

**Board of Selectmen  
Minutes of Tuesday, June 11, 2019  
Bourne Veterans' Memorial Community Center  
Buzzards Bay, MA**

.....

TA Tom Guerino  
ATA Glenn Cannon

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

2019 JUN 15 AM 9:13  
TOWN OF BOURNE  
CLERK'S OFFICE

**Note this meeting is being televised and recorded. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time – Michael Rausch Bourne Enterprise.**

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

**Documents**

**6:00 p.m. 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 within Buzzards Bay Park. The Chair has declared that an open meeting may have a detrimental effect on the litigation position of the public body.

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

Roll call vote to adjourn the Executive Session

**Chair call public session to order in open session**

**Meeting Called to Order**

Madam Chair Froman called the meeting to order at 7:06 pm.

Ms. Froman stated there were no votes taken in Executive Session and, introduced Wayne Del Pico.

Mr. Del Pico gave a quick update on the Buzzards Bay Park. Mr. Del Pico said the majority of the work is done, there is only a little bit of work left and engineering to make sure it is in compliance.

**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:**

No minutes to approve.

**4) Selectmen's Business**

**a. Signing of easement for NSTAR Electric Company [d/b/a/ Eversource Energy] and Verizon New England, Inc. for 70 Trowbridge Road, Bourne**

**b. Legislation authorizing the Commissioner of Capital Asset Management & Maintenance to grant certain easements to the Town of Bourne**

**c. Board of Selectmen Schedule**

**4.a Signing of easement for NSTAR Electric Company [d/b/a/ Eversource Energy] and Verizon New England, Inc. for 70 Trowbridge Road, Bourne**

Ms. Froman said this is the formalization of what was voted on at the Annual Town Meeting, we had a temporary license.

**Voted:** Peter Meier moved and seconded by Jared MacDonald to approve. Vote: 5-0-0.

**4.b. Legislation authorizing the Commissioner of Capital Asset Management & Maintenance to grant certain easements to the Town of Bourne.**

Ms. Froman said this is a formalization from the Annual Town Meeting. Tom Guerino said this deals with the easement from the police department.

**Voted:** Peter Meier moved and seconded by Jared MacDonald to approve. Vote: 5-0-0.

#### **4.c Board of Selectmen Schedule**

Ms. Froman said we are working towards having two Selectmen meeting per month. Generally, they will be on the first and third Tuesdays of the month. The first one will be a formal business meeting, the second will be a workshop. That will start in July. On June 18 we will have a hearing prior to a Sewer Commissioners meeting. On June 25<sup>th</sup> we will have a goals workshop meeting. Then we will get into having meetings twice a month. July 9<sup>th</sup>, July 23<sup>rd</sup>, August 6<sup>th</sup>, August 20<sup>th</sup>, September 3<sup>rd</sup>, and September 17<sup>th</sup>. If you have items that need to go into the agendas please submit them to the Town Administrator and myself in advance so we can make sure we are prepared and have information for the meeting.

Jared MacDonald wanted to remind everyone the opening of the tent behind the Sagamore Inn is tomorrow.

#### **5) License/Appointments**

- a. Chamber of Commerce – Cape Cod Canal Day – One Day Beer & Wine for 9-14-2019**
- b. Chamber of Commerce – Cape Cod Canal Day - Waiver of Fees**
- c. Council on Aging – Joe Donatelle**
- d. Hawes Road Block Party Road Closure July 4<sup>th</sup>**
- e. Oak Bluff Block Party – Partial Road Closure July 4<sup>th</sup>**
- f. Selectmen Committee Appointments**

**5.a** Maria Oliva Cape Cod Canal Chamber of Commerce, Buzzards Bay Park, 70 Main Street, Buzzards Bay. Cape Cod Canal Day – Family oriented event, music, entertainment, self-contained food trucks, vendors. Revised Description of event: Free Admission: Food trucks, Live Entertainment, Arts & Craft Vendors, Wine & Beer Craft, Cornhole Tournament, Children's Activities. Will require One Day Liquor License Beer and Wine only for 9-14-19. Friday, September 13, 2019 – Set up 7:00 a.m. – 8:00 p.m.; Saturday, September 14, 2019 – Event 7:00 a.m. – 8:00 p.m. Monday, September 16, 2019 – Breakdown 7:00 a.m. – 8:00 p.m. Estimate of attendance 3,000 – 5,000; Event will have Police. Admission will not be charged. Remarks: Planning Department - Temporary street banner require Selectmen approval per §2866. Board of Health - Pending all food truck permits obtained in advance. Department of Public Works – Would like to meet one month prior to event. Recreation Department: Fee of \$40/hour electrical to be assessed upon approval of the Board of Selectmen. A fee waiver may be requested from the Board. If using water group must contact the Water Department. Police Department – Numerous police details are required and the final event plan will be reviewed at least one month prior to the event. Some minor improvements to the event plan are required based on the 2018 event. Please list the person responsible for the liquor license on the license itself. Fire Department – Will need inspections on food trucks prior to opening event, Permit is required.

Maria Oliva, Cape Cod Canal Region Chamber, said they are requesting one day license for craft beer and wine only on 9/14/19 from 11:00 a.m. to 6:00 p.m. We have food trucks, live entertainment, cornhole tournament, 5k canal run road race, Mass Maritime Entertainment, we have over 75 craft vendors signed up.

George Slade question if the Insurance Policy also covers the Road Race. Maria Olivia said it does cover both, the event and the race.

**Voted:** Jared MacDonald moved and seconded by Peter Meier to approve Cape Cod Canal Days One Day Beer & Wine only license for 9-14-19 subject to conditions on the route slip. Vote: 5-0.

Ms. Froman said there is also a request for the waiver of the fees.

Maria Oliva said we do not charge admission; we feel it should be open to the public. We are a non-profit 501(C)3 foundation.

Mr. Potter questioned the waiver of the fees because the food, beer & wine trucks can bring in a lot of money. Ms. Oliva said we make money from the sponsors and the space fees, we don't make money from the sale of the food, beer and wine.

**Voted:** Peter Meier moved and seconded by Jared MacDonald to approve the waiver of fees for Cape Cod Canal Day event.

James Potter questioned if they should look at the electrical fee. Most events run for a few hours. This event would run up an electrical bill according to the event hours. Is there a threshold that would cover for the whole day?

Gary Maloney Buzzards Bay, questioned can you waive the utility fee or just the application fee. The first year the fee was waived, it was a one-year waiver in the interest of unity and building good will, for the first year of Canal Day. It seems they are going to be asking for the waiver of the fee every year. They should have to pay the fee. They have enough sponsors to help defray the cost. I would be willing to pay their fee if they can't pay it, but not the electric or water fee.

Tom Guerino said the Board of Selectmen have the right to waive fees.

Peter Meier said this is done for economic development and to give back to the community. Some of the money they raise goes towards scholarships.

Maria Oliva said we are a non-profit organization that gives back to the community. We requested the fees to be waived as gesture of good will. We offer free concerts all year long, so when we raise money we take the money and pay for the bands and the programs that we have.

James Potter questioned is the motion to waive all the fees. Tom Guerino said it is to waive all the fees except the security deposit.

**Vote:** 4-1-0.

### **5.c Council on Aging – Joe Donatelle**

Ms. Froman said we have a letter of interest from Joe Donatelle, 154 Tahanto Road, Pocasset, who is interested in serving on the Council on Aging.

**Voted:** Peter Meier moved and seconded by Jared MacDonald to appoint Joe Donatelle to the Council on Aging, term to expire June 30, 2020. Vote: 5-0-0.

### **5.d Hawes Road Block Party Road Closure July 4<sup>th</sup>**

This is an annual request for a neighborhood block party on July 4<sup>th</sup> from 5:00 p.m. to 9:00 p.m. from 5 Hawes Road to 18 Hawes Road. Safety is a priority; we will ensure emergency vehicles will be able to get through. Estimated attendance is 35-40 people. Remarks: Department of Public Works – Remove all trash after event. Police Department – the PD does not concur for this date due to the level of activity in this area. We already have our hands full in this village of the Town on this date and parking is also a serious issue. We are seeing certain homeowners parking their own vehicles on the street to allow more parking for their guests on their own property. This particular week is extremely busy and this day is the busiest. This road should remain open for all traffic unobstructed. We are getting to a point that restrictions for activity in this beach area may have to be considered, which we do not want to see happen. Fire Department – Need to have access to area. Already congested with normal activity. Large fire vehicles need access as well as ambulances.

Jared MacDonald said this road is a very short span, it is already hard to get vehicles through there, so this might not make a huge difference.

Judy Froman stated Police Department does not concur because of activity in the area.

Jared MacDonald explained this creates an issue of safety but it also keeps people from parking there that don't stay with their vehicle, parking there and going to the beach. If it is closed to only the people that live on that street it would limit some of the cars being parked there.

Glenn Cannon said they did submit a map, hours of operation, but don't know why it didn't get into the packet.

Tom Guerino said his recommendation is to go by what the safety personal have stated. There is always more traffic on July fourth, that is why the police do not concur.

Jared MacDonald said if we do approve it we can put stipulation that people parked in that area have to park in driveways to keep the road open.

**Voted:** Jared MacDonald moved and seconded by James Potter to approve Hawes Road Block Party with approval of limited parking in the area. No parking on the street, guests will have to find public parking. If the road is closed there should be no vehicles parked in between the two signs during those hours of 5:00 p.m. to 9:00 p.m.

James Potter said he seconded the motion because in the motion it was stated the road had to stay clear, there will be no vehicles on the road, people had to park on their property or in a public parking area. That coincides with what the police are requesting, no parking on the street.

**Vote: 5-0-0.**

Judy Froman said she would like to move forward with the tap room presentation then the Auditors Report for FY2018, then go back to 5 e and continue.

**5.e Oak Bluff Block Party – Partial Road Closure July 4<sup>th</sup>**

Mike Powers, 2 Oak Bluff Road, Sagamore Beach, Sagamore Beach Highlights Association. 7/4/19 - 4:00 p.m. to 7:00 p.m. Annual Neighborhood 4<sup>th</sup> of July Celebration request to close one entrance to Oak Bluff Road. We have in the past closed one side allowing traffic access via the other end and not stopping access to traffic. We have a neighborhood picnic which takes up several house fronts and tends to flow into the road at times. For safety sake we would request to be able to do this once again. Remarks: Department of Public Works - remove all trash and signs. Police Department – The PD does not concur for this date, and we didn't concur last year either. No issue with the neighborhood party, but no blocking of any roads from either entrance. This village is a busy area on that date and we expect the same this year. While this particular location is not an immediate concern, the other parts of this village are and the Police Department needs no further issues to deal with. A further review of this area shows wide roads and plenty of area to have such an event without blocking off any roadways. While this request would not be a big concern on other dates, this particular week is becoming quite challenging for the police. We understand where this location is, and we have had other request for the same activity in more difficult areas. There appears to be no reason why this event cannot continue and be successful without blocking off the roadway. The Police Department recommends that this request be denied for this date. All liquor bylaws must be followed (open container laws) in any event. Further recommend that the Town review its liability should an event occur that permission was granted to. Fire Department – Concurs with Police Chief.



Judy Froman said she is not comfortable in blocking any roads on the 4<sup>th</sup> of July. Ms. Froman questioned are we going to ask the police to check to make sure the roads are unblocked at the end of the license timeframe.



**Voted:** Jared MacDonald moved and seconded by Peter Meier to deny the request of the road closure for Oak Bluff Block Party. Vote 5-0-0.

## 5.f. Selectmen Committee Appointments

Board of Selectmen Appointments  
FY20 [S'men Mtg in May after Election]

CODE	COMM	REP OF COMM	EXP	APPT BY	FIRST	LAST	FORMERLY	
<b>Board of Selectmen</b>								
2 YR	Affordable Housing Trust	Board of Selectmen/Town Adm	June 30, 2020	Board of Selectmen			Meier - 2019	
1 YR	Bourne Financial Development Corp - Main Street Steering Committee	Board of Selectmen Rep	June 30, 2020	Board of Selectmen			MacDonald - 2019	
1 YR	Bourne Financial Development Corp	Board of Selectmen	June 30, 2020	Board of Selectmen			MacDonald - 2019	
1 YR	Bourne Landfill Business Model Working Group	Board of Selectmen	June 30, 2020	Board of Selectmen			MacLeod Froman - 2019	
1 YR	Bourne Memorial Community Building Trustees	BOS Chairman Ex Officio	Chm. of BOS	Board of Selectmen			Meier - 2019	
	Cape Cod and Islands Water Protection Fund - MANAGEMENT BOARD	Board of Selectmen Rep	???	Board of Selectmen			Potter - apptd. 03.19.19	
1 YR	Cape Cod Regional Transit Authority	Board of Selectmen	September 30, 2019	Board of Selectmen	Thomas M.	Guerino	Guerino - 4.30.19	done
1 YR	Community Action Committee of Cape Cod and Islands, Inc.		June 30, 2020	Board of Selectmen			?? Caputo	
								***bylaw awaiting approv from Attorney General
3 YR	Community Events Committee***	Board of Selectmen Rep		Board of Selectmen				
1 YR	Local Emergency Planning Committee - Local Elected Official	Board of Selectmen	June 30, 2020	Board of Selectmen			Slade - 2019	
1 YR	Massachusetts Military Reservation - Military Civilian Community Council	Board of Selectmen	June 30, 2020	Board of Selectmen			Slade - 2019	
1 YR	Massachusetts Military Reservation Senior Management	Board of Selectmen	June 30, 2020	Board of Selectmen			Slade - 2019	
	Private Roads Acceptance Committee	Board of Selectmen	June 30, 2020	Board of Selectmen			Slade - 2019	
<b>Town Administrator</b>								
UPC	Police Facility Building Committee	Board of Selectmen	Until Project Complete	Town Administrator			Meier - 2019	
UPC	South Side Fire Station Feasibility and Design Building Committee	Board of Selectmen	Until Project Complete or Revoked	Town Administrator			Meier - 2019	
1 YR	Town Administrators Advisory Committee on Pedestrian Bicycle Pathway	Board of Selectmen	June 30, 2020	Town Administrator			Slade - 2019	
SR	Town Administrator's Working Group Recreational Cannabis	Board of Selectmen	Suspended or Revoked	Town Administrator			Slade - 2019	

Judy Froman said she is interested in stepping down from the Bourne Landfill Business Model Working Group. Ms. Froman said the ones that appear to be open are the Bourne Landfill Business Model Working Group, Community Action Committee, and Community Engagement (Events, needs to be fixed) Committee.

George Slade said he would be interested in sitting on the Regional Transit Authority starting in September, when term expires. Jared MacDonald said he would volunteer to be on the Bourne Landfill Business Model Working Group. James Potter said he would volunteer to be on the Community Engagement Committee.

Glenn Cannon said we couldn't find a termination date for the Cape Cod and Islands Water Protection Fund Management Board.



**Voted:** Jared MacDonald moved and seconded by Peter Meier to set the Cape Cod and Islands Water Protection Fund Management Board termination date to one year. Vote: 5-0-0.

**Voted:** Peter Meier moved and seconded by Jared MacDonald to appoint Jared MacDonald as our representative to the Bourne Landfill Business Model Working Group and James Potter to the Community Engagement Committee, terms to expire on June 30, 2020. Vote: 5-0-0.

**Voted:** Peter Meier moved and seconded by Jared MacDonald to approve the slate (Board of Selectmen Appointments) as written in the packet. Vote: 5-0-0.

Judy Froman said we will have a complete list of the different committees and taskforces that are related to the Town Administrator so we have a comprehensive list at a later meeting.

#### **6) Bill Russel – Tap Room Presentation**

##### **85 Main Street, Buzzards Bay (Business Proposal)**

Buzzards Bay Brewing, Inc. a Massachusetts Licensed farmer brewer is looking to open a satellite Farm Brewery, Farm Winery and "Tap Room" at 85 Main Street in Bourne, MA. We are planning to apply for both a federal Brewers Notice and Winery Permit as well as the necessary license for both a Farm Brewery and Farm Winery. Once we've settled the licensing and permitting, we desire to approach the Select Board of Bourne about being granted a Farmer Series Pouring Permit pursuant to MGL Chapter 19. We anticipate the entire licensing process to take an estimated 3½ months. Until that time we want to apply for a series of One Day licenses for selling malt and wine. We hope to have the location at 85 Main Street ready for business by early or mid-July. We desire to apply for One Day malt and wine license for three days a week: Thursday, Friday and Saturday during the interim time. Our "Tap Room" will operate those days from noon to 8:00 p.m.

Bill Russel spoke briefly about the Tap Room at 85 Main Street. Gave a brief background about who they are; from Westport MA, we have a farm and grow 80 acres of grapes, 10 acres of grain, and hay. We started our first winery in 1989. Started brewing in 1998. In order to make this go forward we are pursuing a TTB license for Brewery and Winery. Once we get through the TTB process, could take 72 days from submittal; then we'll go through the ABCC, then a Chapter 19 Farm Brewer License and Farm Winery License. Then we will ask the town for a Pouring Permit. We are hoping to apply for a series of single day beer and wine licenses. Would like to know if they can bundle a group of them together to get them approved at once, instead of having to come back and re-present each time. If you would be willing to bundle them together how many could we do at once.

Tom Guerino said in the past we have done a bundle of up to 30 at one time.

James Potter said we have to revisit the Sewer Allocation before we move forward on this license, because it was an allocation made for a tenant. Tom Guerino said the Sewer Commissioners allocated around 18,000 gallons. There was the micro-brewery that was

going to use 60,000 gallons. That has changed to the Tap Room. The 18,000 gallons had been approved by the Board.

Vincent Michienzi said this has always been a brewery, but we aren't brewing onsite. It went from brewery to tap room. It is now less gallons because we aren't brewing onsite.

James Potter said it will have to come before the Sewer Commissioners for a re-adjustment of gallonages.

George Slade questioned what is the target age you cater to. Bill Russel said it has been a wide variety of ages. Families have come, young people have come. We usually have a broad range of people.

James Potter said he is OK for some one-day liquor licenses but not bundling a months' worth of one-day liquor licenses together. Mr. Russel said he could show up for the Selectmen business meetings and submit his requests.

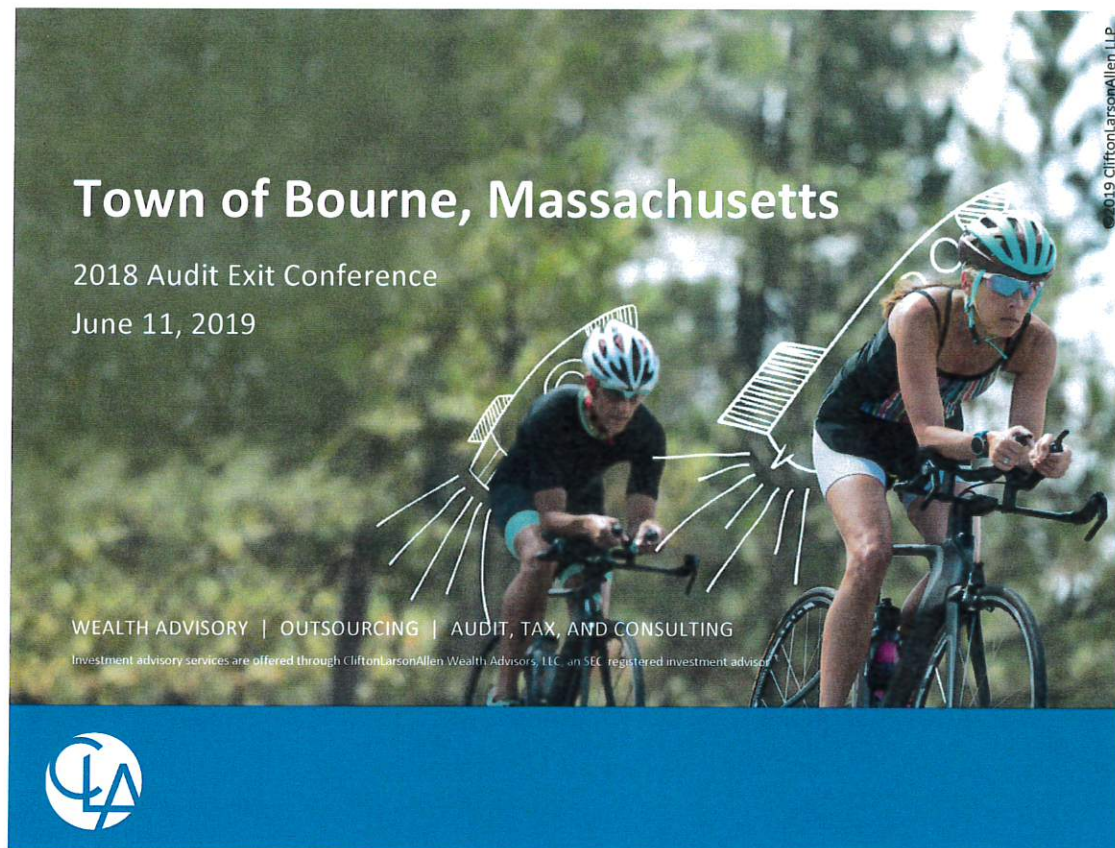
Tom Guerino requested a 5-minute recess to set up for the audit report.

#### **7) 7:30 Auditors Report for FY2018 – Joint Session with Finance Committee**

Judy Froman gave condolence for the passing of Brian Lemee.

Mary Jane Mastrangelo called the meeting of the Finance Committee to order at 7:58  
Members present for the Finance Committee were: Mary Jane Mastrangelo, Renee Gratis, Kathy LeGacy, William Towne, Richard Lavoie, Amanda Bongiovanni, Judy Flynn, George Smith.

Chris Rogers, Clifton Larson Allen LLP, went through the Audit presentation. Terms of Engagement, Executive Summary, Financial Highlights, Uniform Guidance Report, Management Letter.



## Agenda

- Terms of Engagement
- Executive Summary
- Financial Highlights
- Uniform Guidance Report
- Management Letter

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## Terms of Engagement

- Express opinions on whether the basic financial statements are presented in accordance with GAAP
- Express an in relation to opinion on the schedule of expenditures of federal awards programs
- Express an opinion on compliance related to major federal award programs



Create Opportunities

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## Terms of Engagement

- Provide a report on internal control over financial reporting and compliance with laws, regulations, contracts and grants
- Provide a report on internal control over compliance related to major federal award programs
- Provide a management letter based on identified control deficiencies



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## Executive Summary

- Implementation of GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other than Pensions*,
  - Required restatement of beginning net position
    - ◇ Governmental Activities -\$83M
    - ◇ Business-Type Activities - \$5.2M (ISWM \$4.8M and Sewer Enterprise \$380k)



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## Executive Summary

- Unmodified opinion (pages 1 - 2) issued on the financial statements
  - Best opinion available
  - Emphasis of Matter paragraph for the implementation of GASB Statement No. 75
- No findings reported in GAO report on internal control and compliance



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## Executive Summary

- Unmodified opinion on major federal program (SPED)
- One compliance finding and significant deficiency in internal control over compliance reported
- 4 Management Letter Comments Reported



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## Financial Highlights

- Governmental activities (page 12)
  - Net Deficit – (\$38M)
    - ◇ Net investment in capital assets - \$78M
    - ◇ Restricted - \$19M
    - ◇ Unrestricted deficit – (\$135M)
      - Direct result of net pension liability (\$38M) and net OPEB liability (\$108M)



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## Financial Highlights

- General Fund (page 15)
  - Fund balance \$20.9M
    - ◇ Restricted - \$2.2M
      - OPEB - \$1.9M
      - Debt - \$300k
    - ◇ Committed - \$4.4M
      - SY expenditures - \$1.1M
      - Capital stabilization - \$1.1M
      - Continuing appropriations - \$2.2M
    - ◇ Assigned - \$163K (Encumbrances)
    - ◇ Unassigned - \$14.1M
      - General stabilization - \$3.9M

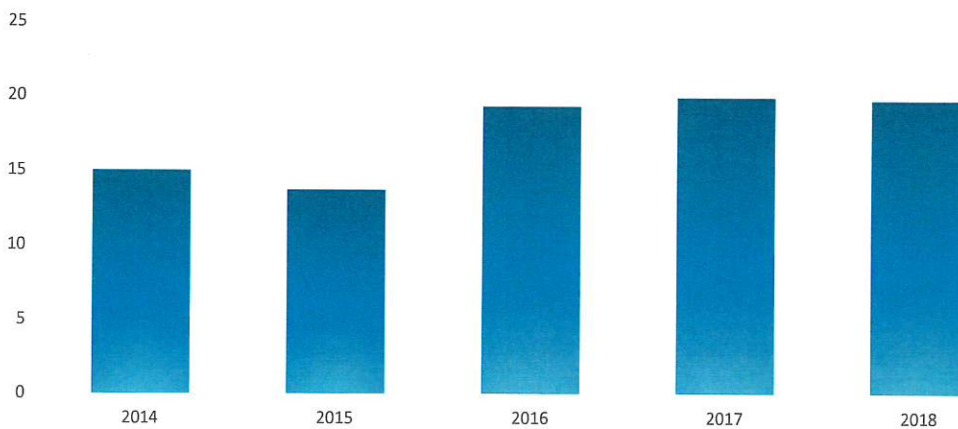


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## Financial Highlights

General Fund – Percentage of Unassigned Fund Balance to Expenditures and Transfers Out



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## Financial Highlights

- Sewer Enterprise Fund (page 19)
  - Total net position - \$3.0M
    - ◇ Net investment in capital assets - \$2.7M
    - ◇ Unrestricted net position – \$347K
      - Net pension liability and net OPEB liability total \$204k and \$523k, respectively.



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## Financial Highlights

- ISWM Enterprise Fund (page 19)
  - Total net position - \$11M
    - ◇ Net investment in capital assets - \$4.8M
    - ◇ Restricted for closure and postclosure - \$2.8M
    - ◇ Unrestricted - \$3.3M
      - Net pension liability and Total OPEB liability totals \$2.2M and \$6.2M, respectively
  - Cash set aside for closure and postclosure care totals \$7.4M
  - Landfill liability totals \$4.6M



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## Financial Highlights

- Note 8 - Long-term Obligations (p 46)
  - Debt, landfill and compensated absences
  - Governmental Activities - \$44.3M
    - ◊ Debt - \$42.3M
    - ◊ Compensated absences - \$2.0M
  - Business-type Activities - \$10.9M
    - ◊ Debt - \$6.1M
    - ◊ Landfill - \$4.6M
    - ◊ Compensated absences - \$222k



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## Financial Highlights

- Note 11 – OPEB (p 51 - 53)
  - Total OPEB liability reported is \$115M
  - Net OPEB liability was calculated at 3.58% discount rate
    - ◊ 1% higher (\$99M)
    - ◊ 1% lower (\$135M)
  - Health care trend rate sensitivity
    - ◊ 1% higher (\$138M)
    - ◊ 1% lower (\$98M)



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## Financial Highlights

- Note 15 – Pension Plan (p 56-59)
  - Total net pension liability reported is \$40.5M
    - ◊ 5.946% of BCRA NPL based on 12/31/17 measurement date
  - Net pension liability was calculated at 7.375% discount rate
    - ◊ 1% higher (\$29.9M)
    - ◊ 1% lower (\$53.1M)



## Uniform Guidance Report

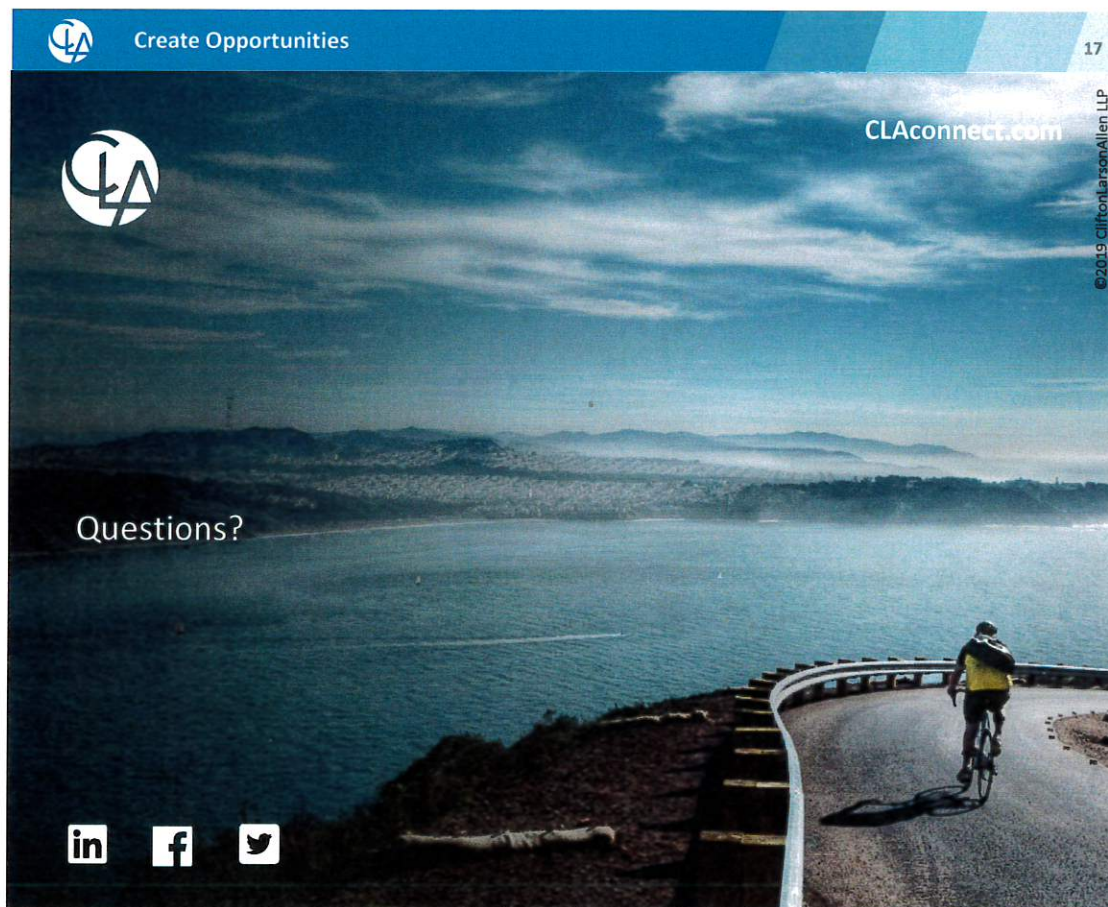
- Uniform Guidance Report (p 3 – 5)
  - Total federal awards (page 6) - \$1.7M
  - Major program – SPED cluster (\$494k)
  - Unmodified opinion on major program compliance
  - One compliance and internal control finding
    - ◊ Final report not submitted until 12/14, which was due to DESE 10/31





## Management Letter

- 4 Comments and Recommendations
  - Information Technology
  - Irrevocable OPEB Trust
  - Gate Receipts
  - Cash Receipts (Planning, Building and Inspection Departments)



**Voted:** Renee Gratis moved and seconded by Kathy LeGacy to adjourn the Finance Committee at 8:40 p.m. Vote 8-0

**8) Town Administrators Report -**

**a. Town Administrator RFP - TA Recruitment timetable review**

**REQUEST FOR PROPOSAL**

**EXECUTIVE RECRUITING CONSULTANT**

**For the Town of Bourne**

*Town Administrator Search*

**June, 2019**

**Response Due Date: July 1, 2019, 4:30 P.M.**

**Consultant Interviews Scheduled with Board of Selectmen Tuesday, July 9, 2019**



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## **INTRODUCTION AND PROJECT DESCRIPTION**

The Town of Bourne Board of Selectmen is seeking quotes from qualified executive search consultants to work with the Board and the Town in the recruitment and selection of a well-qualified candidate for the position of Town Administrator for the Town of Bourne.

### **ABOUT THE TOWN OF BOURNE**

#### **Current statistics about BOURNE**

- Incorporated in 1884;
  - Home of Joint Base Cape Cod and Massachusetts Maritime Academy;
  - A population of 20,372;
  - Bourne's land area is 40.65 square miles;
  - Median family income of \$70,304;
  - Bond Rating: AA+;
  - FY20 budget-all funds including debt service and capital expenditure: \$83,132,790
  - Coastline of nearly 57 miles and several public beaches
  - Tax Rate \$10.51/\$1,000
- Located 1 hour from Boston, MA and 1 hour from Providence, RI  
Home of the Cape Cod Canal

#### **A Snapshot of Bourne**

Bourne, a vibrant community in which to live and work or visit, offers a residential and business friendly environment of modern amenities, while mindful of its rich history. Bourne is truly a full-service community blessed with natural beauty, a top-quality public school system, a regional technical high school, well-maintained parks, expansive walking trails, access to both Buzzards Bay and Cape Cod Bay, is the jewel of Cape Cod with an active and engaged citizenry. The exceptional work of our Police Department results in a low crime rate, while the Fire Department delivers excellent emergency response. The Public Works Department helps to insure our roadway and utility services are first rate, an engaged Council on Aging, vibrant public library, veterans group, affordable housing all of which have contributed to Bourne being recognized as a most desirable place to live. The Town also runs a state-of-the-art regional solid waste disposal facility.

### **ABOUT THE POSITION:**

See Attachment 1 –Town of Bourne Charter The Town Administrator.

## **SELECTMEN AWARD OF CONTRACT**

The Board of Selectmen will vote to award the executive search consultant contract on or about July 10, 2019.

## **SUBMISSION DEADLINE AND INSTRUCTIONS**

Proposals must be received by Ms. Erica Flemming, Director of Finance, Bourne Town Hall, 24 Perry Avenue Buzzards Bay, MA 02532 by Monday, July 1, 2019 at 4:30 P.M.

Proposals MUST include an original, five (5) copies and a PDF electronic version. No quotes will be accepted after the time and date noted. The Bourne Town Hall is open to receive quotes Monday through Friday from 8:30 am to 4:30 pm.

Request for Proposal documents may be obtained from Glenn Cannon, Assistant Town Administrator, 24 Perry Avenue Buzzards Bay, MA 02532.  
508.759.0600 Ext. 1348 [gcannon@townofbourne.com](mailto:gcannon@townofbourne.com)

Applicants must also execute, as required by law, and include the Non-Collusion Statement, the Certificate of Corporate Authority and the Certificate of Tax Compliance, copies of which are attached.

## **CONTENT OF PROPOSAL**

In conformance with M.G.L. Chapter 30B, the proposal shall consist of two separate parts, a non-price and a price proposal. The requirements for each are outlined in this section.

### **A. NON-PRICE (TECHNICAL) PROPOSAL**

Technical proposals shall include the following information, at a minimum:

1. Cover letter from the consultant stating that he/she has read, understands, and will comply with the requirements and conditions contained in the Request for Proposals. The consultant or its authorized representative who will act as a contact person during the selection process must sign the letter.
2. Detailed statement demonstrating that the consultant meets the minimum evaluation criteria. At a minimum this would include location, dates, and contact persons, including telephone numbers, for all prior experience requested.
3. Detailed statement demonstrating that the consultant meets or does not meet the comparative evaluation criteria.
4. Any other information that the consultant would like to submit as part of its proposal that would assist the Town in evaluating the proposal. Consultants are encouraged to supply a copy of their Description of Firm or other

marketing materials which profile past experience, a representative client, a project list, and so forth.

5. Consultant must answer questions/criteria in order in which they are placed in the RFP. This allows the evaluation committee to better comprehend the proposals.

## **B. PRICE PROPOSAL**

1. The Consultant's price (fee) proposal for professional services shall be submitted in a separate envelope and marked "Pricing Page - Executive Consulting Services". The contract amount shall be negotiated after the selection of the consultant.
2. This portion of the proposal must be furnished as a separate (sealed) submittal received along with the technical proposal. It will not be opened or examined by the Town until technical proposals have first been reviewed and a preferred consultant chosen by those participating in the selection process.

Proposals are to be properly identified on the envelope as Proposals for Executive Consulting Services with the applicant's name and address and delivered to: Ms. Erica Flemming, Finance Director – 24 Perry Ave Buzzards Bay, MA 02532

The following information is specifically required:

1. Name and address of applicant, telephone/fax numbers and e-mail address;
2. Brief résumé of principals and of the staff to be assigned to the Project;
3. List of completed projects that would best illustrate qualifications for the Project;
4. Three (3) references for projects of a similar or larger scope, size and complexity, with contact name, title and telephone number of the person who can speak to the quality of services provided for similar Town Manager /Town Administrator recruitment processes;
5. Names and qualifications of any outside vendors that may be used for the Project;
6. Statement of the scope and type of services proposed for the Project. Based on the guidelines and information in this RFP.
7. RFP, the applicant should describe the process and methodology to be used in the completion of services with specific reference to examples of similar projects in which this methodology has been used. In addition, the consultant should define the roles, tasks and responsibilities of the various stakeholders (i.e. Board of Selectmen, Screening Committee) during the recruitment process;
8. Statement of any legal or administrative proceedings, pending or concluded adversely, to the applicant within the past five (5) years which relate to the applicant's performance of this type of work;
9. Appropriate certifications of insurance;

10. Samples of work, such as reports, a sample position profile, evaluation forms and other decision-making tools;
11. Summary of expected costs, including estimated consulting fees, advertisement costs, travel expenses and other miscellaneous costs;
12. Current firm brochure optional; and
13. Completion of the forms located at the end of this RFQ package. Note: For other governmental entities that may be responding to this RFQ:
  - Tax Compliance Certification: Indicate on this document that as a governmental entity, this does not apply.
  - Certificate of Corporate Authority: Indicate on this document that as a governmental entity, this does not apply.
  - Non Collusion Statement: Head of governmental office responding to the RFQ can sign this form.
  - Fee Proposal: Based on the scope of work outlined.

## **INSURANCE AND IDEMNIFICATION**

The selected firm shall obtain and maintain at its own expense, general liability/property and motor vehicle liability insurance policies protecting the Town of Bourne in connection with any operations included in this contract, and shall have the Town of Bourne listed as additionally insured on the policies. General liability coverage shall be in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate for general liability and property damage. Workers' compensation insurance and motor vehicle liability insurance shall be in the amounts that are in accordance with the requirements of Massachusetts law, unless otherwise waived by the Town.

**Indemnification:** The successful applicant shall agree to indemnify and hold harmless the Town of Bourne and its officers, boards and employees, and the Board of Selectmen, from and against all claims, causes of action, suits, damages and liability of any kind which arise out of the negligence or willful misconduct of the successful applicant or its officers, employees, agents and representatives regarding the consultant services performed.

Proposals must be signed as follows:

1. If the proposer is an individual, by her/him personally;
2. If the proposer is a partnership, by the name of the partnership, followed by the signature of each general partner; or
3. If the proposer is a corporation, by the authorized officer, whose signature must be attested to by the Clerk/Secretary of the corporation and corporate seal affixed.

**The Bourne Board of Selectmen, as the awarding authority, reserves the right to accept any proposal in whole, and to reject any and all proposals if it shall be deemed in the best interests of the Town of Bourne to do so.**

## **SCOPE OF WORK**

The consultant shall:

1. Meet with the Board of Selectmen, Senior Staff/Division Directors and Screening Committee as frequently and for such time as may be necessary to carry out his or her work;
2. Prepare, in consultation with and approval by the Board of Selectmen, a plan for the search, recruitment and selection of a qualified candidate for the position of Town Administrator;
3. Assist in establishing a profile of the desired candidate, reflecting the qualities and attributes the Board of Selectmen and Town staff believes the Town Administrator should possess. The Board of Selectmen believes that the successful candidate will comply with the Code of Ethics of the ICMA or Massachusetts Municipal Management Association;
4. Create a profile for the Town of Bourne that encompasses the uniqueness of the community, demographics, economic stability, strong sense of volunteerism, and form of government;
5. Review the Charter
6. Develop a plan to advertise the position and prepare advertisements for publication, including utilizing the consultant's network of local government professionals to recruit qualified individuals that match the established candidate profile of this position;
7. Review the Town's timeline and provide written comment on the feasibility to meet proposed deadlines;
8. Oversee and guide two (2) community listening and discussion sessions with Town Boards and Committees, Town employees, citizens and other community stakeholders, as outlined in the timeline, to help inform the Board of Selectmen and Screening Committee on the qualities, strengths, and characteristics of candidates they envision for the Town Administrator;
9. Prepare a recruitment report of potential candidates from the submitted applications with possible recommendations of candidates for review;
10. Directly receive all applications/resumes;
11. Provide guidance and education to the Screening Committee and on reviewing resumes, conducting interviews and compliance with the Open Meeting Law;
12. Assist the Screening Committee in reviewing applications;
13. Assist the Screening Committee in vetting and interviewing candidates, including development of questions, and if requested, essays, and scenarios;
14. Ensure that the members of the Screening Committee are afforded equal input into the process;
15. Assist the Board of Selectmen, collectively and individually, in preparing for interviews of finalists as required by the Massachusetts Open Meeting law;
16. Conduct a full reference check of the finalists prior to any interview by the Board of Selectmen;
17. Potentially schedule and attend site visits to an applicants' current community;
18. Assist in negotiating and drafting of employment agreement and terms and conditions with the finalist, up to and including acceptance of an Employment Agreement by the selected candidate;



19. Make every effort to successfully complete the requirements of this Contract within sixteen (16) weeks providing regular updates of progress from the date of the signed contract; and
20. Conduct other related tasks, as may be requested by the Board of Selectmen.

### **TIMELINE:**

**Interviews of consultants for this project are scheduled for July 9, 2019 at 7:00 PM. Consultants must be available for a twenty (20) minute presentation, as the Board will be making the selection and awarding the contract at that meeting.**

**Projected timeline to select the ideal candidate. The Town understands this is an aggressive timeline and asks the consultant to provide written comment on potential deviations from this timeline: (notice the order is different than in original draft)**

- July 9: Consultant completes individual interviews with Selectmen;
- July 10: Preferred consultant selected. Contract for service drafted by Consultant and approved by Board of Selectmen.
- July 16: Consultant meets with Board of Selectmen to outline profile, process and timeline;
- July 19: Consultant provides profile draft to Board for input
- July 22: Selectmen approve community profile draft. Advertisements and other recruitment outreach begins.
- By July 24: Consultant meets with Senior Staff/Division Managers;
- By July 26: Consultant meets with public and Town staff for listening sessions;
- July 29: Consultant completes meeting with Screening Committee to discuss roles and project timeline;
- August 23: Screening Committee begins candidate interviews;
- August 30: Consultant provides Board of Selectmen with list of finalists;
- Sept 4, 5: Selectmen interview candidates and make final selection;
- Sept 6 - 12: Consultant works with Board and Town Counsel on Employment Agreement with finalist; and
- OCTOBER: New Town Administrator begins work

The Town desires that the consultant make every effort to bring this process to completion within 16 weeks from the signed contract for services, but recognizes that scheduling of various meetings may extend this timeline. Monthly progress updates to be provided to the Board.

## **MINIMUM REQUIREMENTS/QUALIFICATIONS**

Consultants shall have been in the business of providing recruitment services for a minimum of (3) three years. The Lead consultant shall have successfully completed a similar process for the selection of at least (3) three similar positions such as Town Manager or Town Administrator within the past thirty-six (36) months.

## **FEE**

The proposed fee for this project should include all expenses, direct and indirect, for this project. All proposals shall belong to the Town of Bourne. The successful applicant shall agree to comply with all applicable federal, state and local laws in its performance of its contract with the Town of Bourne

## **TAX COMPLIANCE CERTIFICATION**

Pursuant to M.G.L. c.62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, the below named business is in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

---

(Date) (Signature of individual submitting quote)

---

(Printed name of person signing quote)

---

(Name of Business)

---

(Business Address)

---

(Business Phone Number)

**MUST BE RETURNED SIGNED WITH THE QUOTE PACKAGE**

**Board of Selectmen  
Minutes of Tuesday, June 11, 2019  
Bourne Veterans' Memorial Community Center  
Buzzards Bay, MA**

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**CERTIFICATE OF CORPORATE AUTHORITY**

The principal, officer or person to sign below pledges under penalties of perjury, that he or she has been designated by the owner(s) or the Board of Directors of the below named firm as an authorized representative.

\_\_\_\_\_  
(Date) (Signature of individual submitting quote)

\_\_\_\_\_  
(Printed name of person signing quote)

\_\_\_\_\_  
(Name of Business)

\_\_\_\_\_  
(Business Address)

\_\_\_\_\_  
(Business Phone Number)

**MUST BE RETURNED SIGNED WITH THE QUOTE PACKAGE**

## **NON-COLLUSION STATEMENT**

### **CONTRACTOR'S CERTIFICATION IN QUOTE TO BE ATTACHED TO CONTRACT**

Any person submitting a Quote for the procurement or disposal of supplies and services to any governmental body shall certify in writing, on the Quote, as follows:

"The undersigned certifies under penalties of perjury that this Quote has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity or group of individuals."

---

(Date) (Signature of individual submitting quote)

---

(Printed name of person signing quote)

---

(Name of Business)

---

(Business Address)

---

(Business Phone Number)

**MUST BE RETURNED SIGNED WITH THE QUOTE PACKAGE**

**SIGNATURE PAGE**

The applicant hereby certifies that:

1. The applicant has not given, offered, or agreed to give any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of contract for these services;
2. No consultant to, or subcontractor for the applicant has given, offered, or agreed to give any gift, contribution or offer of employment to the applicant, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the applicant; and
3. That no person, corporation, or, other entity other than a bona fide full-time employee of the applicant has been retained or hired to solicit for, or in any way assist the applicant in obtaining the contract for services upon an agreement or understanding that such person, corporation, or entity be paid a fee or other compensation contingent upon the award of the contract to the applicant.

I hereby attest with full knowledge of the penalties for perjury, as in accordance with Massachusetts G.L. C.7, S.38E that all information provided in this application for services is correct.

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(Firm Submitting Quote)

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(Printed name of person signing quote)

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(Signature)

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(Title)

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(Date)

**MUST BE RETURNED SIGNED WITH THE QUOTE PACKAGE**



TOWN OF BOURNE  
24 Perry Avenue  
Bourne, Massachusetts 02532  
(508) 759-0600

## Executive Search Consultant Evaluation Form

Name of Firm: \_\_\_\_\_ Date: \_\_\_\_\_

Evaluation Criteria Point Scoring Choices: 5 (H)- 3 (A)- 1 (NA)	Highly Advantageous: Highest quality, most reliable, most timely	Advantageous	Not Advantageous
1. Quality & Experience: 5 years in business & work for 5 municipalities			
2. Two qualified persons assigned to project, Resumes reviewed			
3. Evaluation of minimum 3 References			
4. Comparable Projects & Services with other local govts.			
5. Scope & Methodology & Process for project			
6. Samples of Work- reports, profiles, evaluation forms			
7. Work Plan & Timetable			
8. Knowledge of duties of the Town Administrator Office			
9. Other Town Administrator Selection Experience & tenure of placements			
10. Interview			
11. Total Overall Score			
Ranking			

Notes:

Evaluator: \_\_\_\_\_

4 Copies Required: Forms Required: Non-Collusion, Tax Compliance, Certificate of Corporate Authority, Signed Proposal form, 3 References, Resumes, Identify any outside vendors, Scope of Services, Statement of Legal Status, Certificate of Insurance, Firm Brochure, Price Proposal

Tom Guerino said there was a request to tighten up the timeline. There was also a request to group items together; different groups have different responsibilities.

James Potter questioned when this will be sent out? Tom Guerino said if the Board votes on this tonight, it can go out on Thursday. We can probably have it advertised in the MMA next week. Will be sending it to four different groups; MMA Consulting Group, Paradigm Associates, MRI Recruitment, and the Collins Institute.

**Voted:** Peter Meier moved and seconded by Jared MacDonald to approve this to form and move on to advertisement and put it out on the appropriate venue. Vote: 5-0-0

## **9) Correspondence**

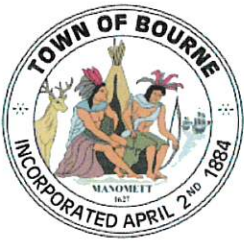
George Slade brought the Board and the public up to date on the correspondence

- A. Letter from Division of Marine Fisheries regarding Aquaculture License Certificate – Silverbrand, Maurice/Rossignol and Patrick Ross.
- B. Letter from Francis Gasson requesting to meet with the Board of Selectmen in the month of July regarding water quality in Hens Cove.
- C. Conservation Commission abutter notification for work being proposed by the Town of Bourne to perform vista pruning/clearing along the road shoulder of Shore Road adjacent to the Back River Estuary.

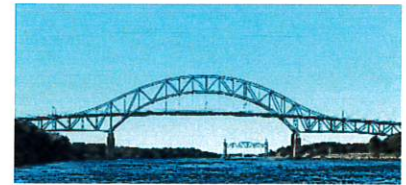
## **10) Adjourn**

Voted: Jared MacDonald moved and seconded by Peter Meier to adjourn. Meeting adjourned at 9:13 pm. Vote 5-0-0.

Respectfully submitted – Carole Ellis, secretary.



# Board of Selectmen Meeting Notice AGENDA



Date

September 3, 2019

Time

6:00 P.M.

Location

Bourne Veterans' Memorial  
Community Center  
239 Main Street, Buzzards Bay

Note this meeting is being televised and recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.

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

Moment of Silence for our Troops and our public safety personnel

Vision:

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

Mission:

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

## 7:00 P.M Call Public Session to Order in Open Session

1. Salute to the Flag
2. Public Comment on Non-Agenda Items
3. Introduction of Perry Davis (Bourne Interim School Superintendent)
4. Approval of minutes:
5. Licenses/Permits
  - a. Buzzards Bay Brewery - 09.05.19; 09.06.19; 09.07.19; 09.12.19; 09.13.19; 09.14.19; 09.19.19; 09.20.19; 09.21.19; 09.26.19; 09.27.19; 09.28.19
  - b. Suicide Prevention Week – September 8 – 14
  - c. Private Roads Acceptance Committee Repurposing and Name Change
  - d. Board of Council on Aging Appointment – Beverly Armando
  - e. Brain Injury Awareness – Amendment to Request
  - f. Cape Cod Regional Transit Authority after September 30, 2019
6. Frank Gasson – Hen Cove [5 to 15 minutes]
7. Nuovo Road – Work on Private Way/Betterments Hearing
8. Rinkey Management
9. Complete Streets
10. Policies Plan of Action
11. Cable Advisory Committee
12. Board of Selectmen's Annual Job Performance
13. Selectmen's Business
  - a. Town Administrator Recruitment Update
  - b. Massachusetts Maritime Academy Update
  - c. Community Engagement Committee Charge
  - d. National Marine Life Center Lease

14. Town Administrator Report
15. Correspondence
16. Adjourn