

**Board of Selectmen
Minutes of Tuesday, December 5, 2017
Bourne Community Building
Bourne, MA 02532**

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TA Tom Guerino

Selectmen

George Slade, Chairman
Peter Meier, Vice-Chairman
Judith Froman, Clerk
Don Pickard
Michael Blanton

2017 DEC 20 PM 3:10
TOWN CLERK BOURNE

RECEIVED

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 – Michael Rausch Bourne Enterprise.

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

Documents

Meeting Called to Order

Chm. Slade called the meeting to order at 7:00 pm.

Moment of Silence for our Troops and our public safety personnel /Salute the Flag

The Webelo Pack 44 led the reciting of the Pledge of Allegiance. The Webelos that were present are: Alex, Quince, Chris, Charlie, Sammy, Bren, Joseph, William, and Andrew.

Public Comment – Non-Agenda Items

None requested.

4) Correspondence

Judy Froman brought the committee up to date on the correspondence.

- A. Results of the Metropolitan Planning Organization Election, Judith MacLeod-Froman has been elected to serve as a representative for the Sub-Region A [Towns of Bourne, Sandwich, Falmouth, and Mashpee.] Term will begin January 1, 2018 and will continue for three [3] years.
- B. Board of Appeals agenda for December 6, 2017
- C. Division of Marine Fisheries: Shellfish Transplant Opening - Open to Shellfish - Buttermilk Way
- D. Cape Cod Commission Hearing Notice for December 14, 2017: Proposed Amendment to Chapter A, Enabling Regulations Governing Review of Development of Regional Impact.

5) Bourne Integrated Solid Waste Management - Residential Recycling Rules and Regulations for 2018.

Dan Barrett went over the Residential Rules and Regulation for ISWM.
We are going to use sticker tracker this year.

ACCEPTABLE ITEMS (prices may change)

- Bulky items: each household will get 4 bulky item stickers, good for 2018 only, that can be used for free disposal of the items below. Bulky item stickers must be presented or charges will apply. The charges are:
 - Appliances (including microwaves) - \$10
 - Flat screen monitors and TVs, computers (CPUs), Cathode Ray Tubes (TVs, monitors) - \$20
 - Mattresses, boxsprings, sofa beds - \$5; if wet, damaged or soiled - \$20
 - Fluorescent bulbs - One sticker per bundle of up to 8 - \$4 each bulb
 - Tires - up to 4 small tires per sticker allowed. Auto/motorcycle/vehicle/mower < 16" - \$10, vehicle/truck 16" - 20" - \$20, vehicle/truck > 20" - \$60
 - Recyclables, scrap metal
 - Yard waste, brush and stumps
 - Residential garbage and rubbish
 - Bulky items and furniture
 - Construction & demolition debris/shingles
 - Propane tanks (20 lbs. only)
 - Batteries- Ni-Cad, auto/marine, lithium
 - Mercury containing items- thermometers, thermostats, switches
 - PCB ballasts
 - Paint- Fri. & Sat. only, March 30th through October 20th, 10 can limit/day
 - Waste oil and antifreeze (5 gallon limit each), oil filters, no gasoline

SWAP SHOP

- Only leave items in good condition.
- No loitering over 20 minutes or harassing others.
- Items are to be left and taken free of charge. No financial transactions of any kind allowed.
- The Swap Shop is not for commercial users.

Do not leave at Swap Shop

- Items with sharp broken parts, water damage or mildew.
- Mattresses, boxsprings, futons, sleeper sofas, pillows.
- Fluorescent bulbs, child car seats
- Televisions, computer monitors
- Paint, hazardous products
- Rubbish
- Clothing (use textile containers)

PAY FOR AT SCALE (sticker holders only)

- Campers, boats and RVs.
- Scale availability during residential recycling center hours: Mon. - Fri., 7:00 a.m. - 3:00 p.m., Saturdays 7:00 a.m. - noon. Closed Sundays. Subject to seasonal schedule.

FOR SALE

- Compost bins - \$40

Bourne Board of Selectmen Recycling Center Policy Calendar Year 2018



Approved by the Selectmen of Bourne:

George Slade, Chair
Peter Meier, Vice Chair
Judith MacLeod-Froman, Clerk
Don Pickard
Michael Blanton

HOURS OF OPERATION

Labor Day to Memorial Day
Wed. - Mon., 7:00 a.m. to 3:00 p.m.
Closed Tuesdays & Holidays

Memorial Day to Labor Day

7 days a week, 7:00 a.m. to 3:00 p.m.

Closed Holidays

Exact dates to be posted later

IMPORTANT PHONE NUMBERS

ISWM Office: 508-759-0600, ext. 4
Recycling Center: 508-759-0643
Scale: 508-759-0639
Town Hall: 508-759-0600
DPW (curbside): 508-759-0600, ext. 3
Website: www.townofbourne.com

Recycling/Disposal Sticker

- 1st sticker **\$30**; 2nd sticker **\$15**
- Seniors (60), 1st **\$20**, 2nd **\$10**
- Replacement sticker **\$10**
- Limit of two (2) stickers per property owner/residential household.
- Credit/debit card or check only. **NO CASH.**

GENERAL RULES

- **No Smoking.**
- Stickers remain the property of the Town of Bourne.
- Any violations of these rules may result in loss of sticker.
- **State waste disposal bans must be followed.** These items include: commercial organic material, recyclable paper, single resin narrow neck plastic containers, metal and glass containers, yard waste and leaves, lead acid batteries, whole tires, cathode ray tubes, white goods (appliances), metal, asphalt pavement, brick, concrete, wood (>5 cu. yd. loads).
- Fluorescent bulbs must be recycled.
- Stickers only issued to Bourne **residential** property owners and renters with proof of residence.

Raw landowners, JBCC residents and MMA students do not qualify.

- Stickers will not be applied to

Vehicles with:

- Dump bodies or dump trailers
- Trailers greater than 12 feet
- Beds longer than 8 feet
- Sidewalls higher than cab
- Bodies larger than a standard passenger van
- Dealer plates or rental cars

- Proof of residence or ownership required including:

- Current driver's license and
- Current vehicle registration
- One of the following shall be required:
 - property tax bill
 - lease
 - deed with stamps
 - other substantive documentation

- Department personnel will apply all stickers to vehicles and remove old stickers.

- Hazardous wastes/products and business wastes are prohibited.
- No high-pressure cylinders.
- The Town may track and question excessive numbers of loads or ask for proof of a building permit.

- Builders who build houses on speculation must bring that waste over the scale and pay.

- The acceptance of C&D and bulky items is dependent upon the Town's ability to replace full containers and may be suspended periodically.

- Trailers are not to be used for commercial "dump runs."

- Areas other than the residential recycling center and department offices are off limits.

- All scrap metal and other recyclables are the property of the Town. Picking is prohibited.

- Site is under video surveillance.

- **Abusive language toward employees will not be tolerated.**

- The Town recognizes that special circumstances may arise. In these situations, a temporary sticker or other arrangements may be made. Sticker holders must be present with the load unless otherwise approved. Please call or visit the ISWM office in advance.

HAZARDOUS PRODUCTS

Regional waste collection days held each April - October, dates TBA. Look for a separate mailing, local ads or visit our website.

Voted Peter Meier moved and seconded by Michael Blanton to approve the Bourne Board of Selectmen Recycling Center Policy Calendar year 2018 as presented this evening. **Vote** 5-0.

6) Department Update - Recreation - Mrs. Krissanne Caron

Mrs. Caron Caron updated the Selectmen on the Recreation, the Community Building and the programs and events they have been offering. They anticipate an increase in their registrations. Mrs. Caron also spoke about the afterschool programs they have been offering and the projects they have completed. They have 285 children registered this year. They have done 312 reservations since July 1, 2017.

Tom Guerino spoke about how the afterschool programs have doubled in attendance since the addition of the second staff person.

Judy Froman questioned if there is any transportation from the schools to the Community Building.

Mrs. Caron said they have had that request especially for half days, so they will be working on trying to get a bus to get kids to the Community Building on half days.

Peter Meier questioned if she would like to have the building open on Sundays for open gym if they had more resources. Mrs. Caron said she would like to have it open on Sundays and she would like to offer a combination of open gym along with other programs.

7) Proposed Residency Requirement changes for Aquaculture License

Tim Mullen updated the Selectmen on the proposed changes for the Aquaculture Regulations, specifically the residency requirement. Mr. Mullen stated that Section 8.2 of the Aquaculture Shellfish Grant Rules and Regulation require that only domiciled residents of the Town of Bourne can apply for an aquaculture license. Mr. Taylor is proposing that we review the upweller aspect of the regulations vs. the shellfish grant. Mr. Taylor wants the Selectmen to look at whether they want to restrict the operation of an upweller to just the residents of Bourne, or to be available to people from other towns.

Rod Taylor will be proposing the Board change section 8.2 of the Aquaculture License/Shellfish Grant Rules & Regulation & Application Requirements. The residency requirement is intended to prevent commercial aquaculturists/growers who do not live in Bourne from being granted exclusivity acres of ocean bottom in Bourne for the purpose of growing shellfish for resale. The residency requirement also restricts commercial growers like Mr. Taylor from being permitted to grow seed shellfish for resale in floating upwellers.

Mr. Rod Taylor read his proposal: I, Rod Taylor, request that the Town of Bourne remove the domicile requirement for an Aquaculture Permits for upwellers, only, as found in the Town of Bourne Aquaculture License Rules and Regulation. Shellfish upwellers are 20'x8'

rafts and provide the service of growing juvenile shellfish from 1 mm to 15-20mm size. This larger size shellfish can be more easily handled by commercial growers as well as Town and State shellfish departments. Shellfish upwellers operate while tied to a dock, typically in a marina. The upweller operator rents a slip space from a marina and ties up the upweller to the marina dock, as would any boat. The public commons, the seabed, owned by the Town, are not used.

While it might make sense to restrict use of a Town's seabed to domiciled residents for Aquaculture Permits in which people are growing animals upon the seabed and then have exclusive rights to that permitted seabed, this is not the case with typical upweller operations.

A boat tied to a dock in a marina does not require the boat owner to be domiciled in the Town. Unlike a boat owner however, the operator of a shellfish upweller raft has continued oversight from the Town through the permit renewal process to ensure the best interests of the Town are being met over time. The shellfish upweller provides a much needed environmental service to the Town through the process of water filtration and clarification performed by the shellfish. Upweller shellfish are present at this location for just a matter of months, unlike the typical bottom grant in which animals and gear are present on the seabed for years. These shellfish, in an upweller never touch the seabed. After a few months the shellfish, which are still juveniles, are sold to Towns, State, and private growers throughout the region.

Don Pickard said he thought Mr. Wolstenholme and Mr. Pimental were the licensed holders and Mr. Taylor was a consultant. Mr. Taylor said he does work on their upwellers, he is the expert and has been doing this for almost 45 years. He is asking for this to have some control over the directions of the business. Mr. Pickard questioned if Mr. Wolstenholme and Mr. Pimentel would transfer the existing licenses to Mr. Taylor and step out of the business. Mr. Taylor said not necessarily. Mr. Pickard went on to talk about if this is granted to Mr. Taylor are other people going to want the same approval to use the ocean floor for a shellfish grant. Mr. Pickard suggested if the Board decides to approve this, the Town should have a public hearing of other shellfish growers and other residents of the town. Mr. Pickard said he will vote against the request.

George Slade questioned if this is a renewable permit. Mr. Taylor said it is a renewable permit.

Mr. Pickard said on section 8.2 of the Aquaculture License / Shellfish Grants Rules and Regulations there is not distinction between aquaculture on the bottom in the grants or the upweller operation. Mr. Mullen said that is correct. Mr. Mullen said what you need to do to accommodate this is to change the regulations. The regulation currently limits all aquaculture to domicile residents. Mr. Taylor is proposing we change the language and still restrict shellfish acres grant to domicile but aquaculture in the form of upwellers, only, not be held to the same domicile residents' status.

Michael Blanton questioned is the benefit for Mr. Taylor to be able to operate without having to go through the permit holders. Mr. Taylor said he would ask for the permit to be transferred to himself so he could be the point person to control it himself. The benefit to the Town wouldn't change.

Judy Froman questioned if it would be a Bourne Business. Mr. Taylor said he gets the seed from an aquaculture business in Maine, and then he grows and sells the seed to towns.

George Slade questioned if there is any detriment or advantage to the town of Bourne? Mr. Mullen said he would not be in favor of making acreage available to anyone other than Bourne residents. There is not a lot of opportunity for upwellers except for on docks. I haven't had many requests from people looking to put upwellers on docks.

Mr. Taylor said you should want a lot of people to be asking to put upwellers in the waters of Bourne with the polluted ground water. Not everyone can run an upweller, it takes skills to be able to operate an upweller.

Mr. Guerino said if the regulations needed to be amended to allow this to happen would it require a public hearing. Mr. Mullen said it would be prudent to have a public hearing.

Mr. Blanton said he is concerned about the dangerous president that could be set in eroding away the rights and privileges that Bourne residents enjoy. Hesitate to give these rights to non-residents without giving Bourne residents the first option at that opportunity.

Voted Don Pickard moved and seconded by Michael Blanton that the Bourne Board of Selectmen not change the domicile requirements in the aquaculture regulation as requested by Mr. Taylor. **Vote** 5-0.

8) Shellfish Rules and Regulations Adoption 2018

Mr. Mullen stated there are no changes to the regulations except to update the dates.

Voted Peter Meier moved and seconded by Michael Blanton to approve the 2018 shellfish regulations as presented. **Vote** 5-0.

9) License and Appointments:

a. Annual Food Vendor, Taxi and Livery, Auto Dealers Class I, II, III Junk Yard & Inn Holder Licenses.

Voted Peter Meier moved and seconded by Michael Blanton to approve Auto Dealers Class I for Prestige Auto Group, LLC; Frank Battles, Inc.; Atlantic Equipment, LLC; Cape Cod Harley-Davidson/GZ Riders, Inc.; T.F. Murphy Enterprises, Inc.; New England RV & Marine, Inc.; and South Shore Golf Carts, LLC **Vote** 5-0.

Peter Meier amended the motion to include Battles Nissan LLC and Marty's Chevrolet, Inc.

Michael Blanton approved the amendment. **Vote:** 5-0

Voted Peter Meier moved and seconded by Michael Blanton to approve Auto Dealers Class II for: Bay Motors; Marvin D. Spinner; R.B. Motors, Inc.; SVZ Auto Group Inc.; Cape Cod Restorations, Inc.; Cataumet Auto Sales, Inc.; Coastal Motors and Equipment; Stephen C. Hurlburt; Diamond Motors; Falmouth Motorcar, Inc.; Kent Auto; Miracle Repair & Refinishing, Inc.; Shoreline Automotive, Inc.; Southeast Truck Center, Inc.; Towers Service Center, Inc.; Try Auto Group; and Wenzel's Auto Rental, LLC. **Vote:** 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to approve Auto Dealers Class III for Knowlton's Garage, Inc. **Vote:** 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to approve Junk Yard for Knowlton's Garage, Inc. **Vote:** 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to approve Taxi for Bourne Bridge 24HR Taxi, Inc. 5 vehicles. **Vote** 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to approve Public Livery for Francis Warren; Bourne Bridge 24HR Taxi, Inc. 1 vehicle; Gary Davidson; RedCap Corps, LLC; and Richard E Sheridan. **Vote** 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to approve Common Victualer for Cape, LLC; Commonwealth of Massachusetts and Massachusetts Maritime Academy; Chen's Kitchen, Inc.; Bayview Camp Ground, Inc.; Borman Enterprises, LLC; Megansett Circle, Inc.; Cape Cod Enterprises, LLC; Cape Cod Enterprises, LLC; Cape Cod Enterprises, LLC; Cape Cod Enterprises, LLC; Cape Cod Enterprises, LLC; Cape Management Team, LLC; ARAL Restaurant Group of Sagamore, LLC; Columbus Club of Cape Cod, Inc.; Chankait Suksanit; DeMoulas Supermarkets, Inc.; McBee Enterprises, LLC; McDonald's; Tiplinger, Inc.; Mr. G's Pizza & Ice Cream; E.B.A., Inc.; BBQ Mikes, Inc.; Thomas F. Welch; and Galon L. Barlow, Jr. as presented. **Vote:** 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to approve Common Victualer Continued for Starbucks Coffee; Gary Bourne; Pocasset Subway, LLC; New England Culinary Traditions Group, LLC; and PWB Enterprises, Inc. **Vote** 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to approve Weekday Amusement and Sunday Amusement for: Commonwealth of Massachusetts and Massachusetts Maritime Academy. **Vote:** 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to approve Lodging for Kim Gilmetti & Marilyn Cox. **Vote:** 5-0.

2018
Auto Dealers Class I - II - III - Junkyard - Taxi - Public Livery

Auto Dealers - Class I				
D/B/A	NAME	MANAGER	STREET	CITY
Atlantic Subaru	Prestige Auto Group, LLC	Levon H. Semerjian, Pres.	124 Waterhouse Road	Bourne
db/a Battles Buick GMC	Frank Battles, Inc.	Frank Battles, Mgr.	50 MacArthur Blvd.	Bourne
Battles Nissan LLC		F. Jeffrey Battles, Manager	60 MacArthur Blvd.	Bourne
db/a Bobcat of Bourne	Atlantic Equipment LLC	Thomas Rataick, Manager	170 MacArthur Blvd.	Bourne
	Cape Cod Harley-Davidson/GZ Riders, Inc.	George Zografos, Mgr.	750 MacArthur Blvd.	Pocasset
db/a Falmouth Toyota	T.F. Murphy Enterprises, Inc.	Thomas F. Murphy, Mgr.	290 MacArthur Blvd.	Bourne
Marty's Chevrolet, Inc.	New England RV & Marine, Inc.	Christine Karnof, Manager	420 MacArthur Blvd.	Bourne
	South Shore Golf Carts LLC	David Major, Pres.	150 MacArthur Blvd.	Bourne
		Susan J. Peterson, Mgr.	111 Cranberry Hwy	Sagamore
Auto Dealers - Class II				
D/B/A	NAME	MANAGER	STREET	CITY
	Bay Motors	Anthony Della, Mgr.	29 Harrison Avenue	Buzzards Bay
db/a C&S Auto Tech	Marvin D. Spinner		174 Main Street	Buzzards Bay
db/a Canal Auto	R.B. Motors Inc.	Richard Burbridge, Manager	78 Cranberry Highway	Sagamore
db/a Cape Cod Car Care	SVZ Auto Group Inc.	Serge Zalewski, Manager	74 Cranberry Highway	Sagamore
	Cape Cod Restorations, Inc.	Chris Silva, Manager	4 Crane Circle - Units 5-6-7	Cataumet
	Cataumet Auto Sales, Inc.	Edward F. Parker	1236 Route 28A	Cataumet
	Coastal Motors and Equipment	Ralph MacDougall, Mgr.	236 Main Street	Buzzards Bay
db/a Diamond Auto Sales	Stephen C. Hurlburt		54 Portside Drive	Pocasset
	Diamond Motors	Frederick S. Doctorhoff & Donald Foley	857 Shore Road	Pocasset
	Falmouth Motorcar, Inc.	Richard A. Duffy, President	10 Longhill Road - 45 Route 28A	Cataumet
	Kent Auto	Ken Powderly, Mgr.	PO Box 936 - 692 MacArthur Blvd.	Pocasset
db/a Miracle Auto Sales	Miracle Repair & Refinishing, Inc.	John LaFlamme, Mgr.	18 Commerce Park Road	Pocasset
	Shoreline Automotive, Inc.	Robin Cohen Ridosh, Mgr.	109 Barlows Landing Road	Pocasset
	Southeast Truck Center, Inc.	Gary S. Allen, Pres.	147 State Road	Sagamore Beach

2018
Auto Dealers Class I - II - III - Junkyard - Taxi - Public Livery

Auto Dealers - Class II Continued				
D/B/A	NAME	MANAGER	STREET	CITY
d/b/a Towers Used Cars	Towers Service Center, Inc.	George E. Towers, Jr., Mgr.	610 MacArthur Blvd.	Pocasset
	Try Auto Group	Paul Tragiannopoulos, Mgr.	10 Millennium Drive - Unit #1	Cataumet
	Wenzel's Auto Rental, LLC	Stephen Wenzel, Manager	26 Commerce Park Road	Pocasset
Auto Dealers - Class III				
D/B/A	NAME	MANAGER	STREET	CITY
	Knowlton's Garage, Inc.	John H. Anderson, Mgr.	Route 6A	Sagamore
Junk Yard				
D/B/A	NAME	MANAGER	STREET	CITY
	Knowlton's Garage, Inc.	John H. Anderson, Mgr.	Route 6A	Sagamore
Taxi				
D/B/A	NAME	MANAGER	STREET	CITY
	Bourne Bridge 24HR Taxi, Inc. [5 vehicles]	Richard Sherman	271 Barlow's Landing Road	Pocasset
Public Livery				
D/B/A	NAME	MANAGER	STREET	CITY
d/b/a Any Occasion Limousine [3 vehicles]	Francis Warren		449 County Road	Pocasset
	Bourne Bridge 24HR Taxi, Inc. [1 vehicle-livery]	Richard Sherman	271 Barlow's Landing Road	Pocasset
d/b/a Cape Connector [1 vehicle]	Gary Davidson		10 Sheppard Road	Sagamore Beach
d/b/a Green Shuttle of Cape Cod [4 vehicles]	RedCap Corps LLC	Dean R. Athanas	5 Sherry Lane	Monument Beach
d/b/a Road Runner	Richard E. Sheridan		43 Bennetts Neck Drive	Pocasset

**2018
Common Victualer - Lodging - Weekday Amusement -
Sunday Amusement**

Common Victualer				
D/B/A	NAME	MANAGER	STREET	CITY
d/b/a Avocados Mexican and American	Cape LLC	George Sanhides, Mgr.	4 Bartows Landing Road, Unit 6	Pocasset
	Commonwealth of Massachusetts and Massachusetts Maritime Academy			
Beachmoor at MMA		Paul O'Keefe, Manager Neng Zhong Chen, Manager	101 Academy Drive	Buzzards Bay
	Chen's Kitchen Inc.	Mareana Tiapula, Manager	41 Meetinghouse Lane	Sagamore
d/b/a Clammy's Pantry	Bayview Camp Ground, Inc.	Manager	280 MacArthur Blvd.	Bourne
d/b/a The Corner Café	Borman Enterprises, LLC	Helen Borman, Mgr.	369 Bartows Landing Road	Pocasset
d/b/a The Daily Brew	Megansett Circle, Inc.	Kathryn A. Hickey, Mgr	1370 Route 28A	Cataumet
d/b/a Dunkin Donuts	Cape Cod Enterprises, LLC	Jose S. Couto, Manager	24 Meeting House Lane	Sagamore
d/b/a Dunkin Donuts	Cape Cod Enterprises, LLC	Jose S. Couto, Manager	278 Main Street	Buzzards Bay
d/b/a Dunkin Donuts	Cape Cod Enterprises, LLC	Jose S. Couto, Manager	174 Clay Pond Road	Monument Beach
d/b/a Dunkin Donuts	Cape Cod Enterprises, LLC	Jose S. Couto, Manager	688 MacArthur Blvd.	Pocasset
d/b/a Dunkin Donuts	Cape Management Team, LLC	Salvi Couto, Manager	2 Bourne Rotary	Bourne
d/b/a Friendly's Ice Cream Corp #743	ARAL Restaurant Group of Sagamore, LLC	Jose S. Couto, Manager	343 Scenic Highway	Buzzards Bay
Knights of Columbus Council 2911	Columbus Club of Cape Cod, Inc.	Robert Arruda, Manager Vincent Armstrong, Manager	10 Canal Road	Sagamore
d/b/a Krua Thai	Chanika Saksanit		5 Amory Road	Buzzards Bay
d/b/a Market Basket	DelMoules Supermarket's Inc.	Paul R. Quigley, Manager	100 Main Street	Buzzards Bay
d/b/a McDonald's	McBee Enterprises, LLC	Jason Bourne, Manager	1 Factory Outlet Way	Sagamore
	McDonald's	Kerr Martin, Manager	370 MacArthur Boulevard	Monument Beach
			15 Meetinghouse Lane	Sagamore Beach

Lodging Renewal
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**2018
Common Victualer - Lodging - Weekday Amusement -
Sunday Amusement**

Common Victualer Continued				
D/B/A	NAME	MANAGER	STREET	CITY
db/a Monument Beach Pizza	Tiplinger, Inc.	James H. Hildreth, Jr. & Robert F. Walton, Mgrs.	18 Beach Street	Monument Beach
db/a Mr. G's Pizza & Ice Cream LLC	Mr. G's Pizza & Ice Cream	Sahlin Gulsen, Manager	41A Meetinghouse Road	Sagamore Beach
db/a Prime Time House of Pizza	E.B.A., Inc.	Edward B. Ashbaugh, Manager	590D MacArthur Blvd.	Pocasset
db/a Sagamore Beach Barbecue	BBQ Mikes, Inc.	Mike Corrodi, Manager	41 Meetinghouse Lane - Unit B	
db/a Sam's Snack Bar	Thomas F. Welch		231 Sandwich Road	Bourne
db/a Skiane's Ice Cream	Galon L. Barlow, Jr.		856 Seenic Highway	Bourne
Common Victualer Continued				
D/B/A	NAME	MANAGER	STREET	CITY
Starbucks Coffee		Caitlin Webb, Manager	2 Bourne Bridge Approach	Buzzards Bay
db/a Subway	Gary Bourne		282 Main Street	Buzzards Bay
db/a Subway #41630	Pocasset Subway, LLC	James Tun, Manager	626 MacArthur Blvd.	Pocasset
db/a The Talk of the Town Diner	New England Culinary Traditions Group LLC	Kazar Keuchkarian, Manager	808 MacArthur Boulevard	Pocasset
db/a Tuk Tuk Thai Food	PWB Enterprises, Inc.	Peter Blake, Manager	254 Shore Road	Monument Beach
Weekday Amusement and Sunday Amusement				
D/B/A	NAME	MANAGER	STREET	CITY
Beachmoor at MMA	Commonwealth of Massachusetts and Massachusetts Maritime Academy	Paul O'Keefe, Manager	101 Academy Drive	Buzzards Bay
Lodging				
D/B/A	NAME	MANAGER	STREET	CITY
db/a Noah's Ark	Kim Gilmetti & Marilyn Cox		20 Homestead Ext.	Sagamore Beach

Lodging Renewal
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10) Selectmen's Business -

- a. **Review and discussion of submission of Town Counsel Utilization Policy - Submission for First Reading per Board of Selectmen's policy adoption protocol.**

Don Pickard spoke about the legal budgets, the town, under the direction of the Town Administrator spends too much on the legal budget and there is very little documentation that states how legal counsel is retained and utilized by the town.

Under the Selectmen's Rules and Procedures there in one brief paragraph under section 4 Authority enroll with the Board of Selectmen, which states, request by Board members for written legal opinions must be channeled through Town Administrator or the Chairman in

the Town Administrators absence. Mr. Pickard spoke about the documents, and the proposed policy he wrote up for the utilization of Town/Special Counsel that he included in the packets. Hopefully it can memorialize the relationship between the Board and Town Council and reduce unnecessary spending.

10A

Rules of Procedure Policy In the Utilization of Town/Special Counsel

Appointment(s) of Town Counsel and Special Town Counsel

In accordance with the Town of Bourne Home Rule Charter, Section 3-5: Appointing Powers, the Board of Selectmen is the appointing authority for Town Counsel. The Board of Selectmen may enter into agreements with Town Counsel for a period not to exceed two years.

The Board of Selectmen appoints Special Town Counsel as needed to act on behalf of the Town of Bourne excluding the Bourne Public Schools System. Special Counsel will be retained by the Board of Selectmen when necessary. Town Counsel will act in an advisory capacity in the selection of Special Counsel based upon the specific requirements and nature of the legal matter. The selection of Special Counsel is the sole responsibility of the Board of Selectmen. Special Counsel will not receive any town benefit's and must maintain their own liability insurance consistent with industry standards.

The Board of Selectmen may retain labor counsel on an annual basis. This includes the authority to pay an annual retainer for the purpose of assisting in the Town's Human Resource Program.

Operational Procedures

The Town Administrator shall create and maintain a single-page Legal Services Request Form for the purpose of requesting a legal opinion. The approved Form shall be used with all Requests for Legal Opinions from Town Counsel.

The Town Administrator will oversee the creation of a Legal Opinion Database which will catalog all Legal Opinions by Date, Department, Board or Committee, and Subject. This Database will be maintained by Town Administrator staff and made available for use by Town departments and the Board of Selectmen. The purpose of this database is to eliminate redundant requests on the same topic.

Members of the Board of Selectmen are not authorized file a request for legal opinion or to contact Town Counsel unless the Board Chairman approves such communication. If the Chairman denies the request, the Board member may make the request of the full Board at an Open Meeting in accordance with the Open Meeting Law. With an affirmative vote of the full board, the request for a legal opinion will be filed in accordance with this policy.

Town Counsel will initiate any verbal or email communication with the member(s) of the Board of Selectmen after consultation and approval of the Board Chairman.

Town Counsel will provide the Board of Selectmen legal updates on an as needed basis.

Requests for Legal Opinions

Legal opinions may be requested by the following:

Board of Selectmen
Chair of any elected or appointed town board or committee
Town Administrator
Town of Bourne Department Heads

The Town Administrator shall assure that all requests for Legal Opinion will be in writing using the Legal Services Request Form. No requests for a Legal Opinion may be made verbally. The completed and signed designated Legal Opinion Request Form is to be forwarded to Town Counsel with any supporting documents from the office of the Town Administrator.

Requests for Legal Opinions by members of the Board of Selectmen, Chairmen of Town Boards or Committee's and department heads will be requested through the Town Administrator. The Chairman of the Board of Selectmen will be informed. In the absence of the Chair, the Vice Chair is authorized to act as Chair. The Chairman with the assistance of the Town Administrator will review the request and determine if (a) an Opinion has been provided prior to a same request, and (b) if Town staff can provide the requested information without consulting Town Counsel.

The Town Administrator will certify to the Chairman of the Board of Selectmen that research conducted by Town staff has determined that there has not been a prior Legal Opinion on the same specific request. Requests are to be acted upon within 5 business days of submittal.

The Town Administrator may request a Legal Opinion from Town Counsel in writing on the approved Legal Services Request Form after consultation with the Chairman of the Board of Selectmen. The Town Administrator will certify to the Chairman that there is no record of a prior Legal Opinion on the same topic, and Town staff cannot provide the requested information without consulting Town Counsel. Requests are to be acted upon within 5 business days of submittal.

Requests for Advise of Town Counsel

At times a board member may have a minor question related to his or her participation where there may be a conflict. The member of the Board of Selectmen shall inform the Town Administrator and Board Chairman of the issue. If approved by the Chairman the member may contact Town Counsel and obtain a verbal or email response to a minor question.

Town Council can make changes he feels necessary and submit them for review before second reading. If a Board wants an opinion from Town counsel it should go through their Board then to Town Administrator and Chair of the Board of Selectmen. We should maintain a legal opinion database that is overseen by the Town Administrator and his staff that identifies the date, the subjects, and the Board that it is relevant to.

Tom Guerino said there is a Use of Town Council form. It can become cumbersome when you have to go to the Chair each time you want something from Town Council. There needs to be additional clarity.

Michael Blanton spoke about what the Charter states about Town Council. It would be good to see what kind of liabilities Town Council has saved us in terms of cost savings. Concerned because we as Selectmen have been allowed access to Town Council to ask for legal opinions and having that changed we would have to go to the Chair if we want to talk to Town Council. If it is the Chair that we have a problem with and we have to go through the Chair that could be awkward and potentially a legal liability.

Tom Guerino suggested to defer putting this into first reading until Counsel has opined.

Michael Blanton said he is interested in Town Council's opinion but we would probably want to seek third-party disinterested opinion.

George Slade said it would be a conflict of interest if we asked Counsel to help us with this. We would have to go outside to an uninterested third party counsel. It would be hard to try to determine what counsel's legal expenses has cost the town and compare it to what counsel has saved the town.

Voted Michael Blanton moved and seconded by Don Pickard to not take this submission for Town Council Utilization Policy forward at this time.

Judy Froman said it would be beneficial to take a look at what the rules of procedure and policies are, and if there is a way of streamlining and looking at what our tracking is.

Michael Blanton said it would be appropriate to look at it after we have had significant review from Town Council and we may want to consider referring this to outside counsel a non-disinterested third party counsel to look at his policy. Mr. Blanton said he is uncomfortable moving forward at this time if it is contrary to the charter.

George Slade said we should visit this again.

Michael Blanton questioned what we spend on Town Counsel and how does it compare to what other towns spend on counsel.

Judy Froman said it is more of a framework thing to dive into rather than spending extraordinary amounts of time trying to quantify if it saved us money or not. **Vote 3-2**

Mr. Slade asked Mr. Pickard if he would like a motion to reconsider. Mr. Pickard said no, he does not want to reconsider.

11) Selectmen's Reports

a. Functions attended during the past week.

b. Functions or activities upcoming that members will attend

c. Board of Selectmen Sub-Committee work reports (if any)

a.

Judy Froman said she attended the Facilities and Budget Subcommittee meeting for the School Committee, spending time on the current Peebles School, getting ready to talk about the budget for FY18.

Michael Blanton spoke about First Friday Office Hours they discussed the Blue Economy. Mr. Blanton also attended the Christmas in Bourne Village.

b. Upcoming Events:

Michael Blanton spoke about the tree lighting at the Bourne Community Building. Mr. Blanton also spoke about the upcoming meeting on Friday with President MacDonald from Mass Maritime Academy and the meeting with the Taylors Point Improvement Association

Peter Meier spoke about Homeless for the Holidays

c. Sub-Committee Reports:

Peter Meier spoke about the School Building Committee meeting last Thursday night. Mr. Meir said he was asked by a couple of residents if they would consider recognizing Bourne TV for what they do.

12) Town Administrator's Report

a. Buzzards Bay Park Update (non-financial)

b. Sagamore Beach Access stairway update

Mr. Guerino said he is meeting regularly with the contractor, Matt Cipriani, George Sala, and Mrs. Riggs, the project is on time and on budget, the base coat for the sidewalks will be finished up tomorrow, and other items that are getting completed. We should be ready for a Memorial Day Grand Reopening of the park.

Sagamore Beach access stairway - bids close on the 15th of the month.

Second Survey on Priority Base Budgeting.

The next Bourne Selectmen meeting will be on Tuesday, December 12th at 7:00 P.M.

13) Adjourn

Voted Peter Meier moved and seconded by Don Pickard to adjourn. Meeting adjourned at 8:59 pm. **Vote 5-0.**

Respectfully submitted – Carole Ellis, secretary.