

**Board of Selectmen
Minutes of Wednesday, January 16, 2019
Bourne Veterans' Memorial Community Center
Buzzards Bay, MA**

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Selectmen

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

Town Administrator Tom Guerino

Assistant Town Administrator Glenn Cannon

DPW Director George Sala

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

Documents

6:00 P.M. Call Public Session to Order in Open Session

Executive Session: Motion to enter into Executive Session to conduct strategy with respect to threatened litigation regarding the Buzzards Bay Playground. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body. To conduct strategy with respect to litigation regarding the Haven Center, Inc., et al v. Town of Bourne and Bourne Board of Selectmen – Commonwealth of Massachusetts Land Court, Department of the Trial Court # 19MISC 000009. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body. To conduct strategy with respect to litigation relative to the Fire Department. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

Roll call Vote to convene in Executive Session for the purposes stated.

The Board will reconvene in a workshop open session following the Executive Session.

A motion was made by Judy Froman and seconded by Jared MacDonald to adjourn the Executive Session and reconvene in Open Session. The motion was voted: MacDonald – Yes, Slade – Yes, Meier – Yes, Potter – Yes, Froman - Yes

Peter Meier said there was a vote of the Board in Executive Session Regarding the Buzzards Bay Playground:

The Chairman stated that the Board of Selectmen voted in Executive Session “to accept the resolution by the Buzzards Bay Playground Project Manager to enter into an agreement with Weston and Sampson based on terms and conditions approved by the Board of Selectmen”.

Trash and Recycling Policy and other Municipal Services for Tradewinds Condominiums

The Chairman explains the ground rules for the evening.

Mr. Hobill states the concerns of the residents of Tradewinds Condominiums relative to trash pick-up, recycling pick-up, snow plowing, and street sweeping. Mr. Hobill states the selectmen should have read his letters and he is requesting a written response to the letters. Mr. Hobill reads Chapter 14 of the U.S. Constitution. Mr. Hobill states that public funds were spent on private roads in previous years. Mr. Hobill requests an explanation relative to the differences between a Homeowners Association and a Condominium Association.

Mr. Lively presents the attached handouts (Labeled A – F) to the Board of Selectmen. Mr. Lively wants four services to be restored, street sweeping, catch-basin cleaning, plowing and trash pick-up. Mr. Lively states that these services were provided for thirty (30) years by the Town of Bourne and he wants these services restored. Mr. Lively reads the opinion from Attorney Troy regarding town services (attachment F). Mr. Lively asks the Board to reverse their decision and restore town services immediately.

Mr. Guerino thanks Mr. Hobill and Mr. Lively for their time and Mr. Guerino gives the history of recycling, plowing and trash pick-up in Bourne. Mr. Guerino refers to past correspondence from previous Board of Selectmen members regarding plowing and trash pick-up at Tradewinds Condominiums and other condominium associations.

Mr. Guerino states that if the Town picks up trash at the condominiums, then the Town would have to buy two (2) new trash trucks at \$300,000 each and hire 5 or 6 more laborers/drivers.

Mr. Sala discusses the number of meetings conducted and work that went into the policy and the number of condominiums in Town and the difficulty of traversing the roads within a condominium associations.

Ms. Young does not agree with the policy and she believes the policy should be changed.

Ms. Howe lives at Tradewinds and is concerned with kids walking to school in the snow. Ms. Howe believes her taxes should be lowered if she does not receive services.

Ms. Hobill wants to know why condominiums with four (4) or more units are being treated differently than a single family home.

Mr. Guerino summarizes the Town's position.

Mr. MacDonald states that the policy is lacking some direction and the Board needs to take in all the facts and have a better policy.

Ms. Froman asks how many of the Condominiums Associations had services and then had town services stopped. Ms. Froman states that many Towns do not have curb side trash pick-up.

Mr. Potter thanks the residents for coming to the meeting. Mr. Potter discusses the ownership of Condominiums and ownership of single family homes. Mr. Potter reviews the Town Charter and the PW-2015-02 policy. Mr. Potter states that Town Meeting could vote on this issue. Mr. Potter requests clarification from Town Counsel relative to the Town Charter Section 5.4: Department of Public Works and particularly subsection (d) which discusses the role of the Board of Selectmen and the Department of Public Works. Mr. Potter also asks to have Town Counsel's opinion relative to policy PW-2015-02 being a department operational policy and the responsibility that the Board of Selectmen composition of department operational policies.

Mr. Slade thanks Mr. Hobill and Mr. Lively.

Mr. Sala states that the Town has 36 condominium complexes with a total of 1164 units.

Mr. Slade does not like policy PW-2015-02 because people do pay taxes. Mr. Slade believes town counsel opinion state that the policy is legal. Mr. Slade wants to revisit the policy in the near future.

Mr. Meier doesn't believe trash pick-up is a burden on town staff and we should not take services away from town residents and the policy should be changed.

Mr. Sala states that PW-2015-02 is a department operational policy.

Mr. Sala and Mr. Guerino both stated that if the Town could not provide services to some condominiums then the Town should not provide services to any condos.

Collette Hasno states that the residents have a hard time affording the fees for plowing and trash pick-up.

Lee Marie Gordon wants a study of each condominium association in Bourne.

Mr. Meier directs the Town Administrator to answer the letters from Mr. Hobill by the end of the week.

Mr. Meier states that this topic will be put on the agenda for February 5, 2019.

A motion was made by Jared MacDonald and seconded by Judy Froman to continue the topic until the first meeting in February. The motion was voted: MacDonald – Yes, Slade – Yes, Meier – Yes, Potter – Yes, Froman - Yes

FY 2020 Budget

A general discussion ensued relative to closing the warrant for the Annual Town Meeting and the Special Town Meeting.

A motion was made by Judy Froman and seconded by Jared MacDonald to close the warrant on March 12, 2019, 50 days in advance of the Annual Town Meeting. A motion was made by Judy Froman and seconded by Jared MacDonald to close the warrant on April 2, 2019 in advance of the Special Town Meeting. The motion was voted: MacDonald – Yes, Slade – Yes, Meier – Yes, Potter – Yes, Froman - Yes

A general discussion regarding the Special Town Meeting ensued.

Adjourn

A motion was made by Jared MacDonald and seconded by Jim Potter to adjourn the meeting. The motion was voted: MacDonald – Yes, Slade – Yes, Meier – Yes, Potter – Yes, Froman - Yes

Respectfully submitted – Glenn Cannon – Assistant Town Administrator