Board of Selectmen
Minutes of April 23, 2013
Bourne Community Building
Bourne, MA 02532

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Documents
- None

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

Moment of Silence for our Troops /Salute the Flag

Public Comment – Non-Agenda Items
Gary Mahoney – raised agenda item #7 with regard to DNR Directors' proposal at the last Selectmen's meeting and is requesting to submit item as an official topic for vote of approval. He then quoted Article 3 Section 3.3 of the Charter into the record.

TA Guerino – met with Director Mullen for discussion. The waterways are under the DNR Director's purview. The Shellfish and Closures are under the statute Chapter 130, which states the Selectmen who have the authority when working through the Commonwealth.

Minutes: 3/5/13; 4/16/13
Pickard MOVED and SECONDED by Meier to approve minutes of 3/5/13 as amended.
VOTE 5-0.

Pickard MOVED and SECONDED by Meier to approve minutes of 4/16/13 as amended.
VOTE 5-0.

Correspondence
No correspondence.

Discussion regarding appointment of Counsel for Board of Health
Kathy Peterson, Chm. Board of Health (BOH) and Town Counsel

Chm. Ford – there are two concerns with regard to the appointment of counsel for the BOH. 1) there is usually more than one candidate - this is a sole source; and 2) if said counsel would work within his scope of work.

Ms. Peterson – the Harvest Power RFP is specialized and the BOH feel Atty. Torres is the best candidate given his background. Had Town Counsel indicated a legal problem, the BOH would continue to search. As far as scope of service, he would work under Town Counsel.

Atty. Troy – there are different aspects to this entire process. The Selectmen were concerned about duplication of effort. Tonight's question is to allow one candidate for appointment or interview more than one candidate.

Pickard – is comfortable with only Atty. Torres with the understanding Atty. Torres' scope is health and environmental issues. Ms. Peterson – Atty. Troy will monitor and there may be some duplication of some services, but will be kept to a minimum.

Zuern – asked Ms. Peterson if anyone else was interviewed. Ms. Peterson – on this particular project, no as the scope of work is so specific. She requests the board approve Atty. Torres as a soon as possible.

Zuern – comfortable with using only Atty. Torres but would like him to come before the board for an interview. Atty. Troy – the town will need each attorney to limit their scope of work to what has been assigned to them.

TA Guerino – it is up to the BOH and Town Counsel to describe the scope of work for any attorney as it relates to site assignment and inversion of process.

Ms. Peterson – Atty. Torres will not be involved in the financial aspect; he will be working under the BOH and under the purview of Atty. Troy.

Atty. Troy – the town will require said attorney on how to bill out his services.

Meier – concurs with using only Atty. Torres.

Pickard – asked if the engineer and Atty. Torres will be working together. Ms. Peterson – yes, with regard to odor reports.

Baldwin – he would feel comfortable with a second candidate.

Chm. Ford – he agrees with Baldwin, but is comfortable with Atty. Torres.

Atty. Troy – suggested Atty. Torres come before the board for interview.

Mr. James Mulvey – if the town proceeds with two attorneys, the scope of work would have to be coordinated and agreed upon; the scope would be difficult to arrange. If the scope of work is agreed upon and a difference of opinion happens in light of the scope, he asked what board would have the unappealable right to resolve – the town will need a final arbiter.

Atty. Troy – Atty. Torres will need to understand how the scope is going to defined and there is a reporting process and a vision.

TA Guerino – recommends the board try to establish a meeting rather quickly to a date all acceptable to all parties.

Atty. Troy – will contact Atty. Torres on his availability and he will email through the TA Administrator to pick a date.

Report regarding of Power Purchase
The EAC will make recommendation on 5/14/13 – the next scheduled meeting.

Appointments and Licenses:
1. One Day Liquor
a. Phinney's Harbor Day
Pickard MOVED and SECONDED by Meier to approve Phinney's Harbor Day on 7/6/13 – 7:00 am – 8:00 pm request for One Day Liquor License per routing slip (DNR, PD, TC, FD) and subject to obtaining liquor liability insurance. VOTE 5-0.

2. Entertainment License
Pickard MOVED and SECONDED Meier to approve Entertainment License for Phinney's Harbor Day on 7/6/13 from 12:00 pm – 6:30 pm. VOTE 5-0.

b. 4th of July Fireworks
Pickard MOVED and SECONDED by Meier to approve the Shawn Silva/Brian Rooney Professional Fire Fighters of Bourne request for 4th of July Fireworks Entertainment License on 7/6/13 (rain date of 7/7/13) for use of town property at 9:15 pm per routing slip (PD, FD, DPW). VOTE 5-0.

c. Fundraiser event to benefit Leo Finn - waive fee – Robert Galibois
Pickard MOVED and SECONDED by Meier to waive $250 fee for Fundraiser event on 6/30/13 from 12:00 pm – 4:00 pm to benefit Mr. Leo Finn. VOTE 5-0.

Ms. Diana Barth – asked if the parking lot is under town control. Chm. Ford - applicant would need to get permission from the Army Corps for some portion of land.

Town Administrator's Report
a.Report of meeting regarding 9 Sandwich Road

He met with one of the owners of the property, Mrs. Michienzi, of the 9 Sandwich Road. At the end of the meeting, it was decided that nothing would be available or ready for Town Meeting, but possible it could come back for Fall Town Meeting, should the board believe an article should be put on the warrant. The town is not in any position to make any offers at this time.

Zuern – Ms. Ellis spoke on her behalf and not for Historical Society.

Mr. David Dimick, Bourne Society for Historic Preservation - on his own behalf, voted unanimously to approve the concept of this article. He requests not to rescind the monies but to use as negotiation monies. Without the money, the town is a "rubber toothed bulldog."

Chm. Ford – asked TA Guerino if he would like the board to reconsider their vote. TA Guerino responded no. TA Guerino – there is no one-year term on a Town Meeting Article. The motion was to make an offer on the land. The offer was rejected. The town did what Town Meeting asked us to do in a timely manner.

Chm. Ford – requested TA Guerino to ask Town Counsel if the town can go into a partnership for a private developer with the monies and work to come up with a resolution.

b. Attended MMA BLS Ambulance inaugural with Chief Greene
Attended Basic Life Service ambulance on MMA land and Chief Greene also present. He thanked the Admiral for including himself and Chief Greene. Chief Greene has offered cadets to do ride-alongs for training purposes.

c. Fire Hiring
Offers are in to all of the 8 fire fighters and expects to have people on board on 6/1/13.

Meier – asked if this includes the additional 8 lieutenants. TA Guerino – everything is covered through the grant.

Pickard MOVED and SECONDED by Zuern for a brief recess. VOTE 5-0.

Selectmen's business
Zuern – attended the Self Defense course at the Community Building on Friday. Attended the ISWM Open House and attended the tour on Saturday and then the Gun Show at the Monument Beach Sportsman's Club.

Pickard – attended the ISWM Open House.

Adjourn
Meier MOVED and SECONDED by Pickard to adjourn. Meeting adjourned at 8:30 pm.

Respectfully submitted - Lisa Groezinger