

**Board of Selectmen  
Minutes of Tuesday, April 4, 2017  
Bourne Community Building  
Bourne, MA 02532**

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TOWN CLERK BOURNE

TA Tom Guerino

**Selectmen**

Don Pickard, Chairman  
Peter Meier, Vice-Chairman  
George Slade, Clerk  
Stephen Mealy  
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**

**6:00 p.m. Call to order in open session**

1. **Executive Session:** To conduct strategy sessions with respect to ongoing litigation with respect to Cumberland Farms, Inc. vs. Bourne Planning Board and negotiations with non-union personnel related to the Town Administrator's Contract

Chair has declared that an open meeting may have a detrimental effect on the litigating and negotiating position of the public body with respect to the discussion concerning pending litigation and negotiations. The Board will reconvene in open session following the Executive Session

**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.

**Voted** Peter Meier moved and seconded by Michael Blanton by roll call vote to go into Executive Session for ongoing litigation with respect to Cumberland Farms, Inc. vs. Bourne Planning Board and negotiations with non-union personnel related to the Town Administrator's Contract

Mr. Mealy - Yes; Mr. Meier - Yes; Mr. Pickard - Yes; Mr. Slade - Yes; Mr. Blanton - Yes.  
Vote 5-0.

Bob Troy went over the Town Administrator's Contract. The Selectmen to discuss the Town Administrator's contract. I excused myself from the discussion.

**Roll call Vote** to reconvene in open session.

**Meeting Called to Order**

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

Board to report on votes taken in Executive session, if any.

Mr. Pickard said the Board met with respect to the negotiations for non-union personnel being the Town Administrator's Contract. The town Counsel sought direction from the Board. The Board provided directions to Town Counsel relevant to the negotiations on the contract. No votes to report.

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

**5) Girl Scouts/Brownies – discuss renovations to the Buzzards Bay Park**

The girls from Brownie Troop 62911 told the Board their requests for the Buzzards Bay Park. Lilly asked for swings of all shapes and sizes. Avery asked for curving water (arches) in the splash pad. Rianne asked for a tube slide with twists. Amber asked for a place to walkway around the playground. Rianne said Dawn wanted a game called 4 square, Kristen, Lilly's mom, spoke about how the girls came up with the ideas they wanted. They also said grills would be a good option.

Michael Blanton said we should pass along the wish of desired items to the Main Street Steering Committee. Stephen Mealy spoke a little about the park, what they are proposing to do for the park and the two articles for Town Meeting.

**Public Comment – Non-Agenda Items**

None requested.

**7) Minutes from Meeting(s) dates: 7-12-16 Executive; 6-15-16; 7-12-16; 7-19 Regular**

No Minutes to vote on tonight

**8) Correspondence**

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

- A. Letter from Sarah Buel regarding outstanding library staff
- B. Letter from DEP regarding Buzzards Bay Wastewater Treatment Facility
- C. Letter from MA Office on Disability announcing the Municipal American with Disabilities Act (ADA) Improvement Grant Program
- D. Cape Light Compact Activity Report for the month of December 2016.

Michael Blanton spoke about item C and requested if the Town Administrator could look into that to see if it is something we could go after to possibly underwrite some of the costs for the access equipment we are looking for. Tom Guerino said he is going to discuss it with Coreen Moore and he is going to try to set up a meeting with the Commission on Disabilities.

**9) Bourne Braves- Season kick off notice and notification for Braves housing needs for players.**

Peter Meier introduced Nicole Norkevicius

Nicole Norkevicius, President of the Bourne Braves, has been a host family for about 8 years. Mrs. Norkevicius spoke about the Bourne Braves and the Cape League. They are a 100% volunteer organization. They are looking for volunteers to help out, and they are always looking for host families. The season starts on June 14<sup>th</sup> and goes through August 8<sup>th</sup> or the 15<sup>th</sup> depending on how far they go in playoffs. There are also players who are here for only about one or two weeks. The website is [bournebraves.org](http://bournebraves.org)

### 10) Bond Signing

Tom Guerino read the sheet from the Treasure Collector. On March 29, 2017, the Town of Bourne sold \$8,769,000.00 in General Obligation Bonds, as well as, \$1,480,000.00 in State House Notes. The Town received 7 competitive bids for the Bond Sale and 4 bids for the State House Note. Morgan Stanley & Co. LLC won the Bond sale bid and TD Bank won the Bond Anticipation Note (BAN) sale bid. After reviewing our policies and financial data during our conference call, Standard & Poor's reaffirmed our AA+/Stable rating. The following is a summary of the results of both sales. Mr. Guerino just read the low bid on each. On the \$8,769,000.00 general obligation bonds Morgan Stanley & Co., LLC bid in at 2.609902%. On the bond anticipation note TD Bank came in at 1.24%. Mr. Guerino wanted to note that our financial policies/financial stability at this point in time have allowed us to maintain this good rating.

George Slade read the motion:

#### VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Bourne, Massachusetts (the "Town"), certify that at a meeting of the board held April 4, 2017, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

**Voted:** that we hereby determine, in accordance with G.L. c. 70B, that the amount of the cost of the planning, constructing, equipping and furnishing the new Peebles Elementary School project authorized by a vote of the Town passed on October 17, 2016(Article 1) not being paid by the school facilities grant is \$24,768,960 and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c. 70B.

**Further Voted:** that the sale of the \$8,769,000 General Obligation Municipal Purpose Loan of 2017 Bonds of the Town dated April 13, 2017 (the "Bonds"), to Morgan Stanley & Co. LLC at the price of \$9,458,097.64 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on April 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
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2018	\$924,000	5.00%	2028	\$335,000	3.00%
2019	910,000	5.00	2029	335,000	3.00
2020	890,000	5.00	2030	335,000	3.00
2021	885,000	5.00	2031	335,000	3.00
2022	395,000	5.00	2032	290,000	3.00
2023	390,000	5.00	2033	250,000	3.125
2024	390,000	5.00	2034	250,000	3.25
2025	385,000	5.00	2035	250,000	3.25
2026	380,000	4.00	2016	250,000	3.25
2027	340,000	4.00	2037	250,000	3.25

**Further Voted** to approve the sale of a \$1,480,000 1.24% General Obligation Bond Anticipation Note of the Town being issued as State House Notes dated April 14, 2017, and payable April 12, 2018 (the "Notes" and together with the Bonds, the "Issue"), to TD Bank at par.

**Further Voted:** that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated March 22, 2017 and a final Official Statement dated March 29, 2017 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

**Further Voted:** that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

**Further Voted:** that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

**Further Voted:** that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes.

**Further Voted:** that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the

municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds or the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: April 4, 2017

Clerk of the Board of Selectmen

AM 65990401.1

**Voted** Stephen Mealy moved and seconded by Michael Blanton to accept the bond sale as provided by the Treasure Collector.

Mary Jane Mastrangelo wanted to note talking about the debt exclusion vote last fall we talked about the positive of moving forward on the projects now and taking advantage of the low interest rates and the beginning bonding of both projects in this bond and the town is able to take advantage of that.

**11) Discussion and approval of the Non-Binding Public Advisory Question for the May 16 Annual Election Ballot. Relative to clarifying the consent of the Petitioners to authorize the Town Clerk to modify the question that precedes the signatures of the Petition for the Pilgrim Nuclear Power Station**

Tom Guerino said there is no need to discuss this item.

**12) Licenses/Appointments:**

- a. 7:30 p.m. Whaleback Restaurant - Multiple Amendments to Retail Liquor License
- b. Human Rights Commission - full time member - Michelle Spinney
- c. Phinney's Harbor Day - Annual Fundraiser (5K Road Race, raffles & silent auction, entertainment, games and 1 day Beer & Wine License)
- d. 4 - 1 Day Liquor Licenses - MMA
  - April 4 from 3:30 - 6:30 p.m. Pande Dining Hall (40 guests Book Reception) Wine & Malt Beverages
  - April 12 from 3:30 - 7:30 p.m. Pande Dining Hall (40 guests South Shore Guidance Center) Wine & Malt Beverages
  - June 16 from 5:00 - 11:00 p.m. Pande Dining Hall (300 guests Sunset Reception) All Alcoholic
  - June 15 from 2:30 - 6:30 p.m. Beachmoor (140 guests Commissioning) Wine & Malt Beverages
- e. Somerset Creamery - Common Victualer License

b. Peter Meier spoke about Michele Spinney expressing interest in the Human Rights Commission position, which expires on June 30, 2020

**Voted** Peter Meier moved and seconded by Michael Blanton to appoint Michelle Spinney as our voting member to the Human Rights Commission term to expire June 30, 2020. Vote 5-0.

**c. Phinney's Harbor Day**

Peter Meier went over the Phinney's Harbor Day fundraiser Annual Event on July 8, 2017.

The 5 K Road Race from 7:00 a.m. to 11:00 a.m., approx. 200 people; raffles and silent auction; pending Police Chief's approval. Entertainment license, local bands that will play from 1:00 p.m. to 6:00 p.m. playing on the beach/paved area. Application for a special One Day License for beer and wine 1:00 p.m. to 6:00 p.m. Approximately 300 people; use of town parking. Will provide a designated area for consumption of beer and wine to be served in plastic cups adjacent to the tented food area. ID's will be checked before entering and bracelets will be worn once ID is approved. The area will be fenced in with only one point of manned egress. A layout plan of facilities and fixtures, site plan, and outside façade is available at the Town Administrator's Office. Police Department remarks are detailed officer required same as in years past. We do not recommend waivers of the parking lot sticker requirement, but the Board of Selectmen does routinely approve this waiver. Parking lot must be maintained for emergency vehicle access at all times. Parking in marked spots only. Event organizer shall contact Police Department admin. NO LESS THAN TWO WEEKS PRIOR TO EVENT to review arrangements. Chief Sylvester said Access for emergency vehicles must be maintained. DNR will coordinate with PD on related issues.

**Voted** Peter Meier moved and seconded by Michael Blanton to approve subject to all the recommendations listed on the routing slip. **Vote 5-0.**

**Voted** Peter Meier moved and seconded by Michael Blanton to waive the parking sticker requirement for that day only.

Chief Woodside said we never recommend the waiver of the parking sticker. It is a local event with local residents and we figured they would already have a sticker.

Gary Maloney questioned if there is a detail that is required and how many people will attend? Peter Meier said 300 will attend.

**Vote 5-0.**

**e. Summerset Creamery**

Peter Meier went over the Common Victualer License for Summerset Creamery, 1268 Route 28A, Cataumet. The Board of Health asked for a pre-opening inspection scheduled for 4/5/2017.

**Voted** Peter Meier moved and seconded by Michael Blanton to approve as requested.

Gary Maloney said he looked at the application forms and spoke with the Finance Director in the past as it revolves around the local meal tax. Mr. Maloney spoke about seeing receipts that don't have the full amount of the meal tax, and hopes that it will get added to the form so they

know we do have that local meal tax in Bourne, and when they apply for their annual license they will be reminded of the local tax.

Don Pickard suggested Mr. Maloney submit something to the Town Administrator for his review and he will be the point person for that.

**Vote: 5-0**

**a. Whaleback Restaurant**

Don Pickard went over the Whaleback request. Multiple amendments to the liquor license, change in manager, change in beneficial interest, new officer/direction and transfer of stock. Application on file in the Selectmen's/TA's Office.

**Voted** Peter Meier moved and seconded by Michael Blanton to call the hearing to order by roll call vote. Mr. Blanton - Yes, Mr. Meier - Yes, Mr. Slade - Yes, Mr. Mealy - Yes, Chair - Yes. Vote 5-0.

Don Pickard read the Public Hearing Notice - Placed in the March 24<sup>th</sup> edition of the Bourne Enterprise.

**Notice Town of Bourne Liquor Hearing.**

Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 12 that application has been received from Robert L. Lacey, Manager, Whaleback Restaurant, Inc., d/b/a/ Whaleback Restaurant Inc., 1052 Sandwich Road, Sagamore, the holder of a Year Round Common Victualer License for the sale of all kinds of Alcoholic Beverages to be drunk on the premises for a change in manager, change in beneficial interest, (transfer of stock, new officers/director) to Stuart Coggeshall, Manager, Whaleback Restaurant, Inc., d/b/a/ Whaleback Restaurant. Description of premises as follows: One story building with three rooms, men's and ladies' restrooms, basement and attic for storage, 3 entrances & exits. A hearing will be held at the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, on Tuesday, April 4, 2017 at 7:30 p.m.

Don Pickard requested the green slips.

Robert Mills, Attorney and Stuart Coggeshall, Manager

Attorney Mills introduced and gave a brief background on Mr. Coggeshall, briefly spoke about the Whaleback Restaurant, and what Mr. Coggeshall has done for the Whaleback Restaurant.

**Voted** Peter Meier moved and seconded by Michael Blanton to close the public hearing by roll call vote. Mr. Blanton - Yes, Mr. Meier - Yes, Mr. Slade - Yes, Mr. Mealy - Yes, Chair - Yes. Vote 5-0.

Don Pickard said this Board will vote to either approve or disapprove or continue to a time and date certain that is for the changes in manager, change in beneficial interest, new officer/direction and transfer of stock anything with the fire you have to take care of that.

**Voted** Peter Meier moved and seconded by Michael Blanton to approve the nature of the request for the Whaleback for a new manager, new officer/direction, change in beneficial interest, and transfer of stock

By roll call vote Mr. Blanton - Yes, Mr. Meier - Yes, Mr. Slade - Yes, Mr. Mealy - Yes, Chair - Yes. Vote 5-0.

**d. Peter Meier went over the 4 1-day liquor licenses for Mass Maritime Academy**

**Voted** Peter Meier moved and seconded by Michael Blanton to approve the 4 1-day liquor licenses at Mass. Maritime Academy, one for April 4<sup>th</sup> at the Pande Dining Hall, approx. 40 guests for consumption of Wine & Malt Beverages. One for April 12<sup>th</sup> from 3:30 p.m. - 7:30 p.m., Pande Dining Hall, approx. 40 guests. One for June 16<sup>th</sup> from 5:00 p.m. to 11:00 p.m., Pande Dining Hall, approx. 300 guests sunset reception - all alcohol. One for June 15<sup>th</sup> from 2:30 - 6:30 p.m., Beachmoor, approx. 140 guests Wine and Malt beverages.

Mr. Maloney spoke about the event for today, April 4<sup>th</sup>. Do we approve them before or after the event? Don Pickard said there was a mistake in the posting last week so we couldn't discuss it. I took it off the agenda so as not to violate the open meeting law.

Gary Maloney questioned if they were serving alcohol without a license?

Tom Guerino said this has happened once or twice before where there has been an issue or they have come in at the last minute when we do the evening of or immediately after.

Gary Maloney questioned do we have a detail of the event?

Don Pickard said we have a routing slip for the requests, and briefly went over the requests.

Gary Maloney questioned if they are not supposed to store or have liquor there except for the day of the permit, do they have the liquor there for just that one day, do they bring it in themselves and do they have a wholesaler bring it? Don Pickard said they do have to buy from a licensed wholesaler. Paul O'Keefe, VP Operations of Mass Maritime Academy spoke about how they acquire the liquor. Gary Maloney questioned the June 16<sup>th</sup> event and spoke about the police details and questioned the correct number of guests. Paul O'Keefe spoke about their own full time police force.

Chief Woodside spoke about what the Bourne police do and don't do at liquor establishments, and spoke about the local bylaw and liquor laws. Mr. Woodside also said that if it wasn't voted on before the event and they don't have the license they should cancel the event. It is a violation of the law. I would suggest in the future do not let that happen without a liquor license.

Peter Meier questioned if the Board or the ABCC have authority to issue a blanket liquor license, not to exceed a certain amount of events. Chief Woodside said by state law the license has a cap of 15 or 20 one-day events. They could get a full time liquor license if the Board wants to approve it. Peter Meier suggested they request a year round liquor license. Chief Woodside said they don't want a year round license.



**Vote: 5-0**

**Voted** Peter Meier moved and seconded by Michael Blanton to move 13 e before 13 a, b, c, & d. Vote 5-0.

**13) Selectmen's Business -**

- a. Organizational Chart discussion- possible amendment and adoption to move forward**
- b. Budget - Final Budget adjustments**
- c. Goals**
- d. Economic Development**
- e. Recreational Marijuana - The Working Group on the Recreational Marijuana law will make recommendations to the Selectmen related to actions suggested for the Town.**

e. Tom Guerino said the Board asked that a working group be put together to review the recreational marijuana statute to see what other communities are doing and to look for guidance from various places. Mr. Guerino read the report he gave to Town Counsel last week. The Working Group met twice after the suggestion to establish a working group. The group consisted of the Health Agent, Chief of Police, Selectman Blanton, and myself. The group reviewed the law, recent municipal actions from around the state, the outcome of the seminar in Worcester sponsored by the MMLA, and informational documents obtained by the Chief and Health Agent. The group also had spirited discussions regarding what action(s) would be recommended to the Board of Selectmen. It was determined by consensus since the voters of the town voted against the ballot question the voters should be given opportunity to determine what happens with this law in Bourne. It was a consensus of the committee that an opt-out-article be placed on the annual election warrant and the Annual Town Meeting Warrant. Additionally, it was agreed that a moratorium article should be placed on the Annual Town Meeting warrant as well. The latter being contingent on the former failing. A moratorium would allow the Town time to determine the number of establishments the municipality may desire, the zoning locations for such and prohibit the current provisionally approved medical marijuana dispensary from moving forward quickly and becoming "operational" prior to the law taking effect in October. The moratorium would also allow for review and possible drafting of a bylaw that would prohibit the institution of marijuana "cafés". Since this was written a week ago the legislature started to take additional actions on the original law with the extension and no one is sure where that is going to go. I discussed this with the members of the Committee and I also discussed this with Town Counsel. I sent him some draft language for an opt-out and he is going to help draft the language relative to the moratorium should the Board move to go one way or the other. We recommend an opt-out be placed on the two and a moratorium article also be placed going forward at the Annual Town Meeting. We have reserved space for two articles.

Chief Woodside said this is a big issue. The legislation that passed is complicated. This legislature specifically authorizes the town to do it. The Board should take action on it now. There are a lot of issues that have to be worked out.

Michael Blanton spoke about the meeting of the advisory group and what this question will cover. This question does not disallow marijuana from being present in Bourne. The question is do we want to allow any establishments to sell marijuana at a retail basis and for the town to generate revenue from that sale. If we opt out Bourne residents may go to other towns to purchase marijuana. There are still a lot of unanswered questions. I think it is premature to act on this question now. There is a lot of discussion that needs to happen relative to this issue.

George Slade agreed with what Mr. Blanton said. He wanted clarification at what point can we not postpone this any further.

Tom Guerino said this question of opting out will go on the ballot. The voters should be given the opportunity on whether to opt in or opt out. If they chose not to opt out we could place a moratorium after. Then we could figure out information relative to taxation, relative to cafes and other numbers.

Michael Blanton said I am not requesting we take out the option to opt out but think at this time it is premature because we don't have all the information from the Commonwealth.

George Slade spoke about this being voted down on, but would like to have more information before we move forward on this.

Stephen Mealy said I don't believe the controlling committee at the state level, will have any impact on the town of Bourne. Regardless of what happens there are people in town who voted the way they did, it would be a disservice to the people not to give them the earliest opportunity to make that decision again locally. There is a great deal of work the town leaders will have to do if the town votes to not opt out. Give the people an opportunity to vote on it again.

Tom Guerino wanted to make it clear the working group made no judgment call whether it is a good or bad thing. We looked at what the town did and what may be available to the citizens through the Board of Selectmen moving forward.

Chief Woodside questioned how many people actually read the legislation. He spoke about how it was in Colorado and how it is different to MA. This legislation is specifically worded to have this debate. I think you need to take action on it now you shouldn't defer; let the voters decide. The question is do you want marijuana shops in Bourne.

Gary Maloney read the notes from the ballot question, it simply stated a yes vote supported this proposal to legalize marijuana, but regulate it in a way similar to alcoholic beverages. A no would have only medical marijuana. Legalize it as alcohol or not, keep it medical only. Would prefer to regulate it and have it in our town under our control and wait until we have all the information we need to make good decisions.

Kat Brennan, Cataumet, said it is 47% of the people that want it. It is a cash cow. Mrs. Brennan said from the meeting she went to they said if it doesn't get done by the state all the medicals get to be recreational. I think it is a good idea.

Nicole B. Norkevicius said were not going to get the answers we want before July 18<sup>th</sup>. You don't know how they will regulate it. Any DA, any police officer, any professional will tell you it is a gateway drug. We are struggling with an opiate crisis and the recreational marijuana shops are inviting problems. It is a troubling message to children.

Don Pickard questioned if it goes to Town Meeting and it gets voted down is the ballot a moot point. Chief Woodside said yes, to get on the ballot it has to pass at Town Meeting. It specifically said do you want to have it grown in Bourne. There is noting that says if you opt out that you won't be able to opt back in later. The town wants to be heard again to decide if they want marijuana to be sold in Bourne.

Don Pickard wanted to clarify if Town Meeting votes to opt out then there is no need for a ballot question. Chief Woodside said no. Chief Woodside spoke about town meeting passing a bylaw. This question says go to Town Meeting to put the opt out on the ballot and it has to be followed up by a ballot. If it passes we have to decide how many we want in town and we have to talk about the tax, which has to be voted in.

Michael Blanton should we discuss what the projected revenues might be from the sales. Tom Guerino said I have no good numbers to offer from the town of Bourne.

Mary Jane Mastrangelo questioned if we go to town meeting and the question is Should Bourne Opt Out and the town votes to not opt out, what happens to the ballot question. Tom Guerino said he will check with Town Counsel but thinks it is similar to an override, if it fails at Town Meeting the ballot question is moot. Mary Jane Mastrangelo questioned how much time you have before you have to vote to opt out and have the information. Tom Guerino said up to a year. Mary Jane Mastrangelo said she is concerned about what develops in a town where you don't have a retail outlet so adults that want to use would have to drive to get it or they can grow their own. It should go to the voters but I am not sure we are ready to do that yet because we don't know what we are opting out of. I think we should know what we are opting out of before we opt out.

Stephen Mealy said this is not a question that should be coming before the Board that is full of emotions. The question is should the town allow retails sales of marijuana in the town. If you don't agree with that you vote to opt out. It gives the people an opportunity to vote.

Nicole B. Norkevicius questioned was there any indication that there will be more information for the people.

Tom Guerino said the Commonwealth either through the Treasures office or the Attorney General's Office could not provide us good information at the time. The law states the treasures office would be in charge of this. The law isn't well written, it isn't well understood and it isn't well conceived for the commonwealth. We are giving you as much information as we have been provided. The recommendation by consensus of the committee was to put both of them on and let the voters decide.

Chief Woodside said you already have a medical marijuana facility. If they become in-operation in the next year they will automatically get the recreation marijuana. This is why the town has to vote on this now. Narrow the question. Have it read Do you want to allow the retail sales in the town of Bourne, yes or no, and get the consensus on it now.

Michael Blanton agreed the conversation is an emotional one especially in an opioid epidemic. Concerns about young children and the impact. 51% voted against the question but 48% voted in favor. It concerns me that I don't understand the fear in trying to get more information. I understand the skepticism. I don't see the sense for the town from a revenue perspective, from a policy perspective, and from a freedom perspective to find out what the legislature has to offer us. We have over a year before this becomes active. We have an opportunity to hear more information about this so the town can make an informed decision.

George Slade said we don't want this to be decided under a bare quorum at town meeting. I don't have any quorums about opting out. I want to make the town better. Would like to see more civic engagement. People will want to weigh in on this.

**Voted** Stephen Mealy moved and seconded by Don Pickard for the Board to accept the recommendation of the Recreational Marijuana Committee to place an article on the Town Meeting place a question on the ballot to allow the Town of Bourne to opt out of recreational marijuana dispensaries in the Town of Bourne and also to place a question at the Annual Town Meeting for placing a moratorium to be in effect should the opt out question fail.

Peter Meier said they should be separate when we vote on the motion.

Stephen Mealy explained that if one of the articles fails you need the other to make sure you can give yourself some time for the moratorium.

Peter Meier explained he is for a moratorium but not for an opt-out at this time.  
Stephen Mealy withdrew his motion

**Voted** Stephen Mealy moved and seconded by Don Pickard to accept the committee's recommendation to place on the Annual Town Meeting an article to ask the Town Meeting to place on the ballot an opt-out question before the Town of Bourne.

Roll call vote: Mr. Blanton - No, Mr. Meier - No, Mr. Mealy - Yes, Mr. Slade - No, Don Pickard - No. Vote 1-4

**Voted** Peter Meier moved and seconded by Michael Blanton that the Board may consider moving an article to place a moratorium on the Annual Town Meeting Warrant to be drafted and request Town Counsel draft such an article and motion.

Roll call vote: Mr. Blanton - Yes, Mr. Meier - Yes, Mr. Mealy - Yes, Mr. Slade - Yes, Chair - Yes.

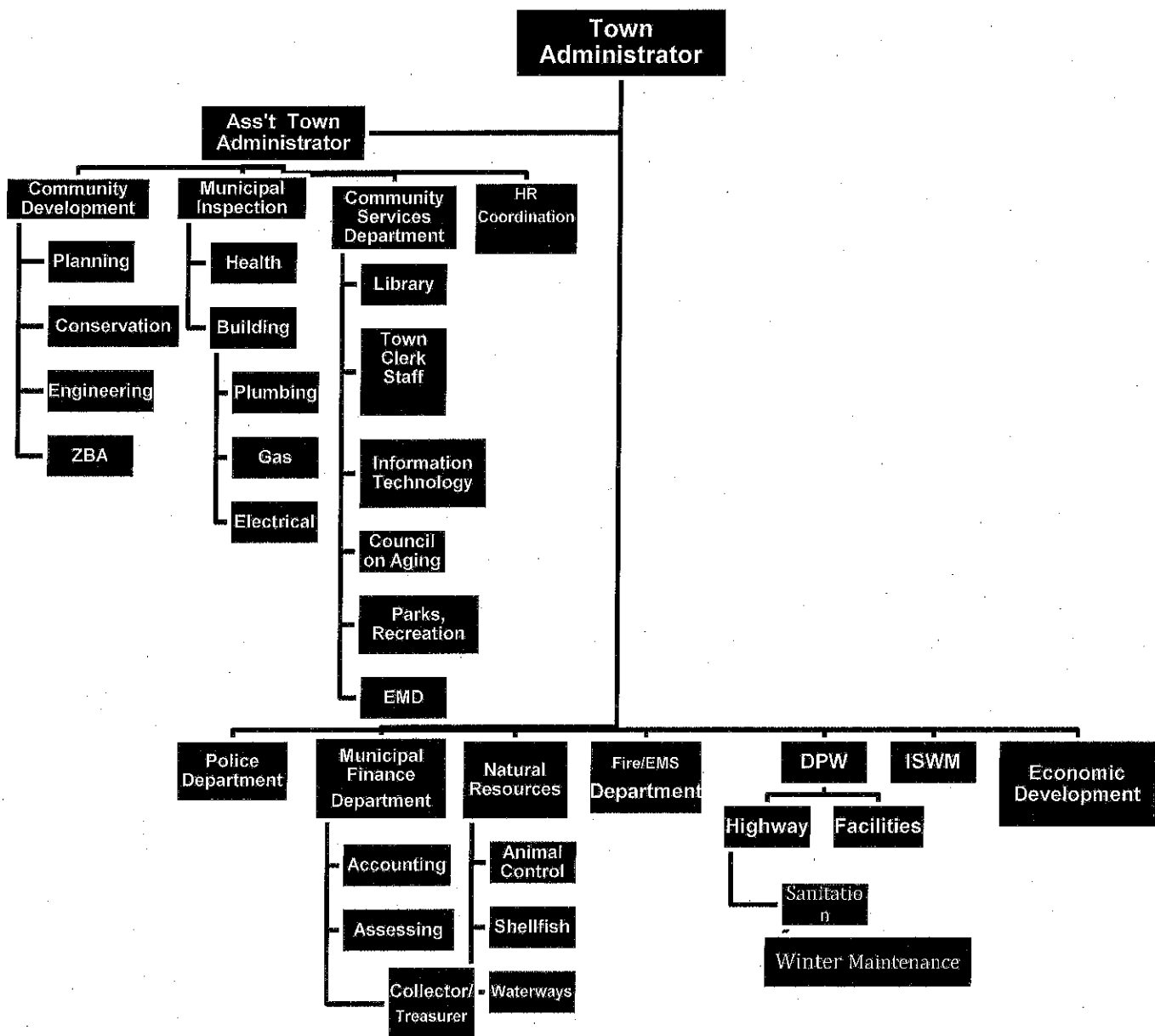
Don Pickard briefly spoke about the Town Administrators organizational chart. As the Sub Committee that met with the Administrator with Mr. Slade and myself, we reviewed this.

Tom Guerino said he has an updated, only one word has changed, organizational chart. Under the Community Services area of the Town Clerk is changed to Town Clerks staff. Under Highway, Facilities and Sanitation below that also added Winter Maintenance

Peter Meier questioned based on this organizational chart you are going to have an area manager that will oversee these various departments that are underneath them. Tom Guerino said these are functional areas. There may be someone who would be seen as a department head. I don't see any additional funding necessary other than that for the Assistant Town Administrator at this time. Peter Meier said he doesn't want to see this person come back because we aren't paying them for the full year we will have to pay them at a higher rate. Tom Guerino said that was discussed at a Finance Meeting.

Tom Guerino read from the Charter: The Town Administrator may prepare a plan to organize, or organize/consolidate, or abolish any town agency as the Town Administrator considers necessary or advisable. The Town Administrator may prescribe the functions of any town agency and for such purpose transfer the powers and duties and, so far as it is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another; provided, however, that no function assigned by this charter to a particular agency may be discontinued or assigned to any other agency unless specifically authorized by this Charter. The Administrator shall not be prohibited by the Charter from including the Department of Public Works, Department of Integrated Solid Waste Management in any plan to organize, reorganize, consolidate, or abolish any proposed plan submitted under this section submitted by the Town Administrator shall be approved by an affirmative vote of three members of the Board of Selectmen. Before the Board of Selectmen approve such proposed plan under section 5-2 it shall hold one or more public hearings on the proposal, given notice by publication in a local newspaper at least seven day in advance of the hearing. The notice shall describe the scope of the proposal and the date and place where the hearing will be held. The Selectmen shall have fourteen days after the closing of the public hearing to perform or propose amendments if any and vote on the final plan. The proposed organization shall become effective not sooner than sixty days following the Selectmen's vote on the final plan. Where the organization moves a function or funding from one department to another voters may petition for a Special Town Meeting to address those changes.

## **(Proposed) TOWN ADMINISTRATIVE ORGANIZATION 2017**



**Voted** Peter Meier moved and seconded by Michael Blanton to take the Town Administrator's Organizational Chart as submitted with the addition of Sewer and DPW and advertise a public hearing forthwith. Vote 5-0.

#### **b. Budget Adjustments**

Tom Guerino said I will provide you the full budget adjustment next week.

#### **14) Town Administrator's Report**

Tom Guerino said Saturday morning at 9:30 if the Board members are Pet Smart will have its grand opening.

There will be a Special Town meeting. Found out through the Department of Revenue the match on CPA funds are coming in less than what we anticipated. The Department of Revenue has recommended we don't go into the end of the year in a deficit situation. They recommended we place an article on a Special Town Meeting warrant to elevate any possibility of a deficit by taking fund from the undesignated balances within the current fund in anticipation of what we might think it will be short. We will place the \$300,000 article relative to the Buzzards Bay Park on the Special Town Meeting, we will put the prior year bills on the Special Town Meeting as well. There will be 3 articles on the Special Town Meeting, 28 articles on the Annual Town meeting.

### **15) Selectmen's Reports**

Stephen Mealy reported back on the Wastewater Advisory Committee meeting from March 23<sup>rd</sup>.

The Committee agreed to forward the following request for inclusion into the Town Meeting, for the new Queen Sewell Park Wastewater Treatment Plant:

\$335,000 to include:

\$100,000 for the OPM

\$ 63,000 for the load test

\$150,000 for Weston & Sampson for enough design to get to the DEP treatment plant submittal

\$ 8,000 for the planning coordinator through October 2017

\$ 4,000 for advertising and incidental costs

\$ 10,000 for engineering required to apply for the state revolving loan fund

(this could be \$5,000 – 7,000 and was rounded up to 10K)

#### Recycling Committee Meeting March 28, 2017

The DPW has reported that residents continue to leave extra trash, typically in plastic bags outside and next to the single stream trash containers. The DPW will no longer pick up these bags; residents are reminded that they may take extra trash to the Resident Drop-Off Center at the Landfill or simply save the materials until the following week. The DPW received several threatening calls from residents this past week threatening that if the bags were not going to be picked up the residents would "throw the trash in the front yards of the DPW employees". These policies have been in effect for almost a year and the employees are following these policies. Residents are asked to treat all our town workers as you would like to be treated with decency and respect. The DPW also wishes to remind us all that the single stream containers need to be at the curb by 7 AM, and that you can place them there the evening before. The DPW will no longer make call backs, i.e., a special trip back to a resident that was missed.

ISWM and DPW are reviewing a smart phone APP that would allow residents to check a schedule for when trash is picked up in their part of town. Under consideration also is an APP that allows push messaging so if a pickup was cancelled due to weather for instance, a notice would go out and allow residents to see the cancellation and new schedule.

Our town-wide recycling rates continue to be at or just below 2X that of our recycling amounts by weight prior to starting single stream. A small reduction is a reflection of the winter collections being down as people are away.

"Oops Tickets" have just been received from the printer and will be implemented shortly. These tickets will be attached to the bin to allow the DPW to explain why a bin wasn't emptied, a bag left at the curb or other reason the trash or recycling wasn't picked up. Hopefully this will reduce the number of calls to the DPW.

The Recycling Committee went over its priorities, in anticipation of their next meeting May 09 for a goals session. The Committee is working on the following:

- Implementation of Single Stream Recycling, completed
- Recycling at Municipal Buildings, started
- Implementation of Single Stream Recycling at our Parks and Beaches, by this summer
- Implementation of Single Stream Recycling at our Schools, to be done

Reminder Earth Day is April 22 and the Committee members will have a display at the landfill with snacks and coffee and information about recycling, composting, etc. All are welcome.

I'd like to thank Meredith Chase who recently and quietly resigned from the Recycling Committee when she moved from Bourne. Meredith was a constant figure in Sagamore Beach and a long-time member of the Recycling Committee serving over 10 years. She provided a steadfast hand in the early days of the town's efforts in adopting recycling before it was popular and widely supported. She is sorely missed by all of the Committee members, and I would ask the TA to draft a letter of thanks on behalf on this Board.

Reminder for Town Meeting Preparations:

For the Annual Town Meeting, the BOS have to vote and sign that WARRANT no later than Tuesday, April 18; it must be posted no later than Monday, April 24.

Annual Town Elections is two weeks following, May 16th

George Slade questioned the Town Administrator about the upcoming events. Is there a document that sights deadlines leading into Town Meeting and Special Town Meeting? Tom Guerino said there is a comprehensive calendar that Mr. Mealy put together. Michael Blanton suggested it be posted on the town website.

Michael Blanton spoke about the tour of the Hoxie Center. Interesting to see the progress. This Friday I'll be hosting the 3<sup>rd</sup> first Friday's office hours here at the Bourne Veterans Memorial Center from 10-12.

Peter Meier spoke about the meetings he has attended. Thursday there is a meeting at MMA at 3:30 p.m. at the Hamilton Building.

The next Bourne Selectmen meeting will be on Tuesday, April 11 at 7:00 P.M.

## 16) Adjourn

**Voted** Peter Meier moved and seconded by Michael Blanton to adjourn. Meeting adjourned at 9:15 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.