communities on Cape Cod. Jurisdiction to receive and disburse HOME funds.
	BARNSTABLE COUNTY HUMAN RIGHTS COMMISSION - To promote and protect the basic human rights of all persons in Barnstable County
	BUZZARDS BAY ACTION - The mission of the Buzzards Bay Action Committee is to improve collaboration among watershed municipalities.
	BY-LAW COMMITTEE - Reviews and also recommends updates or changes to the Town By-laws
	CABLE ADVISORY COMMITTEE- performs research/makes recommendations for cable license renewal
	CAPE & VINEYARD ELECTRIC COOPERATIVE - was organized on September 12, 2007. Provides for the establishment of energy cooperatives.
	CAPE COD COMMISSION - is an agency within Barnstable County regional government, but with its own separate and unique funding source, the Cape Cod Environmental Protection Fund.
	CAPE COD WATER PROTECTION COLLABORATIVE - to help Cape Cod and Islands towns pay for necessary wastewater infrastructure and water quality remediation projects.

	CAPE LIGHT COMPACT - mission is to serve our 205,000 customers through the delivery of proven energy efficiency programs, effective consumer advocacy, and renewable competitive electricity supply.
	CAPITAL OUTLAY COMMITTEE – Reviews requests and makes recommendations to the Town Administrator on large equipment or building projects
	CHARTER COMPLIANCE COMMITTEE – Hears and adjudicates complaints filed alleging Charter Violations
	CHARTER REVIEW COMMITTEE –Reviews Charter every five years
	COMMISSION ON DISABILITIES - cause the integration and participation of people with disabilities; assists municipal officials in ensuring compliance with the ADA and other state/federal laws
	COMMUNITY ACTION COMMITTEE OF CAPE COD & ISLANDS, INC. - is a private, non-profit organization that provides a variety of services to low-income individuals and families to help them improve the quality of their lives and achieve self-sufficiency.
	COMMUNITY ENGAGEMENTS - 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. The Committee shall create an application for funding and invite organizations or individuals to submit on events or activities that will benefit the Town of Bourne and its citizens. In no event may a Member present a project before the Committee. The committee shall provide quarterly reporting to the Board of Selectmen and Town Administrator.
	COMMUNITY PRESERVATION COMMITTEE will give preference to proposals Are eligible for Community Preservation Act (CPA) funding according to the requirements described in the CPA legislation; specifically, The acquisition, creation, and preservation of open space. The acquisition, preservation, rehabilitation, and restoration of historic resources. The acquisition, creation, and preservation of land for recreational use. The creation, preservation, and support of community housing (including items such as annual payments to the housing authority to preserve or expand the affordable housing supply). The rehabilitation and restoration of open space, land for recreational use, and community housing that is acquired or created using monies from the fund.
	CONSERVATION COMMISSION- administers the Wetlands Protection Act, Local Wetlands bylaws
	COUNCIL ON AGING- coordinates programs designed for the needs of aging in coordination with the MA Executive Office of Elder Affairs
	CULTURAL COUNCIL - reviews applications for local arts and cultural events and awards grant funds received from the MA Cultural Council.
	DESIGN REVIEW BOARD (DRB)- reviews alterations, including demolitions of properties located within the demarked areas, adopts design guidelines, rules/regulations
	EDUCATION/SCHOLARSHIP
	FINANCE COMMITTEE- reports to town meeting on the proposed budget of town manager and any warrant articles having a fiscal impact on the Town.
	HISTORICAL COMMISSION - caretakers of the Town history.
	HOUSING PARTNERSHIP - addresses local housing needs through a collaborative effort between local govt., community organizations, banks and the private sector.
	HUMAN SERVICES - The Committee is charged with recommending policies and potential programs to the Town Administrator related to the delivery of human services to the citizens of Bourne.
	LANDFILL BUSINESS PROJECT MODEL WORKING GROUP-Make recommendations on long term viability of the Integrated Solid Waste Management Department to the Town Administrator and Selectmen
	LOCAL EMERGENCY PLANNING COMMITTEE - mission is to provide residents with an emergency response program for hazardous materials incidents, extreme weather, and other high impact events.

	OPEN SPACE COMMITTEE - was formed in 1999 for the purpose of recommending acquisitions of interest in real property to be owned or managed by the Conservation Commission or other designated nonprofit organization or in the case of interests to acquire sites for future wellhead development for a Water Resource District.
	TASK FORCE ON LOCAL POLLUTION/PHASE II STORMWATER MANAGEMENT COMMUNITY OVERSIGHT PROGRAM - membership shall consist of seven (7) members of the general public, at least two of whom, if possible, shall have a professional background in science, law or engineering.
	PRIVATE ROADS ACCEPTANCE - On an annual basis we will have to establish a prioritization process to see what roads will be brought before the town for consideration.
	RECREATION COMMITTEE – Works with the Director of Recreation on long term planning for the recreational needs of the Town
	RECYCLING - Provide advice and assistance to the Board of Selectmen, the ISWM General Manager and Town residents concerning recycling requirements and procedures. Assist the Board of Selectmen with public education concerning recycling, composting and source reduction.
	REGISTRAR OF VOTERS - The Board of Registrars responsibilities include registering voters, making local listings of residents, certifying nomination papers and petitions, processing absent voter applications and administering election recounts.
	SELECTMEN'S ENERGY ADVISORY COMMITTEE - assist the Board of Selectmen on the investigation, research and consideration of siting and utilizing alternative forms of energy for municipal purposes.
✓	SOUTH SIDE FIRE STATION BUILDING COMMITTEE - To make recommendations regarding the feasibility, design, siting and construction of new, replacement Fire/EMS station on south side of Cape Cod Canal.
✓	SHORE AND HARBOR COMMITTEE – Works on plans, future development and recommends regulatory change and enforcement
	SPECIAL WORKS OPPORTUNITY PROGRAM - SWOP's mission statement is to provide social opportunities to adults with intellectual disabilities residing in the Town of Bourne. We do this through social settings that foster independence and cultivate respect and support through community involvement.
	STREET AND TRAFFIC – Look into the current street lighting.
	TOWN ADMINISTRATORS ADVISORY COMMITTEE ON PEDESTRIAN BICYCLE PATHWAY - to assist in the creation of a pedestrian and bicycle pathway within the geographic boundaries of the Town of Bourne, connecting with the Shining Sea pathway in Falmouth
	TRANSPORTATION ADVISORY COMMITTEE - shall have the following responsibilities on transportation-related projects proposed by the town and others and shall include, but not limited to, highways and other roadways, rail services, bus services, shuttle services and transportation facilities.
	WASTEWATER ADVISORY COMMITTEE - To serve as advisors to the Town Administrator and Bourne Board of Sewer Commissioners in the areas of public policy and long-range planning as it relates to the implementation of the Comprehensive Wastewater Management Plan.
	WASTEWATER FACILITY DESIGN AND BUILDING - To serve as advisors to the Town Administrator and Bourne Board of Sewer Commissioners as it prepares the final design, siting and construction of a 100,000 gpd facility within Buzzards Bay.
	UPPER CAPE REGIONAL TRANSFER STATION - is the body that oversees all operations for the municipally-owned regional solid waste transfer station located on Joint Base Cape Cod (JBCC) in Sandwich.
	VETERANS GRAVES OFFICER
	OTHER (please list)