

**Board of Selectmen
Minutes of Tuesday, May 23, 2017
Bourne Community Building
Bourne, MA 02532**

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TA Tom Guerino BOURNE

Selectmen

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

Reorganization Selectmen

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

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

6:30 p.m. Call to order in open session

1. **Executive Session:** Motion to Enter into Executive Session for discussion about strategy with respect to contract negotiations with non-union personnel: Town Administrator. The Board of Selectmen will return to Open Session following the conclusion of the Executive Session. The Chair declares that an Open Meeting would be detrimental to the negotiating position of the Town.

Roll call vote to convene in Executive Session for the purpose stated. The Board will reconvene in open session following the Executive Session at approximately 7:00 PM.

Roll call vote to reconvene in open session.

Meeting Called to Order

Chm. Pickard called the meeting to order at 7:35 pm.

Board to report on action taken in executive session, if any.

Don Pickard said the Board met in executive session for the purposes of discussion about strategy with respect to contract negotiations with non-union personnel: Town Administrator. The Board voted 4-1 to agree to a two-year contract with the Administrator.

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

Public Comment – Non-Agenda Items

Erin Perry, Cape Cod Commission, One Cape Summit. Wanted to invite the Selectmen to the 4th Annual One Cape Summit. The Commission has hosted this conference for four years. They have expanded the scope of the conference to include not only water quality but also focus on regional infrastructure and housing. Will take place on June 22 & 23 at the Resort and Conference Center in Hyannis.

5) Minutes from Meeting(s) dates: 5-9-17

Voted Peter Meier moved and seconded by Michael Blanton to approve the minutes from May 9, 2017 with one edit. Judith Froman abstained. Vote 4-0-1.

6) Correspondence

George Slade brought the committee up to date on the correspondence.

- A. Received invitation to the Massachusetts Maritime Academy Class of 2017 Commencement
- B. Letter for Mark Taylor announcing that he plans on retiring on August 2017 from the Town of Bourne Fire Department
- C. Letters of interest from Carolann Brigham and Cynthia Barry to serve on the Council on Aging
- D. Letter of interest from James Mulvey to serve on the Docks and Piers Advisory Committee
- E. Upper Cape Cod Regional Technical School District Committee minutes from April 6, 2017
- F. MA Cable Television Operations of Comcast Communications, LLC for the Fiscal Year Ended December 31, 2016 - Statement of Revenue & Expenses and Statement of Ownership [Copy on file in the Town Administrator's Office]
- G. Letter from Police Facility Building Committee, Charles Noyes regarding formal notice to the Planning Board of intentions to construct a new Police Facility on town owned land.
- H. Department of Veterans' Services for FY 2018 District Assessment for the Town of Bourne
- I. Division of Marine Fisheries: Seasonal Status Change - Status: Closed to Shellfishing [North Fisherman's Cove]
- J. Division of Marine Fisheries: Shellfish Transplant Closure - Status: Closed to Shellfishing [North-side of Tobey's Island]
- K. Friends of the Bourne Rail Trail submitted petitions requesting any contract that is executed by the Board of Managers of the Upper Cape Regional Transfer Station for the use of the transfer station only allow for the shipping and receiving of materials by truck [Copies of the petition are on file at the Town Administrator's Office]
- L. Board of Appeals meeting notice for 70 Trowbridge Road, Bourne to receive approval to exceed height requirements by 3 feet
- M. Parking Agreement between Town of Bourne and Massachusetts Maritime Academy

- N. Massachusetts School Building Authority [MSBA] would like to thank the Town of Bourne for expressing an interest in the MSBA's Fiscal Year 2017 Accelerated Repair Program
- O. Copy of the completed Buzzards Bay Water District's Consumer Confidence Report for the calendar year 2016

Tom Guerino said the Pier committee will start meeting within the next couple of weeks. Thank Mark Taylor for his years of service at the Fire Department. On letter M the parking agreement is in your packet for review until the next meeting. Need to go over some items with Town Counsel and Director Mullen, also need to talk to Rear Admiral MacDonald. Have done some phone research as to other rates that other parking providers are charging.

7) Board Reorganization

Voted Peter Meier moved and seconded by Michael Blanton to nominate Judy Froman as Clerk.

Voted Peter Meier moved and seconded by Michael Blanton to close nominations. Roll Call Vote: Mr. Blanton - Yes; Mr. Meier - Yes; Mr. Slade - Yes; Ms. Froman - Yes, Mr. Pickard - Yes. Vote 5-0.

Voted Michael Blanton moved and seconded by George Slade to nominate Peter Meier as Vice Chair. Roll Call Vote: Mr. Blanton - Yes; Mr. Meier - Yes; Mr. Slade - Yes; Ms. Froman - Yes, Mr. Pickard - Yes. Vote 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to nominate George Slade as Chair.

Voted Peter Meier moved and seconded by Michael Blanton to close nominations. Roll Call Vote: Mr. Blanton - Yes; Mr. Meier - Yes; Mr. Slade - Yes; Ms. Froman - Yes, Mr. Pickard - Yes. Vote 5-0.

Roll Call Vote for Mr. Slade as Chair: Mr. Blanton - Yes; Mr. Meier - Yes; Mr. Slade - Yes; Ms. Froman - Yes, Mr. Pickard - Yes. Vote 5-0.

Michael Blanton wanted to thank former Chairman Don Pickard for his service.

8) Licenses/Appointments:

- a. Cranberry's LLC d/b/a The Bog Pub - Change of Manager
- b. MMA @ Beachmoore [1] One Day Liquor Beer and Wine
- c. Sagamore Beach Colony Club [3] One Liquor Day Beer & Wine
- d. Sagamore Beach Colony Club [1] One Liquor Day All Alcoholic
- e. 3rd Annual Purple Flag Relay from Bourne to Provincetown

Peter Meier went over the license for Cranberry's LLC, The Bog Pub, Kirk M. Fitzgerald, Manager, 618 MacArthur Blvd. Pocasset, MA 02559. Looking for a year round liquor license, food and amusement License. There is a change of manager from Lindsey McGrath to Kirk M. Fitzgerald. Change of manager only - copy of application on file in the Town Administrator's Office.

Peter Meier said the copy of Mr. Fitzgerald's driver's license, for proof of citizenship, is missing from the application routing slip.

Voted Peter Meier moved and seconded by Michael Blanton to approve the application contingent upon receiving the appropriate identification documentation. Vote 5-0.

Peter Meier went over the application from the Commonwealth of Massachusetts Maritime Academy, 101 Academy Drive, Buzzards Bay for a special one-day wine and malt beverage license to be held at Beachmoor at MMA on June 16, 2017 from 10:00 a.m. to 4:00 p.m. approximately 30 guests. The event is an ADA luncheon. The Police Department has asked that they must follow all state liquor laws relating to one-day liquor licenses. Statement from Mr. Sala that the Beachmoor is connected into sewer system.

Voted Peter Meier moved and seconded by Michael Blanton to approve with the conditions set forth in the routing slip. Vote: 5-0.

Peter Meier went over the Sagamore Beach Colony Club Application, Deanna Waldron, Treasurer; Rick Holway, President. The project location is 30 Robinson Road, Sagamore Beach, MA. 4 Events: 3 one-day beer & wine and 1 all alcoholic beverages. On July 8, 2017 from 5:00 p.m. - 11:00 p.m. Family night - less than 99 guests - Beer and wine only - Parking on street. On August 5, 2017 from 5:00 p.m. - 12:00 a.m. - Cornhole tournament - less than 99 guests - beer & wine only - parking on street. Police Chief suggests no later than 11:00 p.m. On August 12, 2017 from 5:00 p.m. - 11:00 p.m. - Fundraiser #2 - less than 99 guests - beer & wine only - Parking around facility. This one event will be at 150 Clark Road at the Fisher Tennis Center on July 22, 2017 from 5:00 p.m. - 12:00 a.m. - Fundraiser #1 less than 100 people - All alcoholic beverages - parking around facility. Police Chief suggests no later than 11:00 p.m. Remark from the Police Chief will Concur with request only with below modification. Otherwise PD does not concur. Suggested time restriction at 10 p.m., but no later than 11 p.m. on any event. Alcohol on premise, or on property only. All alcohol laws to be enforced (age restrictions, etc.). Parking by current regulations only. No parking in prohibited areas. No special parking waivers on any street. Alcohol to be supplied by proper supplier - No purchase at local liquor stores as Mass. Gen. Law currently states. If caterer is used, they should have a caterer's license. George Sala, DPW remarks must provide your own trash containers and all must be removed after the function.

Tom Guerino said all of those have been agreed to.

Judy Froman questioned what type of notification is involved for the surrounding residents. Tom Guerino said some hearings require an abutter notification, these generally do not require an abutter notification.

Voted Peter Meier moved and seconded by Michael Blanton to approve the routing slip with the 4 events listed and to support all the comments by Dept. Heads. Vote 5-0.

Peter Meier went over the 3rd annual Purple Flag Relay from Bourne to Provincetown. On September 23-24, 2017. On Saturday, September 23rd the Bourne Team will start first flag from the Bourne Library. The only issue is to remove all signage after the event. Remark from the Police Department Relay leaves Bourne Library then directly onto Canal Service Road. In the past there has been no issues requiring details.

Voted Peter Meier moved and seconded by Michael Blanton to approve the application as submitted. Vote 5-0.

Tom Guerino sent around the annual Board of Selectmen signature sheet for the Selectmen Stamp.

9) 7:30 p.m. Hearing on Aquaculture Operation at 1 Shipyard Lane (Kingman Yacht Center) as proposed by Jeffrey J. Pimentel, Jr.

Chairman Slade called the hearing to order

Voted Peter Meier moved and seconded by Judy Froman to call the hearing to order.

Roll Call Vote: - Mr. Pickard - Yes; Mr. Meier - Yes; Mrs. Froman - Yes; Mr. Blanton - Yes; Mr. Slade - Yes. Vote 5-0.

George Slade read the hearing notice:

Notice is hereby given in accordance with provisions of Chapter 130, Section 60 of MGL as amended and Rules and Regulations and Application Requirements promulgated by the Board of Selectmen, that Jeffrey Pimental, 2 Cedar Avenue, Bourne, MA 02532, filed an application on April 25, 2017 to establish an aquaculture site within the municipal waters of the Town of Bourne within Buzzards Bay. The applicant is proposing to operate two floating shellfish upwellers that will be located in boat slips at the Kingman Yacht Center located at 1 Shipyard Lane Cataumet, MA 02534. The application, including a plan showing the specific location of the proposed upwellers, can be viewed at Town Hall.

A public hearing will be held on May 23, 2017 at 7:30 pm in the Bourne Veterans' Memorial Community Center, 239 Main Street Buzzards Bay, MA 02532.

Board of Selectmen
Donald J. Pickard, Chm
Peter J. Meier V. Chm
George G. Slade, Clerk
Michael A. Blanton
Stephen F. Mealy

George Slade questioned notification to abutters. Mr. Guerino said Tim Mullen has the slips.

Mr. Slade said there is a Right of appeal should the application not go in your favor.

Jeffery Pimentel Jr. read the letter he prepared for the Selectmen requesting the aquaculture permit.

Michael Blanton questioned Mr. Pimentel's experience with aquaculture. Mr. Pimentel said he recently started working with Mr. Wolstenholme and Mr. Taylor.

Michael Blanton questioned Mr. Mullen if this will have any impact on Mr. Wolstenholme. Mr. Mullen said they feel strongly that there is enough food to support all the upwellers in that area. There is no negative impact on Mr. Wolstenholme's project.

Michael Blanton questioned if there will be any negative impact to Kingman Yacht Center's marine or boat operations or business. Mr. Mullen said it should have no negative impact on Kingman's Business. There is a big demand for sea quahogs and oysters.

Voted Peter Meier moved and seconded by Michael Blanton to close the public hearing.
Roll Call Vote: Mr. Pickard - Yes; Mr. Meier - Yes; Mrs. Froman - Yes; Mr. Blanton - Yes;
Mr. Slade - Yes. Vote: 5-0

Voted Peter Meier moved and seconded by Don Pickard to support the application from Jeff Pimental submitted on April 25, 2017.
Roll Call Vote: Mr. Pickard - Yes; Mr. Meier - Yes; Mrs. Froman - Yes; Mr. Blanton - Yes;
Mr. Slade - Yes. Vote: 5-0

10) Selectmen's Business -

- a. Appoint member to the Cape Cod Regional Transit Authority - until 4.30.18**
- b. Review and act on Public Records Policy (First Reading)**
- c. Review and Act on protocols for electronic Selectmen's packets**
- d. Discussion and establishment of Charter Review Committee**

Peter Meier went over the Appointment member for the Cape Cod Regional Transit Authority until 4/30/2018, Tom Guerino has been our voting member for the past few years and he is now chairman of the CCRTA. Mr. Guerino said he would appreciate the Board's confidence to continue on in that position.

George Slade questioned if the budget process is finished, Mr. Guerino said the budget process is finished.

Michael Blanton questioned if it is required to appoint Mr. Guerino to the Transit Authority. Tom Guerino said it isn't required and explained why he has been the town's liaison on the CCRTA the past few years.

Michael Blanton questioned the extension expansion of Commuter Rail. Tom Guerino spoke about the line extending to Buzzards Bay.

Don Pickard read a section of MGL 161b section 5. The advisory Board consisting of the city manager, in the case of a Plan D or Plan E city, or the mayor of each other city, and the chairmen of the board of selectmen of each town having such a board, or the town manager or town administrator of each other town. Mr. Pickard said it could be the Chairman or the Town Administrator. Don Pickard questioned Mr. Guerino if there are any Selectmen persons that serve on that board?

Tom Guerino said he believes there is a couple but the majority of the Board is town managers.

George Slade said he is in favor of this as long as we have a quarterly viewing of how things are going.

Peter Meier questioned the \$40,000 assessment. Tom Guerino said it is a net-net. Tom Laughton and I have discussed how we might be able to enhance additional services or equipment.

Voted Peter Meier moved and seconded by Judith Froman to renew Tom Guerino's appointment for a term to expire 4-30-2018 as our representative to the CCRTA. Vote 5-0.

b. Public Records Policy

Tom Guerino briefly went over the Public Records Policy. Mr. Guerino recommends for the Board to accept it as first reading. The people that are involved with this are the RAOs, Records Access Officers, send it out to them for another review. On Second reading the Board has the ability under their policy and procedures to adopt, and hopefully that will happen on the second reading so we can move forward.

Voted Peter Meier moved and seconded by Don Pickard to approve the Public Records Compliance Policy for first reading and go onto second reading of the police. Vote 5-0.

c. Electronic Selectmen's Packet

Tom Guerino spoke briefly about the electronic policy. We are moving to electronic packages. Move away from iPads and move towards Surface Pro. Working on a mechanism so when the packages go on the website electronically there is a password protected piece. Should be able to move on this by the first of August.

d. Charter Review Committee

Peter Meier said as part of creating the Assistant Town Administrators position we need to change some small elements in the charter. The Town Administrator can appoint whomever he feels fit to be the Town Manager in his absence, we need to correct that so it goes to the Assistant Town Administrator once that position is created, provided that position is funded.

Michael Blanton said there are other issues; we are allowed to recommend the formation of the charter review committee.

Tom Guerino explained the difference between the committee and the commission and the changes that can be made.

Judith Froman questioned if that is the extent of the types of changes?

Tom Guerino spoke about the last time changes were made.

Don Pickard said if we are going to have these legalize type questions we may want to have Attorney Troy or special Counsel sit on the committee as an ex officio member.

Don Pickard questioned if the Committee is the same amount of members at the Commission.

Tom Guerino said we will put it on the web and put an article in the paper and do some recruitment.

Voted Don Pickard moved and seconded by Peter Meier to establish a charter review committee as appointed by the Board of Selectmen.

Jim Mulvey wanted to clarify who will make the appointment to the Committee. The assignment or executive order of the Charter Committee will be developed by the Board of Selectmen, so it will be a Selectmen's operation.

Judy Froman questioned if the letters of interest come in before we describe what we are looking for. Tom Guerino said to have the Board consider a subcommittee to talk about the scope of what the Board would like to see, or we can do it in a workshop. George Slade suggested doing that in a workshop.

Jim Mulvey questioned at what point do you notify the public if interested in serving and the response would be to the Selectmen for appointment?

Don Pickard said through the Administrator through his office, it will be distributed to the Board. In the workshop the Board can determine how many people they want. Then when you get the letters of interest have the people here to speak and the Board's vote would be individually tallied.

Tom Guerino said if this is a committee and not a commission the changes are minor. Michael Blanton questioned what is the difference between a minor vs. a major change? Tom Guerino explained the difference between a minor change and a major change. Town Counsel will know the difference between a minor and major change.

Jim Mulvey said a commission is a function of a town meeting and it can only be discharged by a town meeting. It can recommend doing away with the Charter. A committee cannot change basic structure of a Charter.

Vote: 5-0

11) Town Administrator's Report

- a. Owners Project Manager update – Wastewater**
- b. Priority Based Budgeting update - Scheduled for May 24 and 25**
- c. Buzzards Bay Park Clerk of Works and park progress update**

a. Tom Guerino updated the Board on the Owners Project Manager for the Waste Water Plant.

b. Priority Based Budgeting update, Wednesday Night Chris Fabian, from the Center for Priority Based Budgeting, will be flying in from Colorado, and will meet with the Finance Committee and the Select Board tomorrow night. On Thursday he will meet with all the Department Heads on how we cost certain things out.

Peter Meier and Judith Froman will attend the meeting; Michael Blanton will try to attend the meeting.

c. Clerk of the Works; we solicited pursuant to 30B, Bidding Law; we didn't have to RFP. We are required to solicit to 3, I solicited to 4. Matt Cipriani responded. I signed a contract with him today, 10-15 hours a week up through the end of the year. He will meet with the Committee on June 6th at the DPW facility, He will report to George Sala, and on change orders of any significant to me.

Tomorrow they will do the tap of the 4" line to start bringing the water pipe in. They will start the irrigation piping as well. The lighting is in; there may be some need for more lighting.

Peter Meier spoke briefly about the progress of the Park.

Judith Froman questioned the planting of the grass and the timing of over-seeding. Tom Guerino said that is part of the plan, and they will hydro seed.

Tom Guerino did an analysis of the last 10 years of budgets, General Fund Budget. We have gone from \$50,423,000 in 2009 to 61,995,000 in 2018. The General Fund Operating Budget average increase has been 2.3%.

Don Pickard questioned the Town Administrator about the citizen complaint. Tom Guerino said he spoke to that citizen this afternoon. He will meet with the department on that issue tomorrow.

12) Selectmen's Reports

- a. Goals – Establish date and if consultancy is required**

George Slade asked the committee members to submit goal suggestions to him through email.

Tom Guerino said he can bring in a consultant if the Board wants.

Tom Guerino will email Judith Froman the past few years of goals for her review.

George Slade spoke about the document that Mr. Mealy handed out to the board members. We need to take over his spot as liaison on the committees he is on. Tom Guerino said at the next meeting he can have a list of all the committees and sub committees that members of the Select Board serve on. Peter Meier brought up the financial planning working group and Mr. Mealy's financial calendar. Tom Guerino said he will include the financial calendar in the Selectmen's packet for the next meeting.

Peter Meier spoke about the Meals on Wheels he did. Friday morning there is a ceremony at the Memorial Garden for the students who have passed away from Bourne High School. Friday morning at 8:00 a.m. is the retirement ceremony. Next Friday he will do an office hour on the Canal Service Road 10:00 AM.

Michael Blanton said next Friday at 10:00-12:00 he will do an office hour at Keystone Place, the theme is "What do Senior's want for a Better Bourne Downtown". Selectmen Slade and myself attending the meeting of the Falmouth Board of Selectmen. Wanted to support and hear the hearing with regard to an update on the Joint Base Cape Cod the Upper Cape Transfer Station and the impacts it may have on the planning for the Cape Cod Rail Trail, the extension of the Shining Sea Bike Pathway down to the canal through Bourne.

George Slade thanked the Board members for appointing him Chair.

The next Bourne Selectmen meeting will be on Tuesday, June 6th at 7:00 P.M.

13) Adjourn

Voted Peter Meier moved and seconded by Don Pickard to adjourn. Meeting adjourned at 9:06 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.