

**Board of Selectmen
Minutes of Tuesday, February 28, 2017
Bourne Community Building
Bourne, MA 02532**

.....

TA Tom Guerino

Selectmen

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

TOWN CLERK BOURNE

2018 FEB - 6 AM 11:45

RECEIVED

Note this meeting is being televised and recorded. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time – Michael Rausch Bourne Enterprise.

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

Documents

6:00 p.m. Call to order in Open Session

Motion to enter Executive Session to conduct strategy sessions with respect to collective bargaining with Fire Union Local 1717; ongoing litigation with respect to Cumberland Farms, Inc. vs. Bourne Planning Board; and ongoing litigation with respect to Careen Moore et al v Nouria Energy, Inc. et al. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body with respect to the discussion concerning pending litigation. The Chairman also declares that an open discussion will have detrimental effects to the negotiating positions of the public body with the respect to the negotiating position of the Town concerning Collective Bargaining.

Roll call Vote to convene in Executive Session for the purpose stated. The Board will reconvene in open session at the conclusion of Executive Session.

Roll call Vote to reconvene in open session.

Meeting Called to Order

Chm. Pickard called the meeting to order at 7:04 pm.

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

Don Pickard reported the Board met in executive session with the Planning Board.

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

Public Comment – Non-Agenda Items

None requested.

Voted Peter Meier moved and seconded by Michael Blanton to take number 7 out of order followed by number 6 then number 9. Vote: 5-0

Don Pickard reported that we have Town Counsel present, and Judy Whiteside Chair of the Wareham Board of Selectmen.

7) Judy Whiteside- Chair Wareham Board of Selectmen regarding the Moving Wall (Vietnam Veterans)

Patrick Tropeano, member of the Wareham Board of Selectmen, spoke about the event they were having in the summer and invited the Bourne Board of Selectmen to participate. Bob White, member of the Veterans Council, spoke about the Moving Wall. Wareham will have it from the 17th to the 21st of August. It will be across the street from the Wareham Middle School. Each day there will be a ceremony. Wanted to make sure Bourne was aware and wanted to make sure it was OK for us to participate through your public announcements distribution system. We are looking for publicity, promotion, and participation as a volunteer. We would like to proclaim that time as a sacred time here in the southeast community. Other members of the Veterans Council who helped out are: Joseph Sarnelli, Julio Roderick, Angela Dunham, Chairman of the Wareham Historical Society.

6) Review and take action regarding legal costs in reference to the Maurice and Rossignol Shellfish aquaculture grant

Atty. Bob Troy spoke about the claim. Under the Tort Claim Act the Town Administrator is authorized upon the filing of a notice of a claim to resolve and settle a claim. It is not necessary for the Selectmen to approve it, because of the interest of transparency it was thought that this matter should come before some type of forum. If appropriation is required it also has to go before a Town Meeting. In this case we are informed there is not an appropriation involved. Based on a review of the claim the Town Administrator has determined that it is appropriate and in the best interest of the town to resolve the claim. I have reviewed the claim and I support the Town Administrators determination.

Tom Guerino stated he would like a vote to endorse the Town Administrator's position to pay this claim in the amount not to exceed \$6,000.

Voted Peter Meier moved and seconded by Michael Blanton to endorse the Town Administrator's position to pay this claim in the amount not to exceed \$6,000. **Vote: 4-1**

9) Board to determine whether to place ballot questions/town meeting articles to opt out, place a moratorium and review local option taxes regarding the new Recreational Marijuana allowing retail dispensaries.

Atty. Troy spoke about the legislation that has been passed with respect to the issue of marijuana. There are a lot of different options for the town to consider. The legislature recently, and the governor signed, an amendment to the original legislation that pushes the date back so the applications under the recently passed law; the beginning of the opening period is April 1, 2018. The town has time to prepare. There are matters within the legislation that might require immediate action. Possibly at this year's annual or Special Town Meeting. I suggest the Board have some type of advisory group from various sectors that should be involved to make a study of the immediate issues that need to be looked at, and report back to the Board. March 28th might be a good time for the Chair or Town Administrator to constitute this committee. Ask the committee to come up with some information and present it at the March 28th meeting to the Board.

Don Pickard questioned would the Board want to constitute a committee, or the Administrator. If the Board constitutes a committee a member of the Board cannot serve on that committee. How many members should be on that committee? Mr. Troy said someone from the Board of Selectmen, someone from Public Safety, Planning, Board of Health, and the Health Agent.

Don Pickard suggested it become the Town Administrator's committee/working group. Tom Guerino said it will be an adhoc working group with a definitive date of 30 days. Mr. Guerino will call the people together. There doesn't need to be a working charge. Any member of the Board of Selectmen who want to serve please work it amongst yourselves and let me know. Mr. Blanton has volunteered to be the member of the Board of Selectmen.

4) Minutes from Meeting(s) dates: 1-3-17; 1-17-17; Joint 2-7-17

Voted Peter Meier moved and seconded by Michael Blanton to approve the regular session minutes from January 3, 2017 as presented. **Vote 5-0.**

Voted Peter Meier moved and seconded by Stephen Mealy to approve the joint session, with the Finance Committee, minutes from January 17, 2017 as presented. **Vote 4-0-1** Michael Blanton abstained.

Voted Peter Meier moved and seconded by Michael Blanton to approve the minutes from February 7, 2017 as presented. **Vote 4-0-1. Stephen Mealy abstained.**

5) Correspondence

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

- A. Letter from the Brownie Troop 62911, offering help with the railroad station park.
- B. Notice from Department of Environmental Protection on water ways license application submitted by James Swen III to obtain Chapter 91 license for existing seawall [application is on file at the Town Administrators office.
- C. Elizabeth Kiebalá submitted a resignation from the Conservation Commission

- D. Letter from Dan Barrett, General Manager of ISWM to Department of Environmental Protection regarding Bourne ISWM facility quarterly groundwater and landfill gas monitoring results.
- E. Letter from Kevin Burke regarding clearing of snow from the pedestrian sidewalks from the Cape Cod Canal Federal bridges
- F. Note from Arnold and Susan Travers who reside at Tradewinds Condominiums regarding trash pickup and snow removal.
- G. Debbie Bryant submitted her letter of interest to serve on the Board of Appeals as an associate member.
- H. Letter from Elise Leduc interested in serving as a regular member of the Conservation Commission.
- I. Email correspondence from Dick Conron concerned about relevant information on the town website
- J. Email from Mr. Spear regarding the bike trail and the future status of the rail line.

Peter Meier regarding letter A, spoke about the monthly troop meeting.

8) Bourne Rail Trail- Nathan Robinson

Nathan Robinson and Russell Salamoni were the presenters for the Bourne Rail trail presentation. Other members were in the audience. Mr. Robinson went over the presentation of the Bourne Rail Trail (Shining Sea Extension). He updated the Committee on the process of the project. Mr. Robinson is requesting the Selectmen's engagement moving forward with the project. He feels it should be a high priority for the community and the leaders of the community. Mr. Robinson spoke about the vision, the planning and process, community feedback and response, and discuss the potential next steps. He briefly spoke about the different options: Rail to Trail (\$9.1 million), Rail with Trail (\$25.5 million), and Rail with Trail with at Grade Crossing (\$14.7 million), Draft Feasibility study has been issued. Would like to see the Selectmen make this project a priority as they engage in this project moving forward. Would like the Selectmen to review the draft feasibility study and submit any questions and comments to the Cape Cod Commission by March 15th. Request the Selectmen to invite the Cape Cod Commission back to present the final feasibility study to the Board at a meeting in the spring. Engage with your peers in Falmouth and Sandwich.

Stephen Mealy stated he would endorse the project but would like to maintain the existing rail line. The impact to the upper Cape towns is significant because of the transfer of waste off the Cape by rail.

Don Pickard questioned when your final feasibility study will be done in the spring. Glen Cannon, Director of Technical Services at the Cape Cod Commission, said if he doesn't get critical comments on the structure or engineering, he should have the report out by the end of March. Don Pickard said he would like to have them back to present at the meeting on April 11th.

Mr. Guerino questioned will this be on the Transportation Improvement Plan.

Mr. Cannon spoke about the state wide money used for these multi-use paths.

Mr. Guerino spoke about possibly upgrading the Transfer Station to a more modern station to be able to not only transfer out but also bring stuff in and be disbursed out of that transfer station.

Michael Blanton said we are trying to present a public benefit for the rail and the trail. This will bring additional tourism to our area. Would like to see this explored further.

Peter Meier said there is an economic benefit; there is a health benefit for people to use it. It would be good to see what the options are.

Don Pickard said the next steps are for members of the Board to send any questions to Mr. Cannon. We will have a meeting on April 11, 2017 in order for Mr. Cannon to present the final feasibility study. Engaging our peers in Falmouth and Sandwich.

Kevin Lynch, Chairman of the Falmouth Bikeways Committee, thinks it would be a great project to connect the Shinning Sea Bike Trail to Bourne.

Sue Baracchini, Pocasset, said the things that concern her are the narrow ways. There are three bridges with no width. Sections are going to need grading or buildup. Where would public parking lots be for public access?

George Slade said we shouldn't let this opportunity go by.

Pat Johnson, North Falmouth, Would like to have the Board of Selectmen speak to Bourne's representative on the Upper Cape Transfer Station Board. Make sure he understands our concerns and maybe they could put off the RFP. Don Pickard said there are legal procurement issues. They already sent the RFP out and because of the RFP Process and the state procurement law for us to interfere at this point it is not advised.

Jimmy Beal, Bourne Village, spoke about how he is in favor of the bike trail

George Slade suggested it would be good to let Mr. Barrett know of the situation.

Mr. Robinson questioned what the intent of the RFP is, we know the long term use is for municipal use, what is the urgency of having private use for that transfer station.

Mr. Guerino said the Board of Managers have agreed to a plan forward for the use of the transfer station and the reuse of the transfer station. They have their own set of governance, I have not interfered with the governance of the Board of Managers. Since they are in their procurement stage, the RFPs are now being reviewed, for us to make any comment on what the long-term goal is or what they are planning to do and why, would not be a good thing for us to comment on prior to those RFPs being opened and vetted.

Michael Blanton stated if it is not the appropriate place for this body to interfere because of our position, there is nothing preventing members of the community from reaching out to the town's representative with regard to this.

Mr. Pickard stated for this Board to make any inferences during the RFP process in my opinion is inappropriate.

10) Vote for School Building Authority Project Development Funding as required by MSBA

Tom Guerino gave a brief background on why this item is on the agenda again. The MSBA requires a direct vote relative to project development funding.

Voted Stephen Mealy moved and seconded by Peter Meier to vote to authorize the Town of Bourne to enter into and be bound by the project funding agreement between the town and the MSBA and further authorize the Town Administrator by the signatory per Town Charter to execute project funding agreement with the MSBA. **Vote: 5-0**

11) Licenses/Appointments:

a. C&S Auto Tech - Class II Dealers License

b. Psychic Fair/Craft Show- Request waiver of fees for this event

Peter Meier went over the licenses. Marvin Spinner d/b/a CNS Auto Tech, 174 Main Street, Buzzards Bay, MA; Class II car dealer license for 5 vehicles.

Mr. Spinner briefly explained what his intentions are.

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

Peter Meier went over the Physic Fair for April 1st 2017.

Voted Peter Meier moved and seconded by Michael Blanton to waive the fee for this event. **Vote: 5-0.**

12) Selectmen's Business -

a. Goals

b. Economic Development

c. Budget

Peter Meier spoke about the event on March 7th at Mass Maritime Academy that will be an economic development workshop, it will be provided by Massmoves.org.

Don Pickard stated the Selectmen are working on their goals and have scheduled a workshop to discuss the goals.

Mr. Guerino handed out the new Sources and Uses and explained the updates to the Board. Mr. Guerino also spoke about the meeting regarding the budget with the Finance Committee last evening.

13) Town Administrator's Report

a. Plowing of Sagamore and Bourne Bridges

b. Littoral Power Seaport Economic Council Grant Application

Tom Guerino spoke about the plowing of the bridges and the meeting he had with the Chief of the Corps of Engineers, Mr. McDonald and his immediate assistant to discuss the issue of the bridges.

Peter Meier stated we should be looking at some sort of reasonable possibility to get the sidewalks open for people to use.

Mr. Guerino said it has been vetted through the Regional Directors level and at this point in time it is not something that they plan to undertake.

Stephen Mealy stated he doesn't want to get the town of Bourne involved in a matter that belongs to the Corps of Engineers and they have made it clear the problems they have in trying to take care of this issue.

Michael Blanton said we do have a federal representative who resides in our town; perhaps Congressman Keating could weigh in on this conversation, to bring attention to this issue. I don't believe we have to accept whatever the Army Corps of Engineers tells us, we have a vested interest in this issue. There are people who have a ligament need and use for the sidewalks on the bridges, we have a responsibility for the transportation and public safety for the citizens in our town.

Don Pickard stated after being on this Board for 8 years I haven't heard of a complaint of the plowing or the lack there of on the bridges. I don't think the Corps of Engineers is going to change based on this Boards position that they need to plow the sidewalks. I suggest that if members of this Board do not feel that enough was done you collaborate, talk to the Administrator and if you want an agenda item for a future time we can add that.

Jim Mulvey said he has heard of complaints. It is know and legally represented as a sidewalk, it is Corps property, and citizens of the Town of Bourne use it; it should be made safe. To disregard the fact that it is a major sidewalk from one village to another across the canal is hard to ignore. Where it is legally a sidewalk under their hospices if someone attempts to cross it and has an accident the liability against the Corps is tremendous. A letter from the Board of Selectmen to the Corps of Engineers saying it has come before you as an official issue you could raise these issues that you are obligated to protect the well being of the citizens of Bourne, add it is their obligation to clear the bridges.

Mr. Guerino said at one point the Corps did plow but according to Mr. McDonald it has been over 10 years since. From his perspective there were a number of reasons why they were no longer undertaking it.

13.b. Literal Power Seaport Economic Council Grant Application

Mr. Guerino spoke about the meeting he and Linda had with Mr. Ashburn relative to what we would need to be comfortable relative to procurement. Also spoke with a woman from Mass Tech Collaborative. Before I make a final recommendation to the Board I want to hear back from the Mass Tech Collaborative on specific questions I asked them

14) Selectmen's Reports

Mr. Mealy wanted to remind everyone there will be a meeting of the Cape Cod Regional Govern Assembly of Delegates on Wednesday, March 1st at 4:00 p.m. held at the Chamber of Assembly of Delegates in Barnstable. Mr. Mealy spoke briefly about what that meeting is regarding.

Mr. Slade said he is planning on attending an Economic Development discussion tomorrow at Barnstable Town Hall.

Peter Meier said tomorrow he will be judging the science fair at the high school.

Mr. Blanton wanted to remark on the Bourne Historical Society's Marti Gras celebration they put on at the Weary Traveler' Club that he attended. He spoke briefly about the celebration. Mr. Blanton also wanted to express condolences for the passing of, our town planner, Coreen Moore's father

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

15) Adjourn

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

Respectfully submitted – Carole Ellis, secretary.