

**Board of Selectmen  
Minutes of Tuesday, March 5, 2019  
Bourne Veterans' Memorial Community Center  
Buzzards Bay, MA**

.....

TA Tom Guerino  
ATA Glenn Cannon

**Selectmen**

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

RECEIVED  
2019 MAR 25 AM 11:56  
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, Beth Treffeisen Cape Cod Times, and Michael Maxium.

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

**Documents**

**6:15 PM Call Public Session to Order in Open Session**

**Executive Session:** Motion to enter into Executive Session to discuss 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 litigation position of the public body.

Motion to enter into Executive Session to conduct strategy related to the Fire Department Arbitration and Department of Labor Relations cases. The Chair has declared that an open meeting may have a detrimental effect on the litigation position of the public body.

Motion to enter into Executive Session to conduct strategy in regards to negotiations with respect to easements on:

Map 35.0 Parcel 144 – Henry Drive; Map 35.0 Parcel 145 – 3 Henry Drive; Map 51.3 Parcel 62 – 0 Squeteague Harbor Road; Map 23.0 Parcel 4 – 90 Main Street; Map 42.0 Parcel 89 – 11 Bassett's Island. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to the easements.

Board of Selectmen will convene in Public Session at the conclusion of the Executive Session.

Roll Call vote to convene in Executive Session for the purpose stated. The Board will reconvene in Open Session following the Executive Session at approximately 7:00 P.M.

Roll call Vote to adjourn the Executive Session

**7:00 p.m. Chairman call public session to order in open session**

**Meeting Called to Order**

Chm. Meier called the meeting to order at 7:05 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 responsibility 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.

**4) Approval of Minutes: 12/18/18; 1/16/19; 2/5/19; 2/19/19; 2/25/19**

**Voted** James Potter moved and seconded by George Slade to approve the minutes from December 18, 2018. Vote 5-1. Judy Froman abstained

**Voted** Judy Froman moved and seconded by James Potter to approve the minutes from January 16, 2019, with edits. Vote 5-0.

**Voted** Judy Froman moved and seconded by James Potter to approve the minutes from February 5, 2019, with edits. Vote 5-0.

**Voted** Judy Froman moved and seconded by James Potter to approve the minutes from February 19, 2019. Vote 5-0.

**Voted** Judy Froman moved and seconded by James Potter to approve the minutes from February 25, 2019. Vote 5-0.

**9) License/Appointments**

**a. Cape Cod Harley Davidson – One Day Liquor**

Cape Cod Harley Davidson, Steve Beachard, 750 MacArthur Blvd, Pocasset, MA 02559; One day – malt only Liquor License, 3/16/19; 12:00 p.m. to 4:30 p.m.; Complimentary green beer for our customers 21+ from 12-4:30 p.m. inside the dealership; Estimated attendance 50 guests. Remarks: Police Department – Must comply with all liquor laws.

Steve Beachard spoke briefly about the event on March 16<sup>th</sup> from noon to 4:30 p.m. They will be checking IDs.

**Voted** Judy Froman moved and seconded by Jared MacDonald to approve the one-day liquor license request from Harley Davidson, subject to conditions in the rout slip.  
Vote: 5-0.

### **5) Town Administrator Report**

- a. FY 2020 Budget – This will be an ongoing piece of this part of the agenda. New considerations are a recording/floating Administrative Support staff person and consideration of an additional Facilities Management professional.**
- b. Economic Development Forum – (Representatives of BOS will be asked to participate in framing)**
- c. Priority Based Budget – Update and next step**
- d. Main Street Parking– Brief update**
- e. Annual Town Meeting – (There is no report at this meeting.) This will become a recurring piece of the TA report through May 2019**
- f. Briarwood Bridge – Update of conference call with MDOT**
- g. Toby Island Bridge construction – This will dovetail with correspondence received in the BOS Packet this week. The BOS needs to request that overnight parking be allowed. However, Toby Island residents need to procure a beach sticker for such purposes.**

**5.a.** Tom Guerino said this item is still on the agenda in case members of the Board have questions relative to the budget. Spoke about the organizational chart. Working on a different approach to facilities and capital as it relates to position descriptions, will get back to the Board within a couple weeks.

Judy Froman brought up the question from member of the public regarding the roll of Assistant Town Administrator with Facilities and how it relates to Facilities. We should address it.

James Potter questioned some of the additional positions, is there a point when we will decide which position has merit to move forward. Tom Guerino said the ones in the Finance Department are currently funded; only new position we are looking at in Finance is a Benefits Coordinator. In Finance there is no additional appropriation required. The Facilities Manager, there was already a position funded for that. We were looking for a higher-level Facilities Management person that we may be able to address in other ways in the budget.

Judy Froman spoke about the floating/administrative staff person and stated she doesn't think that type of position go forward, would rather see a couple part time type positions. That position would open itself up to being taken advantage of, in terms of the amount of work that needs to be done. Mr. Guerino said this position was an addition to the budget. If the BOS don't want to add that to the budget, we will have to add some monies for a recording administrative support person at night. We are going to start that interview process soon.

**5.b.** Mr. Guerino said Glenn has been working with the Commission, it appears that it might not be the best date for some members. We will try to move that to the next week.

Glenn said he has been talking to Bourne's Town Planner, Coreen Moore and the Cape Cod Commission. There was some work done a year ago that I don't think we will have to repeat. It is time to present that analysis and build on that. That should be able to be done inhouse by our own staff and the Cape Cod Commission staff. We are going to push the date back to early April.

Tom Guerino said Coreen Moore and Glenn Cannon put together a list of stakeholders. Mr. Guerino said he added people to that list from the various villages.

**c. Priority Based Budget – Update and next step**

Tom Guerino said we are done with the assessment, scoring and pier review. Glenn Cannon said we moved forward with the process, we have substantial completion and we will update it to the 2020 budget. Hope to have it completed by the end of this month.

**d. Main Street Parking– Brief update**

Tom Guerino said waiting to set the meeting up with Boston as it relates to the parking lot by the railroad tracks. Also working with the marina folks on other parking issues. Asked Chris Southwood to work with Lane to come up with a plan to go to Town Meeting relative to the Maritime Parking Agreement. This Select Board would have to endorse it to move forward. Tim Lydon is looking at the possibility of angle parking rather than parallel parking on various parts of Main Street. As well as additional parking that we may be able to put behind the Marine Life Center. We have a written understanding with the Marine Life Center, it is going to be more formalized; that during the non-college school year, because she has an arraignment with the Maritime Academy for parking, that the lot will be opened up to public parking, leaving aside two additional handicap spots on Main Street in front of the building. Jared MacDonald brought up the sublet agreement, Mr. Guerino said the understanding was the building itself was not to be sublet.

Vincent Michienzi said regarding the lease with the Marine Life Center it stated no subleasing. It would have to go back to Town Meeting. It is in the bylaw the property should not be subleased.

Peter Meier requested a copy of the lease be sent to the Board Members. Mr. Meier said the academy could put cars at Tamarac and people could be bused down to the academy.

Jim Potter agreed and the Board members need to review the lease.

George Slade said the economic development forum links to this discussion on parking issues. Nothing will happen on Main Street economically if we don't take care of the parking issues.

**e. Annual Town Meeting**

Peter Meier questioned what we have for a draft warrant. Tom Guerino said we are getting together this week with staff to start looking at the warrant. There are the normal 12-14 articles; 2% sales tax, special Legislation as it relates to a Community Activities type fund, 4 or 5 other articles that have come in by departments. We are going to get together this week to start to go through Town Meeting Articles and start to draft the warrant.

James Potter said tracking Savery Ave, we might have to have a Special Town Meeting.

**f. Briarwood Bridge – Update of conference call with MassDOT**

Tom Guerino said we received by email a report from MassDot that relates to Gardner Bridge at Briarwood. There were two reports, one independent and one internal engineer report done on this overpass. The recommendation from both reports is the bridge should be closed immediately. This is not a town owned bridge. Had a conference call yesterday with MassDot and members of staff. Now that the town is made aware of an unsafe structure we were advised by counsel to post it closed and block it off. It is safe for bicycle and pedestrians. Both sides of the bridge have been blocked. Tentatively scheduled a meeting with MassDot and the Town on Friday, March 15th at the Community Center for folks who own property or reside there. If there is a public safety issue Fire and Police have access to both sides of the bridge. Mr. Guerino will forward the information about the bridge to the Select Board Members.

**g. Toby Island Bridge construction**

Mr. Guerino said Toby Island Bridge is not a town owned bridge. The folks that own the bridge allow access to some of the shellfishing areas. They are going to be doing some work on the bridge. They are requesting to be able to park in the Monument Beach parking lot during the construction period, which would be for a three-week period. They will have access to emergency vehicles. There is no overnight parking. If the Select Board has no objections to work with the Police Dept. where we can. Anyone who parks on town beach property will need a parking beach sticker.

**6) Status & Update:**

**95-97 Main Street, Buzzards Bay**

**228 Main Street, Buzzards Bay**

**328 Main Street Buzzards Bay**

**95-97 Main Street**

Ryan Correia said nothing has changed from last time, Roger Laporte wanted a structural engineer to review and sign off on the plans; Mr. Laporte should be reviewing it.

Vincent Michienzi spoke about the rebuttal of the Assessor's report. He said the Assessor's report is a huge fraud. How can you appraise a property up \$305,000 when the windows are falling out of the building, the building is totally rotted, and the roof is leaking? Mr. Michienzi accused Mr. Guerino of writing a bogus report. Mr. Guerino replied it was at the request of the Board of Selectmen to have an assessment done on that end of Main Street.

Noreen Michienzi stated due to FEMA you can only do renovation to a building 50% of what it is assessed at. Mr. Correia buildings assessment increased \$305,000. Increasing the assessed value of the building at 95-97 Main Street gives the owner, Mr. Correia, a higher threshold to meet before the federal regulations would take effect. There is no way an assessment would go up \$305,900. It's not fair that one assessment goes up and the others don't. If it does go up \$331,000 half of it should be the land and half should be the building, the building should not be \$305,000.

Tom Guerino said this was done by the assessor at the request of the Board. A big piece of the increase would have to do with the land price index that was revised from .55 to .85. Mr. Cabral would have to come in and explain his report.

Peter Meier suggested if Bruce Cabral is going to be challenged, he should be here to speak. Bring him in for 4/2/19.

Noreen Michienzi spoke about how the Correia property went up in value from \$300,000 to \$331,000, how can it increase to more than what you paid for it.

James Potter said the assessor should come in and reaffirm his decision. We will have to see every property's value on that end of Main Street.

Vincent Michienzi said the Selectmen stated they would make his assessment go up in value.

March 4, 2019

Vincent M. DiStefano  
76 Mashpee Road  
Bourne, MA 02532

Town of Bourne  
Select Board  
Bourne, MA 02532

RE: 95-97 Main Street, Buzzards Bay, MA Assessment

Dear Select Board,

In response to the Assessor's explanation for the assessment of 95-97 Main Street, we have included a breakdown of the assessment increases in Main Street's West End for the properties included in the Town's report for the assessment, as well as a few additional downtown properties.

We have provided both a table and chart which clearly display the unparalleled increase for the building assessment of 95-97 Main Street. We have also attached a map of the downtown area that includes the current and previous total assessment values for each downtown parcel.

Please note: 95-97 Main Street's total assessment increase is \$321,020.

Please also note: 95-97 Main Street's building assessment increase is \$305,900.

This means 98% of the assessment increase is attributed to the property's building value, despite the building having only one inhabitable unit.

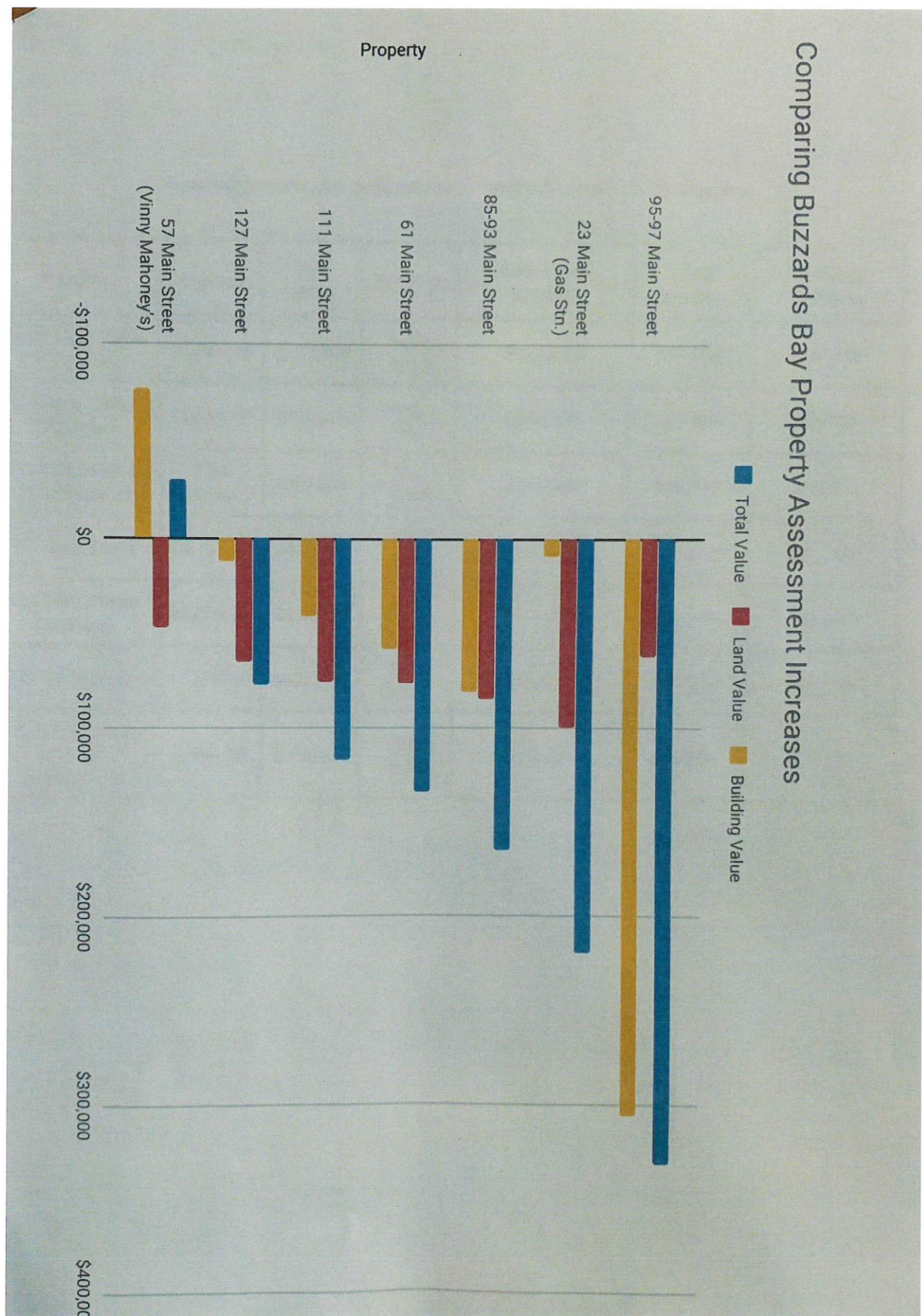
This gives the owner of 95-97 Main Street an advantage as he begins a construction project, since with a higher building value, the cost of renovations can be higher without having to appear before REMA (Per the "50-50 Rule").

We believe the 95-97 Main Street building assessment is inaccurate and that the assessment of the overall property does not accurately reflect the value of the property, land, and building. This leads us to further question the accuracy of the town's property assessments and the integrity of the town officials using and approving them.

Thank you,

*Vincent M. DiStefano*  
Vincent M. DiStefano

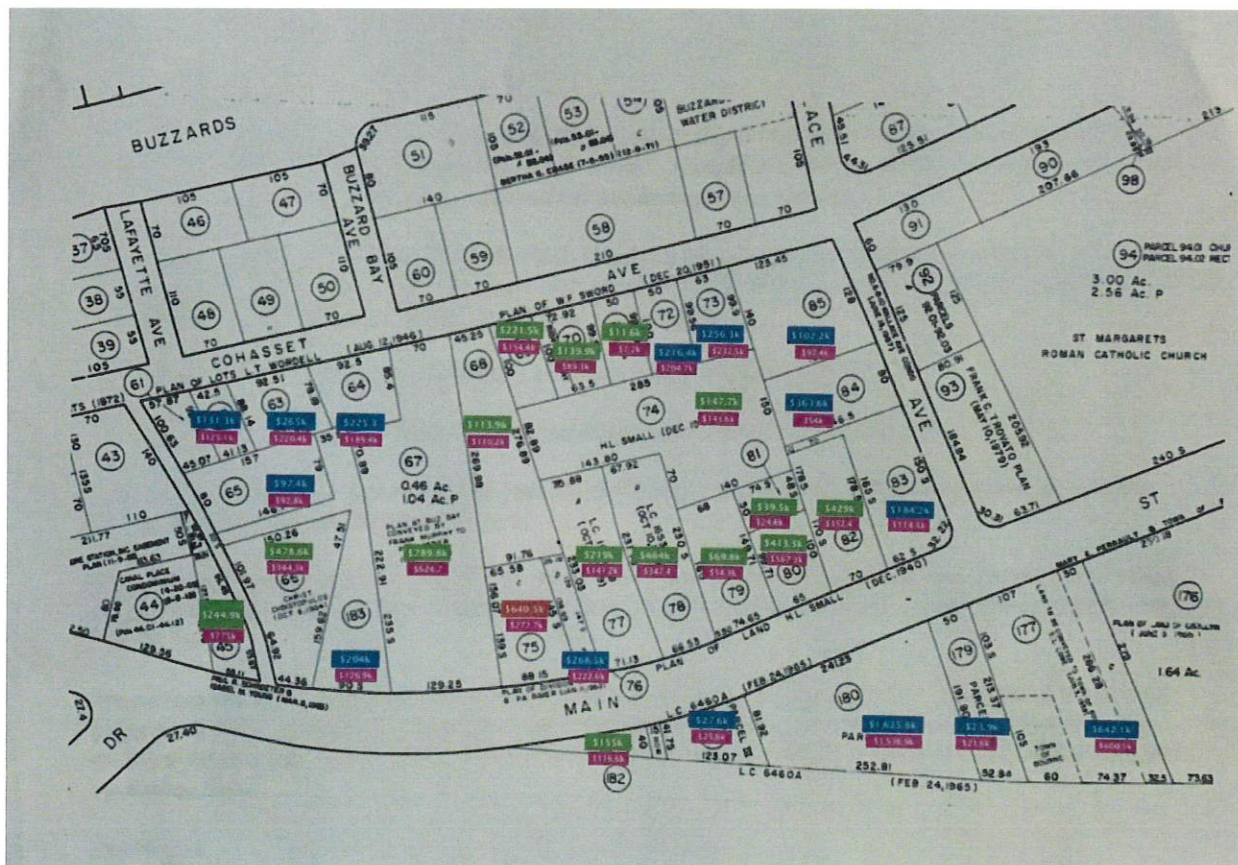






Comparing Property Assessments in Downtown Buzzards Bay's West End

Property	Acreage	Sale Price	Sale Date	Assessment Increase	Land Increase	Building Increase
95-97 Main Street (Correia)	10,480 SF	\$300,000	Nov. 2013	\$331,020	\$61,900	\$305,900
23 Main Street (Gas Stn.)	28,149 SF	\$990,000	Aug. 2017	\$219,200	\$99,200	\$8,900
85-93 Main Street (Michienzi's)	1.04 Acres	\$885,000	Oct. 2017	\$165,100	\$84,300	\$80,800
61 Main Street	16,117 SF	\$400,000	Aug. 2012	\$134,100	\$75,800	\$58,300
111 Main Street (Seakers)	16,000 SF	\$858,125	June 2005	\$116,600	\$75,500	\$41,000
127 Main Street	11,500 SF	\$622,500	June 2005	\$76,600	\$64,600	\$12,000
57 Main Street (Vinny Mahoney's)	5,741 SF	\$250,000	Oct. 2017	-\$30,100	\$46,900	-\$77,100



**228 Main Street**

Ryan Correia said they are still working on clearing the title, willing to have the attorney write to the Board stating they are working on it. Once we close and I own it, we will tear it down. Mr. Correia said he will send the conceptional plan to the Board.

**328 Main Street**

Peter Meier said there was communication from the Town Planner that a storage unit is not allowed in the downtown district.

Mr. Maxim said he will eliminate the storage unit part of the plan, he said he thought Ms. Moore said there was a process to go through a variance to allow that.

Peter Meier said we want to make sure the property is not blithe and it is safe if emergency personnel have to enter the building. Jared MacDonald suggested to make it look habitable that would reduce the blithe issue.

Peter Meier told Mr. Maxim to keep the Board informed. Mr. Maxim said he had a couple people interested in buying the property, but those fell through, so he is going to move forward with his own plans. Mr. Maxim said he is having plans drawn now. The plans are for office space with commercial garages, and we added the storage units, but we can take out the storage units.

Coreen Moore, Town Planner, said she met with Mr. Maxim a few times. The first project that was proposed was with 2 garages below with some office space and living above. The storage units we do not allow on Main Street. We do have a provision in the downtown policy, conditional use permit, which is only allowed downtown. If you go to the Planning Board you can propose a use that is not in the bylaw and if they feel it is a good fit they will allow it. The first proposal, 2 garages below with office and residential is a great mixed use. I would not recommend storage units in that area.

Judy Froman agreed that cleaning up the area/site would help.

Peter Meier said we want to make sure we can see that this is an ongoing project and it is moving forward. Please keep us informed.

Mr. Maxim said he would like two months to come back.

Peter Meier said he should come back on April 30<sup>th</sup>. This will be continued to 4/30/19

**7) GIZ (Growth Incentive Zone) modification for approval – Ms. Moore**

Coreen Moore said she sent a package out with the draft request for modification for the Growth Incentive Zone for the Cape Cod Commission. We got the Growth Incentive Zone back in April of 2012. The Cape Cod Commission has revised the regulations for the Growth Incentive Zone. When we submitted our application, the approval was given in three phases. In those phases once we reached certain threshold we were to provide

certain aspects for the Growth Incentive Zone. Once you reach that threshold you are required to provide an offset; an offset could be purchase of land, changing building, downsizing building.

Bourne was proactive in their purchase of land. The Open Space Committee did a good job in buying a lot of land. They let us credit 5 years back for that land, as a credit to our Growth Incentive Zone. After the first project, which was Keystone Assisted Living we used up phase 1. We could not go to phase 2, but they gave us a waiver so we could do Calamar. Calamar is a 100 unit over 55. I worked hard trying to find offsets, tried to find land. For offsets they wanted a 1 to 1 offset.

The Cape Cod Commission realized towns have been proactive so why should they be penalized. The Commission revised the regulations. Those revised regulations will help us push the projects forward.

In the draft I have given you what we are requesting from them is just to adopt the new regulations. We had an expiration date. The Growth Incentive Zone was only good for 10 years. Now there will be no expiration date. The other is to ask for the elimination of the three phases. That would give us a total of 360 residential units and 650,000 sq. ft. of commercial space. Also asking to eliminate all the offsets. They asked us what are some of the accomplishments that you have done since we implemented the Growth Incentive Zone. One is the infrastructure improvement and the capital improvement. The biggest one is the approval of the 100,000 gallons per day wastewater facility, also the Mass DOT and the Belmont Circle reconstruction, the new Bourne Police Station, the reconstruction of the bypass, and the all-inclusive playground. We had some redevelopment projects done by the business owners, and one residential project. Some of the things the town has done is some façade improvements. That was done with a grant through the Town Planner's office. We also did a residential grant for the different houses. For the next 15 years we have to monitor that, every time there is a sale or a remortgage I have to certify what they owe. New commercial square footage since the improvement of the Growth Incentive Zone: Keystone, Assisted Living, Hampton Inn, Calamar Senior Living.

Need the Selectmen to approve the request of this modification. As soon as we get the approval we will send it to the Cape Cod Commission. They could approve inhouse with staff, they could send it to their planning committee, or they could send it to the full commission. They are suggesting they will do it at a staff level or send it to the planning committee. Once that happens the projects that are in the queue waiting to move forward will be able to move forward.

Peter Meier said we need a motion to request the Cape Cod Commission for a modification as listed in the packet.

**Voted** Judy Froman moved and seconded by James Potter to accept the modification to the Growth Incentive Zone decision to accept the applicability of the terms and provisions of the amended Barnstable County Ordinance Chapter G 05-13 (10-19 14-05 17-11 and 18-02) April 4, 2019. Elimination of the three Phases for a total 360

residential units and 650,00 square feet of commercial space. Eliminate all requirements for offsets. Vote 5-0.

**8) Upper Cape Regional Vocational Technical High School – Town owned property and under the care of the Conservation Commission – the Technical School has a proposal for utilizing some of the property for trails and other education related activities. Mr. Haines, Conservation Agent will be present. Superintendent Dutch will also provide a presentation.**

Upper Cape Cod Technical School is interested in Town of Bourne donating the 14-acre Labretto Property which is located across the street from the School at 182 Sandwich Road. This town conservation parcel is currently not utilized by the public as it lacks any trails or reasonable access. Upper Cape Tech is proposing to take ownership of the property. The school would use the property to provide a science-based education site for the school and community as well as to cut and maintain public walking trails, construct benches, build raised boardwalks around the wetlands, install trail markers and educational signage.

Laura Johnson, Instructor at Upper Cape Tech, Nolan LeRoy, Supervisor

Laura Johnson said the Upper Cape Tech is interested in working with the Town of Bourne to transfer conservation property that most of town residents don't know about into school ownership. Upper Cape Tech would like to acquire the Labretto property through Town vote and have the property gifted to the school. If passed we would invest money into improvement of the wetland property. These improvements would help the state of the property and make it something special to the community.

Mr. Nolan LeRoy spoke about the Community Stewardship Project, the plans do not include a physical structure anymore. Spoke about the Lyman Reserve; Eastover Reservation; Mass Audubon Ashumet Holly Wildlife Sanctuary; Four Ponds Conservation Area; Upper Cape Tech; Great Neck Conservation Area.

Ms. Johnson spoke about the Pollinator Project, and how the Environmental Science Program after school has been involved in that project; working throughout some of the reservations in the area. The students and staff have worked in partnership with the US Army Corps of Engineers; they have incorporated a kind of classroom lesson with some of the younger students, 4<sup>th</sup> graders, at Peebles and Bourndale Elementary School. They are using the property to do walk arounds.

Mr. LeRoy spoke about the Labretto Property and how they would like to utilize the property including Wetland Delineation; 1-mile loop trail development and maintenance; property maintenance; installation of Naturalists Signage; Environmental/Conservation Education Outreach site; Educational Partnership with Army Corps and Bourne Elementary Schools.

Sam Haines, Conservation Agent, said he likes the idea; and also spoke about the difficulties of transferring ownership once the property has been placed under the control of the



Conservation Commission, under Chapter 48B. In order to transfer the property you would need to have the Conservation Commission agree, the Select Board vote, Town Meeting Vote. Then you have to have 2/3 of State Legislature vote, and you would also have to have no net loss, which means the town would have to acquire 14 additional acres of equal ecological value to offset the loss. Once the property is put in under Chapter 48B it is only allowed for open space and passive recreations. There is also concern about control of the property, we can't allow any other entity under the current restrictions having any control over the property in terms of access or use. Transferring ownership or transferring control is a difficult sell.

Tom Guerino questioned the Stewardship of the Labretto property, are any of those in conflict with chapter 48? Sam Haines said as long as there is no ownership change. When they first spoke about structures, access, and community gardens, that is where you get into grey area where you would have to amend the restriction or change the use.

Roger Forget said if the town gifts the land to the Upper Cape Tech the town still owns the land.

Tom Guerino questioned could there be a memorandum of understanding between Conservation Commission, the Town, and the Upper Cape Tech that would allow for these too happened and also allow the folks at the Upper Cape Tech to access the property when they needed to for these purposes only. Sam Haines said folks from the Upper Cape Tech can access the property for many of these purposes already. We would have to file a Notice of Intent, we would have to have a maintenance agreement. Under the deed restriction many of these uses would be allowed. The transfer of property you would have to take that out of Chapter 48B. They couldn't restrict other people from accessing that property.

James Potter said Town Meeting voted 364 to 56 to support acquiring the property and access to the canal. Why the pursuit of the town gifting the land as opposed to another arrangement. Roger Forget said to do anything on the property the town still has the liability vs Upper Cape Tech with our students and anyone else we may bring on the property. Also we don't have funds to gift and give away. We have an educational piece which we can use with our students so they can expand on their education at Upper Cape Tech in utilizing the property. This property is across the street and the town isn't maintaining it. Insurance is a piece of it and we would go to the appropriate boards and committees before we did anything on the property. James Potter questioned if the other towns agree with this gifted piece of property. Mr. Forget said we haven't spoken to the other towns yet about this idea, we wanted to start with the Town of Bourne first.

Judy Froman questioned were the other community stewardship projects gifted services. Nolan LeRoy said they were done through a couple different entities different agencies that owned the properties. Judy Froman questioned would there be space for parking for that area. Sam Haines said there could be space for parking, but you would not be able to pave it.



Peter Meier said if it is possible, it is a great idea for a partnership between Conservation Commission, the Town of Bourne and Upper Cape Tech, it has a lot of great value. We should pursue this further. Jared MacDonald said these projects can work and it would be a great asset for the Town.

Tom Guerino said looking at the property, the boundary line at the canal, would they have to cross the railroad tracks to get access to the canal; yes they would have to cross the railroad tracks. Mr. Guerino said there probably is a way, working with Sam Haines and the Conservation Commission, and the railroad, to make the project successful without a transfer.

Peter Meier suggested to have this discussion at a workshop. Tom Guerino suggested to have staff and the folks from the Upper Cape Tech put together information and then bring it to Board at a workshop.

Sam Haines questioned how does the Select Board feel about investing in conservation land, will it bring in economic value will it bring in cultural value?

George Slade said this would be a good project if we can identify and overcome all the hurdles, also there is a lot of activity in that area during the summer months.

James Potter said there are a lot of merits to the project. The hurdles to transfer the property might be too high, but there is a way to work with what you are proposing to work with the land. In a workshop setting we can work out how to still maintain ownership and having some of these programs happen on the site.

Jim Mulvey questioned how the land was first acquired, and what was the agreement when it was first purchased? The possibility exists that the land was purchased for passive recreation by the general public.

James Potter said there was discussion about what the town would use it for. There wasn't an identified use but there were several uses proposed. One was proposed by Mr. Parady for affordable housing; there was a proposal about access to the canal.

Judy Froman said the town staff will have to look into those questions.

Jim Mulvey questioned why would the Tech School want to have control of the property rather than undertake it as a volunteer program by the Tech School to do these things. Would be opposed to the general direction, to have the Tech School take over town conservation land.

Sam Haines said once it is transferred to the conservation commission under Chapter 48B the deed restriction clearly states what its uses can be.

James Potter questioned was what was presented to the Conservation Commission different from what was presented tonight? Sam Haines said yes, what was presented to

the Conservation Commission included pole barns, community gardens, agricultural activities.

## **10) Selectmen's Business**

### **a. Bourne Friends of the Council on Aging – Fee waiver for Psychic Fair**

The Friends of Bourne COA are requesting a waiver of fees for the use of the Bourne Veterans Community Building on Saturday, April 6, 2019 from 8:00 a.m. to 5:00 p.m. for our semi-annual Psychic Fair/Craft Show. This Event/Fundraiser is held to support the Friends Food Pantry and those in need in our community

**Voted** Judy Froman moved and seconded by George Slade to approve the request for the use of the Veterans Community Building and waiver of fees for the Psychic Fair on April 6, 2019. Vote 5-0.

## **11) Correspondence**

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

- A. Letter from Department of Human Services regarding Barnstable County HOME Consortium Advisory Council.
- B. Cape Light Compact activity report for the month of December 2018.
- C. Letter from Tobey Island Association requests a waiver from the "No Parking" restriction in the Monument Beach boat/beach parking lot during months of March and April 2019 for up to 5 cars when the wooden bridge onto the island will be undergoing repairs.
- D. Letter from DEP regarding Approval with Conditions, Corrective Action Design [CAD], Phase 2 Final Cover Repair for ISWM, 201 MacArthur BLVD, Bourne.
- E. Letter from DEP regarding appeal of Harbormaster's decision to accept a mooring permit wait list application for a Floating Swim Platform adjacent to 490 Scraggy Neck Road, Bourne.
- F. Letter from DEP regarding notice given of the waterways application by Marine Renewable Energy Collaborative to maintain an existing tidal energy test platform at 40 Academy Drive, Buzzards Bay.
- G. Letter from Eversource to selectively apply herbicides in 2019 along power line rights-of-way that pass through Bourne. [Copy of Operational Plans and Vegetation Management Plans on file in the Town Administrator's Office]
- H. Letter from Cape Cod Commission regarding Bourne's Representative to the Cape Cod Commission – appointment to expire on April 25, 2019.
- I. Letter from Cape Cod Commission regarding Cape Cod and Islands Water Protection Fund.
- J. Letter from Department of Agriculture Resources regarding Notice of Approval of the Eversource Energy MA Five Year Vegetation Management Plan for Cape Cod and Martha's Vineyard [Barnstable and Dukes Counties] 2018-2022.

- K. Weights and Measures submitted copy of the annual report to the Division of Standards for calendar year 2018 [Copy of report on file in the Town Administrator's Office].
- L. Letter from Massachusetts School Building Authority regarding James F. Peebles Elementary School, Construction Change Orders.
- M. Letter from Department of Telecommunications and Cable regarding License Expiration Notice.
- N. Leo's Seafood Restaurant is requesting permission to close from March 8, 2019 thru March 15, 2019 for renovations to kitchen and storage area.

James Potter said our appointment to the Cape Cod Commission is going to expire on April 25<sup>th</sup>. Tom Guerino said the Board needs to appoint a representative to the Cape Cod Commission. Peter Meier suggested to put in on the agenda for the 12<sup>th</sup>.

Peter Meier said regarding letter M, letter from Department of Telecommunications and Cable as of 3/19/19 we will be within 36 months of our expiration of our Comcast agreement. We need to start negotiations processes. The first part of that is recommissioning our Cable Advisory Committee. Tom Guerino said he will put it on the website. Peter Meier read: Federal law provides for a formal renewal process that begins between 36 and 30 months before a license expires. As an Issuing Authority, you may begin the process of determining your community's cable-related needs and review Comcast Cable Communications, Inc.'s performance under the current license. Peter Meier said the Cable Advisory Committee can inform and educate the public about cable television services; assess the cable needs of the community and recommend policy changes; conduct regular meetings with cable company representatives to discuss matters of mutual interest; report to the IA on company compliance with the license; supervise the cable operator's response to complaints; respond to citizen's questions regarding the cable television system; and keep abreast of community programming issues.

Judy Froman said tomorrow before the end of the business day is the survey for the Cape Cod Commission for the regional transportation plan, you can weigh in on that. The website is [www.capecodcommission.org/rtp](http://www.capecodcommission.org/rtp).

## 12) Adjourn

**Voted** Judy Froman moved and seconded by Jared MacDonald to adjourn. Meeting adjourned at 9:18 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.