# Board of Selectmen Minutes of Tuesday, September 3, 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 - excused Peter Meier 2019 DEC -9 PM 12: 01

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 and Beth Treffeisen Cape Cod Times.

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 and take action on the DRAFT lease for the National Marine Life Center. 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 lease.

Motion to enter into Executive Session to conduct strategy related to ongoing litigation relative to the Fire Department Local 1717. The Chair has declared that an open meeting may have a detrimental effect on the litigation position of the public body.

Motion to enter into Executive Session to discuss an interest in Real Estate as it relates to 100 Dr. Julius Kelly Lane, Pocasset. 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 opens session at the conclusion of Executive Session at approximately 7:00 P.M.

Reconvene in public session. Roll call vote to adjourn the Executive Session Board Chair will report out any actions and call for votes necessary as a result of the Executive Session.

There was a motion moved by the Board of Selectmen, vote to approve and authorize execution of amended lease between the National Marine Life Center and the Town.

Motion that the Town Administrator be authorized extend the contract for Special Counsel Jack Collins in an amount not to exceed \$4500.00 to represent the town in litigation between the Town and Local 1717.

Motion to approve Special Counsel for an interest in Real Estate as it relates to 100 Dr. Julian Kelly Lane Pocasset.

All of the votes were 5-0-0 in favor.

Tom Guerino said the vote relative to the National Marine life center was pursuant to a vote that was taken at Town Meeting to authorize the Board of Selectmen to negotiate the terms of the lease.

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

#### **Meeting Called to Order**

Madam Chair Froman called the meeting to order at 7:19 pm.

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

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

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

## Public Comment - Non-Agenda Items

None requested.

**Voted:** Peter Meier moved and seconded by James Potter to move agenda item 8 Hen's Cove to number 5. Vote 4-0-0.

**Voted:** Peter Meier moved and seconded by James Potter to move agenda item 12 to Selectmen's Business. Vote: 4-0-0.

#### 4) Introduction of Perry Davis, PHD (Bourne Interim School Superintendent)

Tom Guerino introduced the interim School Superintendent Dr. Perry Davis. Dr. Perry Davis introduced himself and briefly spoke about his background.

#### 8) Frank Gasson - Hens Cove - Sam Haines, Conservation Agent

Judy Froman said the three topics that will be discussed tonight are: open the culvert between Hen's Cove and Barlow's Landing that was blocked during construction of the beach. Second one is open the dam from Barlow's Landing to Buzzards Bay. The third is to dredge Hen's Cove navigable channels and mooring areas. Also the concern about peat moss and EFLA, leachate into the silt that has been brought to the public awareness.

Frank Gasson, spoke about the construction of the beach and what it has done to the fish. The blocking of Hen's Cove, which has caused immense problems as far as the silting that has taken place there, the peat and saw grass is disappearing. It's creating havoc as far as the steamed clams – now there are more oysters than clams and quahogs. Spoke about Patuisset Island, pipes under Circuit Ave, it's not flushing out correctly, would like it opened up at the beach area.

If the dam is removed on the other side of Wings Neck Road that would allow the flushing out of Barlow's Landing and Hen's Cove. It could be done in a couple stages, because the ocean is rising, and there are diamond back turtles there. Would like to see something done. Would like to come back before the Selectmen possibly in December to see what the Board of Selectmen can do about this problem.

Sam Haines, Conservation Agent, said I think the water quality is the number one issue in this town, our economy runs on it, people are here because of our natural resources and water. The Wings Neck dam is on private lands, Bourne Conservation Trust land. Don't know about public funding on private lands. Would want to do some sort of feasibility study before we approach this. Want to make sure by reducing that you're not flooding other neighborhoods or changing hydrogeology. Right now we are concentrating on dredging Pocasset River and Little Bay.

Chris Southwood, Natural Resource Director, said regarding the dredging the next plan is Pocasset River and Little Bay. There are a lot of variables with Hens Cove regarding flushing and dredging. Regarding shell fishing, we have coordinated with Springs Institute, Division of Marine Fisheries, Joint Base Cape Cod, and URI to start conducting water sampling and shell fish sampling.

Sam Haines spoke about a previous dredge and the causeway that was built. The problem with this approach is these problems are complex, as sea level rises this area will washout. There is not a lot of room to put in a culvert in that area that would flush effectively. If you look at water quality you have to look it as a watershed approach. Don't want to flush and move containments from one body of water to another. We need to stop the point sources

and the sources of pollution, which are the septic tanks, stormwater runoff, and fertilizer. This is a long-term planning process. The roadways will have to be elevated eventually.

James Potter spoke about how long-term sewer in that area could help with nitrogen. Mr. Potter questioned have we been notified by any environmental agencies that there is a bigger problem here. We have closed shellfishing.

Sam Haines said the data we have is from the Buzzards Bay Coalition and over the past few years it has been pretty steady. There is nothing to suggest that there has been a steep decline, it has been closed for shellfishing for a long period of time. All our waterbodies are impaired. Total Max Daily Load (TMDL) are being developed so we can determine what is acceptable and what is not.

James Potter said the nitrogen loading does have to be looked at. Frank Gasson said the state closed the shellfishing.

Jim Mulvey gave a brief background on the marsh/culvert/brook, and spoke about steps that should be taken to fix the problems.

Christopher Waite, Cedar Point Drive said there is a known root cause, blocking the culvert to make the beach. We are looking for a feasibility study and action plans.

Frank Berkman, Spruce Drive said Hens Cove is silting in because of changing the hydrodynamics of the watershed. The silting in effects the water quality. Also spoke about the bridge that connected the mainland to Patuisset Island.

Bud Bristow, Salt Marsh Lane, spoke about the marsh dying. The problem is historic. We can't wait 20 years to take care of it.

Martha Hoefer, Pocasset, said we are looking for the path. The Board of Selectmen, as town leaders, should know the committees/Boards that need to be involved and how to put together the plan that will work on these problems.

Mary Jane Mastrangelo, Cataumet, spoke about the Municipality Vulnerability Workshop. It's the first step in allowing Bourne to qualify for state funding to address these issues. Priorities were established at that workshop. Conduct engineering and vulnerability assessment of dams bridges and culverts, includes the evaluation of stormwater participation. Work on integrated water quality resource management.

Judy Froman said we will be discussing this at further Board of Selectmen meetings. We will take into the consideration the concerns that you have raised. We will come forward with a cohesive conversation, possibly in December, regarding which committees are involved, what types of things we would need to have, and how to approach this.

5) Approval of Minutes: 7-30-19; 8-6-19; 8-24-19; 8-27-19

**Voted:** George Slade moved and seconded by James Potter to approve the minutes from July 30, 2019. Vote: 3-0-1. Peter Meier abstained.

**Voted:** George Slade moved and seconded by James Potter to approve the minutes from August 6, 2019. Vote: 4-0-0.

**Voted:** Peter Meier moved and seconded by George Slade to approve the minutes from August 24, 2019. Vote: 3-0-1. James Potter abstained

**Voted:** James Potter moved and seconded by Peter Meier to approve the minutes from August 27, 2019. Vote: 4-0-0.

#### 6) License/Appointments

- a. Buzzards Bay Brewery Blocks of 3 1-Day Licenses for the following dates
- 9-12-19; 9-13-19; 9-14-19
- 9-19-19; 9-20-19; 9-21-19
- 9-26-19; 9-27-19; 9-28-19
- b. Suicide Prevention Week September 8-14
- c. Board of Council on Aging Appointment Beverly Armando
- d. Brain Injury Awareness Amendment to Request
- e. Request for installing sigh for Hampton Inn on Town Directional Post

#### a. Buzzards Bay Brewery

Buzzards Bay Brewery LLC. William Russell, Manager, 98 Horseneck Road, Westport, MA. Location of project is 85 Main Street Buzzards Bay - 3,000 sq. ft. unit including 3 restrooms and bar. The request is for 3 1-day applications for the sale for wine and malt beverages as follows: 9-12-19; 9-13-19; 9-14-19; 9-19-19; 9-20-19; 9-21-19; 9-26-19; 9-27-19; 9-28-19. Hours of operation from 11:00 a.m. to 9:00 p.m. All wine and malt beverages will be delivered the day of each event and will be removed the last day of each event. Remarks: Planning Department - Does not concur: Amendment to SPR #498 and SP #02-2019 submitted to Planning Department and is pending Planning Board review. Planning Board - Does not concur. Conservation Commission - Must File - The building is not in compliance with the plans approved by the Conservation Commission. Further coordination is required with the Conservation Department once the Planning Board reviews the site revisions. Building Inspector - Does not concur - No building permit has been issued. Sewer Commissioners - Sewer Commissioners approved sewer allocation for 85-93 Main Street. Assessors - No - Need FOL. Police Department - 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 – Still need certificate of occupancy and final inspection prior to sign off.

James Potter said he noticed there are a few town departments that did not approve this.

Sam Haines said during a routine site visit, the building was not in compliance with the plan that I received. Currently the building is not designed as permitted. I need a set of plans that is approved by the Planning Board for the revisions. I need to determine if those revisions are applicable under administrative approval or whether they need to go back to the Conservation Commission. Currently the building is not as designed, so I don't understand how they can get an occupancy permit.

Coreen Moore, Town Planning, said we did receive a modification plan for the building that was built, however that will not be heard until October 10<sup>th</sup>. We would not be able to sign off on an occupancy, they asked for a temporary occupancy but that has not come before the Board at this time. There hasn't been a formal request from us other than the initial permit that was given that is not in compliant as of today.

Tom Guerino said the Planning Board meets on the 12<sup>th</sup> of September. Is it too late to allow the building inspector to issue a temporary OC pending the other renovations to be authorized by the Planning Board? Coreen Moore said it is not too late to request.

Tom Guerino, said the fire chief would have to do an inspection of the property on or before September 9<sup>th</sup>. In this instance the Board of Selectmen could consider a conditional approval pending the Fire and Planning Board and the Building Inspectors OC, because the BOS don't meet in a regular business setting until October 1<sup>st</sup>. You do have a meeting on the 17<sup>th</sup> if the Chair wants to hear this matter on the 17<sup>th</sup>, so you could do something conditionally or you could wait until the 17<sup>th</sup>, and that would take care of all the issues.

George Slade said the onus would be on the Planning Board and the Fire Chief. Peter said we have approved licenses with contingencies on the route slip before.

James Potter questioned what is the anticipated receipt of the license from the state. Mr. Russel said mid-September.

James Potter said his issue is we don't have a complete building, don't want to license a place that does not have an operational sprinkler. Our departments have to go through their processes. There are too many issues, conservation, planning, police, fire and the building department.

James Potter said he is not convinced on the single day license, because when you have an application in for a permanent license, you cannot request single day licenses.

Tom Guerino questioned Mr. Haines as it relates to the Conservation Commission issue, would the Conservation Agent, if the Planning Board would allow a temporary OC until it got heard before the Planning Board, have an issue with that? Sam Haines said

Conservation would have no restriction on the occupancy permit. We look at the project and how it is designed and whether there was any variation from that. As long as the other parties are comfortable with the occupancy of the building, I don't think the Conservation Agent would have an issue.

Judy Froman said it is worthy of discussion, we have spoken about having completed applications, but we would like to see booming businesses in Buzzards Bay.

No vote was taken on this agenda item.

#### b. Suicide Prevention Week - September 8-14

Judy Froman read the Suicide Proclamation:

Whereas, in the United States one person dies by suicide every 12 minutes and 121 people die by suicide each day; and

Whereas, 20 veterans die by suicide each day; and

Whereas, suicide is the second leading cause of death for Massachusetts residents ages 15-44 and the suicide rate on the Cape and Islands is 1.4 times higher than the State average; and

Whereas, suicide is a tragic and disruptive event for families and communities – it is estimated that annually, there are 6.3 million suicide loss survivors who have lost a loved one to suicide, and

Whereas suicide is a public health issue and a community concern, and through increased education and awareness of this issue a great number of suicides can be prevented; Therefore, we do hereby officially designate the week of September 8-14, 2019 as "SUICIDE PREVENTION WEEK" in Bourne, Massachusetts.

**Voted:** Peter Meier moved and seconded by James Potter to authorize the Board of Selectmen to sign the proclamation. Vote 4-0-0.

#### c. Board of Council on Aging Appointment - Beverly Armando

Beverly Armando briefly spoke about why she would like to be on the Council on Aging and what she has done in the past.

**Voted:** Peter Meier moved and seconded by George Slade to appoint Beverly Armando to the Council on Aging Board of Directors, term to expire June 30, 2022. Vote: 4-0-0.

James Potter said there are 2 more vacancies on the Council on Aging.s

#### d. Brain Injury Awareness - Amendment to Request

Chesa Conrad, 30 Lyman Street – Suit 10, Westborough, MA. Project location – Buzzards Bay Park. Request is for 9-21-19 from 9:00 a.m. to 2:00 p.m. Brain Injury Awareness Event – Walk & 5K (along Cape Cod Canal). Would like to host food trucks (will check with Town

Planner & Board of Health to see if allowed). Estimate Attendance: 500. Food will be served. Police/Fire detail required. Electricity needed.

UPDATE: 8/9/19 Applicant has requested a petting zoo as part of their event. Robert Orr, of the Organic Farm; they will be having goats, bunnies, ducks, and chickens. They provide sanitizer for all participants to use before and after. He is meticulous at cleaning up and keeps the wood chips from animals in their enclosed pens that look like pack and plays with a floor so nothing is left behind. Remarks: Planning Department – Food trucks for one day event – Special Permit not required. Permission may be needed from State and/or Army Corp of Engineer to use their property. Furnish Planning Office with a copy of State approval letter and a Site Plan. Street banners require Selectmen approval per §2866. Board of Health – 8/29/2019 need sketched plan re: petting zoo setup. Portable water required for handwash stations. Food vendors require to have food permits. 6/18/2019. Department of Public Works – Remove all trash. Police Department – Based on a 5K on canal, no food trucks, and petting zoo, nothing is needed from police. No police detail should be needed.

Judy Froman read the amended request.

Tom Guerino said the US Army Corp of Engineers has approved.

James Potter said he is concerned about the petting zoo and where it will be located. Peter Meier said we just invested money into the park, and not sure about having animals that might ruin the grounds. We should have a bond for this. Tom Guerino said we can ask for a bond of \$2,000

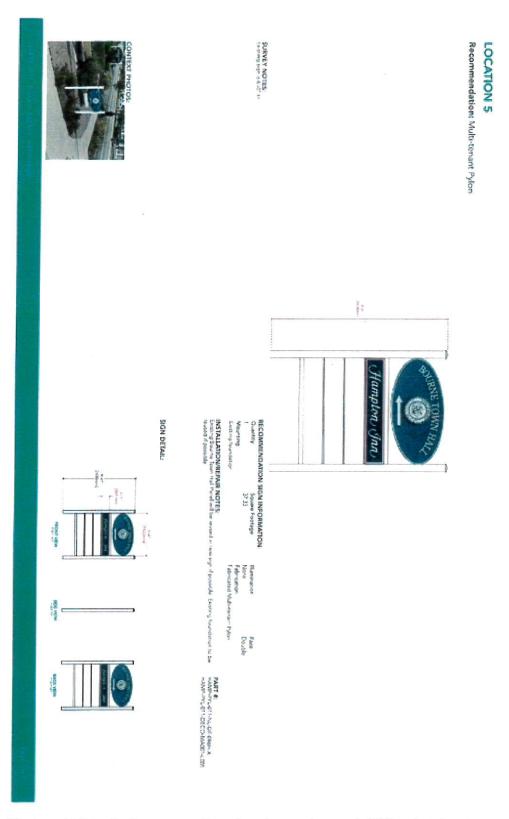
**Voted:** Peter Meier moved to approve with the conditions on the route slip and receipt of a \$2000 cash bond.

Peter Meier withdrew his motion.

**Voted** James Potter moved and seconded by Peter Meier to approve the event as originally planned, with food vendors and food trucks and do not consider/allow the petting zoo at this time. Vote: 4-0-0.

#### e. Request for installing sign for Hampton Inn on Town Directional Post

Joe Buchholz, Kay Gee Sunshine Sign, requesting to install a directional signage for Hampton Inn located at 25 Perry Ave. Buzzards Bay. The Hampton Inn would like to advertise on the existing Bourne Town Hall directional sign. We are proposing raising the sign by installing new posts from its current height of 6' (ground to top of existing posts) to a height of 8' (ground to top of new posts), to allow for a 10.5"h x 4'8"w "tenant panel" to be added underneath the Bourne Town Hall sign. This has been approved by the Design Review Board referencing section 3.1.5 "Advertising on Public Ways" and section 3.1.6 "Signs".



Joe Buchholz said it's similar to another sign down the road. Will raise the sign up 16" to allow the four business that will be going in there. We will extend the post with pole covers.

Tom Guerino questioned what will happen to the bike trail sign. Mr. Buchholz said he has no problem hanging it underneath.

Coreen Moore said this is similar to other signs around town. We say in our Bylaw that if there is a business off a main road; we allow them to use a town entity that is maintained by the town to put their sign on to direct people to the businesses. They pay for it initially, and we did approve a certain look. They said they would maintain the sign. The Design Review Committee did approve it, with the condition they go to the Selectmen and the Selectmen approve.

**Voted:** Peter Meier moved and seconded by George Slade to approve the application that was submitted. Vote: 4-0-0.

#### 7) Barlow's Landing Dog Park Consultant - Barry Johnson

Barry Johnson, Chair Open Space Committee, point of personal privilege to let you know the CPC has an application for \$50,000 from Mr. Gasson on behalf of that project for engineering services. We will be entertaining that application along with others on the evening of Monday, September  $16^{th}$ .

Mr. Johnson said at the request of many people, commissioned a feasibility study for the possibility of creating a dog park at the parcel behind the Pocasset Fire Station. Neither the Open Space Committee nor the Community Preservation Committee has voted or taken a formal position on whether or not this is a suitable site for this particular project. The Board and the Open Space Committee have been provided a copy of this information I am presenting tonight.

There has been a great deal of work done on this proposal and on the establishment of possibly putting a dog park on the southern side of the canal, which was the original proponents request.

The Planning Dept has been working with Jennifer Copeland, on this project. Sam Haines from Conservation and Tim Lydon from Engineering in consultation with our committee has researched many sites, on two criteria, located on the south side of the canal and possibly needing a 2-acre lot size, and possibly have it on town owned land. Five sites were presented. Chester Park in Monument Beach, Hoxie School Ball Field, Monument Beach Fire Station; 315 Barlow's Landing Road behind the Pocasset Fire Station, and the Town Forest off County Road.

The project process: the town issued a proposal for a feasibility study and a preliminary sketch for this particular property. We awarded the project to Leonard Design associates. The scope of services was to do a complete feasibility study, develop a conceptual sketch, develop a project cost including construction and soft costs, and create a sight plan identifying infrastructure and permitting. The proposal for a study and conceptual sketch has been completed.

General considerations of the preferred park designs include two areas to separate large dogs from small dogs, parking area, access to water, a minimum of two gate entry point, four benches in a large section, 2 benches in a smaller section, plantings to buffer the park, and electricity.

Currently there are two basketball courts, located towards the rear of the park. I was unable to find a vote of a board or committee that established those two courts would be there. These two courts were in memory of David Duca a Bourne High School student. It was private money that constructed those two courts.

The total cost, based on the feasibility study it could range from \$350,000 - \$440,000. Funds that are available; we are holding in an article \$25,000 that was approved at Town Meeting and recommended by the CPC, that represents a 10% match of possibly getting \$250,000 from the Stanton foundation for the creation of a dog park.

Jen Copeland Assistant Town Planner, spoke about where the dog park would be at Barlow's Landing site. It would be located in the north eastern portion of the property. The existing court would be resurfaced and there would be a memorial stone put there. It doesn't have the separate area for small and large dogs, but it does have one biger area, it is relatively flat, there is underground utilities at the site, there is existing parking already there.

Barry Johnson said this ends the actions from the Open Space Committee and the Community Preservation Committee on this particular project and this particular site. It is on town property, it is under the care custody control of the Board of Selectmen, we were asked to examine it to see if it was feasible. We are going to formally present the report to the Board of Selectmen and it is up to you what to do with it.

James Potter said it is a good location on this site, questioned the cost regarding the baseball outfield fence, handicapped parking, improvement to existing gravel and park signage \$40-50K, the price is low on that line item.

Peter Meier said am not in favor of having it at that site. We may have other properties in town that may be a better place for this. If we take those basketball courts out, we need a site for them, afraid they will not be put back.

Susan Barachini, Pocasset, said a dog park is strongly needed, but that area is well utilized by the community. With everything that goes on there between the events at the community building, the ball field, the tennis courts, the playground, and the welding business, there is no additional parking. The fecal matter from the dog waste would go into the marsh land that abuts the golf course. There isn't any extra space for a dog park. The dimensions aren't there for the size of the park that you would need.

Bob Dwyer, President of the Pocasset Village Association, said a dog park is in need but the suitability of this site has some deficiencies. Adding cars there for a dog park while there are games going on there, there is not enough parking. Regarding Community engagement,

this particular proposal would have been excellent for engaging the community earlier in the process.

Dale Wesley, Pocasset, Dog Owner, said would love to have a dog park. Spoke about how that location is not a good location for a dog park

Judy Froman said this conversation will continue because there is a lot of interest in having a dog park. A tremendous amount of work has been done.

#### 9) 7:45 p.m. Nuovo Road - Work on Private Way/Betterments Hearing

Judy Froman said this is the Public meeting for a petition for repairs for a private way.

Tom Guerino said all the residents were notified within the 10-day notification by certified mail.

Timothy Lydon, Engineering Department, said we kicked off the Private Roads Acceptance Committee again. We were reexamining our policies and procedures. George Sala has given me a quote; it is well within the realm of the work that is needed. This road was built in the mid 1970's. Mr. Lydon spoke about the resurfacing of the road. Have an estimated cost of \$46,356.00.

Looking to let the residents know that any driveway upgrades, cobblestone that are in the road layout that the residents would like to keep may have to be removed on their own volition prior to the work because we can't guarantee the condition that we would leave that in on the side of the road.

Judy Froman questioned if approved at Special Town Meeting when would it be done. Tim Lydon said the plan is to be done next summer.

James Potter said it might be a good opportunity to talk to anyone who has utilities under the road, it might be a good time to replace those.

Mr. Swartz gentleman in the audience, gave a brief history on the road. Regarding utilities there is a gas line going down the road. If anyone wanted to hook up to gas that would be the time to hook up.

Tom White, homeowner on the road, said they haven't been involved with the discussions, we have the biggest frontage on the project. We still have a lot of questions about this. Is this going to bring the road up to the level of a town road or is this just a repair. Tim Lydon said the way it is designed it is just a repair.

Tom White said for the go ahead to bring it up to town road you'd need 75% of the abutters to agree, we would not agree to the additional costs to that.

Tim Lydon said he can't speak to if it will be brought up to town standards, would have to review subdivision regulations.

Kathy White, Clark Road, questioned if the lean that is attached to the house is transferable to a new owner. Tom Guerino said it is attached to the property.

**Voted:** Peter Meier moved and seconded by George Slade to close the public hearing. Vote: 4-0-0.

**Voted:** Peter Meier moved and seconded by George Slade to approve the betterment as presented to be forwarded to Town Meeting.

Tom Guerino said there will be an article on the October 21 Special Town Meeting with an estimate. There will be an estimated order of betterments, placed on the property with the registry of deeds, at that time; and at the completion of the job there will be a final order of betterments ordered on the property. That is when the homeowners meet with the assessor and determine on the term for the betterment.

Peter Meier said we have insurance that over 51% of the lineal frontage has approved to go forward with the initial \$23,000. Tim Lydon said the initial petition had 83%, we had 5 out of the 6 signatures.

Vote: 4-0-0.

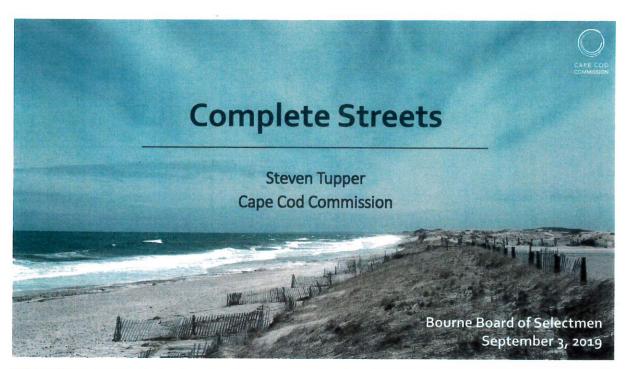
#### 10) Complete Streets - Steve Tupper, Transportation Planner - Cape Cod Commission

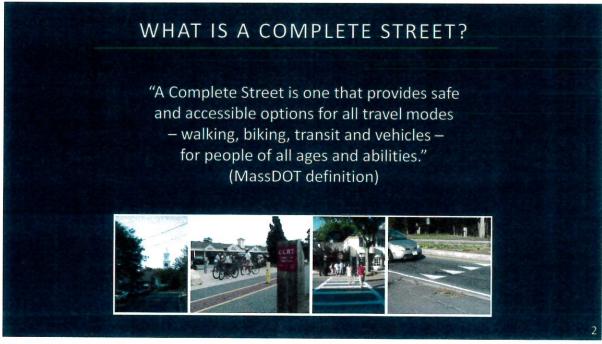
Steven Tupper, Transportation Program Manger Cape Cod Commission, went over the Complete Streets presentation.

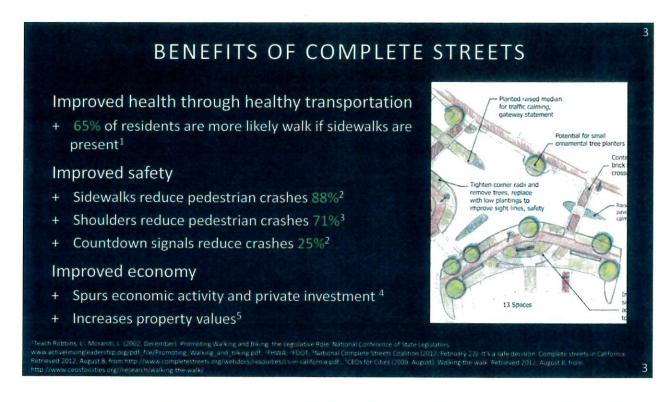
A complete street is one that provides safe and accessible options for all travel modes – walking, biking, transit and vehicles – for people of all ages and abilities.

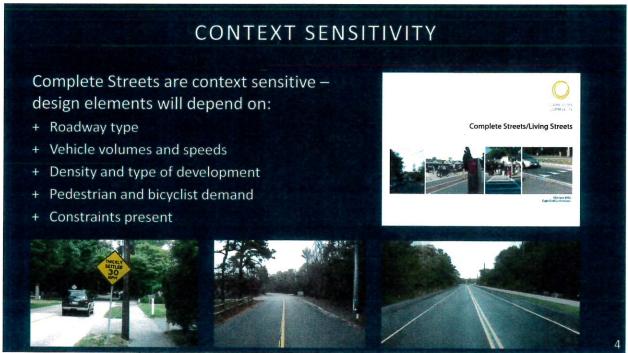
Mr. Tupper's presentation covered: Benefits of complete streets: Improved health through healthy transportation and Improved economy; Context Sensitivity;

MassDOT Complete Streets Funding Program: Background and program structure Complete Streets Program: Policy Development; Prioritization Plan; Project Funding; and Deadlines. More Information can be found at: masscompletesstreets.com & capecodcommission.org









#### MASSDOT COMPLETE STREETS FUNDING PROGRAM

#### Background

+ Funding authorized by 2014 Transportation Bond Bill "to reward municipalities that demonstrate a commitment to embedding Complete Streets in policy and practice with technical assistance and construction funding" <sup>1</sup>

#### **Program Structure**

- + Tier 1: Training and Complete Streets Policy Development
- + Tier 2: Prioritization Plan Development (up to \$38,000 per community available for technical assistance)
- + Tier 3: Project Funding for Construction (up to \$400,000 available per community for eligible construction expenses)

Complete Streets Funding Program Guidance

For details see: www.masscompletestreets.com

COMPLETE STREETS PROGRAM: POLICY DEVELOPMENT

Municipal Complete Streets Policy be adopted as a bylaw, ordinance or administrative policy by the municipality's highest elected body.

## The policy must:

- + Include a vision and intention for how and why the community wants to advance Complete Streets.
- + Demonstrate a core commitment to implementing Complete Streets in all phases of all projects. Specify any exceptions.
- + Detail best practices that will be implemented by the Town.
- + Describe the implementation of the policy.

Cape Cod Commission staff have developed a model policy to assist Towns as they craft their policies.



6

## COMPLETE STREETS PROGRAM: PRIORITIZATION PLAN

#### Prioritization Plan must:

- + Be based on a community-driven process
- + Identify all potential projects
- + Rank projects based on evaluation criteria
- + Be approved by MassDOT

Funding is available for plan development.

Existing municipal plan, such as Local Comprehensive Plans, Master Plans, and Bicycle Plans, can be the basis of the prioritization plan.





Hont	Rate	Projects	1md Cest	1
p)(q	1	Samulat Ad III : Sidewalk & Shoulders	\$775,000	4
p23	2	Lamoret Ad (197); Submook & Shoulder's	31,300,000	7
902	3	Brackett Rd (NV: Additional Sidewalk	\$254,000	5
pts	4	Cid Courty Rd. Sidewall & Shoulders	5154 000	5
p01	3	Srackett \$5 (1); Schrools & Municipal	\$1,171,000	-
pit		Reset Sit Sidness & Guilden	\$1,671,000	-
107	1	Great Fund Rd: Woolders	5227000	51
ple		torus MA Set Fund for Your dets	5454 (880	4
627	9	Message be pro trained & Desiler	\$2,311,000	Ţ,
p16	10	Renat Reptil Statement & Standard	\$117,000	1
pti	11	Massacus 64 (b) Subreat 6 Shoulders	\$1,317,800	4,
p25	17	Schoolman Bd: S down & S Shoulders	\$1,795,000	-
Legal .	31	Beering Brand for Udermit & Specifers	\$1,460,000	-
pits	34	Governor Prence Rd: Stroublers	5314.000	5
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## COMPLETE STREETS PROGRAM: PROJECT FUNDING

## Eligible project type

- + Municipal roadways
- + New construction, reconstruction, some types of rehabilitation
- + Standalone projects or element of larger projects (up to \$400,000 per request/funding round)
- + Be approved by MassDOT

## Typical projects

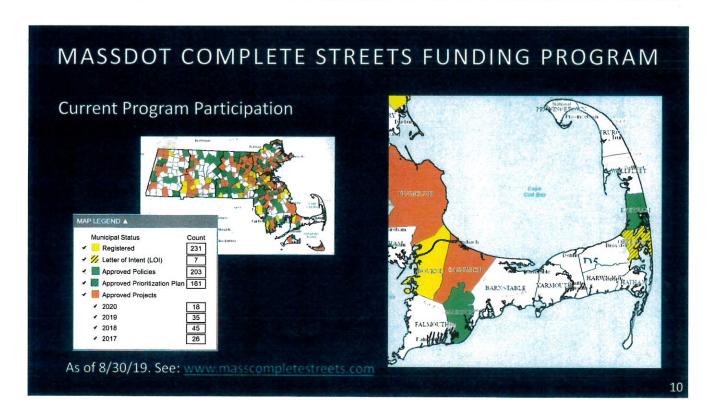
- + Pavement markings and signage
- Intersection or crossing improvements
- + New or improved sidewalks, bike lanes, or paths
- + Bus stop amenities or improvements





5

	Tier 1 Policy	Tier 2 Prioritization Plan	Tier 3 Construction Application	Notice to Proceed
Round 1	Rolling	April 1	May 1	Mid-July/ Mid-late August
Round 2		September 1	October 1	Mid-January/ Mid-late February
MassDOT Response Time	Allow 3 weeks for Policy Score	3-4 weeks for Plan review. Allow time for revisions.	2.5 months for application review	1-1.5 months from award notification





Peter Meier said this is something we should look into as a policy and what we can do going forward.

Glenn Cannon confirmed that the next step for the Town of Bourne would be a policy. Mr. Tupper said you can start developing the policy or, if you know you want to develop a policy but don't understand the details you can put out a notice of intent and that allows you to get assistance with working on the policy.

#### 11) Unsafe Structure - 228 Main Street - Rinkey Management Group LLC.

Tom Guerino said a demolition construction permit has been pulled. We were assured it is coming down on September 11, 2019. If it is not down on September 11 it can be an agenda item for the next Selectmen meeting.

Jim Potter said we voted this building be down by September  $1^{st}$ , whether they pulled the demo permit or we as a town demolished it and they would pay. I don't think it has to be an agenda item. The town already has authorization to remove the structure.

Tom Guerino said we will discuss with the building inspector and will report to the Board of Selectmen on the  $17^{\rm th}$  as to what the disposition will be.

Judy Froman said the building owners will be notified that September 11<sup>th</sup> is the last date.

#### 13) Potential ISWM Land Acquisition - Dan Barrett

Dan Barrett spoke about the future expansion of the landfill and the land acquisition. Would like to give the Board of Selectmen options for expansion. We had the option to buy 12 acres of land on the south side of the existing facility. We asked for permission to pursue purchasing that land. It was the last parcel of land contiguous to the landfill. As we move forward on our next expansion, we will have to go for a new site assignment, we will have to go back to MEPA.

We have to provide access to the 12-acre parcel, so we can determine if we can expand out there. This is prime habitat for eastern box turtles. Natural Heritage and Endangered Species program and the Massachusetts Endangered species Act provide opportunities for mitigation, we would have to provide 18 acres to mitigate this.

We have identified some parcels. One requirement is you have to provide mitigation land, which is of equal or higher value for eastern box turtle habitat. We found a couple parcels that meet the requirements, they are still available. Both owners of the two parcels have indicated that they are willing work with us. They would like to see options that will benefit them and the town.

The two parcels of land that are available are located south of the Otis rotary on the east side of Route 28. Its eastern boundary abutted by the National Cemetery, western boundary by Route 28, bounded on the north side by land owned by the town of Bourne and currently under conservation restriction, to the south is land owned by the Town of Bourne currently under conservation restriction. One parcel has 6.18 acres, the other has 6.5, 12.6 acres in total. Mr. Barrett explained where the building would be moved to and how the land would be used.

If we are able to pursue the two pieces of land, we would have the acreage we need. We need to get approval from the Board of Selectmen to approach and negotiate the land owners with the help from Town Counsel.

Tom Guerino said we need the Select Board to endorse the concept of what we are doing. That would allow us to work with Town Counsel. If the Select Board were to approve the real estate negotiations, the appraisal of the property would need to be updated.

Dan Barrett said we will determine if we need an RFP process. Hoping to do this through ISWM retained earnings.

Judy Froman questioned if we had to wait until a spring Town Meeting what would the ramifications be? Dan Barrett said we should be OK, but we'd hate to lose the parcel, if someone else decides to purchase it.

James Potter said we should look at any other opportunities, it would be good to have a plan b. We could also approach the state and Joint Base Cape Cod about property. Dan

Barrett said the Joint Base Cape Cod already has restrictions; we are looking for land that isn't currently restricted. The Base is highly restricted.

**Voted:** Peter Meier moved and seconded by George Slade to endorse the work that is currently being done by Administration and the Landfill Enterprise to acquire property for offset purposes for the expansion of Phase 7,8, & 9 and to report back to the Select Board at critical junctions of the process. Vote: 4-0-0

#### 14) Selectmen's Business

- a. Town Administrator Recruitment Update
- b. Community Engagement Committee Update and Charge
- c. Private Roads Acceptance Committee General Update
- d. Chair to provide update regarding Massachusetts Maritime Academy
- **a. Town Administrator Recruitment Update:** Judy Froman said there are 32 applicants. The Search Committee is underway and actively reviewing the profiles. They will have a meeting this week and will have full day interviewing on Saturday Sept.  $14^{th}$ .

#### b. Community Engagement

James Potter spoke about the Community Engagement Committee update. This is to help the committee. He'd like the Board members to review this; the appoints are for one member of the Bourne Cultural Council, one member of the Bourne Board of Selectmen, one member of the Bourne Finance Committee, The Town Administrator or his/her appointee, and three citizens at large.

## **Bourne Community Engagement Committee**

## Bylaw and Establishment

Section 1.6.1. **Membership**: There is hereby established in the Town of Bourne, an Engagement Committee, consisting of seven (7) members. The composition of the Committee, the appointment authority and the term of office for the committee members shall be as follows:

Three (3) residents at-large, and registered voters in the Town of Bourne, appointed by the Board of Selectmen.

One member of the Bourne Cultural Council One member of the Bourne Board of Selectmen One member of the Bourne Finance Committee The Town Administrator or his/her appointee

Present members shall continue their respective terms in office as they were originally appointed. As said terms expire, appointments shall be made for up to three (3) year terms in a manner so

that the terms of all members do not expire in the same year as provided in Section 2.4.3 of these Bylaws. Members may be reappointed, and they shall serve without compensation. Any vacancies shall be filled for the remainder of the vacant term.

If any of the appointing authorities above cease to exist, the Board of Selectmen shall appoint in place of such appointing authorities, individuals qualified to serve on said Events Committee, as appointees at-large. Each appointing authority shall have (90) ninety days to make its appointments, after both passage of this bylaw, and approval by the Attorney General of the Commonwealth.

#### Section 1.6.2. Officers:

The Community Engagement Committee shall have a Chairperson, Vice-Chairperson and a Clerk, and all of whom shall be elected from among the membership no later than its second meeting held on or after July 1 of each year.

#### Section 1.6.3. Duties:

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

#### Section 1.6.4. Funding:

The Committee is hereby authorized to make recommendations to the Town Meeting to expend for the purposes set forth in this bylaw, all moneys that are made available to it by appropriation, by gifts or grants, or by transfer of funds authorized by law. Any and all contracts for supplies, services, programs, and projects authorized by the Committee shall be awarded and executed by the Town Administrator on the recommendation of the Committee, subject to compliance with applicable procurement laws of the Commonwealth.

#### Section 1.6.5. Administration:

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



## **Bourne Community Engagement Committee**

#### **EVENT ASSISTANCE APPLICATION GUIDELINES**

The Town of Bourne announces the availability of up to \$50,000 in available funding for the marketing and production of events or programs that promote Bourne as a tourist destination and that strengthen community character. **Events shall take place between September, 2019 and December, 2020.** 

The Tourism Grant is a reimbursement program to help offset the expenditures associated with special events and programs. Funding is intended to encourage the establishment of new events or the expansion of existing events that help to sustain Bourne's tourism industry and promote the community for residents, visitors, and businesses.

Applications for this funding cycle will be accepted from September 1, 2019 thru June 30, 2020 at 4:00 pm, to the Board of Selectmen's Office at Town Hall. 2019 APPLICATION FORMS ARE NEW THIS YEAR.

#### **BACKGROUND**

Authorized by Town Meeting, the Engagements Committee will utilize the event assistance application process to determine future funding for Tourism-related activities, events, and other programs on an annual basis for Bourne. Funding is administered through both the Bourne Engagements Committee and executed by the Town Administrator.

The program is intended to promote and enhance tourism and community engagement, with

The program is intended to promote and enhance tourism and community engagement, with an emphasis on encouraging events during the off- or shoulder-seasons. Funding is subject to availability, and continued financial support is determined by Town Meeting.

#### **AVAILABLE FUNDING**

Up to \$50,000 in funding is available for this grant round. **There is, however, no commitment to disburse this full amount.** The Committee reserves the right to grant less than requested amounts and to place conditions on funding awards.

#### **ELIGIBILITY**

Proposals will be accepted from any individual, business, municipal department, or non-profit organization conducting an event located in the Town of Bourne that are scheduled to take place between September 1, 2019 through December 31, 2020.

Final Reports for the 2019 grant assistance cycle shall be submitted by December 31, 2020. Written extension requests shall be considered on a case-by-case basis.

#### **EXPENDITURES**

#### Eligible Expenditures -

- The event must be open to the public.
- The event must be developed and conducted by a non-profit, Town Department, or townsponsored organization.

#### ineligible Expenditures -

- The event cannot be fully-funded exclusively by the BEC financial assistance, and thus requires other funding mechanisms and support.
- Events held by for-profit organizations are not eligible.
- Reimbursement for Apparel costs
- Reimbursements for airfare, hotel, meals, and alcohol.

#### **CONTRACT REQUIREMENTS**

Event organizers are required to enter into a contractual agreement with the Town. A model contract (TOURISM GRANT AGREEMENT) is included in Attachment A.

Events in receipt of Bourne Engagements Funds are NOT ELIGIBLE to seek Fee Waivers from the Town of Bourne.

Funding shall be contingent upon a specific date for the event and may be further conditioned by Committee or by Contract Documents.

Funding will be made available on a reimbursement basis.

All print media (including brochures, posters, programs and web advertising) must display the *Bourne Engagements Committee logo* and use the tag line "Sponsored in part by the Town of Bourne's Engagements Committee". All broadcast advertising must contain the tag line "Sponsored in part by the Town of Bourne's Engagements Committee".

Event organizers are required to complete a Final Report as noted in the Tourism Grant Agreement (Attachment 1).

The final payment from the Town (in no less than 25% of the total grant award) shall be contingent upon receipt of a Final Report and any other Committee-required materials. For events utilizing Town-owned land, applications for the Utilization of Town-Owned Land should be completed and submitted to the Town Administrator's office. Funding will be contingent upon the Town's approval for use of the land.

Applicants are required to document the event through photographs and video (these will be submitted electronically as part of the Applicant's Final Report). Photographs should be a minimum 300dpi high resolution. In addition, applicants agree to permit photographs and video recording of special events. All materials may be used for marketing purposes.

#### APPLICATION INSTRUCTIONS

**APPLICATION SUMMARY –** Complete and sign the Application Summary Form included in Attachment 3.

**NARRATIVE** - Provide a narrative and supporting materials where relevant that answer the following questions:

Event Summary - Describe the event, its target audience, and projected attendance

figures noting how attendance is tracked and/or projected. Describe what makes the event unique and how it serves as a draw for visitors to come to Bourne. Note explicitly how you plan to use the requested Tourism funds.

- Event Logistics/Management Describe how your event or program will be managed and how the management of the event has evolved over time. If you rely on volunteers, note how you recruit new volunteers, provide training, and assign responsibility. Provide information for key volunteers regarding their experience and areas of responsibility. Describe in detail your planning efforts/logistics associated with your event as well as any associations you may have with community organizations or businesses, noting the specifics of how these organizations/businesses will support your event.
- Financial Management Describe how the event is managed financially, noting how budget/funding decisions are made and how funds are raised (i.e. fees/sponsorships/ticket sales/vendors/etc.). Describe how budget shortfalls are handled. How does the event plan for long-term financial stability? Is there a rainy day fund?
- · Marketing Utilizing the table in Attachment 3 (Marketing Plan), provide details regarding your marketing plan for the event and how you plan to track your marketing efforts. Describe in detail our planned use of social media and other online marketing and how you will track performance for each.
- Economic Impact Describe the direct and indirect impact of your event on local businesses. Quantify the impact as much as possible.

#### **BUDGET**

A Model Budget Form is available at Attachment A-3. It is a Microsoft Excel file that may be edited. Every effort has been made to identify relevant budget lines and categories. A completed budget is required with the application.

- · Additional categories of INCOME and EXPENSE may be added to the spreadsheet by Inserting a Row in the relevant section. If you modify the spreadsheet, please double check that sub-totals and totals calculate correctly.
- For INCOME CATEGORIES (i.e. Sponsorships, Contributions, and Fees): Please itemize by source (identifying each by name). If there are more than 3 sources, additional rows may be added by Inserting a Row in the relevant section.
- For EXPENSE CATEGORIES: Please itemize wherever possible, identifying discrete costs for various items/services associated with the event/program. Advertising expenses should be itemized by outlet and target audience.
- A category for TOWN FEES is included. Please note that Town fees will NOT

**BE WAIVED for Events funded through the Bourne Engagements Committee Funding mechanism.** Every effort should be made to identify and account for the relevant fees during the planning process for your event/program.

- While In-Kind Contributions are vitally important to the success of an event, they will not be counted towards income. Rather, they will be separately itemized at the end of the budget forms.
- For ongoing events or programs, provide information on past actual expenditures as well as budgeted amounts for the proposed event, project, or program.

#### REQUIRED DOCUMENTATION

Applicants are required to submit one hard copy and one electronic (.pdf) of the following documents:

- Tax Determination Letter OR Form 1023 (if tax status is pending)
- · W-9 Form
- Form PC (Massachusetts Office of Attorney General)
- Annual Corporate Report (Massachusetts Secretary of State)
- Form 990

#### **SUBMISSION REQUIREMENTS**

Application materials (7 hard copies) and REQUIRED DOCUMENTATION [1 hard copy and 1 electronic (.pdf) copy] shall be delivered to the Board of Selectmen's Office, located at Bourne Town Hall, 24 Perry Ave, Bourne MA 02532. Electronic copies should be submitted to:

#### Late or Incomplete applications will not be considered.

A complete submission will include:

- Application Summary A-1 (7 hard copies)
- Narrative A-2 (7 hard copies)
- Expense Report A-3 (7 hard copies)
- Deposit Form A-4 (7 hard copies)
- Final Report A-5 (7 hard copies)
- Marketing Plan (7 hard copies)
- Application Summary (7 hard copies)
- Required Documentation [1 hard copy and 1 electronic (.pdf) copy]

#### APPLICATION REVIEW

Applications will be reviewed by the BEC at a publicly noticed open meeting. Applicants may be asked to attend a meeting to discuss their application(s).

Applications shall be reviewed for completeness and for organizational capacity to successfully carry out the proposed event. Each narrative question and the budget shall be reviewed as follows:

**Highly Advantageous** - Answer provides all required information and demonstrates capacity in the area noted.

**Advantageous** - Answer provides only some required information and/or demonstrates capacity in only some areas noted.

**Not Advantageous** - Answer provides only some required information and does not demonstrate capacity in area noted.

**Unacceptable** - Answer does not provide required information and does not demonstrate capacity in area noted.

c. Private Roads Acceptance Committee: Tim Lydon gave a brief background of the Private Roads Acceptance Committee. A lot of the roads we haven't accepted are cul-desacs, minor roads, subdivisions that are one way in-one way out. All the major roads, local streets are the roads we have accepted. We wanted to discuss how we can help people with private roads, how can we go forward and what can we do. We decided to create a draft policy/procedure guide to help citizens become educated with what is going on with the roads and what roads are accepted. I created a draft guide for road betterments, temporary repairs, which is almost finalized. Then I was going to come up with a private roads acceptance draft of what we currently do. Hopefully this is a goal for the Selectmen.

Judy Froman said it is part of one of our eight goals.

**d. Chair to provide update regarding Massachusetts Maritime Academy**Judy Froman said there was a letter in our packed from Admiral MacDonald from Mass Maritime, following up from the Taylors Point meeting.

#### 12) Policies Plan of Action - Judy Froman

Judy Froman handed out a refresher on the policies. We should add on to the list the Complete Streets Policy. Ms. Froman proposed to have a small working group (two people) of the Select Board who will be putting forward a draft of a policy each month. The sense from the Board during the goal setting time is that we need to address some of the policies that we don't have and update the ones we do have that are urgent.

## 15) Town Administrator Report a. Academy Drive - Street Lighting

Tom Guerino said we are working with Cape Light Compact. The engineer was putting together a feasibility action plan. Going northerly on Academy drive there are a number of

polls without fixtures, we need to find out what the cost is for those fixtures. The primary goal is to do what we can to increase the lumens on the existing polls that are lit. Put additional lighting/looking at lumens on Bourne Neck Drive.

Will reach out to the engineer this week.

Mr. Guerino spoke briefly about the storm (Dorian). MEMA has not mobilized, they are monitoring the situation. Sargent Stow has been put in charge of this. We may see some heavy rains, coastal erosions, and riptides. The Barnstable County group is monitoring and will set up calls as necessary. <a href="www.mass.gov/mema">www.mass.gov/mema</a> will give updates as to what the Commonwealth is doing in relation to the storm.

Peter Meier spoke about the concern with EEE grade that has been bumped up to moderate, and what the town is doing/not doing about it. Tom Guerino said we are in the same situation we have been in for the last two weeks. There has been no additional warning put forward for the town of Bourne. There has been aerial spraying in other towns in the area, that has not occurred here. The Health Department gets all the notifications as it relates to this, and if there is any change to the notification it will be posted.

#### 16) Correspondence

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

- A. Letter from Richard Conron regarding supporting the success of a new Town Administrator.
- B. Letter form Robert Parady withdrawing his name from consideration for appointment as Bourne Representative to CCRAT Advisory Board.
- C. Letter from Attorney General's Office regarding Open Meeting Law Complaint.
- D. Weights and Measures quarterly report from April 1 to June 30, 2019
- E. Massachusetts Army National Guard is preparing environmental documentation for proposed construction and operation of a Multi-Purpose Machine Gun Range at Cape Edwards.
- F. Algonquin Gas is presently clearing/cutting trees and brush within the right of way limits located on or near your property. It is imperative that access to maintain and operate the pipeline is not blocked or impaired by objects. Notice to landowners is attached.
- G. Letter from ISO to Building Inspector Roger Laporte regarding Building Code Effectiveness Grading Schedule Results.
- H. Letter form the Town of Falmouth Marine and Environmental Services notifying that the town of Falmouth has posted a Pilot Project Notice of Project Change relevant to the Final Environmental Impact Report for Energy and Environmental Affairs.
- I. Housing Assistance sent an invitation to attend the Cape Housing Institute.
- J. Bylaw Committee meeting notice for Wednesday, September 4th at 4:30 p.m.

#### George Slade read the letter from Richard Conron:

Bourne Select Board members have a short-term critical task ahead of them, hiring a new town administrator who will ensure the current quality of life for Bourne residents in partner with the Board to execute plans and meet goals that add value to the town. As I look at these tasks, I would suggest that the Boards focus, when working with the new town administrator, be accountability. Here are some simple steps the Board should consider to ensure success:

Clear expectations. The first step is to be crystal clear about what you expect. This means being clear about the outcomes you're looking for, you'll measure success. Clear capability. What skills does the new town administrator need to meet the Boards expectations? What resources will he/she need? If the person does not have what's necessary, can they acquire what's missing?

Clear measurement. Nothing frustrates leaders more than being surprised by failure. Sometimes this surprise is because the person who should be delivering is afraid to ask for help. Sometimes it comes from premature optimism on both sides.

Clear feedback. Honest, timely, open, ongoing feedback is critical. People should know where they stand. This feedback should not be eliminated to an annual performance review. If the Board has clear expectations, capability, and measurement, the feedback can be fact-based and easy to deliver.

Clear consequences. If the Board's been clear in all of the above ways, it can be reasonably sure that it did what's necessary to support their new town administrator's performance and support the common vision of moving the town forward.

Richard Conron 29 Mashnee Rd Bourne, Ma 02532 Tel: 508-759-1559

#### 17) Adjourn

**Voted** Peter Meier moved and seconded by James Potter to adjourn. Meeting adjourned at 10:24 pm. Vote 4-0-0.

Respectfully submitted - Carole Ellis, secretary.