

**Board of Selectmen
Minutes of Tuesday, April 9, 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

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

Documents

7:00 p.m. Call Public Session to order in Open Session

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 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.

3) Approval of Minutes: 3/19/19, 3/26/19

Voted Judy Froman moved and seconded by James Potter to approve the minutes of March 19, 2016. Vote 5-0.

Voted Judy Froman moved and seconded by James Potter to approve the minutes of March 26, 2016. Vote 5-0.

4) 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. Annual/Special Town Meeting –Warrant review with the Board of Selectmen.

Tom Guerino said there has been several comments wondering why after the Community Building has been open for a short time, why we are closing the gym to coat the gym floor. It is going to be an annual maintenance item; the company that does that is fitting us in before they do all the schools. They are going to be coming in June to put a new coat of clear on the gym floor; the gym will be closed for about a week to let it set. This will happen in June on an annual basis.

The budget was discussed last evening. You have a new Sources and Uses. The changes in Sources and Uses are: The part time Clerks position for \$19,292 and \$7196 as it relates to the negotiated contract for the Bourne Employees Association. Everything else relative to that contract was included in the Budget.

Judy Froman said the other item that was pulled out as a line item was the Excise for boats, so people could see that dollar amount.

Tom Guerino said there will be another \$9500-\$9700 that will go into the budget for summer wage work, the questions is whether it will go into the DPW Summer Wage or the Recreation Summer Wage.

Judy Froman questioned if there was a need for an intern for the summer to help out with the website, is that encompassed in? Tom Guerino said Yes, we can find 20 hours a week for the summer; Selectmen's Other Contracted Services, for future it should be a formal request for the budget.

Peter Meier wondered how long it is going to take to go through the articles. Tom Guerino said the majority of the Board present last evening voted to support a number of articles. Some articles were left aside for further discussion by the full Board. If the Board is just going to go through the articles that weren't voted last evening, we could probably get through those fairly quickly.

James Potter questioned Article 4 who is sponsoring the new request to Town Meeting. Judy Froman said we are sponsoring that Article.

Tom Guerino said article 4 was reworded to make it clearer. Mr. Guerino read article 4: To authorize the Board of Selectmen on terms and conditions deemed by the Board of Selectmen to be in the best interest of the town, to lease a certain portion of Town owned land located at the Bourne Marina in Buzzards Bay, as shown on a plan on file at the Office of the Town Clerk. We also tightened up the motion to read: (it is subject to change until it goes to press) Authorize the Board of terms and conditions to be in the best interest, lease a certain portion of Town owned land (80 parking spaces) located at the Bourne Marina in Buzzards Bay from Columbus Day to Memorial Day.

4.b. 56:

Tom Guerino said last evening when there was a majority of the Board present, the warrant tracker will show where the Board voted on particular articles. There are a number that need to be discussed.

Special

Article 1: the Bourne Hight School Roof, it is before MSBA for reimbursement. The motion is MSBA Specific.

ARTICLE 1: To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Committee for the **partial roof replacement** and related repairs or improvements at the Bourne High School located at 75 Waterhouse Road, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of forty-six and seventy-nine hundredths percent (46.79%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or take any other action in relation thereto. Sponsor – Capital Outlay Committee.

In the motion we have to account for the total cost overall, which is \$2,111,210, for the purpose of paying cost the partial roof replacement and related repairs or improvements at the Bourne High School. Tom Guerino said the A and C wing roofs may be eligible based on tomorrows actions by the MSBA for just under 47% reimbursement. In the bid that goes out there will be a bid alternate for the B wing roof, and if the sq. ft. price is appropriate it could bring the price of the roof down, if there is sufficient funding, we may be able to do the B wing also.

ARTICLE 2: To see if the Town will vote to **rescind the authorization for unissued debt** that has been determined is no longer needed for the completion of various projects, or take any other action in relation thereto. Sponsor – Finance Director

Last year we appropriated money to replace the A wing roof in the amount of \$400,000.00. Since we haven't spent it, the is article is to return that money to take it off the books.

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 2.
Vote 5-0.

Peter Meier said Article 3 last night we voted 3-0. Does the Board wish to reconsider this article?

ARTICLE 3: To see if the Town will **amend the vote under Article 9** of the May 1, 2017 Annual Town Meeting Warrant or take any action in relation thereto.
Sponsor – Capital Outlay Committee

CAPITAL OUTLAY REPORT FOR FY2018					
	DEPART	PROJECT/DESCRIP- TION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
28	Sewer	Replace 24 year old Generator at Main Street Pump Station	\$28,000.00		Retained Earnings
29	Sewer	Replace 23 year old Generator at Hideaway Village Pump Station	\$40,000.00		Retained Earnings

Voted Jared MacDonald moved and seconded by Judy Froman to support this article.
Vote 5-0.

ARTICLE 4: To lease a portion of Taylor's Point Marin, to see if the town will vote to authorize the Board of Selectmen on terms and conditions deemed by the Board of Selectmen to be in the best interest of the town. To lease a certain portion of town owned land located at Bourne Marina, Buzzards Bay, as shown on the plan on filed in the office of the Town Clerk or take any other action thereto. Sponsor – Board of Selectmen

Peter Meier read the Motion: We move that the town vote to authorize the Board of Selectmen, on terms and conditions deemed by the Board of Selectmen to be in the best interest of the town, to lease a certain portion of Town owned land (80 parking spaces) located at the Bourne Marina in Buzzards Bay, from Columbus day to Memorial day, as shown on a plan on file at the Office of the Town Clerk.

Voted Jared MacDonald moved and seconded by Judy Froman to move the motion forward. Vote 5-0.

Peter Meier said this is for the wastewater facility additional funding.

ARTICLE 5: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money for the purpose of designing and constructing a **Wastewater**

Treatment Facility, Pump Station, Force Main, land acquisition, and for related legal, administrative and other pertinent expenses associated with the construction of the Buzzards Bay Wastewater Treatment Facility with Groundwater Discharge at the Queen Sewell Park/Bourne Police Station site to serve a portion of the Buzzards Bay area, including existing developed and sewered properties and future/ongoing development, including without limitation all costs thereof as defined in G.L. c.29C, §1; that such sum of money to be used to augment the \$6,558,000 appropriated and approved for borrowing under Article 2 of the October 30, 2017 Special Town Meeting; that to meet this additional appropriation and the total project cost including funds previously approved on October 30, 2017, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow a sum of money and to issue bonds or notes therefor in accordance with G.L. c.44 and G.L. c.29C, or any other enabling authority; that such bonds or notes shall be general obligations of the Town; that the Town be authorized to apply for, accept, and expend any state and/or federal grants and loans or other public or private funds that may be available for the project; that the Town be authorized to assess privilege fees in accordance with Chapters 80 and 83 of Massachusetts General Laws to recover a portion of the total project costs not reimbursed by any state and federal grant funds received for the project; that the Treasurer with the approval of the Board of Selectmen, is authorized to borrow all or a portion of the total project cost from the Massachusetts Clean Water Trust (hereinafter "Trust") established pursuant to said Chapter 29C; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen and/or the Board of Sewer Commissioners is authorized to enter into a Project Regulatory Agreement with the Department of Environmental Protection; to expend all funds available for the project or take any other action in relation thereto.

Sponsor – Capital Outlay Committee

James Potter said if we have a project that is going to be under the Sewer Commissioners, the Sewer Commissioners should be more in charge of the project, not Capital Outlay, in this instance. We are asked to justify the addition and we are not part of the cost increase, but we are part of this as an Economic tool. Hoping we can move forward and have some cost savings; or the idea we can expand this in the future.

Judy Froman said the committee was not formed until after the project started. It is a commitment to the infrastructure for the town, and for the next phase.

Tom Guerino said any bonded indebtedness as a result of this additional cost is absorbable within our debt schedule; so there is no override, there is no additional tax levy, it is going to be within the budget. It's not taking away from anything else in this budget year that we were considering doing. James Potter said it is taking away from what you could put toward the Stabilization Fund. Tom Guerino said it is within the policy guidelines of the indebtedness that the Board of Selectmen, the Finance Committee, the Town Treasurer, the Town Finance Director have agreed to. With the State Revolving Fund money, there may be a small principal forgiveness on this. We will be reaching out to our Legislative Delegation,

and to Mass Works to see if there is any enhancements we can find in the Mass Works Program.

James Mulvey said what upsets him is under no conditions this town should reach this point on an 8 million dollar project when all the details of the payment and who pays for it have not been predetermined. Before the point we are at now should have been, in detail, settled as to how this project would move forward and who would pay for it.

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

ARTICLE 6: To see if the Town will vote to appropriate the sum of **\$343,000.00** for the purchase of **one new ambulance** to replace A-133, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$343,000.00 under M.G.L. Chapter 44, Section 7 or take any other in relation thereto.
Sponsor – Capital Outlay Committee

Tom Guerino said this is an ambulance that was in an accident, and it needs to be replaced. There are two that are up for replacement this year, one now and one at the Annual Town Meeting.

Judy Froman questioned if there is any return on cashing in the old ones? Tom Guerino said there is but we don't know what that amount is so we always fund the full amount.

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 6.
Vote 5-0.

ARTICLE 7: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to raise and appropriate, borrow, or transfer from available funds, a sum of money for the following Community Preservation Fund purpose(s): for surveying, engineering and permitting services for the Bourne Middle School Inclusive Playground and Soccer Field Rehabilitation to support the construction of a proposed including playground and the rehabilitation of an adjacent soccer field including incidental costs related thereto; and further, the Community Preservation Committee are hereby directed and authorized to take any and all actions necessary to implement this vote, or take and other action in relation thereto. Sponsor – Community Preservation Committee

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 7.
Vote 5-0.

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of **planning, design and construction of a Community Septic Disposal System to upgrade the Savary Community Septic System in North Sagamore**, said funds to be expended by the Board of Sewer Commissioners, and further, to authorize the Sewer Commissioners to assess betterments to recover any funds so expended and further, to authorize the Sewer Commissioners to

assess annual charges for the use of said Savary Community Septic System, including the cost of maintenance and repair and abandonment of said System, pursuant to Massachusetts General Laws Chapter 83, Section 16, and further to authorize the Sewer Commissioners to take any action to effectuate the purposes of this Article, or take any other action in relation thereto. Sponsor – Board of Sewer Commissioners

James Potter said we have to go forward with the warrant article because we have to anticipate that we will need permission from the town to replace the system.

Voted Jared MacDonald moved and seconded by Judy Froman to support Article 8. Vote 5-0.

ARTICLE 9: To see if the Town will vote to authorize the Board of Selectmen to amend the lease between the Town of Bourne and the National Marine Life Center on terms and conditions deemed to be in the best interest of the Town by the Board of Selectmen, or take any other act in relation thereto.

The motion is we move to authorize the Board of Selectmen to amend the lease between the Town of Bourne and the National Marine Life Center on terms and conditions deemed to be in the best interest of the Town by the Board of Selectmen, to permit the National Marine Life Center to sublet a portion of leased property for the purpose of providing additional parking in Buzzards Bay.

Tom Guerino said a no vote on this will stop any leasing parking by the National Marine Life Center. A positive motion on this would allow the Board of Selectmen to enter into negotiations relative to how it would be done.

James Potter said it needs to be tightened up. We shouldn't have "Sublet a portion of the leased property." We need to know what that is. We are asking Town Meeting to authorize the Board to negotiate part of the lease that states they can't sublet. Should they be negotiating the entire parking lot or to give some of that back to public parking. Peter Meier said we need to look at when the Planning Board approved the project. They had plans to expand their facility. If they expand we won't know how many spots will be left. Mr. Guerino said it is in their master plan for additional buildings. If they are able to do that over time the area for parking won't be available.

Jared MacDonald questioned how long ago was the agreement and how much has been done since.

Judy Froman agreed it should be tightened up. I read this as a lease, we can say it's a lease that would be a 2-year lease then we can revisit and make sure it still establishes the vision of the entire plan of the town for development. As the working group is working on parking and looking at it as a comprehensive parking plan in town; there are areas that are close to Main Street, that I would recommend that we not necessarily rent out and we keep as reserve for the town.

Peter Meier suggested we don't make any recommendation on this tonight; we need more information before we take a position.

Elmer Clegg, Planning Board, the National Marine Life Center was structured in 1995, there was an original lease between the town and the Marine Life Center, that was modified/thrown out and a new 50-year lease was put in place in 2003. On the Marine Life Center website there is a master plan with diagrams of what the campus was supposed to look like when fully built out. The area that is out back, that back parking lot accommodates 100 cars. In the master plan for the Marine Life Center development it would have 75 spaces. The only thing that has happened is the rehabilitation of the old Grossmans warehouse building and the building of the pump station out back.

Mr. Clegg went on to say I wrote a comprehensive plan on Main Street because this article is on the warrant and up for vote. The Marine Life Center property is Town property, that they have free use of. They had a master plan from 2003 to develop that whole campus, nothing has happened other than the pump station. Their business model is divided into three businesses. They run a hospital for marine animals. Their mission was to have a hospital facility for whales, porpoises, dolphins, seals, sea turtles. What they have today is a hospital for seals and turtles. The point I want to make is the Marine Life Center is sitting on the most valuable piece of public property that the town of Bourne has. If we are intent on developing Main Street commercially, I say the town has not lived up to its responsibility to produce public parking. When the growth incentive zone was approved by the Cape Cod Commission, a unique set of bylaws for the downtown district were put in place. The town was supposed to be producing public parking along with the developers, and the town hasn't produced any public parking. Now you are going to support an article that would continue the underutilization of town property that is paramount for providing parking spaces convenient to the downtown park and main street businesses.

Mr. Guerino said this isn't a fair discussion without a representative of the Marine Life Center here to discuss what they may have for plans.

Jared MacDonald said it is town property, we have a need for parking and this could resolve some of it, and they are subleasing when they weren't supposed to sublease.

Elmer Clegg said the town should take control of the front and back lots. The National Marine Life Center is subleasing 130 spaces. The Planning Board cannot approve any more development projects on Main Street until we come up with some parking. It is town property and that tenant is using it to produce revenue outside the scope of their business plan and their relationship envisioned in the lease from the town. The only time they need the parking lot is when they have a sponsored event which occurs during the summer. 80-90% of the days in the year those parking spaces are not used for the purposes of the Marine Life Center.

Peter Meier said this article was put on Town Meeting warrant to give the Board the authorization to negotiate in good faith. We should ask the Marine Life Center what the

percentage of their revenue source comes from this parking lot. If this subletting arrangement was taken away from them what would it do to their business.

Judy Froman said one concern she has is if we present it so there is no transition time for an organization that has been in town and that has an agreement with town for them to change or capitalize on some of economic development related to the Blue Water Economy and Marine Development. It is short sighted, don't want to see a plug pulled on any organization on short notice. If we move along hastily it doesn't serve the town well. It would be helpful to identify what parking spaces would be available to the public and which ones could be leased. It's important we talk about that with the town. What can we do to help the town that is a step in the right direction but helps to ease that transition?

James Potter said that parking is critical to downtown. Don't see this article as the Board supporting the subletting of the parking lot, but as the Board supports having a dialog with the Marine Life Center. We need authorization of Town Meeting as to what do the members support, do they want the lot sublette or do they want the board to change what is going on at that lot.

Tom Guerino suggested to put on this, withdraw this motion and say Motion will be made at Town Meeting, so we can put together a motion that meets the need of the Board.

Vincent Michienzi said the Marine Life Center broke the lease, and we aren't getting any money from them. That piece of property should be utilized, sold, or the town make use of it.

Tom Guerino suggest the Board should have its position ready by the Pre Town Meeting 101 session.

Noreen Michienzi said they could do events to raise money, and there should only be one-year terms for parking.

Peter Meier said at this time we will not take any position on this article; we will take a position closer to Town Meeting.

ARTICLE 22: To see if the Town will vote to amend the Town of Bourne By-laws by adding a new **Article 1.6 "Community Events Committee,"** or take any other action in relation thereto. Sponsor – Board of Selectmen

James Potter said the committee will consist of 3 residents at large, one member of the Bourne Cultural Council, one member of the Board of Selectmen, one member of the Finance Committee, and the Town Administrator or his or her Appointee. All voting members.

Section 1.6.1 is regarding Membership; Section 1.6.2 is regarding Officers; Section 1.6.3 is regarding Duties; section 1.6.4 is regarding Funding; and Section 1.6.5 is regarding Administration;

Duties: The Community Engagements Committee mission is to sponsor and encourage community events, projects, activities, services, programs, and public improvements which are of mutual interest to the visitors and residents of the Town of Bourne, and, which strengthen the Town by fostering community involvement and spirit. The Committee shall create an application for funding and invite organizations or individuals to submit on events or activities that will benefit the Town of Bourne and its citizens. In no event may a Member present a project before the Committee. The committee shall provide quarterly reporting to the Board of Selectmen and Town Administrator.

Funding: would be executed by Town Meeting in this case all moneys that are made available to it by appropriation, by gifts or grants, or by transfer of funds authorized by law.

Administration: The Committee is authorized to spend up to five percent (5%) of the annual appropriation to the Community Engagements fund for advertising, publications, general administrative costs or other activities deemed appropriate by a majority vote of Committee.

Judy Froman said she would like us to consider the possibility of changing the name to Community Engagements Committee.

Voted Judy Froman moved and seconded by Jared MacDonald to change the name of the Community Events Committee to Community Engagements Committee. Vote 5-0.

Voted Judy Froman moved and seconded by James Potter to support Article 22. Vote 5-0.

ARTICLE 23: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the **Community Engagements Committee**, or take any action in relation thereto. Sponsor – Board of Selectmen

Voted James Potter moved and seconded by Judy Froman to support Article 23.

James Potter said the 50,000 is directly related to the increase in the percentage that we are asking the voters to go from 4% to 6% on hotel tax. Judy Froman questioned should there be reference that it is related to the hotel tax. Peter Meier said it is coming from Free Cash. James Potter said it is up to us to explain to the Moderator which ones are essential to another.

Vote: 5-0.

ARTICLE 10: To see if the Town will vote to authorize the Board of Selectmen, on its behalf, to petition the General Court for passage of a special legislation regarding a **permanent easement from the Division of Capital Asset Maintenance and Management on land under the care and custody of the Massachusetts Armory Commission** as identified on Bourne Assessor's map as Parcel 181 on Map 19.4, and referenced at Barnstable County Registry of Deeds at Book 877, Pages 67 and 68, for purpose of replacing a subsurface municipal water line and all necessary supporting appurtenances and consistent with the

terms of the temporary license granted in January 2019, and further, to authorize Town Officials to take any action in relation thereto. Sponsor – Board of Selectmen

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 10.
Vote: 5-0.

ARTICLE 11: To see if the Town will vote to authorize the Board of Selectmen to **grant easements for the design, construction, operation, and maintenance for the new Bourne Police Station** located at 35 Armory Road, Buzzards Bay, MA, or take any other action in relation thereto. Sponsor – Board of Selectmen

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 11.
Vote: 5-0.

ARTICLE 12: To see if the Town will vote to transfer from available funds a sum of money for the replacement of a **2012 CAT D6T LGP Dozer**, or take any action in relation thereto. Sponsor – Capital Outlay Committee

Peter Meier read the Motion: We move that the town vote to appropriate the sum of \$500,000.00 for the purposes of this article and to meet this appropriation to transfer the sum of \$500,000.00 from ISWM Retained Earnings.

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 12.
Vote 5-0.

ARTICLE 13: To see if the Town will vote to appropriate or transfer from available funds a sum of money to the FY19 Sewer Department Expense Budget, or take any other action in relation thereto. Sponsor – Town Administrator

Peter Meier read the Motion: We move the Town vote to appropriate the sum of \$55,000 to the Sewer Department Expense Budget FY19, and to meet this appropriation, to transfer the sum of money \$55,000 from the Sewer Enterprise Fund Retained Earnings Account.

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 13.

Tom Guerino said instead of going into the Reserve Fund it is going to go into the Sewer Expense Accounts.

Vote: 5-0.

ARTICE 14: To see if the Town will vote to appropriate a sum of money for the purpose of the payment of **unpaid bills** from a previous fiscal year that are legally unenforceable due to the insufficiency of appropriation or take any other in relation thereto. Sponsor – Board of Selectmen

UNPAID BILLS		
Department	Vendor	Amount
Police	Falmouth Hospital	\$ 500.00
Police	Global Equipment Co., Inc.	\$ 24.26
DNR	Wenzel's Auto Body, Inc.	\$ 500.00
Finance	WB Mason	\$ 61.56
Total		<u>\$ 1,085.82</u>

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 14.
Vote: 5-0

ARTICLE 15: To see if the Town will vote to authorize the Board of Selectmen to grant an **easement to construct, repair, replace and maintain a subsurface sewage disposal system at 594 Circuit Avenue** as shown on a Plan on file at the Office of the Town Clerk on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town, or take any other action in relation thereto. Sponsor – Board of Selectmen

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 15.
Vote: 5-0

Annual Town Meeting Articles

ARTICLE 1: To see if the Town will vote the **following regularly required authorizations** or actions, or take any other action in relation thereto. Sponsor – Board of Selectmen

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 1.
Vote: 5-0

ARTICLE 2: To see if the Town will vote to fix the **salaries and compensation of all elected officials** of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws as amended, and raise and appropriate a sum of money therefore, or take any other action in relation thereto. Sponsor – Board of Selectmen

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 2.
Vote: 5-0

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to defray the **regular annual expenses** of the Town, or take any other action in relation thereto. Sponsor – Board of Selectmen

Tom Guerino said Article 3 needs to be deferred. Peter Meier said to defer Article 3 until a later date.

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to **operate the Sewer Department**, or take any other action in relation thereto. Sponsor – Board of Sewer Commissioners

Peter Meier read the Motion: We move the sum of 1,034,370 to be authorized to be expended by the Sewer Commissioners for the operations of the Sewer Department for Fiscal Year July 1, 2019 to June 30, 2020 as follows:

Salaries & Wages: \$187,842.00

Expenses: \$796,528.00

Reserve Fund: \$50,000.00

And we further move that the sum of \$134,709.00 be transferred to the General Fund to offset Sewer Enterprise indirect expenses, and in order to meet this appropriation, we move a sum of \$1,119,079.00 to be raised from Sewer Enterprise Receipts and \$50,000 to be transferred from Sewer Retained Earnings.

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 4.
Vote: 5-0

ARTICLE 5: To see if the Town will vote to appropriate a sum of money from funds received or to be received from the Commonwealth of Massachusetts for the construction, reconstruction and improvement on all approved public ways which qualify under the **State Aid Highway** (Chapter 90) guidelines adopted by the Public Works' Commission, said funds to be expended under the direction of the D.P.W. Superintendent, with the approval of the Board of Selectmen, or take any other action in relation thereto.
Sponsor - D.P.W. Superintendent

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 5.
Vote: 5-0

ARTICLE 6: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to establish a **Reserve Fund**, or take any other action in relation thereto. Sponsor - Board of Selectmen

Peter Meier read the Motion: We move that the Town vote to raise and appropriate the sum of \$345,000 for the purposes of this article.

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 6.
Vote: 5-0

ARTICLE 7: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the **Integrated Solid Waste Management Program**, or take any other action in relation thereto. Sponsor – Board of Selectmen

Tom Guerino said he asked that this article be held off.

ARTICLE 8: To see if the Town will vote under authority of M.G.L., Chapter 44, Section 53E ½ to establish **Revolving Funds** to be known as described below, or take any other action in relation thereto. Sponsor – Board of Selectmen

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 8.
Vote: 5-0

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding **Capital Improvements and Capital Projects**, or take any other action in relation thereto. Sponsor – Capital Outlay Committee

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 9.
Vote: 5-0

ARTICLE 10: To see if the Town will vote to **hear Reports and Recommendations** of the Committee and Town Offices, or take any other action in relation thereto. Sponsor – Board of Selectmen

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 10.
Vote: 5-0

ARTICLE 11: To see if the Town will vote to transfer any sums of money received from the **ISWM Host Community Fees** in excess of \$600,000.00 in FY2020 to fund entitled "Capital Expenditure Stabilization Fund", or take any other action in relation thereto.
Sponsor – Board of Selectmen

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 11.
Vote: 5-0

ARTICLE 12: To see if the Town will vote to **increase a local excise tax**, upon the transfer of occupancy of any room in a bed and breakfast establishment, hotel or motel, by any operator at a **rate of 6 per cent (6%)** of the total amount of rent for each occupancy, or take any other action in relation thereto. Sponsor – Board of Selectmen

Peter Meier read the Motion: We move that the Town vote to increase the room occupancy tax (Section 3A of M.G.L c. 64G) from the current rate of 4% to 6%.

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 12.
Vote: 5-0

ARTICLE 13: To see if the Town will vote to **close out and transfer available balances** in previous Town Meeting Articles whose purposes have been satisfied or take any other action in relation thereto. Sponsor – Finance Director

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 13.
Vote: 5-0

ARTICLE 14: To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to fund the costs related to payments of **accrued contractual compensated absences upon retirement**, or take any other action in relation thereto. Sponsor – Board of Selectmen

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 14.
Vote: 5-0

ARTICLE 15: To see if the Town will vote, upon recommendation of the Community Preservation Committee, to appropriate a sum of money for the following **Community Preservation Fund purposes**, and to meet said appropriation, to transfer from available funds or reserve from the FY2020 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action relative thereto. Sponsor - Community Preservation Committee

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 15.
Vote: 5-0

ARTICLE 16: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the purposes of the **administrative and operating expenses of the Community Preservation Committee**, or take any other action in relation thereto. Sponsor – Community Preservation Committee

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 16.
Vote: 5-0

ARTICLE 17: To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to the **Stabilization Fund**, or take any other action in relation thereto. Sponsor – Board of Selectmen

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 17.
Vote: 5-0

ARTICLE 18: To see if the Town will vote to **amend the existing Zoning Map** of the Town of Bourne by rezoning the following property as specified: **To rezone parcel 10 and parcel 6 of Assessor's map 11** from SDD to VB, by extending the existing VB district line to encompass parcel 10 and parcel 6, or take any other action in relation thereto. Sponsor – Kevin Brady and others

Tom Guerino said this should be left for the Planning Board to make recommendations.

Voted George Slade moved and seconded by Jared MacDonald to take no position.
Vote 5-0.

ARTICLE 19: To see if the Town will vote to appropriate a sum of money for the purpose of implementing a **secure wireless electronic voting system** configuration for use by registered voters at an annual or special town meeting including, but not limited to, handheld voting devices, software, hardware, provide training to all persons involved in conducting the town meetings, and provide voter education, or take any other action in relation thereto. Sponsor - Town Clerk

This Article will be held until Thursday evening.

ARTICLE 20: To see if the Town will vote to amend the **TOWN OF BOURNE BYLAWS, ARTICLE 3.1 SECTION 3.1.17 ENTITLED "HAWKERS AND PEDDLERS," BY DELETING IT IN ITS ENTIRETY AND, SUBSTITUTING IN ITS PLACE, A NEW ARTICLE 3.1.17 HAWKERS AND PEDDLERS; DOOR-TO-DOOR SALES AS PRINTED BELOW, OR ACT ANYTHING IN RELATION THERETO.**
SPONSOR - BYLAW COMMITTEE

This Article will be held until Thursday evening.

ARTICLE 21: To see if the Town will vote to **close out and transfer available balances** in previous Town Meeting Articles whose purposes have been satisfied or take any other action in relation thereto. Sponsor - Community Preservation Committee

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 21.
Vote: 5-0

ARTICLE 24: To see if the Town will vote to amend the Town of Bourne By-laws, Article 1.1 Section 1.1.8 Time Limit, by adding the following:
"Each Saturday session of an annual or special town meeting shall begin no earlier than 10:00 a.m.", or take any other action in relation thereto. Sponsor - Board of Selectmen

This Article will be held until Thursday evening.

ARTICLE 25: To see if the Town will vote to authorize the Board of Selectmen to grant to **NSTAR ELECTRIC COMPANY, d/b/a Eversource Energy, its successors and assigns, an easement for electric service facilities located at 70 Trowbridge Road, Bourne, Massachusetts for the Bourne Intermediate School** as shown on a Plan on file at the Office of the Town Clerk, or take any other action in relation thereto. Sponsor - Board of Selectmen

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 25.
Vote: 5-0

ARTICLE 26: To see if the Town will vote to authorize the Board of Selectmen to grant **Verizon New England, Inc.**, its successors and assigns, an **Easement for facilities located at 70 Trowbridge Road, Bourne, Massachusetts for the Bourne Intermediate School** the right to access, construct, operate, maintain, connect, replace and remove facilities, which may be erected at different times with the necessary conduits, cables, wires, poles, anchors, guys, supports, fixtures and appurtenances hereon for the transmission and/or distribution of telecommunications subject to the terms, conditions and covenants hereinafter set forth., The Licensee shall have the further right to enter said portion of Licensors' land by foot or by vehicle for all of the herein stated purposes and to connect said pole(s) wires and cables with the poles, conduits, cables and wires which are located or which may be placed in parcels of land as shown on a Plan on file at the Office of the Town Clerk, or take any other action in relation thereto. Sponsor – Board of Selectmen

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 26.
Vote: 5-0

ARTICLE 27: To see if the Town will vote to authorize the Board of Selectmen to **lease or sell the Hoxie School** on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town, or take anything in relation thereto. Sponsor – Board of Selectmen

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 27.
Vote: 5-0

ARTICLE 28: To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money for the purpose of funding an **amendment to Article 9: Item #22, Fire Station Operation and Feasibility Study**, voted at the May 2016 Annual Town Meeting, or take any action in relation thereto. Sponsor – Capital Outlay Committee

Voted Judy Froman moved and seconded by Jared MacDonald to support Article 28.
Vote: 5-0

ARTICLE 29: To see if the Town will vote to authorize the Board of Selectmen to grant Clare H. Heffernan, and their successors in title, a perpetual easement to maintain, repair and replace a 30 square foot easement to access an existing structure shown on the plan on file with the Town Clerk's Office, or take any other action relative thereto. Sponsor – Board of Selectmen

Tom Guerino said it is located at 0 Squeteague.

Voted: Judy Froman moved and seconded by Jared MacDonald to support Article 29.
Vote: 5-0.

5) Licenses/Appointments

a. Chamber of Commerce – Summer Concerts

Maria Oliva, Cape Cod Canal Region Chamber of Commerce, 70 Main Street, Buzzards Bay, MA 02532. 2019 Summer Concerts in the Park, Every Thursday evening, July and August 2019 [7/11/19 - 8/29/19] 5:30 p.m. – 8:30 p.m. Estimated Attendance: 200-300. Open to the public at no charge. Remarks: Planning Department – Temporary street banners require Selectmen approval per §2866. Department of Public Works – Would like to meet one month prior to event.

Tom Guerino said it is the Town Administrator that grants the use of the park but the Board of Selectmen grant the waiver of the fee.

Maria Oliva stated the Cape Cod Canal Region Chamber of Commerce promotes and manages the concerts in the park which are free to the public; we have to raise money to help pay for the bands and to pay for people to staff the concerts, so we are hoping you can waive the fee this year so we can better utilize our monies. The Chamber has been doing the free concerts at the park for 30 years.

Voted: Judy Froman moved and seconded by James Potter to approve the waiver of the fee of \$75. Vote 5-0.

Voted: Judy Froman moved and seconded by Jared MacDonald to approve the route slip as submitted subject to conditions listed. Vote: 5-0.

6) Association to preserve Cape Cod, Cape Cod Chamber of Commerce, Cape Cod & Islands Association of Realtors, and Housing Assistance Corporation – Occupancy Tax use on region wide basis.

Andrew Gottlieb, Selectman from the town of Mashpee, Association for the Preservation of Cape Cod; and Ryan Castle, CEO Cape Cod & Islands Association of Realtors.

Ryan Castle gave an overview. Starting July 1st short term rentals will start collecting revenues on taxes based on your current room occupancy tax. We are proposing you have a warrant article that established that 50% of what you collect is set aside in a fund for certain purposes like housing, wastewater, transportation, broadband, and marketing. Good projects could apply for money and Town Meeting would have to appropriate that money out; it doesn't take money away from the town this new money is set aside for these purposes. As this money starts to be collected, want to make sure it is set aside for these purposes and is not rolled into Free Cash.

Andrew Gottlieb said when the short-term rental tax bill passed at the end of 2018 it provided an opportunity to expand the base of rental taxes that are paid to include not just hotel/motel taxes, but it now extends to home rentals. Individual municipalities will collect substantial new revenues beginning July 1st. What we suggested in the letter is taking a portion of that money and setting it aside using a provision of the State General Laws that

allows Town Meeting to adopt to create a special purpose Capital Reserve Fund by adopting that provision and direct a percentage of that money that comes in from the short-term rental tax directly into that fund. The remaining percentage from that money goes into your General Fund. The balance that is directed to the Reserve Fund will also remain within Town Meeting's control, but is subject to re-appropriation by Town Meeting for the purposes you specify in your Town Meeting Article. It creates some opportunity for Town Meeting to build up some reserve fund to deal with those problems (wastewater, transportation, housing, etc.) as they come forward in the future.

Ryan Castle said we want to make sure we have the workforce for the future for housing; can't do the housing without wastewater, can't do either without transportation infrastructure. We want to make sure we are setting aside for all this to make sure Cape Cod stays a sustainable year-round economy.

Andrew Gottlieb said because it is a rental tax it is largely paid by people who are not Cape residents. You take that money put it in a Capital Fund for projects that would otherwise be paid for by property tax, your providing a dollar for dollar reduction in property tax burden for a given project that you take money from this fund to pay for the project. The sooner this gets set up the less temptation people will have to spend this revenue source before next year budget cycles. With this money the voters get to decide what to put it aside for. This can work in tandem with CPA.

Tom Guerino said there has been some thought to this, using a Community Events Fund. They will be charged with distribution of funds for worthy activities. Relative to transportation issues, we are the only community on Cape Cod that pays into the MBTA. We are working with the Regional Transit Authority for next summer to work on a trolley system. For wastewater/water quality, I would advise the Board that we would need additional Health Inspectors, that may need to be funded from this, when we start inspecting all the rentals. Next budget season we will have a pretty good idea whether to put this into a fund or this Board may look into the additional 3% tax that's allowed which 35% of that must go into wastewater or affordable housing.

Ryan Castle wanted to clarify the short-term rental law does not require you to do inspections; that is up to the town, it grants the town the authority to do that but it isn't required. The Community Impact Fee isn't 3% on all short-term rentals. The Community Impact Fee is either you can do the extra 3% on just the individual room rentals within a home, or the other 3% option is if you have the same owner of multiple properties in the same town. For that option it would be hard to prove ownership, because they would probably be under different LLC. Rather than going to the voters every year and asking for money for the events, we are talking about putting money into the fund that you can pull from that is dedicated that won't be used for anything else.

Glenn Cannon questioned which towns have considered this? Andrew Gottlieb said Mashpee, Province Town, Sandwich, Orleans, and maybe Wellfleet. Ryan Castle said Barnstable and Yarmouth already have a law to allocate their money.

Tom Guerino said we have a Capital Stabilization account that was established for these types of purposes and the landfill helps with that. Think the town would want to look at this for the fall Town Meeting.

Andrew Gottlieb said the section we cited in the model bylaw takes advantage of provision of the Municipal Modernization Act that allows you to adopt a percentage and then it goes automatically. It doesn't require you to specify a dollar amount it only requires you to specify a percentage of revenue.

Ryan Castle said you won't know what is coming in as short-term rental money. You'll get your lodging tax back from DOR, but they won't tell you what is short-term rental money and what is lodging tax.

Andrew Gottlieb said we are happy to serve as a resource to let you how it is experienced in other towns.

Maria Oliva, Cape Cod Canal Region Chamber of Commerce said we have not brought this position to our Board of Directors yet; we have not said yes or no on this. Other Chambers may be familiar with it but there has been a disconnect between the organizations and the local chambers. It would be good to get input from local chambers of commerce, so they can make a determination and communicate with their Board of Selectman and the Town Administrators.

James Mulvey said he appreciates the forward thinking. Has this been discussed at a workshop by the Board of Selectmen or the Sewer Commissioners? James Potter said we have touched on the 2.75% that was been added as a wastewater fund under the same law, which is in addition to the tax that was just being discussed. There is another mechanism for wastewater currently that everyone will pay that tax 2.75%, unless a Town Meeting opts out.

Mr. Mulvey questioned has there been a rough estimate of what might be coming forth to the town. Tom Guerino said we are currently estimated to bring in this year about \$55,000 without the new tax; we are estimating it will be about \$150,000. James Potter said and add another \$50,000 from wastewater.

Jim Mulvey spoke about administrative costs and Compliance. James Potter said regarding the Compliance the state is spearheading that. They have a list that everyone has to register. Locally the Board of Health is working on something where they will have a duplicate list of these properties.

Tom Guerino said he forwarded a copy of a letter from Mr. Curry who is interested in having us look at that from the broadband perspective as it relates to cable.

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FUTURE CAPE COD COALITION

February 22, 2019

Board of Selectmen, Town of Bourne

RE: Meeting municipal infrastructure and community investment needs with rental tax revenue

Dear Chairman Meier and Members of the Board,

Bourne is poised to receive a once-in-a-generation revenue infusion due to the inclusion of short-term rentals in the new occupancy tax law. We have one opportunity to ensure new revenue is used for long-agreed-upon, yet chronically underfunded infrastructure and community investment that Cape Codders need to thrive, now and into the future.

Our organizations, the Association to Preserve Cape Cod (APCC), Cape Cod Chamber of Commerce, Cape Cod & Islands Association of REALTORS® (CCIAOR), and Housing Assistance Corporation (HAC), have come together because we share a belief that the future of Cape Cod depends heavily on infrastructure improvements and community investment for future economic stability and environmental improvement. Now is the perfect time for local government to establish infrastructure banks and direct resources to long-term community investment. **We ask Bourne to adopt a local bylaw this spring directing at least 50% of the local option rooms excise tax to a discrete stabilization fund, earmarking that revenue for housing, wastewater, broadband, transportation, and competitive marketing of Cape Cod.** Making long-term investments will dictate the economic viability and sustainability of Cape Cod and defer the use of property tax revenues for these needed projects, saving Cape Codders money.

To do this, we have crafted a model bylaw, enclosed, to segregate and protect new revenue exclusively for such long-term investments. Setting aside the new revenue before it gets absorbed into general operating budgets and before the ability to invest strategically in long-term municipal needs is lost is critical. We therefore ask you to exercise your authority to put this model bylaw on the Spring 2019 Town Meeting warrant.

Adoption of this bylaw will achieve three goals:

1. Create a sustainable source of investment in long-term needs that are traditionally underfunded and vital to the sustainability of the community;
2. Ensure that critical investments are addressed without burdening taxpayers with increased property taxes. This will simultaneously increase property values, improve

- the environment and quality of life, and produce economic opportunity for all; and
3. Support your commercial and industrial property tax base with the potential to grow that base with activities that increase employment and businesses in your town.

Unless the new rental tax revenues are protected, residents will not see any property tax relief. Dedicating this new money to long-term spending provides the town with more budget predictability and the ability to avoid relying on a fluctuating revenue source to fund fixed operating costs.

We must act now to ensure that year-round Cape Codders have access to housing, wastewater infrastructure is built swiftly, businesses and residents have access to high speed broadband, people can move around efficiently and reliably, and we invest in the region's tourism market share, in order to maintain this revenue stream.

We understand the timing of your warrant is tight. With your discretion to add this topic for consideration, you can make an impact of long-standing investment and return for the town of Bourne. We would welcome the opportunity for one of us to meet with your Board and can also set up a meeting with Chairman Meier and Mr. Guerino, which can be coordinated through Stefanie Coxé at 508-360-9074 or stefanie@nexuswerx.com and of course, please don't hesitate to call any of us directly.

Thank you for your consideration and leadership in this matter.

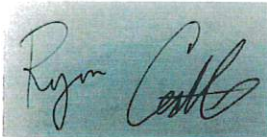
Sincerely,



Andrew Gottlieb, Executive Director
Association to Preserve Cape Cod



Wendy Northcross, CEO
Cape Cod Chamber of Commerce



Ryan Castle, CEO
Cape Cod & Islands Association of REALTORS®



Alisa Galazzi, CEO
Housing Assistance Corporation

FUTURE CAPE COD**Model Bylaw**

Article to direct a portion of rooms tax to stabilization for certain capital expenses

To see if the Town will vote to accept Paragraph 4 of Chapter 40, Section 5B of the General Laws and dedicate, without further appropriation, into a special purpose Infrastructure and Community Investment Stabilization Fund, created herein for the purposes of meeting housing needs, implementation of the Town's wastewater management program, broadband infrastructure, transportation improvement, and competitive marketing of Cape Cod, fifty percent of the local option rooms excise tax that the Town receives on the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel, pursuant to its acceptance of General Laws Chapter 64G, Section 3A, as amended by Chapter 337 of the Acts of 2018; provided that said dedication shall take effect beginning in Fiscal Year 2020 which begins on July 1, 2019; and provided further that the Town may not revoke its acceptance of this Act for at least three fiscal years; or to take any other action relative thereto.

Explanation: The Municipal Modernization Act in 2016 allows a Town which accepts G.L. c. 40, §5B, to dedicate not less than 25% of the local rooms excise tax to any stabilization fund. This would include any new revenue generated from short-term rentals. The Town must accept paragraph 4 of §5B at Town Meeting (or by a vote of the Town Council), establish the stabilization fund (if an appropriate one does not already exist), and designate the percentage of the room excise (not less than 25%) to be deposited in the stabilization fund. No further appropriation into the fund is required to dedicate the funds. As with any appropriation from a stabilization fund, a two-thirds vote is required by Town Meeting (or Town Council). Once a town accepts the statute, the Town cannot revoke its acceptance for at least three fiscal years. This article creates a special purpose stabilization fund for housing needs, wastewater management, broadband infrastructure, transportation improvement, and competitive marketing of Cape Cod and directs 50% of receipts to this fund to offset the cost of them on the property tax.

7) Selectmen's Business**8) Correspondence**

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

- A. Letter from Peter A. Zahka, II P.C. who represents Petruzzello Properties LLC, 586 Shore Road, Bourne regarding closure of bridge on Briarwood Road.
- B. Letter from Killian and Julian Harwood to Representative Vieira regarding taking Briarwood Bridge by eminent domain.
- C. Letter of resignation from James J. Coughlin Jr. from Council on Aging Advisory Board.
- D. Letter from Pocasset Village Association regarding possible construction of a Dog Park in Pocasset.

- E. Jed Johnson submitted a letter of interest to serve on the Bourne Cable TV Advisory Committee.

Elmer Clegg said regarding letter E, he can vouch for Mr. Johnson's credentials as a system engineer, his integrity, and professionalism and his style of collaboration.

9) Adjourn

Voted Judy Froman moved and seconded by Jared MacDonald to adjourn. Meeting adjourned at 10:00 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.