

**Board of Selectmen
Minutes of Tuesday, October 16, 2018
Bournedale School House
Bourne Bay, MA**

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TA Tom Guerino
ATA Glenn Cannon

Selectmen

Peter Meier, Chairman
Judy Froman, Vice Chair
James Potter, Clerk
George Slade
Jared MacDonald - arrived at 7:08

RECEIVED
2018 DEC 11 PM 3:16
TOWN CLERK BOURNE

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. Meier called the meeting to order at 7:03 pm.

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

Public Comment – Non-Agenda Items

Steve Strojny, Chair Local Comprehensive Plan, In the process of revising the Local Comprehensive Plan. It identifies goals and objectives for the town. We create policies that have a plan of action. We have responsible parties that are identified to see that through. On Saturday, October 27 we are having a public workshop at Bourne High School from 10:00 a.m. - 12:00 p.m. That is to solicit public input for the Local Comprehensive Plan. This is a plan developed by the people of Bourne. We want the residents of Bourne to give us input. The public can also make suggestions and comment at townofbournelcp.com. We encourage folks who have a vested interest in the town to attend the workshop. We meet regularly, the meetings and agenda are listed on the website.

Jim Mulvey wanted to speak about policy, and not complying with policy. Referred to a motion that excluded a policy. It was a violation of its own policy. I want to question what policy means to the governing body at this time.

3) Approval of Minutes:

No minutes to approve at this time.

4) Correspondence

James Potter brought the Board and the public up to date on the correspondence

- A. Carolann Brigham submitted letter of resignation from the Bourne Council on Aging
- B. Letter from Trading Post Lounge, Kristine Leitzel, Manager requesting to close for yearly maintenance from November 12, 2018 - November 16, 2018.
- C. Invitation from the Board of Directors for Cape Abilities to be a guest at their 50th Annual Meeting.
- D. Letter from FEMA thanking the staff for their participation in the Community Assistance Visit.
- E. Letter from DEP regarding Notice to Proceed - Monitoring in Redbrook Harbor to Support TMDL Development
- F. Gosnold - Town of Bourne Final Report - Period covered: July 1, 2018 - September 30, 2018
- G. DEP is upholding the harbormaster's denial on mooring #220F for Justin Feingold - Mashnee.

5) Town Administrators Report

a. Other matters

Tom Guerino explained his normal reports were supposed to be on the agenda including this item so he will defer until the next meeting.

6) License/Appointments

a. Election Worker - Gary H Dayton

Peter Meier went over the appointment. Gary H Dayton has expressed interest to be an election worker, with an end date of June 30, 2019.

Voted Judy Froman moved and seconded by Jared MacDonald to appoint Gary H Dayton to be an election worker through June 30, 2019. Vote: 5-0.

7) Selectmen's Business

a. 7:30 p.m. 328 Main Street

b. 7:50 p.m. 30 Center Street

c. Hoxie School tour date

7.c. Tom Guerino suggested Hoxie School tour not be opened for public viewing for the general public; the building has some unstable areas for people to be walking through specially in the lower level. The Board wanted to view the building before it made a determination as to whether it was going to go to RFP or seek other disposition for the building.

Jared MacDonald said it is important for us to have a view of what is going on in that building as a Board. The public doesn't have to go through the building. Tom Guerino said

we can set up a time for any public agency to do a walk through. If the Board chose to seek outside interest in the building we would have to do an RFQ through DECAM.

James Potter questioned if we are we sprinkling this winter or are we draining the system and no heat. Tom Guerino said there is a new boiler but not sure if the gas is connected to the boiler. Roger Laporte said when we went through it looked like there were spots where the gas piping wasn't finished. I don't believe it can be heated this year. Jared MacDonald said it is best if we delineate the building and run some dehumidifiers.

Tom Guerino will forward the Board possible dates and the Board will pick a date to tour the building.

Voted Jared MacDonald moved and seconded by Judy Froman to recess for five minutes. Vote 5-0.

Voted Judy Froman moved and seconded by Jared MacDonald to reconvene. Vote 5-0.

7.a. Peter Meier read the Notice of Hearing to Mr. & Mrs. Michael J Maxim.
Notice of Hearing - 328 Main Street's

In accordance with Massachusetts General Laws Chapter 139, Section 1, 3, and 3A, the Board of Selectmen will convene a public hearing on October 16, 2018 at 7:30 p.m. at Bourne Veterans Memorial Community Center, 239 Main Street, Buzzards Bay, MA 02532 for your failure to comply with letter from the Inspector of Buildings issued on March 29, 2018 and an on-site inspection conducted by the Board of Survey for the demolition of a structure that constitutes a public nuisance and must be abated by the demolition and removal of said structure.

If the structure is not demolished and removed prior to said hearing date as previously ordered, the town will proceed with the demolish and removal process and a lien shall be placed on the property for the expenses incurred together with interest at the rate of six per cent annum including the cost of recording and discharging the lien.

A copy of the Massachusetts General Laws cited above are enclosed.

Respectfully,
Thomas M. Guerino

Mr. Meier said if you don't agree with the vote of the Board you have a right to appeal to Superior Court.

Roger Laporte, Inspector of buildings, said we had directions from the Board to look at all abandon building along Main Street, we did the whole town. It is difficult to decide what to do with a boarded up building, because you don't want to send firemen into the building. Even if building are technically structurally sound, if they are abandoned and not used for 10-15 years and boarded up they become a hazard to the community.

This is a wide spread problem, we met with the Attorney General and we joined their program. They appoint a receiver and the receiver either fixes the building or demolishes it. 328 Main Street fits into that category of abandoned and unused. The Fire Department red X'd the building because they don't want one of their first responders going in there not knowing what's in there. These buildings are not in eminent danger of falling but they are a safety concern. There is also a zoning law on blighted buildings, all of these buildings boarded up fit into that category. From the state level, zoning level, building code level these are considered unsafe structures.

Mr. Michael Maxim, 328 Main Street, said the building is boarded up. The problem is I had a tenant and he destroyed the building after I remodeled it. I didn't have the money to remodel it again. I went to an engineer and got plans. I decided to wait to remodel because it would be a \$550,000 loan. I have had a few options on the building. I spoke to the deputy fire chief that was there that day and he apologized for putting the red X on the building without notifying me first. That means first responders don't have to go in there.

Jared MacDonald said this is based on the new program the state has enacted and we are trying to reduce the amount of building that are left empty for long periods of time. When was the last time a tenant was in the building? Mr. Maxim said about 6 years ago. Mr. Maxim said the building is not unsafe; I have a letter from a structural engineer. Mr. MacDonald said it is unsafe to the community and the public who may or may not enter that building illegally.

Mr. Maxim said I have plans. I have options of selling it; a couple people have made offers on the property. Roger Laporte said I met with Mr. Maxim a couple years ago about the plans, and it did fit the zoning district. Jared MacDonald said if there are plans and/or options for the property, it is unfair to make someone sell or invest in a property through the holidays. Mr. Maxim has put together good information that would suggest he has plans that property.

Peter Meier suggested giving Mr. Maxim 90 days stay to work on the plans for his property and then report back to the Board.

Mr. Maxim said I applied to the demolition because I was told the building will be demolished.

The Board agreed to have Mr. Maxim come back on January 22, 2019 with a plan.

Peter Meier said Mr. Maxim should have a building permit or have applications with the Planning Board or the CBA that you want to go forward on a plan for that property. This gives you time to decide what is in your best interest.

Tom Guerino said depending on what you are proposing may require a different size line in the road; it is only a 2 inch line that runs into the system. If you are proposing a larger development and the capacity of the line would exceed the 2 inch requirement, any

increase of capacity would be at your cost to run a larger line. Check with the Sewer Department relative to the capacity of the line and how much flow you are proposing to be putting down that line. Peter Meier said if you go outside your existing footprint and change your property or building and expand it that triggers a whole new Mass DOT curb-cut review. Roger Laporte explained the difference between changing the footprint and the amount of sewer being used.

George Slade said the ultimate goal is to rid the downtown district of the blithe buildings.

Mr. Maxim spoke about the residential buildings being exempt and said it should have been listed as a residential building. Tom Guerino said it is in a commercial zone. Were have been more than happy to sit down and discuss what can and can't be done, and how much development can be done relative to the sewer line. Recommend you work with us just as the Board is trying to work with you.

Judy Froman said we are committed as a Board to see improvement in our areas. If you run into roadblocks reach out to us, in terms of help. Keep a journal of the steps you are taking, talking to the Planning Department, talking to the Planning Board. We are here to help, but we are not tolerant of seeing vacant buildings anymore. Would like a solid plan for moving forward or a decision to remove the building.

Voted Jared MacDonald moved and seconded by Judy Froman to give Mr. Maxim until the meeting on January 22, 2019 to show some progress with plans or with a possible manner of removing the structure to make us safe. Vote 5-0.

Mr. Maxim said I got a demolition permit can I get a refund, will it expire. Jared MacDonald said he doesn't believe it will expire.

7.b. Peter Meier read the Notice of Hearing Letter

Mr. Meier said we have a notice of hearing for 30 Center Street Buzzards Bay MA. It was sent out certified mail on September 13, 2018, to:

Federal National Mortgage Association
Estate of Lemar & Maggie Lee Pipkins
P.O. Box 650043
Dallas, Texas 75265-0043

In accordance with Massachusetts General Laws Chapter 139, Section 1, 3, and 3A, the Board of Selectmen will convene a public hearing on October 16, 2018 at 7:50 p.m. at Bourne Veterans Memorial Community Center, 239 Main Street, Buzzards Bay, MA 02532 for your failure to comply with letter from the Inspector of Buildings issued on March 29, 2018 and an on-site inspection conducted by the Board of Survey for the demolition of a structure that constitutes a public nuisance and must be abated by the demolition and removal of said structure.

If the structure is not demolished and removed prior to said hearing date as previously ordered, the town will proceed with the demolish and removal process and a lien shall be placed on the property for the expenses incurred together with interest at the rate of six per cent annum including the cost of recording and discharging the lien.

A copy of the Massachusetts General Laws cited above are enclosed.

Respectfully,
Thomas M. Guerino

Mr. Meier said if you don't agree with the decision of the Board you have a right to appeal to Barnstable Superior Court.

The applicant wasn't present at the hearing.

Roger Laporte said we have tried to contact the mortgage company. We have sent regular letters, registered letters, we have tried to call; we have had no response from them. This building has had a fire. We have been working on this problem for a while. This building cannot be reconstructed. It is a single-family home. The roof is collapsed; the fire was extensive; and it is now a public nuisance. It must be demolished. My recommendation is the Board rule it demolished, and the town demolish it after due notice to the respective parties and we put a lien on the property.

Jared MacDonald said an important fact is that it has been burned and is incapable of being secured. You can't properly board it up to be safe. It is in a neighborhood with children. It is not safe to leave a building in that condition.

Peter Meier said we have been getting requests and concerns of residential and commercial properties, around town that have been neglected. This Board has been taking action to make sure these unsafe, blithe properties are removed. We want this town to move forward and this is part of that action.

Voted Judy Froman moved and seconded by Jared MacDonald to start the demolition process and order it torn down.

Roger Laporte suggested the motion state the property must be demolished. We give the owner one more time to respond within 30 days after which the town will commence its removal, so they have a chance to appeal.

Judy Froman withdraw the motion, Jared MacDonald withdraw his second.

Roger Laporte said the taxes are being paid, perhaps by the mortgage company.
George Slade would like to allow them one final contact.

James Potter said the original letter to the mortgage company was in March and that letter stated the building needs to be demolished. Send another letter explaining the building

needs to be demolished and then after the 30 days the town will demolish the building, if no response from the owner. Jared MacDonald said this will be the third and final notice.

Voted Jared MacDonald moved and seconded by Judy Froman the town will proceed with the demolish and removal process and a lien shall be placed on the property for the expenses incurred together with interest at the rate of six per cent annum including the cost of recording and discharging the lien after the third and final notification of the 30 days right of appeal. Vote 5-0.

Peter Meier requested a future agenda item for a discussion related to lock-down incidents at public buildings. Judy Froman said it would be helpful to make sure we have standard operating procedures so this Board is aware of how the communications happen within town.

Tom Guerino said public opportunity makes sense, make sure it doesn't get into a contest where efforts cannot be discussed; we want to keep it as a dialogue.

Jared MacDonald said it is important for the public to have an opportunity to speak and questions answered. It is important for the Board and certain parts of the structure of the town to know the formality of it, what should and shouldn't happen. Thus giving the Board and department a way of delineate what did or didn't happened correctly and how we are going to improve it.

Judy Froman also requested an update on Stop & Shop for a future agenda item.

8) Adjourn

Voted Judy Froman moved and seconded by Jared MacDonald to adjourn. Meeting adjourned at 8:22 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.