

**Board of Selectmen
Minutes of Tuesday, October 1, 2019
Bourne Veterans' Memorial Community Center
Buzzards Bay, MA**

.....

ATA Glenn Cannon

Selectmen

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

RECEIVED
2019 NOV 14 AM 10:55
TOWN CLERK BOURNE

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

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

Documents

6:00 p.m. Call Public Session to order in Open Session

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.

Executive Session:

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

Map 35.0 Parcel 143 – 4 Henry Drive Extension; Map 35.0 Parcel 144 – Henry Drive;
Map 35.0 Parcel 145 – 3 Henry Drive; Map 51.3 Parcel 62 – 40 Squeteague Harbor Road;
Map 23.0 Parcel 4 – 90 Main Street; Map 42.0 Parcel 89 – 11 Bassett's Island.

The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to the easements and interest in real property. Roll call vote to convene in Executive Session for the purposes stated.

Motion to enter into Executive Session to conduct strategy in regard to negotiations to discuss interest in real property. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

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

The Board of Selectmen will reconvene in open session at the conclusion of the Executive Session. Roll call vote to adjourn the Executive Session

Meeting Called to Order

Madam Chair Froman called the meeting to order at 7:16 pm.

Robert Troy reported votes taken in Executive Session.

There was a vote to take and to acknowledge the receipt of the report of the tax title counsel and confirm the Town has no interest in the property at Map 35.0 Parcel 143 – 4 Henry Drive Extension, Map 35.0 Parcel 144 – Henry Drive, and Map 35.0 Parcel 145 – 3 Henry Drive. Mr. Troy explained the issues with these three parcels were the subject of a private petition by certain tax payers at the Bourne Town Meeting seeking to have the Town abandon an easement at the location of these parcels. The private petition was voted affirmative by the Bourne Town Meeting and subsequently the Town with a series of efforts to get appraisals which are required under the procurement act chapter 30B. The Town initially contacted an appraiser and there was information received, but additional analysis indicated the Town should get a title examination, which showed document rights that the Town could have an easement based on a tax taking. After that result was received by the Town I recommended because there was a tax taking issue involved that a further analysis be done by the town's tax taking counsel. The title examination was sent to the town's tax taking counsel who reported the Town in fact did not receive any interest in the tax title because of technicalities, there for I reported it is in my opinion the Town has no easement therefore there is nothing to abandon and this matter from this point on is not Town business because it is private property and it has been determined by tax taking counsel that the Town does not have title to any interest in the property.

The second vote the Town took was with respect to Map 42.0 Parcel 89 – 11 Bassett's Island. The Board of Selectmen voted and the first vote was 5-0-0. The second vote was also 5-0-0. The Board voted to reinforce and notify the owner that the Town needs an appraisal of the property interest. If the appraisal is not received the Town will seek a court order to terminate the trespass on Town property. This was voted 5-0-0.

The third vote concerns Map 23.0 Parcel 4 – 90 Main Street; the Town voted to authorize the negotiation of a three year license at the amount of \$5,000 per year contingent upon the authority of the Conservation Commission and full compliance with the Conservation Commission's requirements as to construction and maintenance, and with the proviso the maintenance be the responsibility of the person seeking the license and not the Town's responsibility. That motion passed 5-0-0.

Glenn Cannon said there was also a vote taken to authorize the town to conduct an appraisal for Bucky Barlow's Boat Yard and a Phase 1-21E environmental assessment for

economic development reasons and the long-term protection of Pocasset River. That was a 5-0-0 vote. Glenn Cannon explained the Town of Bourne has expressed an interest in Bucky Barlow's Boatyard, which is currently for sale.

Peter Meier wanted a point of personal interest. Mr. Meier spoke about Mr. Grant resigning from the Planning Board and about how Mr. Grant has been a valuable asset to the community.

Judy Froman point of personal privilege read a statement that was posted in the newspaper.

Response Statement, October 1, 2019

Friday, Sept 27, 2019 the Bourne Enterprise printed an article regarding Tom Guerino's transitional contract.

The Board of Selectmen met and voted a transitional contract with Tom Guerino on Monday, May 20, 2019. The meeting had a two-topic agenda in executive session followed by the chairmen Peter Meier reading a statement in public session announcing the transitional contract including that Mr. Guerino and the Board had mutually agreed for him to stay on through September 30, 2019 to aid in the transition. There were some minor edits that needed to be made and the press was told that the document would be available the next day once the board had an opportunity to sign the document. In an unusual action, the press did not request the document until September. The Board did not look back but moved forward without consciousness that the severance agreement was not publicized.

On August 19, 2019 the contract was sent by the Town Clerk to the Falmouth Enterprise along with some other documents regarding Mr. Guerino.

At the September 23, 2019 joint session of the Board of Selectmen and Finance Committee to review October 2019 Special Town Meeting warrant articles, the line item of \$127,000 for funding a partial year of the new Town Administrator's position raised questions. There was some confusion at the meeting regarding the article request and one member of the Finance Committee objected to the outgoing Town Administrator receiving any payment following September 30, 2019. The Finance Committee Chair responded that the town is obligated to pay the remaining 9 months of agreed salary. On September 24, 2019 the newspaper made a formal request for the contract. The Board of Selectmen and Town Counsel negotiated in good faith with the exiting Town Administrator whose contract was not renewed. Since the decision and negotiations occurred following the current year budget, the Board knew that in order to hire a new Town Administrator we would need to request funds at the fall Special Town Meeting. The consensus on the Board of Selectmen was that Mr. Guerino had served the town loyally for 14+ years and there was little interest in spending time and money on legal repercussions. The interest was to direct efforts toward finding the next Town Administrator and moving the town forward.

Under our leadership we will do our best to avoid such gaps in information. Frankly, if we work together we can be more successful.

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

Public Comment – Non-Agenda Items

Judy Froman stated that Steve Strojny, Chair of the Planning Board was here earlier, because he had a time commitment and he presented to the Board the opening of the position on the Planning Board.

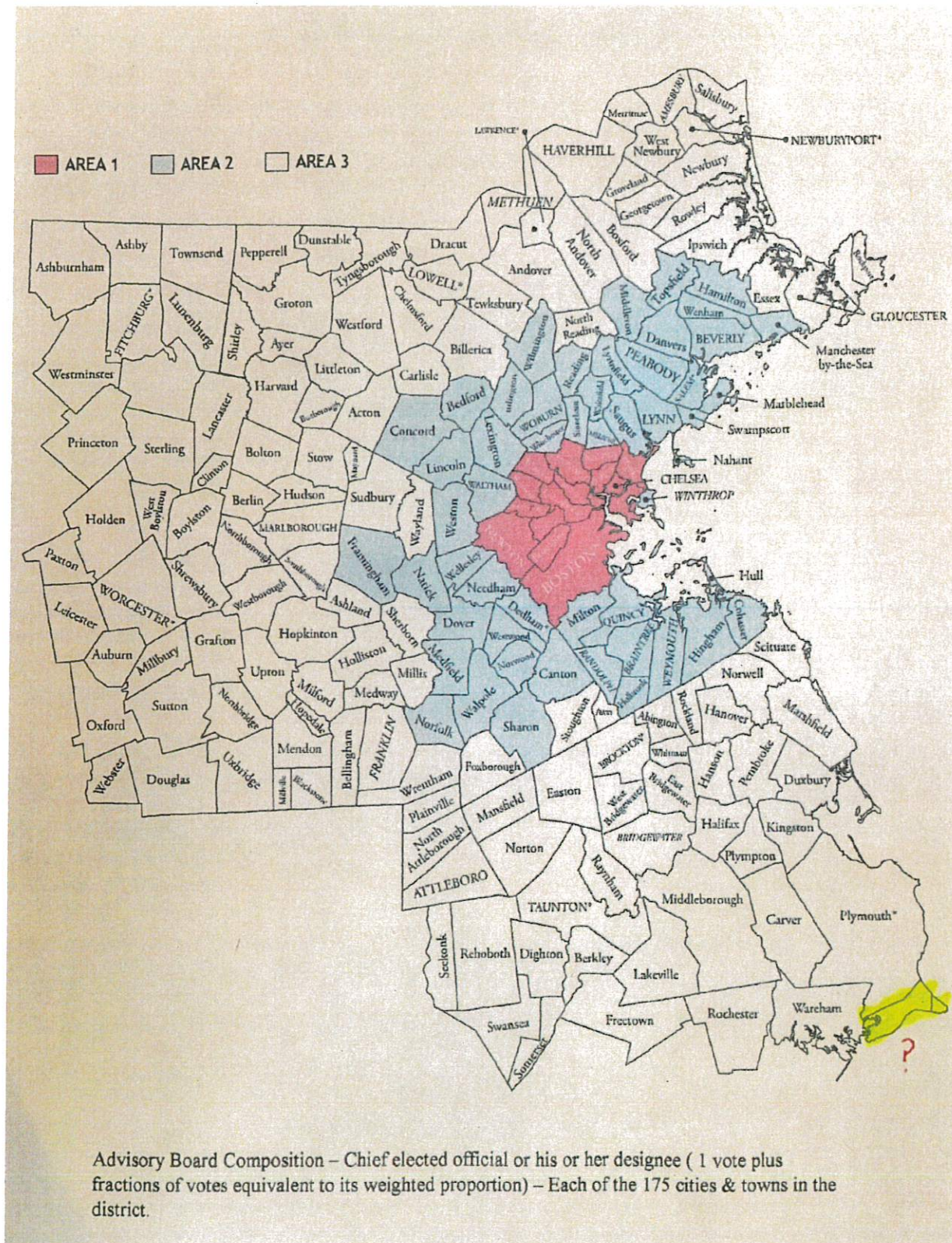
Judy Froman said on the November 5th agenda the Board will have the Head of the CCRTA coming to the Board of Selectmen meeting, and invited people to attend that meeting.

Bill Stafford, 100 Harmony Hill Road, Buzzards Bay, said we have asked for an agenda item on the Select Board. Mr. Guerino said it was going to be held on October 1st.

A group of concerned citizens are concerned with the annual assessment for the MBTA of about \$40,000, especially for the fact that the Town of Bourne is not getting any benefit from the Commuter Rail Service, or the fact that there are no plans from MassDOT or the MBTA to expand community rail to Bourne. We were requesting over the last month to have an agenda item on your Select Board meetings so we could discuss the MBTA Community Rail with you and others, however an agenda item has not been added to your Select Board Agenda even though the Town Administrator said it would be on tonight's agenda. We therefor want to advise you of the misinformation, out-right falsehoods and that nothing is going on with the Community Rail. We are aware that only one person on the current Select Board, Mr. Meier was also on the Select Board during 2015 when the vote was taken to become a member of the MBTA. The other Select Board members were Stephen Mealy, Don Ellis, Don Pickard, and Linda Zuern. We wanted to make sure that the four of you were appraised of the misinformation about Community Rail. The panel, appointed by Gov. Charlie Baker to explore the T's services said that the T was too focused on expansion and should instead focus on maintaining the system it already has. The citizens (voters) voted on May 19, 2015 with only 922 yes votes (7.33%), 726 no votes (5.77%), and 310 blanks (2.47%) of a total of 12,576 registered voters. In spite of the fact that the "no" votes and "blank" votes totaled more than the "yes" votes, when the Transportation Advisory Committee as well as the Administrator, Thomas Cahir of the Cape Cod Regional Transit Authority deceived us in believing that MBTA would not charge an Annual Membership fee until commuter service was extended from the Middleboro-Lakeville station to Buzzards Bay or did they fail to get their ducks in a row, without regarding the fact that the Town of Bourne would begin paying the annual assessment without service in Bourne. The TAC continually said that there would be NO ASSESSMENT until service BEGINS. The Town Administrator, Thomas Guerino, said he was not aware that Bourne would be assessed by the T that year. The Selectmen voted 4-1 to support the ballot question with Linda Zuern opposing it out of concern that the MBTA would potentially assess the Town even without providing service.

Mr. Stafford wanted his letter included in the minutes. The letter goes on to state - It is possible that the Selectmen were not informed by the TAC that MassDOT did not appear to be in an expansionist mode, Glen Cannon reported to the TAC that the MassDOT officials he had spoken with suggested that the Town hold off on a Town vote until MassDOT was ready to provide service but the TAC was going to get the MBTA voted "yes" by any means possible. Paul Regan, the Executive Director of the MBTA Advisory Committee, who represented the towns and cities in the district, said he didn't understand why Bourne wanted it. As far as he could tell, THE T HAS LITTLE INTEREST IN EXPANDING ITS FOOTPRINT AS IT CONTINUES TO WORK THROUGH THE AGENCY'S PROBLEMS. On March 18, 2016 representative David Vieira, Third Barnstable District, during a TAC meeting outlined plans to bring Commuter Rail to Buzzards Bay in a pilot project to start in the Fall. No specifications were released. On May 19, 2016, the TAC discussed the MBTA's proposed Commuter Rail: The pilot project failed to recognize existing commuter patterns and preferences. The committee felt that Bourne's assessment should await the start of service. Bourne is still paying. Mr. Meier back in April 30, 2015 you stated if the Town voted "yes" on the ballot, it will still take 20 years before there is service. There are no plans for Community Rail for Buzzards Bay in 2035, and the plans for year 2040 still don't have Community Rail for Buzzards Bay in the MassDOT Cape Cod Canal Transportation Study on June 17, 2019. Chief Woodside suggested that the Town could look at expanded fixed route bus service in exchange for our MBTA membership. It is amazing that the Chair Mary Jane Mastrangelo of the Finance Committee and members of the TAC said "The purpose of joining the MBTA was to have a seat at the table". It is also amazing that one of the reasons of voting into the MBTA was having that seat on the table. However since 2015 to the present time 9/30/19 no person from Bourne was appointed to sit at the table. We would hope that you will support our request to have a ballot question to give the voters of Bourne a chance to vote out the community rail and remove the Town of Bourne from the MBTA at the May 2020 election.

Mr. Stafford left small binders, which included what he read (above), the map (below) and information regarding the MBTA Commuter Rail for the Select Board Members.



Peter Fisher, Scraggy Neck Road, Cataumet said the MTBA, we voted as a Town with the impression that we would be getting service, and there is no future service coming to the

Town. At the time we were talking about it, it was going to be about 20 years before we got service to the town; 20 years at \$40,000 per year is \$800,000. We have been trying to get a space in the community building and the library over the summer and we have been told they can't pay the custodians for us to have a meeting there. That \$40,000 may be spent better, than having a position at the table. I don't think Bourne would have much of a say at that table since we are so far removed from getting any service from the MBTA at this time. We would like for the Selectmen to reconsider our position on the MBTA and maybe put it back to Town Meeting with more information, there are a lot of people who are concerned.

4) Approval of Minutes: September 24, 2019

Voted Jared MacDonald moved and seconded by George Slade to approve the minutes from September 24, 2019. Vote 4-0-1. Peter Meier abstained.

5) PFT/PFOA - Rose Forbes, Remediation Program Manager, Joint Base Cape Cod Air Force Civil Engineering Center and Chris Southwood, Department of Natural Resources

Chris Southwood, Natural Resources Director, introduced Rose Forbes Remediation Program Manager from Joint Base Cape Cod Airforce Civil Engineering Department. Mr. Southwood briefly spoke about the PFAS contamination in the Town of Bourne resulting from tank rollovers at the Otis rotary in the late 90's early 2000's which is upwelling in Hens Cove and Redbrook Harbor.

Rose Forbes & Doug Karson

Rose Forbes spoke about the Installation Restoration Program, when it was established, Source Areas and Groundwater Plumes, Emerging Contaminant Sites, Where the contamination came from, Groundwater Plumes and 9 Groundwater Treatment Systems, PFAS (perfluorooctanoic sulfonic) - what they are used for, Fluorosurfactants, PFAS Background, AFFF used by the Air Force since 1970, no enforceable standards Federal MCLs or MMCLs for PFAS; In June 2018 MassDEP issued an Office of Research and Standards Guidelines of 0.07 ug/L for five combined PFAS compounds; In April 2019 MA proposed a groundwater standard of 0.02 ug/L for six combined PFAS compounds. Tanker rollover on Otis Rotary, Field Sampling Activities, Private Well Sampling - Outreach and Results, PFOS/PFOA groundwater contamination extends from the source areas near the rotary to Hen Cove, Confirmed the plumb is upwelling into Hens Cove, Requested approval to sample the shellfish, Conceptual Site Model, and the Path Forward.

James Potter questioned the major rollover at the Bourne Rotary, not sure if foam was used. Is anyone looking into that rollover. Rose Forbes said that is not an Airforce fight, at that point the fire department transitioned from Otis Air National Guard Base to the Commonwealth. MassDEP had done some work. She was told because it is so close to the canal that is where the groundwater is going to and there are no private wells out there, and that not much will be done.

Peter Meier questioned if the Board of Health has been informed. Rose Forbes said they did give a presentation to the Board of Health.

Jim Mulvey questioned is the contaminant flow in to Hens Cove on a regular basis or surges. Does it seem to come up in Hens Cove in particular spots with a spring or is it localized. Rose Forbes said USDF did an investigation on Red Brook Harbor a long time ago. Mrs. Forbes said the groundwater will continue to flow, so it will continually discharge into the cove, not in surges. It will take the path of least resistance to upwell. If there is an area with a lot of sediment it will not upwell as easily. It will take a lot to determine where it is upwelling.

Glenn Cannon questioned how often do they reach out to the Town. Rose Forbes said we did a couple meetings in Pocasset to let people know what is going on. We are always available. Mr. Cannon requested that the Board of Selectmen get the latest updates.

Chris Southwood said regarding the shellfish sampling, the health advisories with the standards are only for drinking water, there is no data regarding shellfish ingestion, and standards for it. He contacted the Division of Marine Fisheries, they said they don't test for it. Over the summertime Rose got me in contact with a representative from Falmouth Springs Institute. We had a meeting in August with the Board of Health, Division of Marine Fisheries and other collaborators from Hens Cove to go over possible protocols. As of right now Falmouth Springs is looking to work with a URI PhD student and a Harvard Grad Student dealing with shellfish sampling and water sampling. They are working out protocols now to do Hens Cove, Redbrook Harbor and control sites to see what is going on in our waterways. We will bring the protocols to the state. Hope to have more information in about a month. It seems people are taking an initiative and hopefully we have the possibility of someone doing the sampling for us.

Judy Froman questioned if the plumbs go into the water does it dissipate to where it would not be an issue? Chris Southwood said since this only regards drinking water standards, we have no idea regarding the ingestion of shellfish. Rose Forbes said the compounds don't break down; they will dilute. They will absorb to materials that have a lot of carbon in them. The muck/sediments does have some carbon so it could be absorbing into those sediments, but that could also be a source where it absorbs and then desorbs.

Jim Mulvey questioned if they could pump and treat to intercept it. Rose Forbes said as part of the feasibility study they would be evaluating options for addressing the decontamination. There are technologies available to treat it.

6) Cape Cod Emergency Traffic Plan - Charlie Noyes, Emergency Manager Director

Charlie Noyes spoke about the Cape Cod Emergency Traffic Plan, which is a result of Hurricane Edward back in 1996. This is not an evacuation plan it is a management plan. It is a phased plan that goes into effect roughly 72 hours prior to the anticipated arrival of a hurricane. The primary concern is that Bourne is the choke point for all the traffic coming

and going from the Cape. We have to have a way to get people off the Cape, we want to get the visitors and tourist to leave the Cape because we do not have the capacity to take care of them if a hurricane was to strike. Part of the plan is what Bourne residents should do in an emergency – the brochure is to let residents know what they should do in an emergency.

The state brochure that they publicize is modeled from our brochure.

After you have traveled over the Bourne Bridge all traffic will be directed to continue west on Route 25 towards Wareham/Rt 195/Rt 495. If you wish to go to Buzzards Bay you must continue until Exit 2, Glen Charlie Road Wareham, and then take Route 6 & 28 back to Buzzards Bay.

After you have traveled over the Sagamore Bridge you may exit and go to North Sagamore, Sagamore Beach, and Bournedale villages. You will not be allowed to travel the Scenic Highway into Buzzards Bay.

Please review the information outlined in this pamphlet before any event that might require the activation of the Cape Cod Emergency Traffic Plan. Do not be surprised during an actual emergency plan your travel route off Cape now!

To see the full Cape Cod Emergency Traffic plan go to the following web address:

<https://www.mass.gov/files/documents/2018/07/30/2018%20Cape%20Cod%20Emergency%20Traffic%20Plan%20Base%20Plan.pdf>

Town of Bourne
Emergency Management Office
24 Perry Avenue
Buzzards Bay, Ma 02532
508-759-7509
www.townofbourne.com

What Every Bourne Resident Should Know about the Cape Cod Emergency Traffic Plan

Road Closures and Detours



The Cape Cod Emergency Traffic Plan (CCETP) has been developed to facilitate the egress of a high volume of traffic from Cape Cod in the event of a hurricane or other potential high hazards, particularly during peak tourist season. The plan's main goals are to ensure the safety of the community in the event of destructive weather or other hazards requiring the orderly but rapid movement of motorists off Cape Cod and the islands of Nantucket and Martha's Vineyard; and prepare for the temporary sheltering of displaced persons resulting from the evacuation of potential flood areas and motorists unable to exit the cape due to the closure of the Bourne and Sagamore bridges.

In order to move as many motorists off Cape as quickly as possible, traffic detours and roadway restrictions will be implemented. These detours will affect the way Bourne residents normally access the Bourne and Sagamore Bridges. This brochure highlights some of the detours that affect Bourne.

BOURNE BRIDGE ACCESS

Access to Bourne Bridge from Trowbridge Road, Sandwich Road, or Veteran's Way will be blocked. All traffic heading off Cape must approach from Route 28, MacArthur Blvd. Once in the Bourne Rotary, traffic must cross Bourne Bridge.



Traffic control locations and road barriers at Bourne Rotary.

SAGAMORE BRIDGE ACCESS

Access to Sagamore Bridge from South Sagamore via Sandwich Road and Cranberry Highway will be blocked. Only access to Sagamore Bridge will be from Route 6 Mid Cape Highway. If you wish to cross Sagamore Bridge you must travel to Route 130 at Exit 2, Sandwich to get on Route 6 westbound.



Traffic control locations and road barriers at Sagamore Bridge approach.

NEXT STEPS

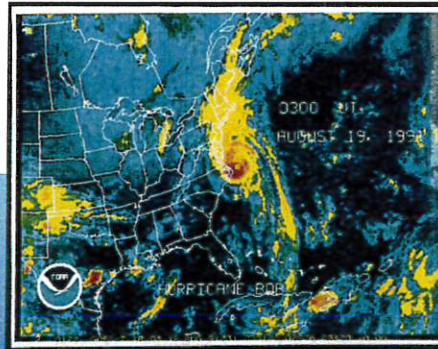
After you have traveled over the Bourne Bridge, all traffic will be directed to continue west on Route 25 towards Wareham/ Rt 195/ Rt 495. If you wish to go to Buzzards Bay, you must continue until Exit 2, Glen Charlie Rd Wareham, and then take Route 6 and 28 back to Buzzards Bay.

After you have traveled over the Sagamore Bridge, you may exit and go to the North Sagamore, Sagamore Beach, and Bournedale villages. You will not be allowed to travel the Scenic Highway into Buzzards Bay. Motorists wishing to access Route 495 need to travel Route 3 N to Route 44 W (Exit 7). Route 44W will bring you to Route 495.

If you are still on the road attempting to leave the Cape when the bridges close due to weather conditions, and you need shelter, you will be directed to a shelter of last resort. You will be given a safe space to stay until the storm passes. Please note: No weapons are allowed at public shelters. For more information on the Cape Cod Emergency Traffic Plan, please visit <https://www.mass.gov/service-details/cape-cod-emergency-traffic-plan>.



CAPE COD EMERGENCY TRAFFIC PLAN



WHAT IS THE CAPE COD EMERGENCY TRAFFIC PLAN?

The Cape Cod Emergency Traffic Plan (CCETP) has been developed to facilitate the egress of a high volume of traffic from Cape Cod, in the event of a hurricane or other potential hazard, particularly during peak tourist season. The primary goals of the CCETP are to ensure the safety of citizens in the event of destructive weather, or possibly other hazards, requiring the orderly but rapid movement of motorists off Cape Cod and the Islands of Nantucket and Martha's Vineyard; and to provide temporary sheltering of displaced persons unable to exit Cape Cod due to the closure of the Bourne and Sagamore Bridges.

BOURNE BRIDGE ACCESS

No access to the Bourne Bridge off Cape from Trowbridge Rd, Sandwich Rd, or Veteran's Way. All traffic heading off Cape must approach from Route 28, MacArthur Blvd. Once in the Bourne Rotary, traffic must cross the Bourne Bridge.



WHAT THE PLAN IS NOT

This is **NOT** an evacuation plan. There are a number of vulnerable areas of Cape Cod at risk of storm surge inundation and flooding from serious weather events. Although residents in these areas may be ordered to evacuate, many will choose to access shelters and not leave the Cape.

WHAT YOU CAN EXPECT

Because of the need to eliminate causes of congestion and keep traffic flowing in the Sagamore and Bourne Bridge areas, certain traffic alterations may need to be implemented if significant traffic backups occur. Public information will be available through sign and message boards on major routes, calling 511 from your cell phone, and the broadcasting of Traffic Advisories on radio station WQRC (99.9 FM).

SAGAMORE BRIDGE ACCESS

Only access to cross Sagamore Bridge is via Route 6. Mid Cape Highway from Sandwich Roadways from South Sagamore Village, (Sandwich Road Cranberry Highway) will be closed for access to Sagamore Bridge.



This program has been going on since 1996. It has been adjusted yearly. It is implemented in stages. If traffic becomes congested the police implement traffic control points. It is run by the state police. The command post is at the Upper Cape Regional Tec School. The Bourne Police Department will have a representative at that command post to be a liaison back to the Town of Bourne. We review it every year. It has never had to be implemented since it was designed. The main thing for the residents of Bourne is our way of life and our road habits will change if this plan is ever put in place. This facilitates getting tourist back over the bridge.

James Potter questioned in a real emergency would the state be using message boards. Mr. Potter recommended the state utilize the road message boards. Mr. Noyes said there will be use of sign boards and message boards that are already on the roadways. The state would utilize the Emergency Alert System on the phones, we'd also use the radio station WQRC 99.9 FM on the Cape. For Bourne residents we'd utilize our Bourne Alerts Progressive Messaging System that sends out to telephones, landlines and cell phones, text messaging and also emails. If the bridge is closed because we are going to be affected by a storm there is a part of the plan to provide shelter to people on Joint Base Cape Cod.

Peter Meier suggested to put this on the front page of the Town website. Mr. Noyes said the Traffic plan is on the Town website. During an actual event we could do an emergency alert banner across the top of the page.

7) South Side Fire Station Update – South Side Fire Station Feasibility and Design Building Committee, Chief Sylvester, Joe Sullivan (Owner's Project Manager)

Glenn Cannon said that Joe Sullivan, the Owners Project Manager stated he could not be present this evening.

Chief Sylvester spoke about the South Side Fire Station, the South Side Fire Station committee has been meeting regularly. They have been working with the architect to find the best building for the money. Once the building was designed then we would know what we would need for land space. The issue is trying to find land on the south side. The committee looked at numerous sites. The Committee voted on a piece of land. Decision were being made to go with the county property as the number one site. The main concern from residents is the response time, the site is in Pocasset. The station is designed so we can expand as time goes by, with personal or/and equipment based on what the town needs. Thursday night we are having a meeting at the High School at 6:00.

Peter Meier said the Board has been aware of what is going on because he is a representative on that committee and has been keeping the Select Board up to date.

Judy Froman questioned if the timeframe is appropriate for having the new station align with the potential purchasing of that land. Glenn Cannon said the work that went into the feasibility study delayed the committee to an extent where we were trying to line up the county land and be more advanced coming into our Special Town Meeting, so we are a little

behind on acquiring that land. We do have a proposed article that will be coming forward to continue that effort to make sure we do get lined up. Mr. Cannon said the county land is the preferred site, but there are backup sites.

Skip Barlow, Chair Fire Station Committee said there are a lot of groups in the town that use that land. The county is going to get rid of the land and we have the opportunity to purchase that land and keep it with the Town of Bourne.

Voted Peter Meier moved and seconded by Jared MacDonald to move agenda item 9D to the next item on the agenda. Vote 5-0-0

9D.

William Russell, Buzzards Bay Brewing of Bourne LLC. Location 85 Main Street, Buzzards Bay, MA. 15 1-day licenses for wine and malt beverages. Hours of operation are from 11:00 a.m. to 9:00 p.m. Seating limited to 85 as per plan approved by Town Planner. Dates are: October 3, 4, & 5; October 10, 11 & 12; October 17, 18, & 19; October 24, 25, & 26; October 31, November 1, & 2. Remarks: Planning Department – The PB voted on 9-12-19 not to oppose this issuance of a temp occupancy permit by the Building Inspector, therefore Planning Dept concurs. Conservation Commission – The Commission has received plans and the revisions have been administratively approved by the department. Sewer Commissioners – Sewer Commissioners approved sewer allocation for 85-93 Main Street. Town Clerk – INC – LLC Doing business under the LLC name. Assessors – fol in process 9/20/19. Police Department- Comments from last request are the same. Chief has met with the applicant but no resolution has been advised to any of the previous comments stated on earlier routing slip: Concerns for using one day license for this type of situation. Alcohol cannot be stored on site on any night between the dates by state law, meaning each and every day at the conclusion of the event, the alcohol must be removed from the property. Has this location passed all required permits for occupancy? If this is going to be a permanent business, why requesting numerous one-day licenses? ABCC states no person may be granted a special license while an application for an annual license is pending before the licensing authority. Recommend this request be referred to the state ABCC for further guidance. If the ABCC states this is acceptable, we have no issue with the license being issued as long as all laws are being complied with, including no overnight storage. Fire Department – Completed as of 9-20-19 for Brewery Only – not other units in complex.

Voted Peter Meier moved and seconded by Jared MacDonald to approve the 15 1-day liquor license for Buzzards Bay Brewery on days outlined on the agenda: October 3, 4, & 5; October 10, 11 & 12; October 17, 18, & 19; October 24, 25, & 26; October 31, November 1, & 2, 2019.

Peter Meier said we need to look at our policy to streamline things like this so it is more efficient for the next business that comes to Bourne. George Slade said we have to go by the comments/objections on the routing form. Jim Potter said when the routing slip was first reviewed there were issues that needed to be addressed.

Received
11.29.18
Town Planner

OAK BAY BREWERY
70 seats

GARAGE DOOR

GRAIN ROOM

BASMENT STAIRS

MOP SINK & CLOTHING SUITCASES

COLD ROOM

HANDICAP ACCESSIBLE RESTROOM

STANDARD RESTROOM

STAFF RESTROOM

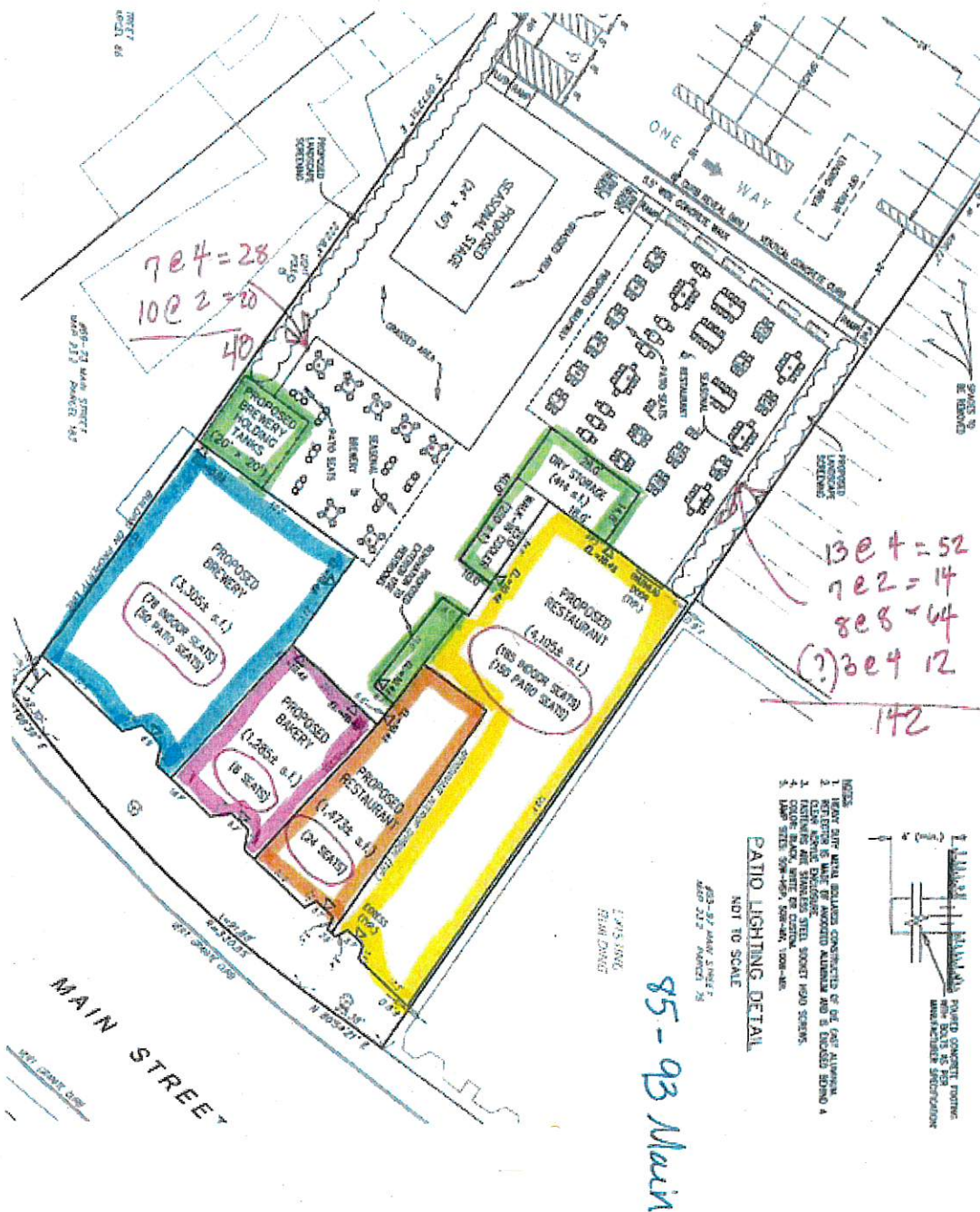
BAR

RESEVER

Tables
14 counter
78 total

6 @ 4 = 24
7 @ 4 = 28
14 counter

#85 Main St
above



Peter Meier said we should, as part of our rules and procedures regarding one-day licenses, look at in a workshop.

Jared MacDonald questioned the seating arrangements. Noreen Michienzi said there was a mistake in the diagram that was presented to the Board. 85 is supposed to be the address not the number of seats. It is supposed to read 78 seats inside and 50 seats outside. The correct amount of seating that we would like is 160 (112 inside and 50 seats outside), for the tap room. That was sent on September 26th to the Planning Board and to Coreen Moore. It has been approved. We did put in the fire suppression system.

Jim Potter said we have to update the Sewer; we approved a different number of seats. Noreen Michienzi said the seats are not increasing. We took 50 seats from the restaurant to the brewery, it's the same number of seats in the building.

Chief Sylvester said he never received any notification regards to the number of seats. The sprinkler was for the entire building based upon not knowing what was going in there, then they separated the four units. I am trying to keep track to make sure everything has been done. Didn't know there was 160 seats going into the brewery. I have concerns with that number of people in one area. I am concerned with crowd management, entertainment. The single one-day liquor licenses can sometime become problematic.

Judy Froman said on the routing slip it states seating limited to 85. Noreen Michienzi said that 85 is supposed to be the address. Roger Laporte gave us the seating for 175 people. If you don't want to approve the 160 seats, can you approve the 112?

Glenn Cannon said the Town Planner informed us that the approve seating for the brewery was 78 indoor seats, she informed us the back patio has not been approved as of yet. Noreen Michienzi said that was for the Oak Bay Brewery.

Jim Potter said this Board can't get involved in occupancy component, but this Board can condition licenses.

Jared MacDonald said we could approve these with the stipulation that the seating number gets worked out by end of day tomorrow with Mr. Cannon. We have to go by what is written. I think the Board would be willing to give the stipulation that it gets corrected to the right number of seats through the Fire Department, Town Planner and we can all get an email, by end of day, that is has been corrected.

Vinny Michienzi said the square footage is 3400 sq. ft. There are four means of egress on that first floor, in that particular unit. The Building Inspector reviewed the floor plans, the seating, and granted us inside seats of 175 seats.

Judy Froman would like to entertain the approval with the stipulation that the verification of the number of seating capacity is given to us tomorrow and we also get the proper floor plan.

Voted: Peter Meier moved and seconded by Jared MacDonald to amend the motion to approve the application tonight with the stipulation that tomorrow the seating being corrected through Glenn Cannon.

James Potter said he thought solution would have been for us to have a condition that the license would be granted based upon the Building Departments approval of the occupancy.

Vote: 5-0-0

8) License/Appointments

a. Appointment to the Cape Cod Regional Transit Authority

b. Kind Hearts for Kids – Fee waiver request – Cafeteria at the Bourne Veterans' Memorial Community Center

c. Bourne Friends of the Council on Aging – Fee waiver for Psychic Fair

Voted: Peter Meier moved and seconded by Jared MacDonald to appoint George Slade to the Cape Cod Regional Transit Authority, term to expire April 30, 2020.

Voted: Peter Meier moved and seconded by Jared MacDonald to close nominations.

Vote: 5-0-0.

Vote: 5-0-0

b. Kind Hearts for Kids Inc. (501c3) based in Sagamore Beach is requesting to have the \$70 fee waived for a room at the rec center for a fundraiser/birthday party on Saturday, October 26th. Will be inviting families to an "Un-birthday Party". They will play games, enjoy snacks, and color birthday cards for kids in foster care. Will also be collecting items for birthday bags for foster kids/teens.

Glenn Cannon briefly spoke about the event.

Voted: Peter Meier moved and seconded by George Slade to approve the application.

Vote: 5-0-0

c. The Friends of Bourne COA are requesting a waiver of fees for the event that will be held on Saturday, October 5, 2019 from 10:00 – 4:00 in the Bourne Veterans' Memorial Community Center

Glenn Cannon briefly spoke about the event.

Voted: Peter Meier moved and seconded by Jared MacDonald to approve the waiver request.

Vote: 5-0-0

9) Selectmen's Business

a. Vote to close the October 28, 2019 Special Town Meeting Warrant

b. Town Administrators Recruitment Update

c. Community Engagement Update

d. Buzzards Bay Brewery – 15 1-Day Licenses for the following dates:

10-03-19; 10-04-19; 10-05-19; 10-10-19; 10-11-19; 10-12-19; 10-17-19; 10-18-19; 10-19-19; 10-24-19; 10-25-19; 10-26-19; 10-31-19; 11-01-19; 11-02-19;

Voted Peter Meier moved and seconded by Jared MacDonald the Board of Selectmen close the warrant for the October 28, 2019 Special Town Meeting effective today October 1, 2019. Vote: 5-0-0.

Glenn Cannon said the staff appreciates this. You closing the warrant gives us the chance to put the full warrant together with the articles, will be available next Tuesday October 8th at the Board of Selectmen's meeting, then on October 8th the Board of Selectmen will sign the warrant for the October 28th Special Town Meeting. As of today, we have 17 articles.

b. Town Administrators Recruitment Update

Judy Froman said the interviews with the top three candidates will be on Saturday here at the Community Building. Interviews and public session will begin at 11:45 a.m. Each interview will last about 1 ¼ hours. Public is welcome but the public is not going to be involved with asking questions. If the public has questions they should be asked via email or in person ahead of time to the Select Board members. The interviews will be televised.

c. Community Engagement Update

Judy Froman said Board of Selectmen are deferring the Community Engagement Committee Update

10) Acting Town Administrators Report

a. Cape Cod and Islands Protection Fund Management Board Meeting

b. The Massachusetts Vape Ban

c. Cape Cod Public Purchasing Officials Association Meeting

Glenn Cannon reported:

a. Cape and Island Protection Fund Management Board meeting - this is for the short-term rental money. That money is starting to trickle in to the Cape. We will need a full year to get a handle on how much revenue will be coming back to the Town.

b. Mass Vape Ban - The moratorium was instituted by Town staff out of the Health Department. They visited 32 establishments. They did have to file five cease and desist orders and now all establishments are in compliant with the ban.

c. Cape Cod Public Purchasing Officials Association Meeting – This is complying with State Law and 30B. They talked about emergency procurement. State law still applies even when you are dealing with a tornado and some of the riggers you have to go through to make sure the goods and services you are buying for the people of your town are in

compliance with state law and you are making sure you get the best bid prices for the residents. Complying with State Law.

11) Correspondence

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

- A. Bourne Council on Aging Health and Wellness Fair Event October 1, 2019 from 10:00 a.m. until 1:00 p.m. at the Bourne Senior Center.
- B. Bourne Council on Aging Event – Harvest Moon Dance October 27, 2019 from 1:00 p.m. until 3:00 p.m. at the Bourne Senior Center
- C. Letter from Lillian and Julian Harwood requesting present status of the Briarwood Bridge.
- D. Letter from Massachusetts Maritime Academy President regarding parking at Maritime Academy as it relates to downtown Buzzards Bay.
- E. Open Letter to the Board of Selectmen from Pocasset Village Association regarding position a site for the dog park.
- F. Letter from the Massachusetts Department of Telecommunications and Cable regarding expiration of cable license.
- G. Letter from Marine Fisheries regarding inspection of Rod Taylor aquaculture license site.
- H. Abutter Notification from Conservation Commission regarding 105 Williams Ave, Pocasset notice of intent.
- I. Massachusetts Attorney General regarding Open Meeting Law complaint filed by Thomas Donovan.
- J. Email letter of resignation from Shawn Goulet from the Private Roads Acceptance Committee and Recreation Committee.

All correspondence are available on the town website.

12) Adjourn

Voted: Jared MacDonald moved and seconded by Peter Meier to adjourn. Meeting adjourned at 9:24 pm. Vote: 5-0-0.

Respectfully submitted – Carole Ellis, secretary.