

**Board of Selectmen
Minutes of Tuesday, January 22, 2019
Bourne Veterans' Memorial Community Center
Buzzards 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 - Excused

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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 7:00 pm.

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

Vision: Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

Public Comment – Non-Agenda Items

None requested.

2) Approval of Minutes: 1/08/19

Voted Judy Froman moved and seconded by James Potter to approve the minutes of January 8, 2019. Vote 4-0.

3) Linda Zuern – Assembly of Delegates Report

Linda Zuern spoke about Coastal Management, she read their mission statement. Ms. Zuern gave an update on what is going on with the Assembly of Delegates, she also explained what the assembly and the county government do for the town of Bourne. Ms. Zuern went over some of the changes that are happening at the Assembly of Delegates. The changes include the budget process; the Commissioners and Assembly of Delegates meetings are now live and being recorded; natural resources, and public services will be discussed and decisions will be made at the full committee meetings, they will not be breaking up into sub committees. The meetings are the first and third Wednesdays of the month at 4:00, the Commissioners meet every Wednesday at 10am. The agendas are now posted on the website.

Linda Zuern spoke about the Charter Review, changing the number of County Commissioners from 3 to 5 people. Another change is that each Commissioner would be elected in a district. Ms. Zuern spoke about the issue she has with using the UN Pamphlet. The rights in the pamphlet are not necessarily the correct constitutional rights. Ms. Zuern stated she would like to see that changed.

Resolution not to agree with the 2017 agreement with the Federal Government regarding the illegal immigrants in our jail cells. The software program makes it easier for them to know before they release someone whether they are wanted somewhere else.

Children's Cove Barnstable County Service dealing with children who are physically or sexually abused. We now have a pamphlet about sex trafficking since it has become an issue on the Cape. The pamphlet cover things/behaviors to look for in children.

Ms. Zuern spoke about the Dredging program and stated that the County is interested in what the town wants the county to do.

4) Barry Johnson – Discussion of Comcast issues

Mr. Johnson said he is here as an individual person regarding Comcast. Mr. Johnson spoke about the Comcast cable network problems that people have been having: picture freezes, goes off, screen goes black, can't watch certain channels, service has been terrible, people pay too much for Comcast to not have it working regularly, also phone reception static. We should get credit for service interruption.

The contract with Comcast runs from March 20, 2012 through March 19, 2022. Mr. Johnson read sections of the contract with Comcast. Mr. Johnson wanted to make the Select Board, Tom Guerino and Glenn Cannon aware of these problems, and requesting to have Tom Guerino or Glenn Cannon contact Comcast stating that you want to have these problems fixed, and they are to, per the contract, immediately inform the Board of any and all actions

they have taken to rectify the situation in our neighborhood. And that if this condition persists, the Board as the local issuing authority, will be filing a formal complaint, in the provisions of the current contract, and follow through by asking formally to have representatives of Comcast come before the Board to explain why they can't seem to fix these problems.

Peter Meier said he would like to have Comcast before the Select Board so Comcast can hear the complaints and address the problems.

Voted James Potter moved and seconded by **No One Seconded this motion** to have the Town Administrator/Select Board draft a formal letter to Comcast referencing the contract, itemizing the issues and complaints, and have them issue a report per the contract within 14 days.

Judy Froman suggested in the letter to identify the areas that are having the most issue.

James Mulvey suggested the State Regulatory Board and State Representatives should also be notified of the complaints.

Peter Meier spoke about the federal funding from the FCC for local access TV being cut.

Vote: 4-0.

Voted George Slade moved and seconded by Peter Meier to take 8b out of order as the next item on the agenda. Vote 4-0.

8.b. Stop & Shop – Attorney Michael Scott and Representative from Ahold Delhaize to update BOS on former Canalside Commons property

Tom Guerino briefly spoke about what has been going on at the Canalside parcel, Stop & Shop. It was requested to meet on a quarterly basis and we have met 2 or 3 times. Last we heard Ahold/Atty Scott was working with Mass DOT on issues and the Cape Area Transportation Study.

Attorney Scott stated he has been working with Ahold trying to find a solution for developing the property. They are trying to market the property to end users. They are marketing the property through brokers and going to national tradeshow talking to tenants about their shopping centers. There hasn't been any substantial interest in this property. Mass DOT and the Army Corps is undertaking a transportation study. Have had meetings with Mass DOT regarding the issues we have been having with the property, one is the access to the property – short-term and long-term fixes to be able to have this property be developed. One of the potential issues is the re-alignment of the highway accessing the Bourne Bridge and accessing the property. The other issue is the bypass road. We are trying to resolve those two issues.

Judy Froman questioned the various access points currently that are available under the Zoning and the way the property is structured. Atty. Scott said there isn't one that exists, they have to be constructed. A bypass road that would be situated in a way that we could bring access off the bypass road into the development.

Tom Guerino spoke about the wastewater plant and getting wastewater piped onto the Base. We have asked for 100,000 gallons be set aside to allow for a larger area of developable land, by taking treated wastewater off site that would make it a more developable place.

James Potter questioned if they have considered selling the property. Atty. Scott said we haven't discussed selling; the primary objective is to develop the property, but if they were made an offer by someone to buy the property, he said he is sure they would consider it.

George Slade suggested looking at making an interim fix, because we can assume it will be 10 years before any work starts on the bridge. Atty. Scott said if they can see a final design they could design around the final design. They spoke to Mass DOT about some way of diverting traffic off the rotary that both provides access to this property as well as assist with alleviating traffic patterns on the rotary. We are waiting for Mass DOT to finish their design plans. We are still looking for a viable end user for the property.

Judy Froman thinks there could be some resourceful ways of figuring out, even on preliminary designs, but waiting isn't helping with filling that space; they could also be finding ways of helping with transportation. Atty. Scott said the designing is just another factor regarding this property, they are trying to find way to market this property.

James Potter suggested to try diligently to get something done with the property; there is a lot of potential and taxable income that is being missed.

Glenn Cannon said there is a plan. Mass DOT was supposed to complete the study a year ago, it has been on hold. They are probably waiting for the Army Corps to make a decision on the bridge.

Tom Guerino questioned if Ahold thought about commencing developing of the property with a vision of doing something with their own cash as opposed to marketing it for lease or sale and perhaps starting. Mr. Guerino spoke about the opportunity zone and questioned if the property is within the area of first census tract. That could provide for some substantial tax credits and incentives. Maybe the census track extends to the rotary or we can move it that way.

Peter Meier spoke about a public private partnership. Mr. Meier requested Atty. Scott come back before the Select Board in 90 days. Atty. Scott said they would be happy to participate in a brainstorming session.

Judy Froman said it might be helpful for Atty. Scott to have the Local Comprehensive Plan to see what the town considers is important. Tom Guerino gave Atty. Scott a copy of the Local Comprehensive Plan.

6) License/Appointments

- a. Chris Powers – Human Services Committee (At-Large Member)**
- b. Haiden Powers - Human Services Committee (Youth Representative)**
- c. Shirley Fickie – Recycling Committee (At-Large Member)**
- d. Lydia Manter – Historical Commission (Associate Member)**

Chris Powers and Haiden Powers spoke briefly about why they want to serve on the Human Services Committee.

Voted Judy Froman moved and seconded by James Potter to appoint Chris Powers to the Human Services Committee as an At-Large member, term to expire June 30, 2021
Vote 4-0.

Voted Judy Froman moved and seconded by James Potter to appoint Haiden Powers to the Human Services Committee as a Youth representative, term to expire June 30, 2020.
Vote 4-0.

Shirley Fickie spoke briefly about why she wants to serve on the Bourne Recycling Committee.

Voted Judy Froman moved and seconded by James Potter to appoint Shirley Fickie to the Recycling Committee as an At-Large member, term to expire June 30, 2020.
Vote 4-0.

Voted Judy Froman moved and seconded by James Potter to appoint Lydia Manter to the Historical Commission as an associate member, term to expire June 30, 2020.
Vote 4-0.

5) Town Administrator Report

- a. Website revision update**
- b. Winter storm (budget) update**
- c. Community Building update**
- d. Other matters**

5.a. Glenn Cannon briefly spoke about the revisions that have been done to the website. The revisions to the website should be posted on January 23, 2019.

Judy Froman said we will also be talking about creating a policy for what to put on the website and updating the website.

5.b. Tom Guerino said we have done some spot salting in some area, we have plenty of material. The winter storm budget is fine, for now.

5.c. Mr. Guerino said we paid the last invoice for the Community Building repairs from last year's fire sprinkler break; that completes the construction phase. We also submitted an additional claim that we think the adjusters missed on items that were in the trailers for \$19,000, it has been submitted to our local agent and the main company in Springfield.

5.d. Tom Guerino spoke about the Local Comprehensive Plan Resident Survey. We had a 3 ½ overall return on the survey. Tom Guerino mentions some of the items that are important to the residents: Beach Access, Education, Capital Improvement, Rotary, Employment Opportunities in Town, Internet Universal Access, Private Road Acceptance, Recreation Opportunities, Public Transportation, Town Services, Water Quality,

MMA Conference

Tom Guerino spoke about the MMA Conference and the sessions he attended.
Peter Meier spoke about the sessions he attended.

Judy Froman spoke about all the information they get from the different sessions.

James Potter spoke about it being a great networking tool to meet people from other town and the information sessions.

George Slade also spoke about how great the networking was and the information session.

7) Correspondence

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

- A. Letter of interest from Geraldine J. Parham Andos to serve on the Bourne Council on Aging Board.
- B. MassDEP comment letters – Draft J-3 Range 2018 Annual Environmental Monitoring Report and Draft explanation of Significant Differences for 1,4 – Dioxane in Groundwater at Chemical Spill – 10, Joint Base Cape Cod.
- C. Spirits N More, 170 Clay Pond Road would like to sell KENO To Go.
- D. Gosnold submitted FY2019 second quarter report on services provided to Bourne residents.
- E. Kathleen Regan submitted letter of resignation from the Recycling Committee

8) Selectmen's Business

- a. **328 Main Street – Unsafe Structure – continued from 10-16-2018**
- b. **Stop & Shop – Attorney Michael Scott and Representative from Ahold Delhaize to update BOS on former Canalside Commons property**
- c. **FY 20 Budget discussion**
- d. **Town Meeting Calendar**

8.a. Tom Guerino spoke briefly about this being a continuation from 10-16-2018 hearing for 328 Main Street, relative to an unkept structure.

Roger Laporte spoke about the program for the unused, dilapidated structures. The program is working and making people take care of their unused, dilapidated structures.

Mr. Maxim said he has met with an engineer and contractor, he will be building a property there, as soon as he gets plans. They are being worked on now. Mr. Maxim said he was put in the flood zone so they are working on new plans. He said he had someone interested in the property but they backed out. Starting the project around June or July. One option was to leave the building and add on, the other option would be to take the building down. He is looking at bringing in fill to take it out of the flood zone.

Tom Guerino questioned if Mr. Maxim would provide the Select Board the schematic/conceptual design of what the consultant has put together so we can have something concrete/in writing.

Mr. Maxim said he is going to file with the town in March.

Roger Laporte said everything we do tonight will be based on Mr. Maxim getting a plan.

Mr. Maxim said he is looking to do one business downstairs and one or two apartments upstairs.

James Potter said the logic was whether the existing building should be demolished. Mr. Maxim said he wasn't sure if he knocked the building down he would lose his sewer allotment. Mr. Potter assured Mr. Maxim that he won't lose his sewer allotment as long as he rebuilds within two years. Mr. Maxim said since December he has met with a builder and a design engineer. Had a structural engineer go through the building and state the building is safe and secure, and he had security cameras put in.

Judy said she wanted to see something tangible, something that documents the progress.

Peter Meier said there was a reason that the Board of Survey suggested the building be demolished.

Roger Laporte said they were requested by the Selectmen to look at the entire town for blighted buildings. They started on Main Street. Mr. Laporte suggested Mr. Maxim give a specific timeframe, written out, on when deliverable will be done.

Ms. Froman suggested in two weeks Mr. Maxim present to the Select Board in writing that documents the steps that have been taken since the last meeting and documents what steps and dates things will be done going forward. Would like to see that in two weeks. Mr. Meier said by Feb 1st.

Voted Judy Froman moved and seconded by James Potter that by January 31st Mr. Maxim have a written proposal to the Select Board that documents the steps that he has taken since December with the names and topics; and moving forward what the steps are for looking into the new business, coming up with a design, and going before the Boards.

Mr. Maxim said if he could go before the Board of Appeals and they would allow him to put the building back the way it was he would do that because that is the cheapest and easiest option for him.

Tom Guerino will send Mr. Maxim a letter stating what the Select Board is expecting from Mr. Maxim.

Roger Laporte explained that in the flood zone, which Mr. Maxim's building is in, the elevation is to the first floor. He can get out of the flood zone by bringing the building up. He explained earlier to Mr. Maxim if he knocked the building down and brought fill in he could get himself out of the flood zone.

Peter Meier said Mr. Maxim will be back before the Select Board in two weeks with the specific information that the Select Board has asked for. If the information that is received isn't sufficient, there will be no more extensions. The next meeting after that will be an advertised Board of Survey Hearing where Mr. Maxim will be served by mail and the Select Board will have to start the process to order the building down. We need the information/ preliminary plan for what Mr. Maxim are doing by January 31st.

Vote: 4-0

Jim Mulvey questioned regarding the buildings what triggers the initial action by the town?

Roger Laporte said the process is under the state law, Chapter 143 section 7. The Selectmen can request to the Building Official to look into buildings, blithe buildings. Any building that we deem to be questionable, the Building Inspector appoints a Board of Survey and each of the members on the Survey are instructed to write what they see. We put the information together and inform the owner of the findings, and the building either has to be made safe or be knocked down. If the owner doesn't do anything the information is then brought to the Select Board. The Select Board, through Chapter 143 can then order the building demolished. The other item is the Zoning/ Blithe Bylaw.

8.b Tom Guerino requested comments about the budget be sent to him by the next meeting. By Charter the Select Board has to transmit the budget to the Finance Committee.

James Potter questioned would it be appropriate to suggest an override vote. Tom Guerino explained we will always budget to staff at full compliment. So when we have those vacancies over a long period of time and civil service makes it difficult to recruit you will see substantial turn-backs.

8.d. Town Meeting Calendar for budget season

Annual Town Meeting warrant closes on 3/12/19

Special Town Meeting closes on 4/2/19

Warrant for external articles closes on the 12th

Finance Committee report available 21 days before - 4/12/19

Handbooks available 15 days before - 4/19/19

James Potter said if we move forward as a Board on the community events that would be two articles. Tom Guerino said if they need two he will let people know.

9) Adjourn

Voted Judy Froman moved and seconded by James Potter to adjourn. Meeting adjourned at 9:19 pm. Vote 5-0.

Respectfully submitted - Carole Ellis, secretary.