

**Board of Selectmen
Minutes of Tuesday, March 7, 2017
Bourne Community Building
Bourne, MA 02532**

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TA Tom Guerino

Selectmen

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

RECEIVED
MARCH - 9 AM 11:39
TOWN CLERK OFFICE

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

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

Public Comment – Non-Agenda Items

None requested.

4) Correspondence

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

- A. Letter dated 2.22.2014 from David Belluche regarding Bourne Rotary reconstruction.
- B. Cape Cod Commission hearing notice for Canalside Commons will be held on March 16, 2017.
- C. Letter from Marianna Guilbeault regarding non-resident beach stickers.
- D. Cape Cod Commission hearing on March 16th canceled

5) Michael Jackman, Congressman Keating's office with Cape Cod Shelter and Domestic Violence Services Regarding White Ribbon Proclamation Against Domestic Violence and Violence Against Women.

Mr. Michael Jackman, District Director of Congressman Bill Keating, spoke about the White Ribbon Campaign. The White Ribbon campaign is a campaign of men working to end violence against women. It was started in 1991 in Canada following the murder of 14 women at a polytechnic school in Montreal. We all have a powerful voice and we can use it to stop domestic violence. White Ribbon Day was celebrated on March 1st. Mr. Jackman introduced Elaine Fillton-Crouse.

Elaine Fillion-Crouse, Cape Cod Shelter and Domestic Violence Services, spoke about women, men and children, dealing with domestic violence. We are here to ask the Selectmen and whoever else wants to take a pledge to support and end violence against women, children, and men.

Beccah Tilbert spoke about the domestic violence shelter, their services and what they provide women, children, and men. We offer free therapeutic services to children and their families. Also provide therapeutic groups and trainings. Working on getting telemental health services.

Elaine Cruise spoke about the concern for the services for the Violence Against Women Act as well as Planned Parenthood. These monies are so important they help us do our job and service our clients. They provide safety, shelter, and support that families need when trying to break the cycle of violence. Part of the pledge is speaking up and supporting those endeavors.

Aiden spoke about his trauma of domestic violence and the help he got from the Cape Cod Shelter and Domestic Violence Services.

The committee members and the audience members took the pledge.

Don Pickard read the White Ribbon Day Proclamation. It will be signed by the Board of Selectmen; Donald J. Pickard, Peter J. Meier, George G. Slade Jr., Stephen F. Mealy, and Michael A. Blanton

MASSACHUSETTS WHITE RIBBON DAY 2017

March 7, 2017

WHEREAS the majority of women and men in our community are deeply concerned about the pressing problem of violence against women, sexual assault and domestic violence;

AND WHEREAS the many cultures represented in our community are all affected, including heterosexual, gay, bisexual and transgender individuals, communities of color, immigrants, the youth, the aged, the infirmed and the differently-abled;

AND WHEREAS the White Ribbon Day Campaign believes that the majority of men wish to make a positive contribution towards ending this violence;

AND WHEREAS our municipality wishes to take tangible steps to raise awareness and to support survivors and hold offenders accountable in our community, along with other municipalities across the Commonwealth;

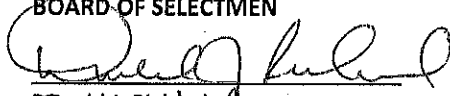
AND WHEREAS our municipality recognizes the important life-saving work Cape Cod Shelter and Domestic Violence Services located within our municipality;

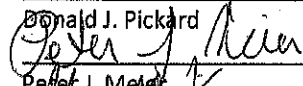
AND WHEREAS the White Ribbon Day Pledge states: "From this day forward, I promise to be a part of the solution in ending violence against women."

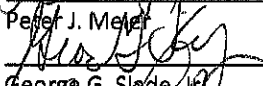
BE IT RESOLVED:

1. That March 7, 2017 is proclaimed WHITE RIBBON DAY in Bourne.
2. That all members of council and all municipal employees, particularly men, are encouraged to wear the 'white ribbon' during the week of White Ribbon Day.
3. That the White Ribbon Day Pledge be displayed at the Municipal Offices in such a location that it can be seen, and be signed, by Selectmen and visitors alike.
4. That white ribbons will be available to all visitors to the Municipal Offices during the week of White Ribbon Day.

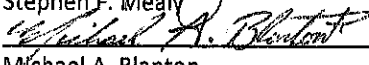
BOARD OF SELECTMEN


Donald J. Pickard


Peter J. Meyer


George G. Slade, Jr.


Stephen F. Mealy


Michael A. Blanton

Voted Peter Meier moved and seconded by Michael Blanton to sign and post the White Ribbon day Proclamation as printed. Vote 5-0.

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

This item has been moved to April 4th at the request of the participants

7) Thomas Donovan- regarding Town Easement abatement on property located at 1 Henry Drive, Pocasset

Stephen Mealy spoke about the materials that were presented to the Board by the engineering department of the town and the Town Planner and wrote a summary to bring everything together. Stephen Mealy read his summary.

Private Petition Request:

The request from Mr. Thomas Donovan is to place by private petition on the 2017 Annual Town Meeting a warrant Article to remove a town-owned easement located along the northern property line of the proposed (reference Town Planner letter of March 21, 2012) Hydroid parcel.

Background:

Title research for the property uncovered an access and utility easement granted by a previous owner (Mr. Tuttle) to the Town of Bourne. The Town took the parcel of land; a portion of which the Hydroid parcel now lies within, by a tax taking in 1958 (Deed Book 1006, page 27). Winslow H. Tuttle purchased the land from the Town in May, 1963 (Deed Book 1202, page 490). Mr. Tuttle granted the Town a 40-foot wide easement in March 1963 for access and utility connections between MacArthur Blvd and the northwestern corner of the Bourne Town Forrest across the property (Deed Book 1200, page 76). The land has changed hands several times with several divisions and subdivisions being proposed and taking place. The larger parcel was portioned off into smaller lots recognizing many factors including ancient ways, unusual topography, and boundaries created by Zoning. Roadways were constructed across the parcel to provide access around and throughout the individual subdivisions as well as providing available routes for utilities.

Missing Easement:

The recorded plans for the subdivisions of Henry Drive and Spinnaker Lane do not show the Town Easement, but a 20-foot wide water line easement crossing the southern property line of the Hydroid parcel in recorded on the subdivision plans to provide potential water main loop connection between Jonathan Bourne Drive and Spinnaker Drive. This recorded easement from Tuttle to the Town does not specify the exact location or alignment of the easement, only where the easement starts and stops, MacArthur Blvd and the Town Forrest.

December 2011 Field Survey:

A field survey conducted by Holmes and McGrath Civil Engineers and Land Surveyors reported in December 2011 do not find any physical evidence of an access or utility easement between MacArthur Blvd and the NW corner of the Hydroid parcel or along the northerly property line of the Hydroid parcel, the assumed route of the Town Easement. In their report of December 2011, Holmes and McGrath noted that the route along the northerly property would not be well suited for either a travel access roadway or a utility access way due to the rolling and uneven topography and existing retaining walls constructed for developments in the adjacent property. Holmes and McGrath reported that the 1963 Tuttle Easement could be extinguished or given up identifying that there is no real access along the existing roadways as they exist that serves the original intent of the Town easement.

Town Planner and Engineering Office Research, 2012:

The Town Planner confirmed on March 21, 2012 that through her investigation and that of Michael Leitzel, then Town Engineer, could not locate any town meeting action conveying or accepting the easement as recorded.

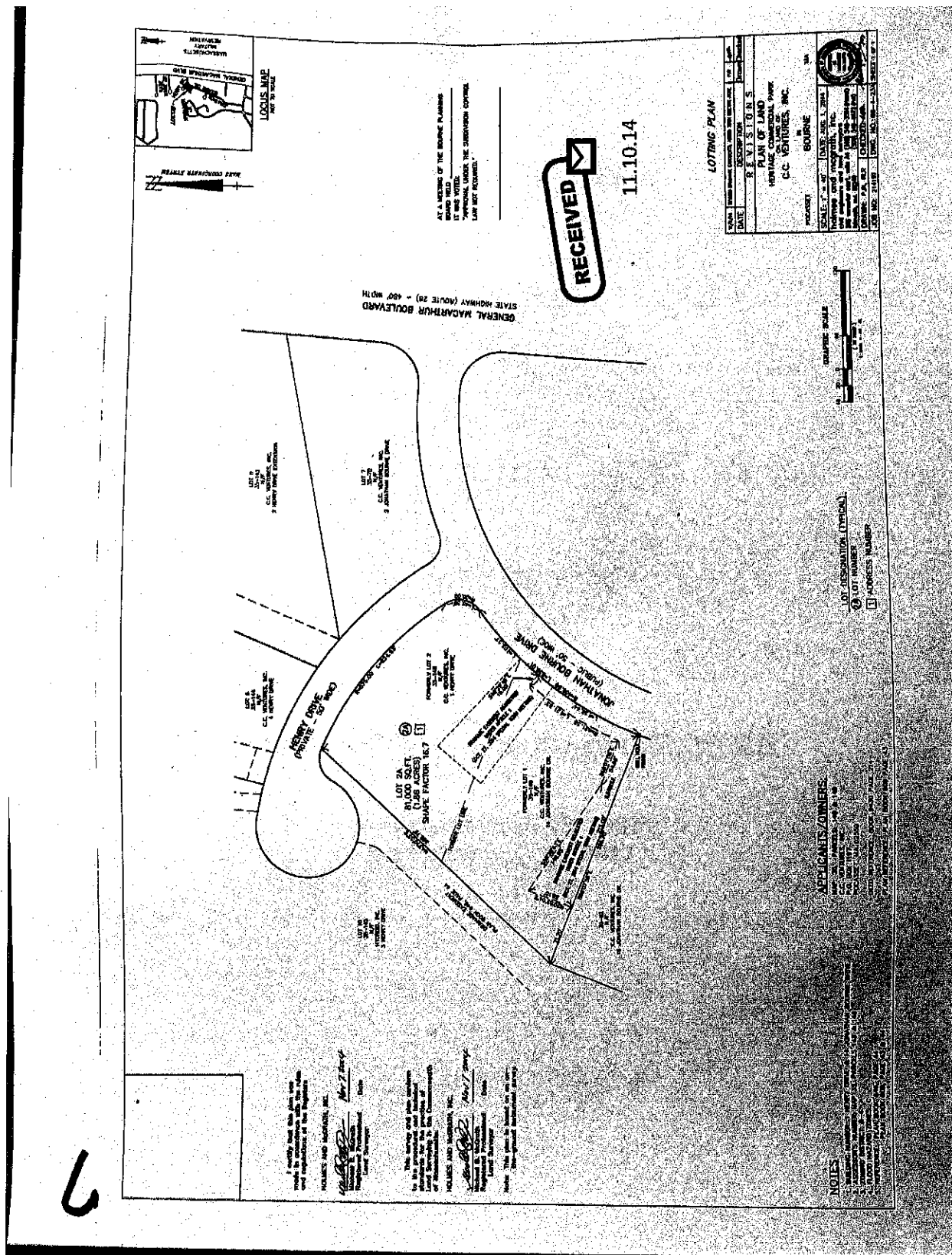
The easement was recorded on March 16, 1963 in Deed Book 1200, page 76 by Winslow Tuttle an easement to the Town of Bourne for the purpose of a utility easement and travel from the town forest to MacArthur Blvd.

The Town Planner in her letter of March 21 2012 noted the following:

- No easement was located on any plans of record
- No action by Town Meeting action conveying or accepting the easement was found
- The Town Engineering Department could not locate any action on the easement
- The Bourne Water District was contacted and expressed no interest in the easement
- The Town of Bourne has adequate access for travel and utilities along existing roadways
- There is no present plan to develop this easement

Recommendation:

Based upon the documentation provided by the Holmes and McGrath Civil Engineering and Land Surveyors, The Bourne Town Planner, the Bourne Town Engineering Department, I support the Article appear in the Warrant of the 2017 Annual Town Meeting for consideration by the voters to extinguish the easement as recorded in May, 1963 (Deed Book 1202, page 490) by Mr. Winslow H. Tuttle.



It appears an easement was granted to the town and yet never recorder or acted upon. It is now in the middle of a developed piece of property and parcel that Hydroid is now on. It has no use to the town. Mr. Donovan has prepared a private petition to go before the town meeting to extinguish that easement.

Mr. Tom Donovan, Principal of CC Ventures, Inc., said they developed Heritage Commercial Park off MacArthur Blvd. Mr. Donovan spoke briefly about the easement. When they purchased the land in 1987 there was no easement. He is asking for the Board of Selectmen for approval and support at Town Meeting. Made up a private petition to go before Town Meeting, has the necessary signatures to file it.

Mr. Guerino said the town has no interest in this piece of property at this time and hopes the Board will support the article.

Don Pickard said we have a citizen petition, it will appear in the warrant article book as a petition by Mr. Donovan and others.

Voted: Peter Meier moved and seconded by Michael Blanton to support the citizen petition to remove the existing 44ft wide access and utility easements on lots 9, 6, and 10 of Henry Drive and Henry Drive Extension recorded in the dead book 1200 page 76 shown on plan titled amended to definitive plan, Heritage Commercial Park II drawn by Holmes and McGrath, Inc., dated November 11, 2011.

Mary Jane Mastrangelo, Finance Committee, said generally a private petition isn't reviewed, it is as presented. She suggested the petition be reviewed by Town Counsel prior to Town Meeting so he approves it to form, so if any changes have to be made they can be suggested to the petitioners in advance and corrected before we go into Town Meeting.

Vote 4-0-1 Stephen Mealy abstained.

8) Traffic Rules and Orders proposed revisions - Chief Woodside.

Chief Dennis Woodside briefly went over the Traffic Rules and Orders Adopted March 15, 1939, revisions. Chief Woodside spoke about changing some of the fines. Any changes or amendments should be made at the time of approval. He spoke about the parking ban for snowstorms. Chief Woodside also said there is a posting requirement; it has to be posted in a newspaper declaring there has been a change. He suggested to have printed copies at Town Hall for anyone who wants to see the specific, and we intend to put it on the website.

Stephen Mealy questioned Beaches Requiring Stickers. Phillips Road Sagamore Beach. Phillips Road parking lot was open to anyone without a sticker but a lot on Standish Road does require a parking sticker.

Chief Woodside said Phillips Road means Phillips Road itself and not the Beach.

Jerry Silvestri commented on people with handicapped stickers parking in the striped part of the handicap parking space while another car is in the handicapped space.

Voted Peter Meier moved and seconded by Michael Blanton for the Town of Bourne the Traffic Rules and Orders adopted on March 15, 1939 and amended on March 7, 2017 be accepted as amended and all previous rules and regulations of the Board, other than temporary rules, regulations and signage, are repealed as of said date subject, however, to the limitations as presented. Vote: 5-0

Peter Meier recommended taking 12 A & B out of order.

9) Discussion on override for Firefighters

Tom Guerino spoke about the discussion with the Finance Committee and the changes in numbers relative to the Grant. The chief and I would like the opportunity to determine whether a targeted override is the best avenue to continue the service of these 4 firefighters on a permanent basis; or to utilize, for this upcoming FY, funds that are over the policy that is set that will be kept in reserve. Does it make sense to go forward with an override or to look at this as a short term funding perspective now that we know the Grant will go through November?

Mr. Guerino said he wants to be able to come to the Board with a recommendation on what to do. The Board has been clear that the override scenario was the way to go to add that many new personnel. There is discussion by members of the Finance Committee that it may not be sensible to go for an override and it may be more sensible to utilize money we have in reserves. Mr. Guerino said he is not prepared to make that recommendation to you this evening, and would like to work with the Chief and the Finance Director.

Don Pickard had spoken with the Town Administrator and the Chief and said it was the Administrators recommendation not to go forward with the Grant. They heard today the Grant can go through November. Mr. Pickard said I would like to see that in writing before I vote on it. I think we should postpone this until next Tuesday, by then the Administrator should have the numbers we need on several scenarios.

Michael Blanton questioned if there was any direction, guidance, or suggestions that came out of the meeting that was held last night? Don Pickard said there was support for doing something other than a targeted override. Stephen Mealy said what we are looking for is a recommendation from the Town Administrator. We should table this until next week. Give the Administrator, the Department Head, and the Town Financial Director time to put those numbers together.

Tom Guerino spoke about the budget numbers that he and the Chief discussed.

Mary Jane Mastrangelo said the Finance Committee requested clarification on certain numbers that were unclear to us, specifically keeping the firefighters vs. not keeping the

firefighters. Making sure that if we do go for an override and it fails that we have sufficient money in the budget to cover the cost that could be incurred if the override would fail.

Jim Mulvey spoke about the meeting with Finance Committee. His only question would have been for the Fire Chief to enunciate what he needs to properly protect the town for the next couple of years.

Voted Peter Meier moved and seconded by Michael Blanton to table this item until the 14th of March. Vote: 5-0

10) Buzzards Bay Park -Discussion of the Buzzards Bay Park current status, Current finances/balance of articles and future plans.

Don Pickard briefly went over the 2017 Conditions of Accounts.

Tom Guerino spoke about the park and the money for the park and finishing phase 1. Mr. Guerino spoke about the people who have been involved in the project and the fact that there needs to be a Clerk of the Works going forward. The position of the Main Street Steering Committee and the Town Administrator is that this should not be broken into two more sections; it needs to be done together so we can get the project completed. Should the money that will fund this project come from CPC or Capital? There is still some money left and future work moving forward will have a Clerk of the Works.

Don Pickard said the big part of this is to have a Clerk of the Works so there is one person who has construction experience that can watch over the project. It shouldn't be a volunteer committee that leads this; it should be a Clerk of the Works, so there is someone responsible for this project.

Peter Meier spoke about people telling him they are nervous this isn't going to be completed. A Clerk of the Works is a step in the right direction, but he also thinks the Town Administrator should take a more active role in this project. This park is going to be an image of this town going forward.

Tom Guerino said the Clerk of the Works will report to the Public Works Superintendent.

Stephen Mealy spoke about CPC projects over a certain amount of money having a Clerk of the Works position that will be responsible. We need to have a policy as a town going forward that any project over a certain dollar amount, that is going to be financed on public funds or other means that the town will be responsible for the tax payers, should have a Clerk of the Works to provide professional guidance and control on the implementation of the contracts associated with projects this large.

Don Pickard said he would like an agenda item on this for a future meeting and for Tom Guerino to come forward with a recommendation on that policy.

Paul Gately questioned if there is enough money to finish Phase 1 to allow the public to use it this summer.

Stephen Mealy said the next phase is to put the topsoil back and to finish the grading, install the walkways, move the monuments to the proper locations, and to complete the installation of a seeded lawn. The hope of the Main Street Steering Committee is to approach a Special Town Meeting to get sufficient funds to finish the installation of an in-ground irrigation system, and to finish the installation of any subterranean foundations for some other pavilions and benches and small areas that will require excavation in the future to avoid that so the park itself will be finished. The next Phase is to purchase the pavilions, to purchase a water recreational area, to put in playground equipment, put fencing in around those areas, to buy all the plantings and trees and finish the park. To ensure that by the end of this fiscal year the park will be complete.

Tom Guerino said the hope is that if the grass takes, the westerly end of the park will be sufficiently grown in so we can continue summer activities at the park. Some of the other pieces will be done on the eastern end of the park so the park can still be used for summer activities.

Jerry Silvestri spoke about the park and how he is saddened at the sight the way it looks now. Can the dirt be spread out? Our DPW can do some of the work. Tom Guerino said our DPW has done and will continue to do a lot of the work.

11) Seasonal Liquor population

Peter Meier said as of July 17, 2017 it will be moved up to 40,000

Voted Peter Meier moved and seconded by Michael Blanton acting under the authority contained in M.G.L. Ch. 138 Section 17, as amended the undersigned licensing authority held a meeting on March 7, 2017 that we increase our temporary residential population to 40,000. Vote: 5-0

12) Licenses/Appointments:

- a. Conservation Commission appointment- Elise Leduc**
- b. Board of Appeals- Associate- Debbie Bryant**

Peter Meier spoke about Elise Leduc who applied to be a full member of the Conservation Commission for a term through June 30, 2019.

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

Peter Meier spoke about Debora Bryant who applied to be appointed as an Associate member of the Board of Appeals for a term to expire June 30, 2017.

Debbie Bryant introduced herself and briefly spoke about her background.

Voted Peter Meier moved and seconded by Michael Blanton to appoint Debbie Bryant as an Associate member of the Board of Appeals. Vote 5-0.

Tom Guerino said their appointment slips should be available by close of business tomorrow; they can pick it up at Town Hall. They will have to go down to the Town Clerk to be sworn in.

13) Selectmen's Business

- a. Goals**
- b. Economic Development**
- c. FY 18 Budget**

Don Pickard said these items are placed on the agenda each week so if any member has anything to discuss we may discuss it.

14) Town Administrator's Report

a. Update on Littoral Power

Tom Guerino emailed the Board regarding the Littoral Power Grant Proposal with the Mass Technology Collaborative.

Mr. Guerino said after direct contact with the Mass Tech Collaborative, the agency which oversees the Seaport Economic Council Funding, and two fairly lengthy discussions regarding the requirement of the town being a lead agency and having to assure compliance of Littoral Power's adherence to Mass General Law 30B (procurement), I have come to the determination that the Town will not be well served in being the lead applicant on this project. I have also had in depth discussion with the Finance Director on this. The only Lead agency with a similar grant that has been provided by the Mass Tech Collaborative, is one from UMASS Dartmouth. I would suggest that Littoral look to an entity such as this where there is a dedicated grants and contracts division. Additionally, Littoral Power strongly has intimated that the grant would have an extensive educational component with local schools and perhaps CCCC. However, in meeting with the principal's none could offer any manner or mechanism on how this would be effectuated. It was clear that very little thought had gone into any partnerships with The Bourne School System, Upper Cape Tech., or CCCC. The Town would be pleased to be a partner in the grant (in a similar manner that we are with the other project on the canal) but am very uncomfortable with the Town taking on the primary fiduciary responsibility for this project strongly and recommend against it.

Michael Blanton said he had a conversation with the Town Administrator about the term of events. Understands the difficulties of complying as a lead agent and will support the recommendation. It represents an opportunity loss for this town to have learned from this process working with this applicant and directly being involved in the shaping of their efforts in their attempts in bringing this type of concept to this town. Hope they continue to enlist our support and aid. We have lost some of the management opportunity that came to us from their proposal.

Tom Guerino said the project, if funded, regardless of the lead applicant, is the same project. The town would have no management oversight as to what direction that Littoral was going to take in implementing the project that they are putting forward.

Stephen Mealy would recommend we let this play out. We shouldn't take any vote either accepting or not accepting or reinforcing this. We have an opportunity to see what will happen as a reaction from Littoral Power back to the town. I would suggest we sit tight and let this develop and see where it goes.

Don Pickard said he looked at it as an opportunity when he initially met with them. I understand that your recommendation is based on the fact that we could not be certain that they are complying with 30B. Don Pickard questioned if it would be a good idea to ask them to come back and have a meeting with Mr. Guerino.

Jim Mulvey spoke about the proposal to install two large steel pilings with a structure across the top that would be used to raise and lower an experimental generator into the current flow. He spoke about the proposal the town agreed to support one to determine data and feasibility. How can we talk about a partnership with another organization for an array of ten, when within the past year we were considering allowing just one to be installed?

Stephen Mealy spoke about the approved piece to test a facility to allow individuals from anywhere in the world to come and test unique designs. It could be one piece or it could be several pieces as long as it will fit into the test structure. They were looking for the town to sign up as the primary applicant for the grant. The discussion this evening is whether or not the town has the infrastructure, the personnel and the ability to properly organize and run and operate a grant. It is not a physical limitation it is the management of the grant. One was an established testing facility and the other one is looking for a grant manager

Tom Guerino said he had the pleasure of being a judge, along with Mr. Meier, for the Science and Technology Fair for the middle and the high school at the high school gym. He spoke about a specific science project that one middle school girl did, and a high school student's project.

15) Selectmen's Reports

Michael Blanton spoke about his monthly coffee hours, which was held at the Bourne Library, the residents and the topics they discussed. Mr. Blanton said he, and Mr. Slade attended, earlier today, the Mass Maritime Academy, which hosted the Commonwealth Conversation. Mr. Blanton also said he and Mr. Meier had a nice meeting with the Brownie Troop 62911.

Peter Meier spoke about the meeting that he, Mr. Blanton and Mr. Slade had with the Girl Scout, Brownie Troop and the Daisy Troop, they wanted to talk about the Buzzards Bay Park. Mr. Meier said he was part of the Science Fair with Mr. Guerino. Mr. Meier also

watched the Bourne High School Basket Ball Teams. The Bourne High School Drama Department moved on to the next level. Good luck to the Drama Department.

George Slade spoke about the RFP inquiry coming from the Mass Maritime Academy. He would like to create a climate where we are cognizant of what their plans are, and the forwarding of a partnership so we are aware of their plans. Mr. Slade also spoke about the extension of the Shining Sea Bike Trail to the Bourne Bridge.

Tom Guerino spoke about the options that were presented to the town.

Stephen Mealy spoke about the Mass Maritime Academy public notice and the RFP. There was no prior discussion about this. He asked if we should start partnering with Massachusetts Maritime Academy.

Peter Meier said this is a town problem not a Buzzards Bay problem.

The next Bourne Selectmen meeting will be on Tuesday, March 14th at 7:00 P.M.

16) Adjourn

Voted Peter Meier moved and seconded by Michael Blanton to adjourn. Meeting adjourned at 9:01 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.