

**Board of Selectmen  
Minutes of Tuesday, January 3, 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**

**Meeting Called to Order**

Chm. Pickard called the meeting to order.

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

**Public Comment – Non-Agenda Items**

Jim Mulvey spoke about his concerns on the recreational individual growth of marijuana in a residence.

**4) Minutes from Meeting(s) dates: Executive 11-22-16, 11-29-16; 12-20-16; Regular 12-20-16**

**Voted** Michael Blanton moved and seconded by Stephen Mealy to approve the executive session minutes from November 22, 2016 as presented and to encumber. Peter Mealy abstained. Vote 4-0-1.

**Voted** George Slade moved and seconded by Stephen Mealy to approve the executive session minutes from November 29, 2016 as presented and to encumber. Michael Blanton and Peter Meier abstained. Vote 3-0-2.

**Voted** Michael Blanton moved and seconded by Peter Meier to approve the executive session minutes from December 20, 2016 as presented and not to encumber. Stephen Mealy abstained. Vote 4-0-1.

**Voted** Michael Blanton moved and seconded by George Slade to approve the regular session minutes from December 20, 2016 with one edit, change attached to attached on page 2. Peter Meier and Stephen Mealy abstained. Vote 3-0-2.

## **5) Correspondence**

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

A. Division of Marine Fisheries made an on-site inspection of approximately one [1] acre shellfish aquaculture license site proposed by Bruce Silverbrand.

**6) Tim Mullen - Aquaculture Regulation - Mr. Mullen will be present to discuss minor amendments to the Shellfish Regulations and moratorium recently imposed by the Board of Selectmen. The Board will consider changes as recommended by the Shellfish Constable.**

Tim Mullen discussed minor amendments to the shellfish regulation and moratorium that were recently proposed. Requesting changes to the moratorium so upwellers can be expanded. Mr. Mullen explained why he is recommending these changes.

Don Pickard said we don't have to rescind the vote we could move to amend the shellfish regulation moratorium to exclude private docked upwellers.

**Voted** Peter Meier moved and seconded by Michael Blanton to amend the shellfish regulation moratorium to exclude private docked upwellers.

Don Pickard said Mr. Mullen has expressed that it does not affect the waters or other growing areas; it's affixed to a dock. They just bring these oysters and other species to a certain size then sell them to growers.

Mr. Mealy wanted to clarify is the language we are discussing to allow the applications be submitted for upwellers on private docks. Is that adequate for your office to screen and review these applications; is there any other language you want to add to this? It states that anyone coming in with an upweller application to be attached to a dock is not affected by the moratorium. Do we need to all language relative to the description of the dock or location of the dock? Mr. Mullen said it will still have to be reviewed and approved by the Board; it will still have to be reviewed and proved by Marine Fisheries.

Michael Blanton wanted to clarify does it have any impact on any other application that are already in process or have already been granted. Does it set any kind of precedence or consequence that we will have to be concerned about how this might open up the usage beyond what was intended when we originally imposed the moratorium? Mr. Mullen stated not that he is aware of. There are no other applications that are waiting for the town's approval. There are other locations that the Board has approved that are still being approved by Marine Fisheries. There are no other applications that this would affect.

Mr. Blanton said he is concerned about other applications coming forward other expansions that we weren't intending. Mr. Mullen said you have to determine whether you want it just to be the moratorium for just expansions or just new applications for upwellers as well. There are no other applications for grants or upwellers.

Don Pickard questioned the people that have the upwellers have the same restriction for the people applying for a 1-acre, 2-acre, or 3-acre grant. You also have to be a resident of Bourne to have an aquaculture grant.

Tim Mullen said if you don't want to accept new applications for new upwellers this wouldn't be an issue. If you just want to amend the language so it allows for expansion of existing operations then you wouldn't have to worry about any new operations.

Jim Mulvey said his concern is proliferation, are you going to have shellfish growing individually all over town? How do you work oversight of that? This affects water quality, where are they getting their seed, how do they protect against vibrio. Board of Health, Marine Division, and DNR will have to worry about this. If you are going to get into aquaculture and expand it, I think it should be consolidated into one or two areas not all over town. Mr. Mullen said we don't have miles and miles of flats that are conducive to shellfish growing. These grants can only go into places that aren't productive. They can't go in areas where there is other recreational activity. They can't be around mooring fields. There aren't a lot of areas so naturally they will end up all around town. So far the areas that have been chosen have proved to be decent locations for these operations. I don't think it is possible to limit it to one area.

Mr. Pickard said based on Mr. Mulvey's concerns do you feel that your department can adequately manage those concerns, do you believe we should refer this to Shore & Harbor for study? Mr. Mullen said we aren't going to be approving anything else in the near future as far as acreage goes. We have enough manpower to deal with what we have now, and Marine Fisheries helps out. A lot of the enforcement is administrative on the Marine Fisheries part. We can't buy shellfish from just anyone we have to buy shellfish from specified DMF approved. In this operation they can only be sold to other growers because they will be too small to go on the retail market.

Mr. Blanton questioned regarding them being spread out around town can you anticipate a substantial biological benefit to the filtration that they are able to offer various areas around town in terms of dealing with the nitrogen loading issue. As opposed to have them in one location, spreading them around town might bring a net benefit to varied areas. Mr. Mullen said it takes a lot of oysters to clean out a body of water. In Kingman Marina they claim to have seen an improvement in the water quality, they had several million small oysters growing there. It is a closed off area and it doesn't flush very well. If you wanted to target a particular area and you had five or six operation in there you probably would see an improvement in the water quality. **Vote: 5-0**

**7) Main Street Steering Committee - Status Update on progress and funding needs for Buzzards Bay Park renovations. The Board will hear and discuss future plans for the park and proposed budget estimates.**

Sally Riggs updated the Board on the progress and spoke about what the park looks like now and what it will look like in another four to six months. She also wanted to look ahead and anticipate what we are going to be looking for in additional funding. She spoke about the four favorite features that the survey pointed to. Three of the four are moving forward with the planning. Ms. Riggs spoke about the implementation areas with phase one and phase two; and about the different areas of the park and what is being changed. Mrs. Riggs spoke about the expenses and the funding, and the budget. Capital Outlay Committee will meet tomorrow and we are going to ask them for some funding for the site improvements. We also have to put together an application for the Community Preservation Fund by the 20<sup>th</sup> of this month we are going to ask for around \$430,000 for design fees, sight work, and the general contractor's costs.

In order to be eligible to apply for any state grants we have to have a town meeting vote to appropriate 100% of the total project costs. That doesn't necessarily mean the town has to spend that amount, but it has to indicate if the grants do not come through there will be a commitment by the town to take care of it. There are two grant programs, one is a state program and the other is a federal program. They both support park restoration upgrade and purchase of land for parks. Both of them require the town have a certified open space and recreation plan on file with the state. Bourne does not yet have that. It's in the process of updating the open space and recreation plan. It should be going to the state somewhere late winter early spring. It then has to be certified by the state.

One of the two programs has a deadline in February, but you have to have the town meeting vote. The other has a deadline in July. With at May Town Meeting we would be eligible for a state grant. The challenge with that is with a July deadline they say it takes 120 days for them to review all the application before they make a decision. We are looking at November of 2017 before any additional money would be available. That is why we are trying to do this with Capital Outlay and Community Preservation.

George Slade questioned maintenance of the park. Stephen Mealy talked about the maintenance, maybe having user fees and other costs for maintaining an ice rink. Peter Meier questioned having some sort of informational sign so people know what is going on at the park. Sally Riggs spoke about the signage for the park.

Mary Jane Mastrangelo, Capital Outlay Committee Chair, spoke about the preliminary presentation they had in December. Capital Outlay wasn't involved because originally the funding was going to come from CPA and grants. In the initial discussion that Capital Outlay had we spoke about phasing project costs, and phasing the remaining parts of the project, so phases of the project could be completed individually.

Capital Outlay would have some concerns about appropriating the full amount of money and obligating the town for the limited resource that we have for Capital Outlay for this

project without knowing what is happening with the grants. We really need to think about what can be done this year and what can be done the following year after the grants were received. We have to think about priorities and the available funding for those priorities.

Mr. Guerino said we need to talk to Capital and look at the best way to phase this in. My concern is having it vacant for another two seasons. Let's have a thorough discussion with Capital and bring it back to the Selectmen as time requires.

**8) Old Business - Recurring matters pending before the Board of Selectmen**

- a. FY 18 Budget Priorities - Board to discuss and prioritize budget expectations for inclusion in the Town Administrator's FY 18 Budget**
- b. Goals update and development**
- c. Community - Economic Development discussion**

Don Pickard spoke about the budget. We are going to vote our budget priorities. The Town Administrator will take the Board's information and votes and come back on the 17<sup>th</sup> with his budget message and proposed budget. We will review the Administrator's budget and Capital plan making changes as the Board deems appropriate. Then transfer the budget to the Finance Committee on or before February 1<sup>st</sup> in accordance with our charter section 7.1.

Tom Guerino said Peter Meier did come in and discuss his budget priorities with me. Peter Meier went over his budget suggested changes that he spoke to Mr. Guerino on.

Mr. Guerino spoke about the push for Economic Development and the One Time Revenues money. We are recommending \$200,000 be put into OPEB and the remaining \$625,000 be put into the Capital Stabilization Account or the Town's General Stabilization Account.

Don Pickard would like to entertain a motion to endorse the One Time Revenue numbers of the Administrator as outlined, then if the Administrator feels that it has to be \$225,000 in OPEB and \$600,000 in the other, then we will acknowledge we voted the priority, but if he comes back, with the final budget we will take his recommendation.

**Voted** Peter Meier moved and seconded by Michael Blanton to approve the One Time revenues as described on 8A.

Stephen Mealy said the balance be placed in Capital Stabilization vs. General. Is this Board suggesting they feel better about the money going into Capital Stabilization vs. general? The Board members agreed. **Vote: 5-0**

Tom Guerino spoke about Free Cash, recommending to use \$750,000 of Free Cash towards the Budget.

**Voted** Peter Meier moved and seconded by Stephen Mealy to support the Town Administrator's recommendation of using \$750,000 in Free Cash towards the FY18 Budget.  
**Vote: 5-0**

Tom Guerino spoke about the Ambulance Fund. He recommends taking the Fire Dispatch plus the \$50,000 that we are currently short from this account. We can do it for this year and probably next.

**Voted** Peter Meier moved and seconded by Michael Blanton to pay for the fire dispatch services out of the Ambulance fund for FY18. **Vote: 5-0**

Don Pickard spoke briefly about the School Department Budget.

Tom Guerino said we ran a draft Sources and Uses and a 3% increase to the School Department is something we can live with.

Don Pickard spoke about the Position Requests. It could be a broad policy position of the Board of Selectmen in this case, where the Administrator is requesting a lot of Administrative Assistances. The Board wants to be assured the higher paid professional staff are not being utilized to perform the functions of the administrative/clerical professional staff. The Administrator can make these changes as he sees necessary.

Tom Guerino went over the Position Requests: Information Technology assistant, DNR/Town Clerk position, Assistant Town Planner, Fire Department requests, DPW and Sewer, BOH Inspector, Counsel on Aging, Library Circulation Assistant, additional hours to Unit B contract, Building Inspector, Recreation Director.

The Board should take the Broad Policy Position and say that we acknowledge a policy these positions for the most part are necessary, we will review it after the Administrator submits it.

**Voted** Peter Meier moved and seconded by Michael Blanton to endorse the staffing recommendations of the Administrator. The Board will take a formal position after the administrator has submitted his budget. **Vote: 5-0**

Don Pickard spoke about the Assistant Town Administrators position. One of our goals is the span of control on the organizational chart taking some of the Town Administrators responsibilities and having them go to an Assistant Town Administrator.

Tom Guerino spoke about Economic Development. We have applied for a couple of different things through the Common Wealth Community Compact through the office of the Governor and the Lieutenant Governor; one is Document Management and the other had to do with Economic Development Environmental Scan. We were accepted for both. On Thursday January 12<sup>th</sup> Lieutenant Governor Polito will be in Bourne to sign off on the Community Compact as it relates to the Economic Development piece.

Michael Blanton spoke about the research he did on expanding our mission with regard to Economic Development short, medium, and long-term goals. The three pieces are different communities that embraced economic development goals and objective plans. For us to

look at as steps that we might want to take as a community as we discuss our own Economic Development.

Don Pickard said if we reduce Mr. Guerino's span of control from 19 department heads to 7 department heads and afford him the opportunity to become involved in the review of Economic Development for the future. Mr. Guerino said we can see how the position progresses over the budget season.

**9) Town Administrator's Report**

- a. Staffing changes and consolidations - current fiscal year**
- b. Recent replacement hires**
- c. Budget preparations**

Tom Guerino spoke about the call he got from the Attorney General's office about an open meeting law complaint that the Board has rectified.

Mr. Guerino wanted to thank the Board members and the members of the community for the kind words regarding the passing of his sister.

**10) Selectmen's Reports**

George Slade spoke about all the litter on McArthur Blvd. Maybe the Sherriff Department can help with that. Mr. Guerino said he will ask Dan to contact Mass DOT and will try to get that cleaned up.

Mr. Slade also spoke about the three items on the front of one of the weekly papers concerning ethics lapses in some of the support groups that are affiliated with the town. Maintaining financial integrity is something that is overlooked. Mr. Guerino said he could get Mr. Giannotti from the State Ethics Commission to come down and talk about what we need to do from an ethics perspective as municipal officials or non-profit officials. If we are looking at the financial working individuals of non-profit and if they have the appropriate capacity and what their dos and don'ts should be; some of that should be answered in Mr. Giannotti power point but, relative to their book review that's not anything the town has any ability to control.

Mr. Slade will speak with Mr. Guerino and discuss that issue.

Jim Mulvey said if you want more members on committees you're going to have to learn to support the recommendations of your committees.

Stephen Mealy spoke about trying to look at alternative ways to utilize unused parking and aiding people to use the beach. A private entity would be interested in coming in to talk to the Board about provide such a service. There is already a resident pool that is using some of the parking areas that may or may not be available. Don Pickard questioned should that start with the Administrator, the Police Chief, the DNR Director, and the Recreation Department. Mr. Mealy can give the contact information to Mr. Guerino

Mr. Mealy said he would like to draft a letter of support for the Cape Cod Water Protection Collaborative to be sent to the County Commissioners asking they reinstate the previous director. Would like to draft a letter so the Board can review that and if they felt inclined to endorse it and send it to the County Commissioners. Don Pickard said if you draft it we will put an agenda item on so the Board can vote it.

Mr. Mealy spoke about the Hoxie group, the existing funds, which were approved by a previous town meeting, putting an article in the spring town meeting to rescind that vote, and not spending any additional fund on that project. Have the Hoxie group come in and explain their position.

Tom Guerino stated if any Board member is going to go to the MMA Annual meeting let Nancy know.

The next Bourne Selectmen meeting will be on Tuesday, January 10<sup>th</sup> at 7:00 P.M.

### **13) Adjourn**

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

Respectfully submitted – Carole Ellis, secretary.

***Approved Unanimously at the 2.28.17 meeting***