

**Board of Selectmen  
Minutes of Wednesday, October 9, 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 – Excused for the public session

Peter Meier

RECEIVED  
2019 DEC -9 PM 12:00  
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.

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

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

**Executive Session:** Motion to enter into Executive Session to discuss contract negotiations for non-union personnel: Town Administrator. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to discussion concerning negotiations.

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

The Board of Selectmen will reconvene in open session following the Executive Session at approximately 7:00 P.M. Roll call vote to adjourn the Executive Session

The Board of Selectmen will reconvene in open session at the conclusion of the Executive Session. Reconvene in public session

Board Chair will report out any actions and call for votes necessary as a result of the Executive Session.

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

**Meeting Called to Order**

Madam Chair Froman called the meeting to order at 7:02 pm.

Judy Froman said the Selectmen did not have an Executive Session prior to this meeting so there is nothing to report. After the public session they will go into Executive Session.

Ms. Froman stated that Jared MacDonald is excused from the Public session but will be participating remotely for the Executive session.

### 1) Selectmen's Business

#### a. Discussion and possible vote on Special Town Meeting Article Recommendations

Peter Meier took a point of personal privilege to wish his daughter a Happy Birthday.

**Voted:** Peter Meier moved and seconded by George Slade to take Article 2 out of order.  
Vote: 4-0-0.

**ARTICLE 2:** To see if the Town will vote, upon recommendation of the Community Preservation Committee, to appropriate a sum of money for the following **Community Preservation Fund purposes**, and to meet said appropriation, to transfer from available funds or reserves from the FY2020 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action relative thereto.

***Sponsor – Community Preservation Committee***

Bob Dwyer, president of the Pocasset Village Foundation, said we have an application that has been approved by the CPC and other committees for \$100,000 for historic restoration of our Pocasset Community Building, and also for improvement of access to the whole building, ADA accessible to the lower building and improving the climate control in the lower conference room, which has mold. The application totals \$100,000. It is divided into 4 historic restoration tasks and 2 accessibility tasks. Mr. Dwyer explained what the historic restoration tasks will cover. The 5<sup>th</sup> project is to grade the driveway on the left side of the building to ADA specifications. Put a handicap parking at the bottom end and a turnaround; also to put a graded entry that goes down across the back of the building and meets the existing opening for the lower conference room at the basement level. An alternative is to put a single person elevator in to get someone to the lower level. The last project is to install better climate control in the lower building/conference room.

Judy Froman questioned if there will be cost consideration regarding the upkeep and inspections of the elevator.

James Potter questioned if anyone currently holds a preservation restriction on the building. Bob Dwyer said we are not registered anywhere now. We are trying to get National Register of Historic Places Registration because that opens other grant avenues for us. Mr. Potter questioned who holds the preservation restriction, you need a third party. Mr. Dwyer said he thinks the National Register does. Mr. Potter stated he'd feel more comfortable in town dollars invested in something that was being held accountable by a third party as a preservation restriction to make sure the investment from the town stays with that building, the building won't be sold next year with all the town's tax dollars used to improve the building with nothing to show. Mr. Dwyer said we'd be ok to have the town Historical Commission hold the restriction and hold us to task.

Peter Meier said you can write it in the agreement that if this property is sold the next person has to maintain it or pay back public money that was used for it.

**Voted:** Peter Meier moved and seconded by George Slade to support Article 2 letter F as part of the overall package. Vote: 4-0-0.

**Voted:** James Potter moved and seconded by George Slade to send a letter to Community Preservation asking to start applying preservation restrictions on privately owned/historic buildings moving forward. Vote: 4-0-0.

- A. Bourne Conservation, Create a park at 789 Shore Rd, Pocasset, Open Space/Recreation, Open Space/Recreation Reserves \$80,000

**Voted:** George Slade moved and seconded by Peter Meier to support this article.

James Potter questioned if we go a cost estimate for this project. Glenn Cannon said he will check with Sam to see if they got a cost estimate.

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

- B. Cedar Point Association Inc, Engineering evaluation of the water quality for Hen Cove, Barlows Landing, Patuisset Island Pond and Wings Neck Dam, Open Space/Recreation, \$50,000 Open Space/Recreation Reserves

Glenn Cannon said he had a conversation with the CPC Chairman, made it clear to him this is a separate project from Town staff. This is not a Town sponsored project. We are happy to give guidance and assistance, but we will not be signing off on invoices, that the town does not have control over the project. He said they would separate it out. It would be a CPC project and they would bring it forward as a CPC project without town staff.

James Potter said the Town should be the sponsor. The town stepping back from approving invoices and being part of the administration of this, and if CPC is the administrator of this and the invoices, they are going to incur costs, time, consultant. The CPC made a mistake to approve it in this fashion. I will not support it with this setup. The town would have proposed to do this study if they thought it was something we should have done. Doesn't seem to have the town support, it doesn't have the Town administration end of it so I am concerned about town tax dollars.

Bob Dwyer, said the CPC discussion brought up the problems with administration, with appropriateness of whether the town should do that. There was concern whether there was a technical ability within the Cedar Point Association to do that. I volunteered to work with the contractor, iron out the scope of work, monitor the milestones, and do the analysis. On the organizational side the folks around Hen Cove are trying to form the Pocasset Water Quality Coalition, they are going to apply to get certification as a 501c3 charity so they can accept outside matching funds to support this study and other parallel studies that need to be done overtime. Mr. Johnson told me he still wanted to keep the CPC as the organization and he appreciated my volunteering. I would have been the one to sign the work has been completed.

James Potter questioned the dollar amount. Mr. Dwyer said this is a firm scope and cost proposal from an engineering company that does the towns dredging. They have been under contract of the town. The estimate is based on the scope of work and cost the engineering company submitted.

George Slade said we have had opportunities to ask questions regarding these articles during the joint meetings, these questions could/should have been asked then, we don't have the people here to answer the questions.

Judy Froman said we are supposed to be recommending whether we would move the article forward for consideration, whether we agree or not agree as an individual. We may not agree with it, but it can go to the town for a vote. If there was a need for a follow-up letter, we could send a letter.

Peter Meier suggested to defer any action on letter B and to ask Frank Gasson and Sam Haines to come before us at one of our next meetings to answer some of the concerns we have.

Judy Froman said we have had opportunity to hear what these are, ask questions and get the answers. If we have specific questions on this we can have the Town Administrator get back to us, and we can vote item B at a future time.

James Potter said he is suggesting it should not be on the warrant. Don't like the setup. Don't think it is an appropriate way to administrator tax dollars, especially with no Town oversight over those tax dollars. There is no participation from the Town on how those dollars are being used. I disagree it that should move forward in this form.

**Voted:** Peter Meier moved and seconded by George Slade to defer taking action on this item, letter B, as late as the night of Town Meeting. Vote: 4-0-0.

C. Town of Bourne, Pedestrian Bicycle Pathway Phase 4, Recreation, \$50,000 Open Space/Recreation Reserves.

**Voted:** Peter Meier moved and seconded by James Potter to support. Vote: 4-0-0.

D. Dept. of Natural Resources, Installation of a Barlows Landing Dingy Dock, Recreation, \$38,000 Open Space/Recreation Reserves.

**Voted:** Peter Meier moved and seconded by James Potter to support. Vote: 4-0-0.

E. Bourne Archives, Continue website upgrade, Historic, \$28,000 Historic Reserves

**Voted:** Peter Meier moved and seconded by James Potter to support. Vote: 4-0-0.

Judy Froman said because Article 2 encompasses all of these we should defer taking action as late as Town Meeting.

**Voted:** Peter Meier moved and seconded by James Potter to defer taking action on these as late as Town Meeting. Vote: 4-0-0.

**ARTICLE 1:** To see if the Town will accept General Laws Chapter 44, Section 53F 3/4, which establishes a special revenue fund known as the **Public Educational Government (PEG) Access and Cable Related Fund**, to reserve cable franchise fees and other cable-related revenues for appropriation to support Public Educational Government (PEG) access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2020, which begins on July 1, 2019 or take any other action relative thereto.

***Sponsor – Finance Director***

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

James Potter questioned where the funds have gone since July 1<sup>st</sup>.

Glenn Cannon said my understanding is it is an accounting thing for the end of the fiscal year. In years past they have had excess funds, and this is a way for those funds to come back to us.

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

**ARTICLE 3:** To see if the Town will vote to appropriate, borrow or transfer from available funds the sum of \$188,500 for the purpose of supplementing and/or **reducing the FY2020 Regular Annual Expenses** of the departmental expenses as voted under Article 3 (Annual Budget) of the 2019 Annual Town Meeting, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**Voted:** Peter Meier moved and seconded by James Potter to support.

Judy Froman said there has been some discussion about identifying areas where we might be able to note some dollars that would help support the amount of money in the Town Administrators position. We are looking at general categories where we might be able to have transfers, and being cognizant of that as we move into the new year. Ms. Froman wanted to clarify the Economic Development, salaries and expenses. \$10,000 of that goes on top of the salary that is already budgeted and \$10,000 for the expenses is for office set-up and travel type expenses.

Glenn Cannon said we have currently budgeted \$41,500 for an Economic Development Officer.

Peter Meier said the job is funded for 6 months as opposed to a full year.

George Slade said on the expense side salaries are pro-rated throughout the rest of the year. Some of the expenses may be a little on the high side, because they may be a startup expense. They are one-time expenses.

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

**ARTICLE 4:** To see if the Town will vote to appropriate a sum of money for the purpose of the payment of **unpaid bills** from a previous fiscal year that are legally unenforceable due to the insufficiency of appropriation or take any other in relation thereto.

***Sponsor – Board of Selectmen***

**Voted:** Peter Meier moved and seconded by James Potter to support. Vote: 4-0-0.

**ARTICLE 5:** To see if the Town will vote to appropriate a sum of money for the purpose of funding the Town's **Other Post-Employment Benefits (OPEB) Liability**, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**Voted:** Peter Meier moved and seconded by James Potter to support. Vote: 4-0-0.

**ARTICLE 6:** To see if the Town will vote to appropriate, transfer from available funds, or borrow a sum of money to **repair and resurface Nuovo Road, Sagamore Beach, MA**, pursuant to petitions submitted by abutters under Section 3.1.28 of the Town of Bourne By-laws, said funds to be repaid to the Town through betterment assessments to abutters as provided in Section 3.1.28 of the Town of Bourne By-laws and under Massachusetts General Laws, or take any other action in relation thereto.

***Sponsor: Board of Selectmen***

**Voted:** George Slade moved and seconded by James Potter to support. Vote: 4-0-0.

**ARTICLE 7:** To see if the Town will vote to appropriate a sum of money for the purpose of implementing a **secure wireless electronic voting system** configuration for use by registered voters at an annual or special town meeting including, but not limited to, handheld voting devices, software, hardware, provide training to all persons involved in conducting the town meetings, and provide voter education, or take any other action in relation thereto.

***Sponsor - Town Clerk***

**Voted:** Peter Meier moved and seconded by James Potter to support. Vote: 4-0-0.

**ARTICLE 8:** To see if the Town will vote to appropriate, borrow or transfer from available funds the sum of \$100,000 for the purpose of supplementing the **FY 2020 Sewer Department Expense Budget** as voted under Article 4 of the 2019 Annual Town Meeting, or take any other action in relation thereto.

***Sponsor – Board of Sewer Commissioners***

**Voted:** James Potter moved and seconded by Peter Meier to support.

James Potter requested Mr. Gannon to let them know, for the meeting, what the balance will be in the fund after we do the transfer.

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

**ARTICLE 9:** To see if the Town will vote to amend **Article 1, Section 1.5.5 Annual Report** of the Town of Bourne Bylaws by striking the words "March 15<sup>th</sup>" and substituting in place thereof, the words "January 10<sup>th</sup>", or take any other action in relation thereto.

***Sponsor: Bylaw Committee***

**Voted:** James Potter moved and seconded by Peter Meier to support. Vote: 4-0-0.

**ARTICLE 10:** To see if the Town will vote to amend the Bourne Zoning Bylaw by adding a new section titled 2250 "**Medical Marijuana and Marijuana Establishments**" after Section 2240 titled "Accessory Scientific Uses" and containing Sections 2251, 2252, 2253, 2254, 2255, 2256, 2257, and 2258, all as printed in the Warrant and further to amend Section 2220 "Use Regulation Schedule" by adding a new Section as printed in the Warrant and further by adding Footnote 14 as printed in the Warrant and further by inserting a new Section in Section 2821 Downtown District titled "Marijuana Uses" as printed in the Warrant and further by amending Section 5 titled "Definitions" by adding the definition of "Marijuana or Marihuana" and amending the definition of "Fraternal or Social Organization Lodge" as printed in the Warrant and all of which is on file at the Office of the Town Clerk, or to act on anything in relation thereto.

***Sponsor: The Haven Center, Inc.***

Glenn Cannon recommended to defer action on Article 10 as late as the Town Meeting. We need to confer with Town Counsel on this. We are engaged in a lawsuit with the Haven Center. Before the Board of Selectmen take a vote, we'd prefer to have advice from Town Counsel.

**Voted:** Peter Meier moved and seconded by George Slade to defer to as late as the night of Town Meeting. Vote: 4-0-0.

Glenn Cannon said regarding Articles 11 & 12 staff did not have time to put together the draft motions. This is a vote to recommend the article move forward, not voting on the motion. Judy Froman said The Planning Board has not had a public hearing on this yet. Glenn Cannon said there is the potential that if we do not have this we could be assessed fines by the state for not having this as part of the MS4 regulations.

**ARTICLE 11:** To see if the Town will vote to amend the provisions of the Town of **Bourne Zoning By-Law** by adding the following new section 3490 entitled "**Stormwater Regulations**" Or take any other action in relation thereto:

***Sponsor – Planning Board***

**Voted:** Peter Meier moved and seconded by James Potter to support Article 11.

Judy Froman said she would prefer to have the motion there. Glenn Cannon said we could defer action and give staff the opportunity to put the draft motion to the Board if you're not comfortable voting on it tonight. Judy Froman said she would also like to hear the Planning Board discussion.

Peter Meier said he could withdraw his motion and make a motion to defer up to as late as the night of Town Meeting.

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

**ARTICLE 12:** To see if the Town will vote to adopt the following **updated Local Comprehensive Plan** as prepared by the Local Comprehensive Planning Committee, as a guide for development proposals and management decisions for town officials, boards, and committees. Or take any other action in relation thereto:

***Sponsor – Local Comprehensive Planning Committee***

**Voted:** Peter Meier moved and seconded by James Potter to support.

George Slade questioned if this is all the information. Peter Meier said they will have the full information at Town Meeting.

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

**ARTICLE 13:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding **Capital Improvements and Capital Projects**, or take any other action in relation thereto.

***Sponsor – Capital Outlay Committee***

**Voted:** Peter Meier moved and seconded by James Potter to support Article 13; total amount \$891,000.00.

Peter Meier said the funding sources are Free Cash, Waterways Fund, and some Bonding. Multiple sources are funding this.

James Potter said did we talk more about the facilities management software; we were talking about hiring someone. There was a discussion of a person and one about tracking software. Glenn Cannon said the software is being developed. There are different modules to the Dude Solution Software that we purchased last year. There is a team on development now. At the end of the project it will be the facilities Manager in charge of it. James Potter questioned if there is a license fee we have to pay each year. Glenn Cannon said there is maintenance to it, but don't know the amount. Judy Froman said there was a question if it would be a person or software. At this point investing in the software that is already started made sense.

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

**ARTICLE 14:** To see if the Town will vote pursuant to Section 2.3.1 of the Town of Bourne Bylaws to **repeal Section 3.1.45 - Prohibition on Marijuana Establishments** of the Town of Bourne Bylaws. Or to do or take any other action regarding the same.

***Sponsor – The Haven Center, Inc.***



**Voted:** James Potter moved and seconded by George Slade to defer to as late as the night of Town Meeting.

Glenn Cannon said the By Law Committee has not met on this article, they have not taken a position yet.

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

**ARTICLE 15:** To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase or gift, a **parcel of land in the Town of Bourne shown as Lot 1 on the plan recorded in the Barnstable County Registry of Deeds in Plan Book 675, Page 72 entitled "Plan on Land of Assessor's Map 52, Parcel 41, MacArthur Boulevard, Bourne, MA prepared for Flyover Nominee Trust,** Prepared by Green Seal Environmental, Inc. Scale 1"=80', dated May 30, 2018", a copy of which is on file at the Office of the Town Clerk, consisting of approximately 11 acres in total, owned by Mac Hunter, LLC, and designated by Bourne Assessors Map 52, Parcel 41, for conservation and wildlife habitat protection under the provisions of M.G.L. Ch. 40, and Article 97 of the Articles of Amendment of the Massachusetts Constitution, and for mitigation purposes for the Town of Bourne, Department of Integrated Solid Waste Management Facility, with the care, custody, control and management of such parcel to be vested with the Bourne Conservation Commission, pursuant to M.G.L. Chapter 40, Section 8C, and to appropriate or transfer available funds from the Integrated Solid Waste Management Enterprise Fund retained earnings, or borrow a sum of money, for the purposes of this article, and, if necessary, to authorize the Bourne Board of Selectmen and Bourne Conservation Commission to grant a qualified organization a perpetual conservation restriction pursuant to the provisions of M.G.L. Chapter 184, Sections 31-33, protecting the property for the purposes for which it is acquired, or act on anything in relation thereto.

***Sponsor – Board of Selectmen***

**Voted:** Peter Meier moved and seconded by James Potter to support. Vote: 4-0-0.

**ARTICLE 16:** To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase or gift a parcel of **land in the Town of Bourne shown as Lot 2 on the plan recorded in the Barnstable County Registry of Deeds in Plan Book 675, Page 72 entitled "Plan of Land of Assessor's Map 52, Parcel 41, MacArthur Boulevard, Bourne, MA prepared for Flyover Nominee Trust,** Prepared by Green Seal Environmental, Inc., Scale 1"=80', dated May 30, 2018," a copy of which is on file at Office of The Town Clerk, consisting of approximately 6.5 acres, owned by Flyover Nominee Trust, Kathryn L. Harding Trustee, and designated by Bourne Assessors Map 52, Parcel 96, for conservation and wildlife habitat protection under the provisions of M.G.L. Ch. 40, and Article 97 of the Articles of Amendment of the Massachusetts Constitution, and for mitigation purposes for the Town of Bourne, Department of Integrated Solid Waste Management Facility, with the care, custody, control and management of such parcel to be vested with the Bourne Conservation Commission, pursuant to M.G.L. Chapter 40, Section 8C, and to appropriate or transfer from funds from the Integrated Solid Waste Management Enterprise Fund retained earnings, or borrow a sum of money, for the purposes of this article, and, if necessary, to authorize the Bourne Board of Selectmen and Bourne Conservation Commission to grant to a qualified organization a perpetual conservation

restriction pursuant to the provisions of M.G.L. Ch. 184, Sections 31-33, protecting the property for the purposes for which it is acquired, or act on anything in relation thereto.

***Sponsor – Board of Selectmen***

**Voted:** Peter Meier moved and seconded by James Potter to support Article 16.

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

**ARTICLE 17:** To see if the Town will vote to authorize the Board of Selectmen acting through the Town Administrator and after advice and consultation with Special Town Counsel appointed for such advice and consultation, to acquire by purchase or gift, a parcel **of the land together with the buildings thereon or any portion thereof generally located at 0 County Road and 100 Doctor Julius Kelly Lane** in the Town of Bourne and shown as Assessor's Parcels 23 and 54 on Assessor's Map 44, for the purpose of the maintenance of community gardens, the placement and construction of a fire station, and for such other lawful and permissible uses or purposes deemed to be in the best interest of the Town by the Board of Selectmen and to take all action in connection with such purchase, and to enter into a contract for the acquisition thereof by the Town upon such terms and conditions deemed to be in the best interest of the Town by the Board of Selectmen, to raise or transfer and appropriate the funds necessary for the purchase of said property and conditioned upon obtaining any other or further approvals as may be required by law to effectuate the intended purpose or purposes of such purchase.

***Sponsor – Board of Selectmen***

**Voted:** Peter Meier moved and seconded by George Slade to support Article 17.

James Potter said it is our sponsor and we didn't discuss what number we were going to put in the motion yet. Glenn Cannon said staff inserted a number today, but there has not been a determination by the Board what number we should have. We are still waiting for DECAM to release this property so the county is able to offer it to us. We haven't entered into formal negotiations with the county yet. If that happens in the next couple of weeks, we may be able to solidify a number.

**Vote:** 4-0-0

Peter Meier said Article 15 & 16 is for mitigation for the purposes of ISWM to go onto the next cell. Glenn Cannon gave a brief summary. They are looking to expand into a cell that is approximately 12 acres. From the State Regulations they are required to offset it by 1.5 times, which comes out to 18 acres. Adding up the two articles it comes to 17.5 acres. There is a corner of the 12 acres they are going to preserve for habitat.

Peter Meier thanked the staff and Glenn Cannon for putting this together.

**2) Adjourn**

**Voted:** Peter Meier moved and seconded by George Slade to adjourn Open session and convene in Executive session for contract negotiations for non-union personnel, Town Administrator.

Judy Froman said the Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to discussion concerning negotiations.

**Roll Call Vote:**

George Slade – Yes; Peter Meier – Yes; James Potter – Yes; Judy Froman - Yes

The Board of Selectmen will reconvene in open session at the conclusion of the Executive Session for the purposes of adjourning.

Respectfully submitted – Carole Ellis, secretary.