Board of Selectmen
Minutes of May 8, 2013
Bourne Community Building
Bourne, MA 02532

TA Guerino

Don Pickard, Chairman
John Chm. Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin (excused)
Linda Zuern

Board of Health members: Stanley Andrews, V. Chm., Skip Barlow

Also present: Town Counsel, Robert Troy; Dan Barrett, ISWM and Atty. Steven Torres

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

Call to order
Chm. Ford at 6:01 pm.

Interview of Mr. Torres, Attorney At Law
Steven Torres works is a partner with Pannone Lopes Devereaux and West and a member of the firms Municipal Infrastructure Team. He is experienced in municipal construction and public-private partnership project advisor and legal counsel who has managed in the areas of utilities, water and wastewater, transportation, building construction and renewable energy.

Prior to joining Pannone Lopes Devereaus & West, he served 13 years as a city attorney for two cities. He was Corporate Counsel for the City of Fall River and responsible for many municipal building projects, including design-build-finance-operate emerging technology energy projects, school building and utility design and construction projects.

He served as City Solicitor for Taunton. During this time, he accomplished one of the first Construction Manager at risk school building construction projects and led waste-to-fuel project under a design-build-operate model using merging technology.

The project in Taunton was the first conversion technologies in the country to look at emerging technology for solid waste. DEP has released a new draft Master Plan and some things in the plan are a result of what he pushed for with solid waste technology.

By working for Bourne, he would assist the Board of Health through the Selectmen and the Town Administrator to advise of assignment criteria and issues related to the technology. He will focus on site assignment criteria, by making sure technology is appropriate for the site and balance all criteria. He would begin to look at the site and proposals and issues that would impact the environment.

Discussion and possible vote by the Board of Selectmen regarding Board of Health Counsel
Chm. Ford – the board would like to meet with Atty. Troy every couple of months to understand the fiduciary portion in Executive Session. The board is also concerned with billing out in a timely manner.

Meier - asked Atty. Troy if every 90 days is good. Atty. Troy – yes.

Mr. Torres – can send out report as frequently as needed.

Pickard – would be fine with the 90 days.

Mr. Torres – suggested an initial kick off meeting then every 90 days and if something comes up within the 30 day report, issues can be addressed at that time.

Atty. Troy – at some point, all attorneys will need to meet to understand what each other is doing. This could be the kickoff meeting.

Meier – asked for Board of Health comments. Skip Barlow – the Board of Health met and voted to recommend Mr. Torres to the Selectmen.

Pickard – with regard to anaerobic digestion, asked Mr. Torres what environmental issues ha has experienced and his impressions. Mr. Torres – site assignment; odors; emissions and excess gas flared or leaching; noise; truck traffic with merchant organics coming onto the site; what type of facility loading available so everything is inside; performance criteria of the facility - run time vs. downtime; interconnection agreement (Mr. Barrett – looking at options with the military base) and where the easements will be; monies for environmental mitigation around the site; annual compliance.

Meier – asked about the budget. TA Guerino – this will not come out of General Counsel for the most part. ISWM is covering costs as it relates to Wilmer Hale. Negotiation will take place with Harvest Power to set aside monies for Mr. Torres' assistance to the Board of Health.

Atty. Troy – Board of Health Chm. Kathy Peterson said it should be paid out of ISWM and there should motivation to induce Harvest Power to fund the legal aspect. Initially, we have some

funds at ISWM. Mr. Barrett – by statute, the proponent is required to pay a percentage. Negotiation comes in when funding by statute runs out. It is up to ISWM to get Harvest Power to pay.

Atty. Troy – TA Guerino has forwarded some bills to him, which will be the initial kick off fee and will report to the board.

Meier - in his opinion it is an investment and part of doing business for having attorney's available.

Chm. Ford – the general consensus of the board is comfortable with a single source.

Pickard MOVED and SECONDED by Meier that the Town retain the services of Atty. Steven Torres of Pannone, Lopes, Devereaux & West to act as Associate Town Counsel for environmental issues and for assisting the Board of Health with the health aspect on site. VOTE 5-0.

Adjourn
Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 6:30 pm. Unanimous vote.

Respectfully submitted,
Lisa Groezinger