

**Board of Selectmen
Minutes of Tuesday, July 24, 2018
Bourne Veterans' Memorial Community Center
Buzzards Bay, MA**

RECEIVED

20180724 17:18:00

TOWN CLERK DOORNE

TA Tom Guerino
ATA Glenn Cannon

Selectmen

Peter Meier, Chairman
Judy Froman, Vice Chair - was excused
James Potter, Clerk
George Slade
Jared MacDonald

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.

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

Documents

EXECUTIVE SESSION

6:00 P.M. Call public session to order in open session.

Motion to enter into Executive Session for the purposes of reviewing prior Executive Session Minutes of: 4/3/18; 5/10/18; 5/22/18, the Chair has declared that an open meeting will have a detrimental effect on the position of the public body. To discuss strategy with respect to potential litigation regarding the Buzzards Bay Park. The Chair has declared that an open meeting may have a detrimental effect on the litigation position of the Town. To conduct strategy session in preparation for contract negotiations with nonunion personnel relating to request by two members of the Board of Health for execution by the Town Administrator of a contract for Special Counsel. Strategy sessions in preparation for contract negotiations related to the Host Community Agreement with the Haven Center. The Chair has declared that an open meeting will have a detrimental effect on the negotiation position of the Town.

Roll call vote to convene in Executive Session for the purposes stated. The Board will reconvene in open session following the Executive Session at approximately 7:00 P.M. Roll call vote to reconvene in open session.

Meeting Called to Order

Chm. Meier called the meeting to order.

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

Public Comment – Non-Agenda Items

3) Approval of Minutes: 6/19/18; 7/10/18; 7/17/18

Voted James Potter moved and seconded by George Slade to approve the minutes for June 19, 2018. Vote: 3-0-1.

Voted James Potter moved and seconded by George Slade to accept the minutes for July 10, 2018. Vote: 3-0-1. James Potter abstained.

Voted James Potter moved and seconded by George Slade to approve the minutes for July 17, 2018. Vote: 4-0.

4) Correspondence

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

- A. Letter from Jason Eccleston regarding 2 more safety issues at Barlow's Landing Beach that need to be addressed
- B. Upper Cape Cod Regional Technical School District Committee minutes of 6/21/2018.
- C. Letter form FEMA regarding Confirmation of Community Assistance visit scheduled for August 14-16, 2018
- D. Letter from DEP regarding Permit Approval - Authorization to construct - Large Landfill Expansion - Phase 6 Lined Landfill
- E. Letter from Attorney General's Office regarding Open Meeting Law Complaint
- F. Letter from Lowell Joerg with a postcard dedicating the Bourne Town Hall on 7/23/1914
- G. Bruce McNamee recently resigned from the Bourne Bylaw Committee serving as an At Large member with term to expire on June 30, 2019
- H. Richard Silvestro submitted his letter of resignation from the Bourne Police Department effective August 3, 2018
- I. Letter from Governor Baker regarding FFY18 - 604b Water Quality Assessment and Planning Grant
- J. Letter from the National Register regarding the nomination for the Cataumet School

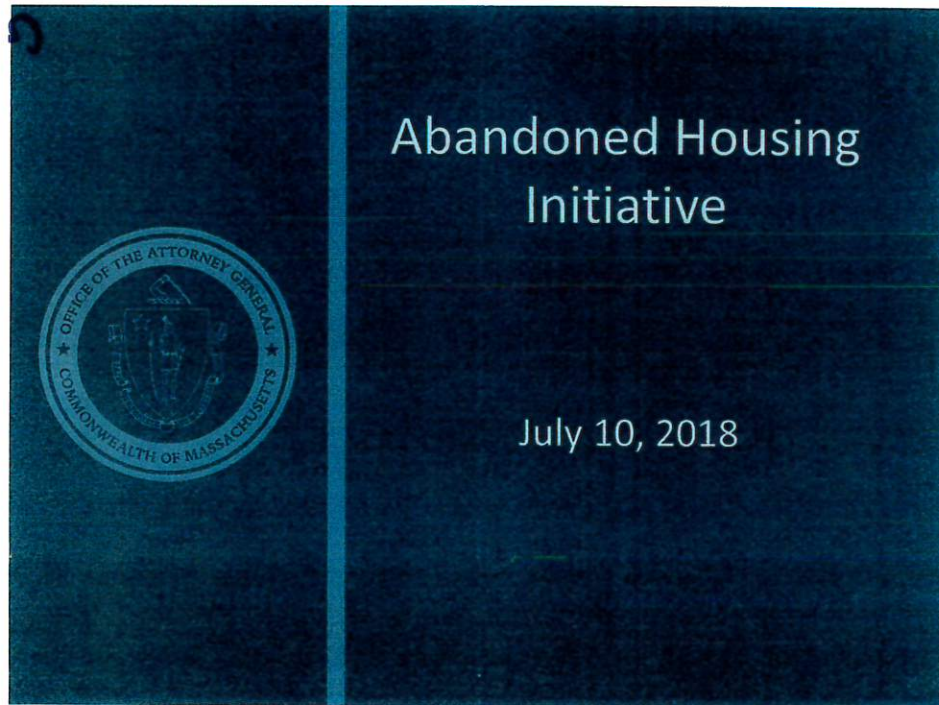
Tom Guerino spoke about letter C regarding the site visit and letter H regarding Mr. Silvestro's retirement.

5) Abandon Housing Initiative - Health Agent Terri Guarino

Terri Guarino spoke about the program regarding blighted properties and abandoned properties.

On July 10th had a meeting with the Abandon Housing Initiative and the staff of the Attorney General's Office. Identified and referred three properties to the office of the Attorney General. After title search hope to conduct a comprehensive inspection.

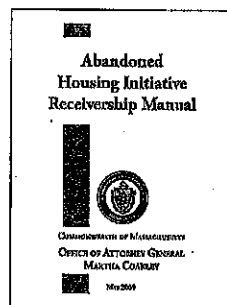
Might need administrative search warrants. We hope this will be an effective tool to eliminate blight.



Legal Disclaimer

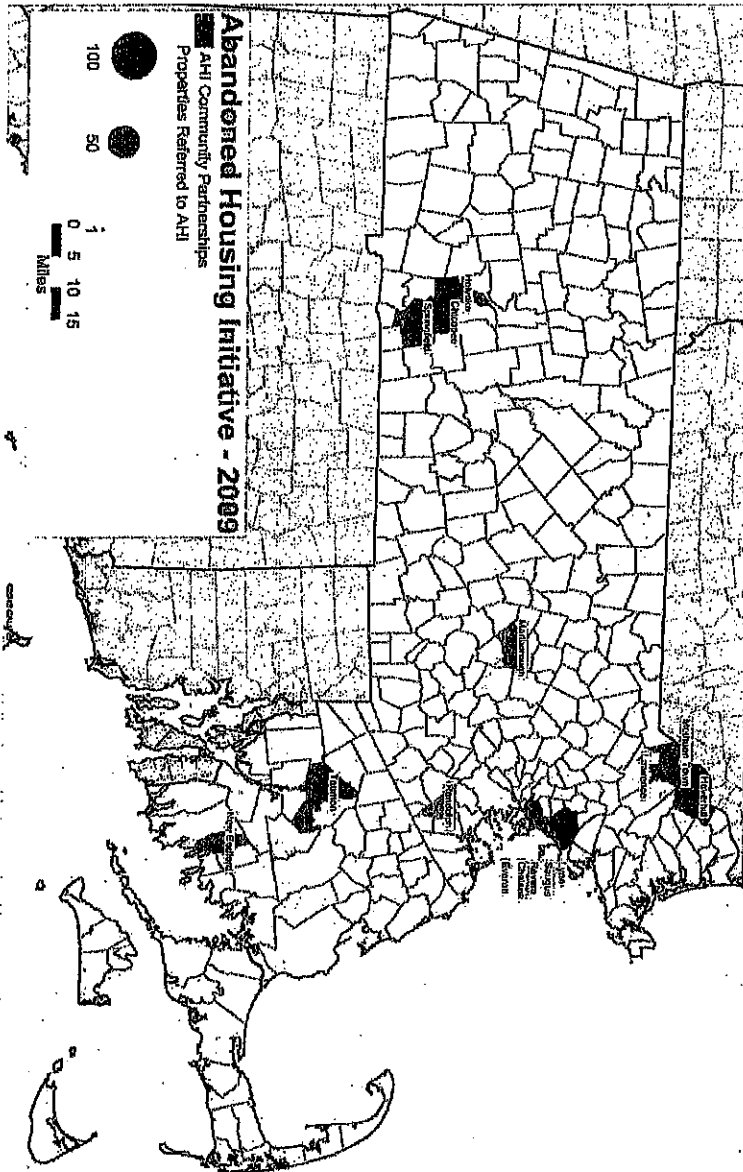
This brief synopsis is provided for introductory, informational purposes only. It is not legal advice and should not be construed as an attempt to provide a legal opinion about any of the matters discussed herein.

Beginnings of AHI – 2008/2009

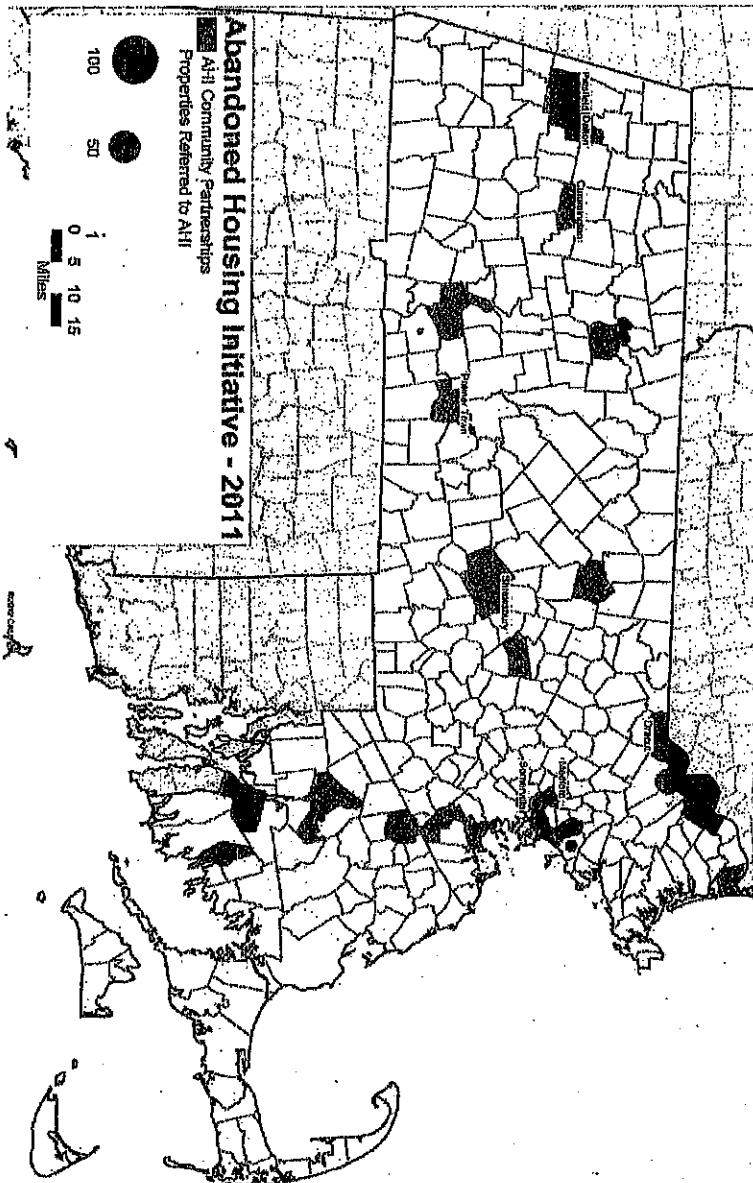


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2009

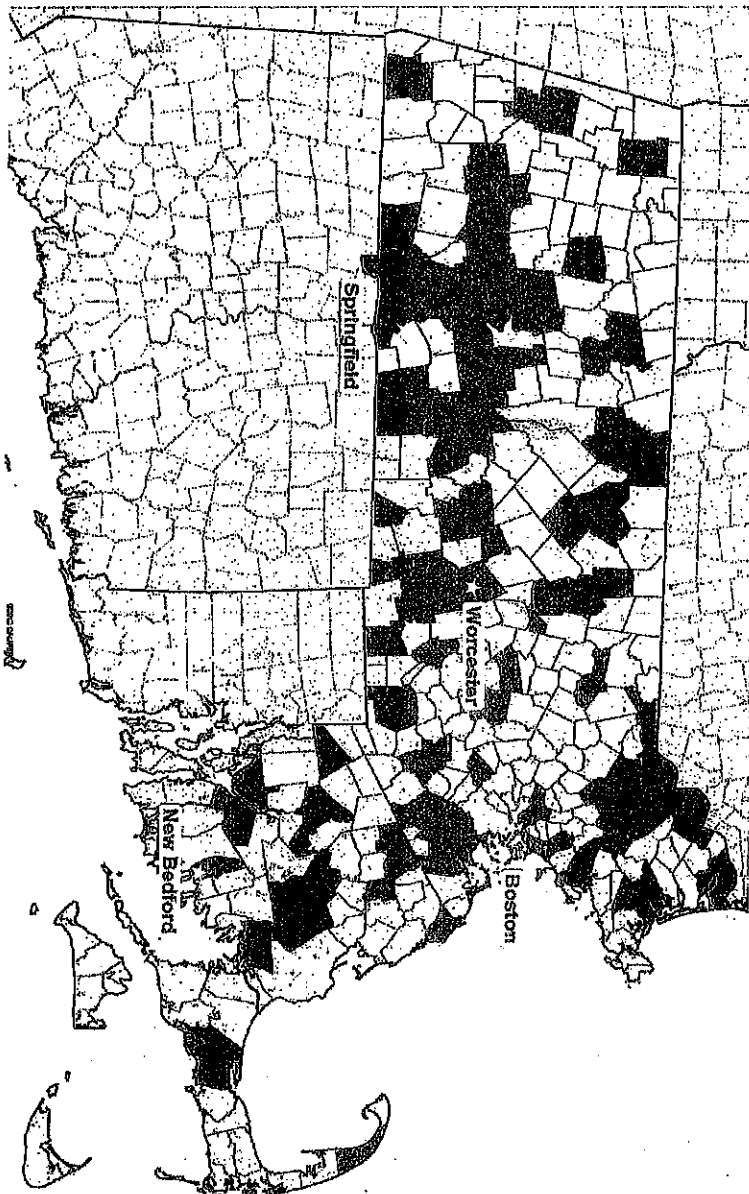


2011



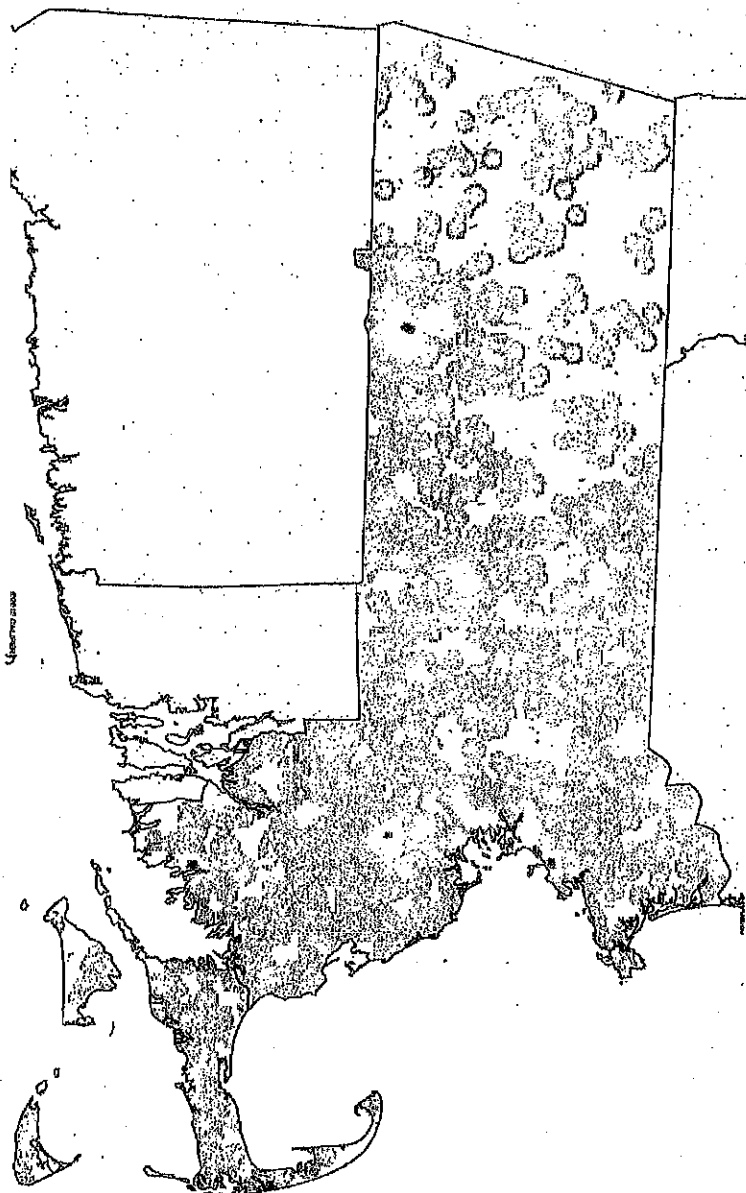
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Community Partnerships - 2017



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Foreclosure Density



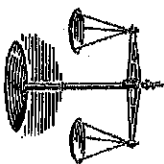
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Statutory and Legal Authority

Violations will
not be
promptly
remedied

Appointment
of receiver is
in the best
interest of
occupants.*

shall appoint
a receiver of
the property

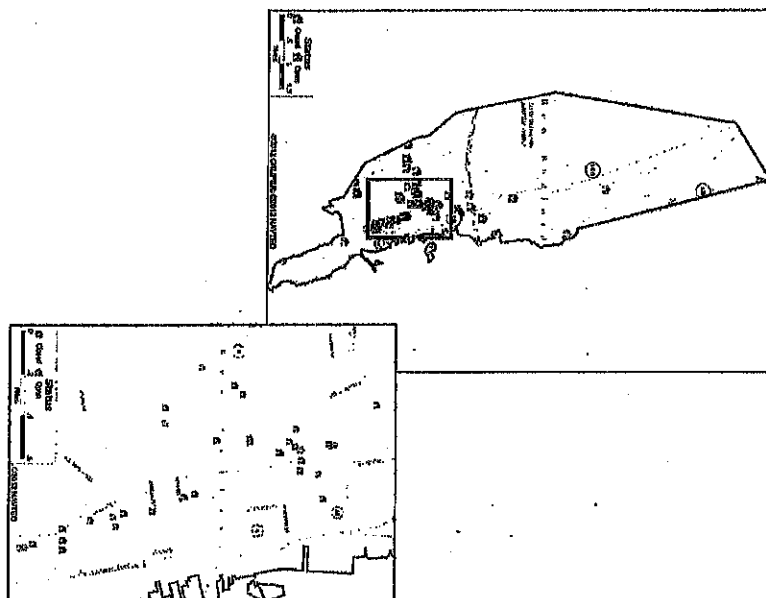


*City of Boston v. Rochalska

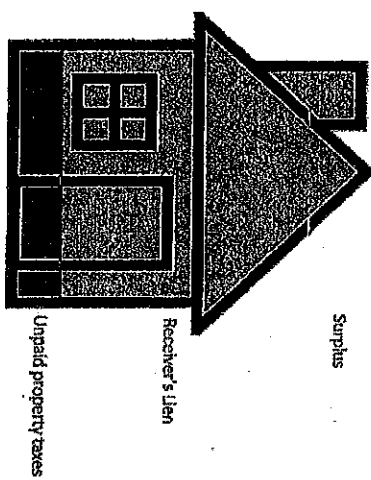
AHI – Step by Step

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Municipality Identifies Distressed Properties



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Property Visit and Inspection



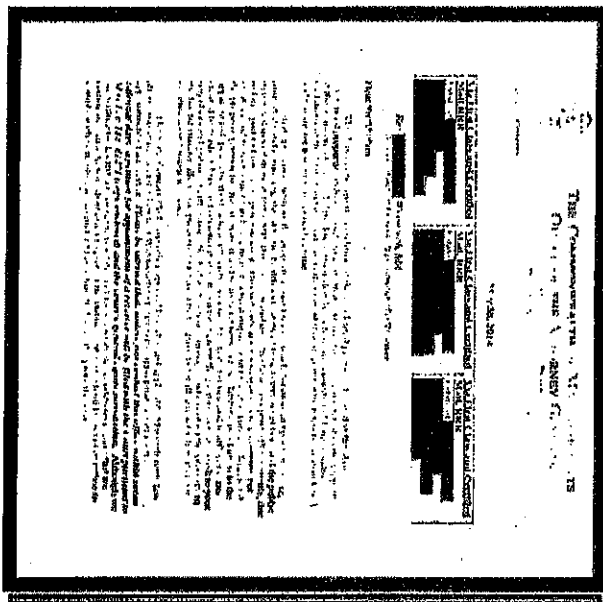
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Title Search to Identify Owners and Parties in Interest



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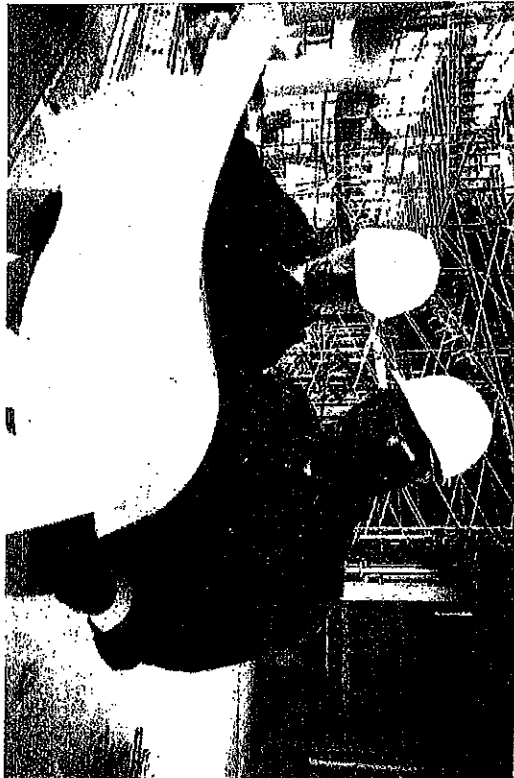
Demand Letter



Cooperative
Owner

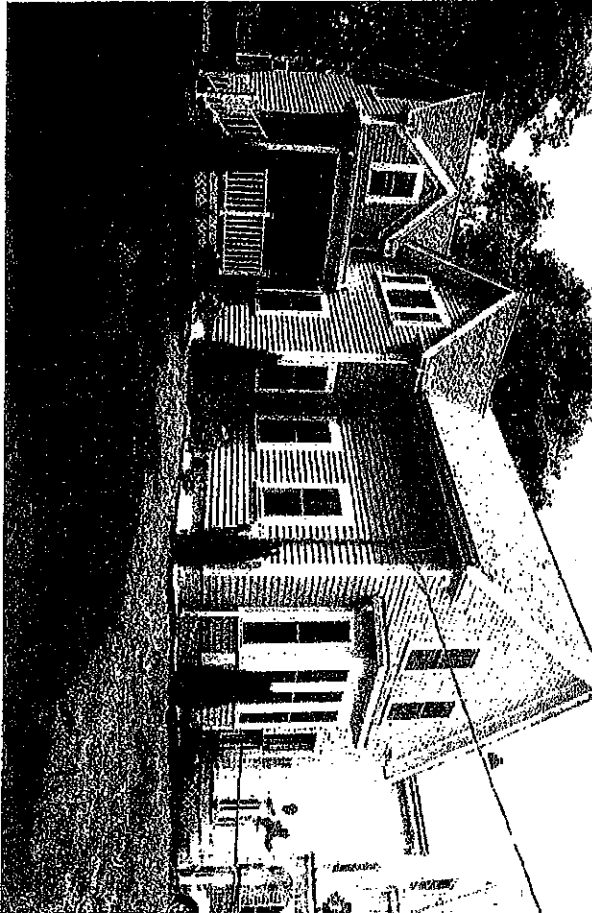
Uncooperative
Owner

Receiver Appointed



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Result



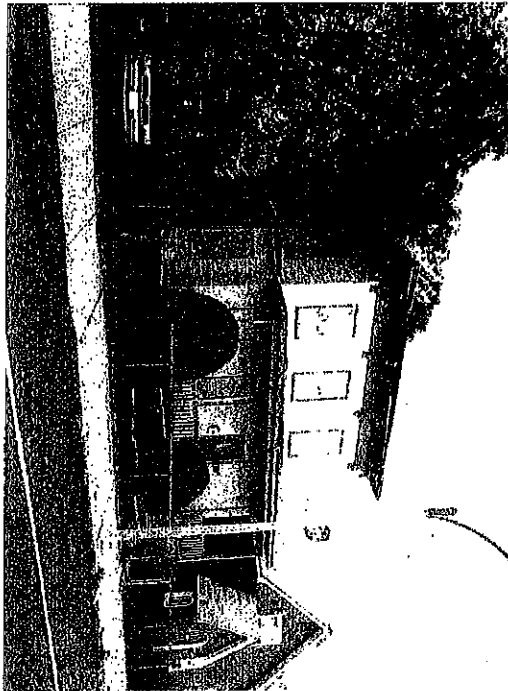
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Success Stories



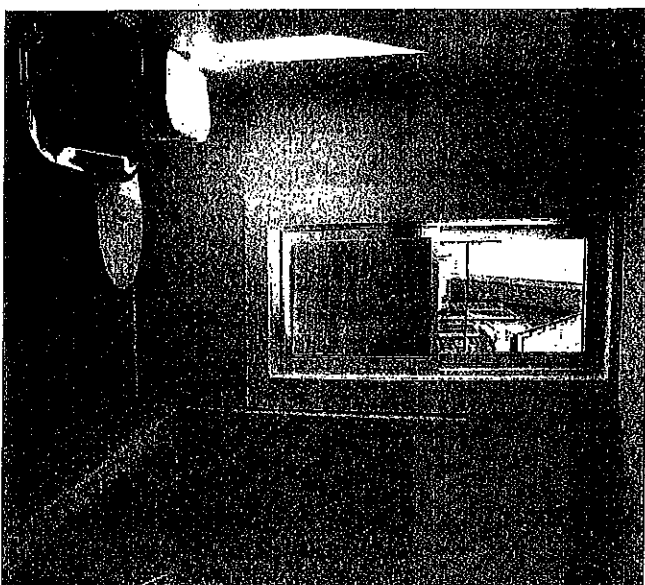
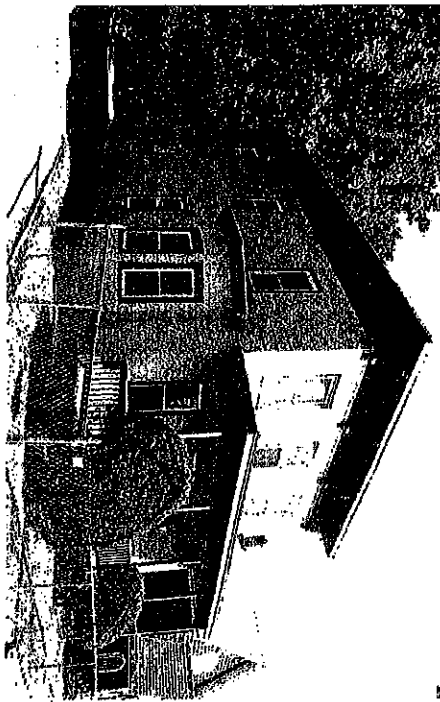
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1031 Dwight Street, Holyoke - Before



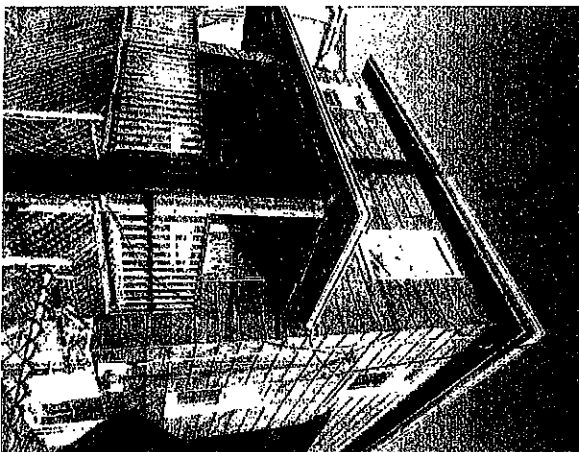
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1031 Dwight Street, Holyoke - After

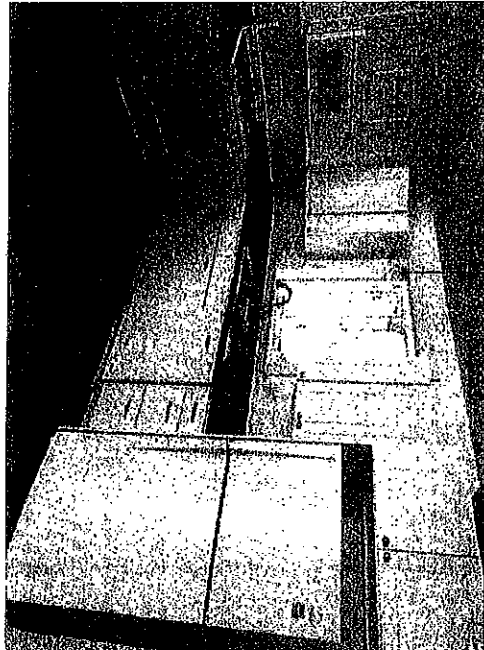
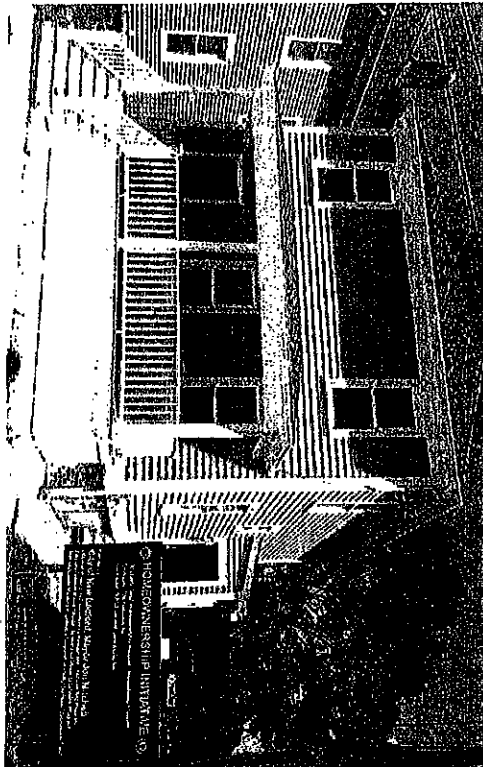


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36 Liberty Street, New Bedford - Before



36 Liberty Street, New Bedford – After



AHI Strategic Demo Fund – Proposal Criteria

- Immediate community need
- Absence of other remediation tools
- Post-demolition redevelopment



AHI Contact Information

- Stephen Marshalek:
Stephen.Marshalek@State.MA.US
- Meaghan Olejarz:
Meaghan.Olejarz@State.MA.US
- Lizabeth Marshall:
Lizabeth.Marshall@State.MA.US

Former Somerset nuisance property restored, sold to highest bidder - News - The Herald News, Fall River, MA - Fall River, MA



SOMERSET — The town's longest standing and one of its worst abandoned properties — now sparkling new — went to foreclosure auction Friday afternoon.

The single-family ranch house at 205 Haute Drive at the corner of Lafayette St., built in 1968, sold for \$210,000 to the court-appointed receiver of the property, Reed Built Properties LLC in Taunton, owned by Brian Reed.

Reed spent the past few months gutting, repairing and rebuilding the house, he said.

The two parties bidding were not typical buyers. Besides Reed, who will now put the house up for sale, a woman who remained on her phone and would only say she "represented the mortgagee," bid up to \$200,000.

When auctioneer Jay Kivowitz, of New Bedford, asked the woman from Plainville if she'd go to \$220,000 or \$215,000, she shook her head.

For neighbors Pauline Sardinha, of 500 Lafayette St., and Joan Wilkins, of 537 Lafayette St., their thrill was far less about who bought the house and for how much than that it's now handsomely restored and habitable with gray siding, white trim and a silver "No. 205" aside the door.

"Fabulous. Fabulous," they both said in unison.

"For years we've seen comings and goings in the house, from drug deals and other deals," Sardinha said.

"I see this from my kitchen window and I've lived here for 44 years," she said. They've complained to the town for years.

Wilkins also has lived there since the early 1970s and said her father owned 25 acres of woods and farms later turned into homes. A huge boulder at the corner of Regina Avenue where Wilkins recalled playing as a girl.

"All I know is I'm happy the house got fixed up," Sardinha said after the auction where Kivowitz started the bidding at \$50,000. Reed nodded first.

Tim Turner, who became the full-time Somerset health agent nearly a year ago, reported last summer this was one of seven houses listed on the [attorney general's office abandoned housing initiative](#).

He said all the copper piping and fixtures were removed and people have "squatted" there for years, even with an infant.

It was in the estate of Barbara Augustine and Mark Augustine when they died, and their next generation heirs lived there briefly then left, Turner said.

Turner cited the original complaint about the vacant, unkempt house coming in 2009.

He, along with Building Inspector Paul Boucher and Principal Assessor Pamela Lee watched the auction.

The auctioneer read several pages of legal documents, followed by bidding in mostly \$10,000 increments between Reed and the mortgagee representative.

The Housing Court Southeast Division listed the bank holding the mortgage as UMB Bank. The woman bidding refused to give her name. The auctioneer declined to identify her.

Reed was accompanied by his wife, Pat, who said she'd list the house for sale with her company, Keller Williams Real Estate in Easton.

Brian Reed declined saying how much he spent on repairs, other than "I have a lot more (than \$210,000) invested. The house was so far gone. It had mold throughout, mushrooms growing inside. The ceilings were collapsed."

He later opened the doors to let several neighbors and town officials tour it. The sparkling wood floors, new doors, kitchen cabinets, granite counters and bathroom fixtures were a stunning contrast to last summer.

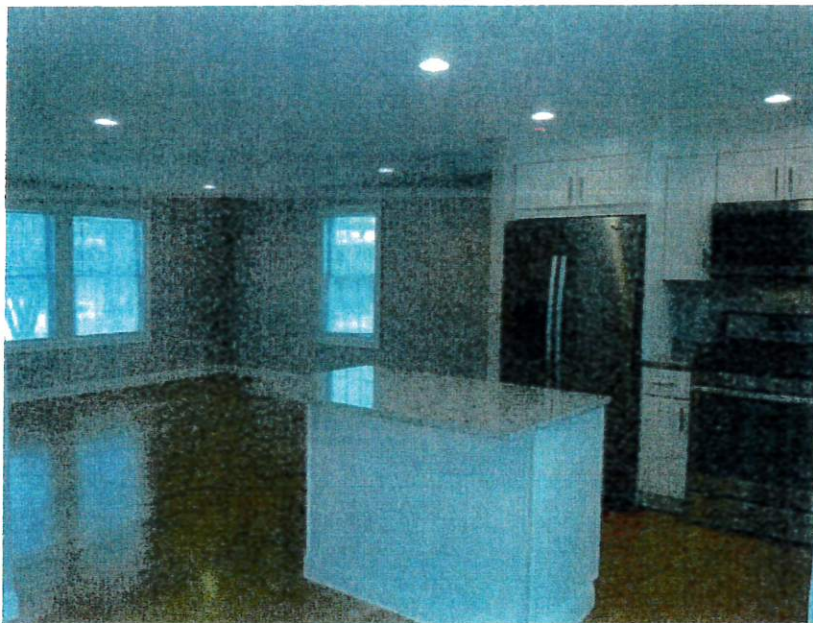
Assessor Lee carried a copy of last year's assessment on a clipboard. The five-room house, with three bedrooms and one bath, was assessed at \$152,200, of which \$119,500 was for the 12,000-square-foot lot.

Lee said she was there to reappraise it, and Boucher immediately said, "It's going to be a lot more than that now."

"I'm thrilled," Turner said. "Now he can sell it."

The Housing Court must approve the sale to the receiver, and a closing with Reed's lawyer, Vince Cragin of Halloran, Lukoff, Smith & Tierney, New Bedford, needs to take place by March 19, the auctioneer said.

Email Michael Holtzman at mholtzman@heraldnews.com or call him at [508-676-2573](tel:508-676-2573).





6) Police Building Committee Report - Charles Noyes

Charles Noyes, spokesperson for the Police Facility Building Committee, briefed the Selectmen on the Police Facility Building progress. July 10, 2018 the Police Facility Building Committee voted to accept the bid from M. O'Connor Contracting, Inc., West Roxbury, MA for the construction of the new Bourne Police Facility. The sum to construct the new building, the instillation of the wastewater fields, and the outside storage building upon the Armory Road parcels of land designated as number 33 and 35 Armory Road is \$14,438,300. The contract requires construction to be completed within 487 calendar days from the contract award notification of July 11, 2018. Request for limited access to and from the bypass, route 6 and 28 to the new police facility prepared by Chief Woodside and staff has been submitted to the Mass DOT for approval. Town Meeting authorized the sum of \$17,607,545 for the construction of the new police facility. By a telephone conversation with Joe Sullivan the Project Manger within the next 30 days we will have a schedule developed and presented to us as a result of a meeting with the OPM, General Contractor, the Police Facility Committee Chair, myself, and Chief Woodside working on that schedule. The Town Administrator has received a copy of the contract signed by the contractor for his review to be forwarded to Town Counsel for review and substantive signing by the town. The OPM had a meeting this morning with the Building Inspector relative to progress on inspections and beginning site work on the facility.

7) Cannabis Working Group Update - Dominique Rapoza

Dick Conron, Gray Gables, spoke on behalf of the Chair - Dominique Rapoza. Mr. Conron spoke about the members of the group. Mr. Conron spoke briefly about the process they are going through - Bylaws. He gave a brief run-through of the areas they talked about. We are going to stay active until the October 1st town meeting.

<i>Cannabis Working Group Mission:</i> <i>To prepare recommendations for responsible zoning regulations that consider</i> <ol style="list-style-type: none"> <i>1. Types and numbers of facilities allowed</i> <i>2. Observations and findings from existing facilities site visits</i> <i>3. Concerns that are germane to Bourne</i> 		
AREAS OF REVIEW	CONSIDERATIONS	RECOMMENDATIONS
Type of Company	<ol style="list-style-type: none"> Experienced with existing facilities and a minimum of 5 years business experience. Start-up with limited knowledge and business experience 	Look for and pursue experienced corporations. These types of businesses will be much easier to interface with.
Facility Location	<ol style="list-style-type: none"> Existing business zones, overlay districts, special permits, variances. Update table of uses for specific zoning types (i.e. B2, B3 and B4) 	Facilities should be sited in existing commercially zoned areas of the town (B2, B3, B4 and the Downtown district) by updating the table of uses without the use of special permits.

	<ol style="list-style-type: none"> 3. Rezone existing town parcels 4. Location of separate adult-retail dispensaries 	Any type of facility should be sighted at an appropriate distance from residential neighborhoods. Adult-Retail stores shall be allowed in B2, B3, B4 and the Downtown District (except the Downtown Neighborhood).
Types and numbers of facilities	Functions (cultivation, manufacturing, testing laboratory extraction and dispensary) can be centralized in one facility or decentralized in separate facilities in different locations.	The easiest scheme to assimilate into Bourne would be one facility at one location. Reuse of existing abandoned commercial buildings should be a priority. The total number of adult-retail dispensaries for the town should not exceed 3.
Waste water disposal	<ol style="list-style-type: none"> 1. Title-5 Septic or sewer? 2. Protection of sole-source aquifer 	Our site visit to Plymouth showed that most water is filtered and reused in a hydro phonic growing operation. There are only small amounts of water with organic fertilizer and ethanol discharged into any waste water system. Either septic or sewer is acceptable
Cultivation and Extraction Odors	The Plymouth site visit had no detectable odors from the visitor parking lot adjacent to the building. The hydro phonic growing method neither draws nor released air from the building. All air in the building is filtered and reused. Because Cannabis plants absorb CO2 and create oxygen, the building must add CO2 into the air filtration system to balance the in-house circulating air.	Odors should not be detected from outside the building
Batch and Sample Testing	In house or at another outside company	Independent 3 rd party testing is required per state law
Security and customer protection	Facility was enclosed with an 8ft. chain link fence for security. Entering the facility required driving through a gated auto entrance with an occupied "guard shack". Medical customers should show a MA marijuana authorization card for access. Security system is state-of-the-art with TV cameras and tied to a private alarm company not the	Security requirements: <ol style="list-style-type: none"> 1. In-house computer-based monitoring and surveillance systems linked to a third-party security company. 2. Physical outside access barriers (i.e. decorative fence, Chain-link fence not recommended)

	Bourne police. We recommend frequent meetings with the Bourne Police Chief on proper security planning, implementation and periodic follow-ups.	Town should define local bylaw enforcement plan outlining responsibilities of both the police and health agents.
Raw material (plants and harvests) control, monitoring and traceability	In Plymouth plants were barcoded and harvests were batch labeled	Some type of inventory system must be used to track batches. Systems should use: 1. Barcoding 2. Batch number
Local public health requirements imposed by the town's Board of Health	Special inspections, cyclical reports, minimum quantities on dispensary items	Defined by the state and Board of Health Currently the Board of Health has a maximum of 6 licenses available
Private Smoking Clubs (i.e. Worcester, "Summit Lodge" \$15 per month plus \$5 entrance fee per visit)	Worcester City Council has introduced a zoning article that requires "private bring your own marijuana clubs" to apply for a zoning special permit	Private "Smoking Clubs" or "Bud and Breakfasts" should not be permitted
Factors germane to Bourne	1. Parking 2. Traffic flow 3. Automobile access	All facilities must be located in a specific business zone.

Authors:

Richard Conron & Jennifer Copeland 7/10/18

Bill Grant said the Board of Health met with the Planning Board, their number of limitations/licenses differs from the Planning Board's recommendation. The Board of Health will oversee the operation. The Planning Board will have site plan special review and look at the location to make sure it is consistent with our zoning. We will also look at traffic, land use, and all the physical aspects of the operation before they even start. Once they are up and running the Board of Health takes over. Thursday we will have a Planning Board meeting, we will come up with our final recommended Bylaw. On the 16th of August we will have a public hearing. Our next meeting we will incorporate what we heard from the listening session. After Thursday we should have something to post on the website so people can read it for the August 16th meeting. We will continue to work with the Board of Health. The purpose of this working group is to make sure we have a unified approach. James Potter questioned if there has been any discussion on how many ounces a person can buy by going to different facilities to stay within the 1 oz. purchase per facility state law. Mr. Grant said he thinks there is one for medical use but not for adult use. Mr. Grant will look into it. Mr. Wheeler said one ounce is legal, if you have more than one ounce on your person it is not legal.

Peter Meier spoke about the local public health requirement and special inspections regarding having county, state and federal health inspector on site during processing. Will it put a strain on the department? Terri Guarino said it is difficult to anticipate the amount

of workload it will be. Will keep you informed if it becomes overwhelming. Mr. Meier suggested while we are going through negotiation we may want to look at that issue also. Jared MacDonald spoke about the look and security of the facility. Mr. Clegg stated that when a customer makes a purchase of one ounce or less at an adult use retail facility it is recorded and sent to the state. The state regulation defines an inspection routine including records. Regarding the aesthetics, in the bylaw we are proposing a max 8' height on the fence and no chain-link. Landscaping plan is going to be part of the submittal. Mr. Grant said the Board of Health has to pass the security plan.

8) Licenses/Appointments

a. Selectmen Committee Appointments - Capital Outlay Committee

b. Appointment of Robert Schofield to the ISWM Business Model Working Group

c. One Day Beer License and Entertainment License for 8/18/18 - Friends of Bourne Rail Trail Inc., Aptuxcet Trading Post

Peter Meier said we are not going to take action on this tonight because we took action on this item on July 10th, we already appointed Renee Gratis to the Capital Outlay Committee, term to expire June 30, 2021.

Voted Jared MacDonald moved and seconded by James Potter to appoint Robert Schofield to the ISWM Business Model Working Group, term to expire June 30, 2019.
Vote: 4-0.

c. One-Day Beer License and Entertainment License for 8/18/18 - Friends of Bourne Rail Trail Inc., Aptuxcet Trading Post

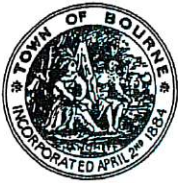
Peter Meier went over the license request.

Friends of the Bourne Rail Trail, Robert McFarlane, Aptuxcet Trading Post, 6 Aptuxcet Road Bourne. One-Day Malt and Beverage Only [tasting only] for August 18, 2018 from 1:00 - 5:00 p.m. Beer will be served in a fenced in area, acoustic live music, approximately 100-125 people. Jennifer Copland said if you are going to have a one-day food truck you need a special permit from the Planning Board. Police Department stated ALL Liquor laws must be followed, including purchasing and storage.

Russell Salamone, Treasurer Friends of the Bourne Rail Trail, spoke about Trail Fest, Family Friendly event on August 18th.

Voted James Potter moved and seconded by Jared MacDonald to approve the August 18, 2018 one-day liquor license route slip subject to the requirements, but amend the time so the event is from 2 pm to 5 pm. Vote 4-0.

9) Bond Authorization and Vote on DPW Basin Vac Truck and Police Cruiser



**TOWN OF BOURNE
BOARD OF SELECTMEN**

24 Perry Avenue
Buzzards Bay, MA 02532
Phone 508-759-0600 ext. 1503 – Fax 508-759-0620



VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Bourne, Massachusetts, certify that at a meeting of the board held July 24, 2018, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the \$504,553 borrowing authorized by the vote of the Town passed May 7, 2018 (Article 9) is hereby determined pursuant to G.L. c.44, §7(1) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
DPW Basin Vac Truck	\$370,500	5 Years
Police Cruisers	\$134,053	5 Years

I further certify that the vote was taken at a meeting open to the public, that the vote was not 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 vote) 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 subject matter of this vote were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: _____, 2018

Clerk of the Board of Selectmen

Tom Guerino said Town Meeting voted this in the Capital Plan; this is just the authorization the bonding bank and bonding agents require. It requires a vote of the Board of Selectmen

and a signature by the Clerk of the Board. Mr. Guerino read the vote of the Board of Selectmen.

James Potter suggested 4 cruisers should be written in the motion.

Voted Jared MacDonald moved and seconded by George Slade to approve this request and instruct the clerk to sign on behalf of the Board. Vote 4-0.

10) Selectmen's Business

a. 3rd Reading OPEB Policy

Peter Meier said they are going to defer this item so the whole Board could be present.

11) Selectmen's Reports

a. Events of the last week

b. Events planning to attend

George Slade said he was part of a community road repair in his neighborhood.

(The recording stopped here)

12) Town Administrator Report

13) Future Goals

a. Massachusetts Maritime Academy to give formal update to the Board of Selectmen meeting and to answer questions

b. Stop and Shop Rotary and Clay Pond Road update

c. Sale of town property policy

d. Barlow's Landing Beach Discussion

14) Adjourn

Voted , moved and seconded to adjourn meeting Vote 4-0.

Respectfully submitted – Carole Ellis, secretary.