

**Board of Selectmen
Minutes of Tuesday, March 6, 2018
Bourne High School Library Media Center
Bourne, MA 02532**

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TA Tom Guerino

Selectmen

George Slade, Chairman

Peter Meier, Vice-Chairman

Judith Froman, Clerk

Don Pickard

Michael Blanton - Resigned effective immediately

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2020 JAN -9 AM 11: 50
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, Ethan Genter - Cape Cod Times.

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

Documents

7:00 p.m. Call public session to order in open session

Meeting Called to Order

Chm. Slade called the meeting to order at 7:00 pm.

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

George Slade read Michael Blanton's resignation letter.

Public Comment - Non-Agenda Items

None requested.

3) Approval of Minutes:

No minutes to vote on this evening.

4) Correspondence

Judy Froman brought the Board up to date on the correspondence.

- A. Letter from Glen Comoletti requesting the Board of Selectmen accept request for naming the basketball court behind the Community Center in memory of their son Jason Comoletti
- B. Letter from Ocean State Job Lot regarding legislation banning single use plastic bags

- C. Finance Committee voted Amanda Bongiovanni to the ISWM Business Model Working Group as Finance Committee Representative
- D. Massachusetts Municipal Association Legislative Breakfast Meeting will be held on March 2, March 9, and March 16
- E. Letter from Cape Cod Commission regarding District Local Technical Assistance [DLTA] funds
- F. Eversource is providing notice of planned and scheduled vegetation maintenance work on the transmission right-of-way
- G. Letter from MassDot informing the Board that Chapter 90 funding for Fiscal year 2019 will total \$200 million state wide
- H. 1. Carl Georgeson submitted letter of interest to serve on the Historical Commission and the Education/Scholarship Committee
1. Kathleen Georgeson submitted letter of interest to serve on the Cultural Council.

Peter Meier said Glen Comoletti has the right to come before the Selectmen to state his request. Mr. Meier requested to put Mr. Comoletti on the agenda for the first meeting in April.

Judy Froman questioned, regarding letter E, if any funds have been requested.
Tom Guerino said as far as he knows we have not submitted for this round.

5) The Honorable Randy Hunt - Cable Television, broadband options that may be available to the Town of Bourne

State Rep. Randy Hunt spoke about whether it made sense for the town to take action to opt out of the contract with Comcast early and rebid the contract again before the 10-year runs out. Rep Hunt said he has been an advocate for trying to lower cable bills, expanding high speed internet.

Peter Meier noted that right now Comcast is the only provider in town so they can control the pricing.

Rep. Hunt explained why Verizon Fios said it wouldn't be cost effective for them to provide Bourne or any town on the Cape with fiber optic Fios system. Doubtful if you put out an RFP for a cable provider that you would have anyone reply to that. The only way a cable company would be able to come to Bourne they would have to buy the infrastructure from Comcast. There is not competition for broadband residential internet service in Barnstable County. Rep. Hunt went on to say the only fiber optic network that is on Cape Cod is operated by a non-profit corporation called Open Cape. He discussed different possibilities tying into Open Cape. They haven't been able to bring that service to residents because they don't own the network. Rep. Hunt spoke about creating funding for individuals to borrow from the towns (possibly using the Title V loan model). Would like to see if we can get people interested in this. The average cost for a homeowner would be about \$100 a month. We are still focused on getting competition for broadband residential service on Cape Cod. If we get people to sign onto this it will push Comcast to rethink their pricing.

Peter Meier said one option that has been explored is getting our own electric and cable corporation and is curious about creating an enterprise fund and what the capital investment would be. Rep Hunt explained how the law works today; the owner of the infrastructure can name the price, and about the bill.

Jim Mulvey questioned duplicating their cabling, drop wire, the poles, the additional weight and space on the poles. Rep Hunt spoke about broadband and fiber optic network and the space on the polls not being a problem.

Elmer Clegg questioned if the Open Cape arrangement were to go through get the last mile to residential; if you go into the business of distributing television you would have to negotiate contracts with all the networks.

Rep. Hunt spoke about the classes he is hosting throughout the Cape on how to optimize options and lower bills. A handout is available at [randyhuntstaterep.com](http://www.randyhuntstaterep.com/.../press-release-and-media.../) (<http://www.randyhuntstaterep.com/.../press-release-and-media.../>)

Voted Peter Meier moved and seconded by Don Pickard to take 6E out of order as the next item to discuss. Vote 4-0.

6) Selectmen's Business

- a. Board to review articles and sign the Special Town Meeting Warrant for March 26, 2018**
- b. Update on meeting with Stop and Shop and Mass DOT.**
- c. Goals**
- d. FY19 Budget**
- e. Decommissioning 17 monitoring wells**

6e. Shawn Cody, Lt. Col. Deputy Commander of Camp Edwards, spoke about the wells they are looking to decommission in Monument Beach. Since 2008 we haven't detected any contamination above the state levels, so we want to decommission those. Lt. Col. Cody explained how they will cut and cap the wells. Nine wells will be back in action.

Voted Don Pickard moved and seconded by Peter Meier to decommission the 17 monitoring well as requested by Col. Cody on behalf of Joint Base Cape Cod.
Vote 4-0.

6a. Board to review articles and sign the Special Town Meeting Warrant for March 26, 2018

Tom Guerino said Town Counsel removed one article (the prior year bills) that can wait until the Annual Town Meeting on May 7th. The Articles that are before you this evening are the Zoning Bylaw, the Public Safety and Good Order General Bylaw, the Insurance Proceeds Utilization Article, the Terms and Conditions of the Selectmen on Leased Land in Buzzards Bay - It deals with the potential lease arrangement renewal with the Mass Maritime Academy. Those four articles were approved last week to go forward. Mr.

Guerino noted the article relative to the insurance proceeds; we received the check from the insurance company yesterday relative to the community building. We need to get a contract signed. Since the Board voted last week to move the Town Meeting warrant forward the Board can simply sign the warrant.

Voted Judy Froman moved and seconded by Peter Meier to move the warrant forward for the March 26th Special Town Meeting.

Don Pickard questioned why the Selectmen are sponsoring article 1 and 2 it should be sponsored by the Town Administrator. Tom Guerino said the Board isn't voting to support the Board is voting to sponsor. The Board at some point will take a position to support or not support the Articles.

Vote: 3-0-1.

Judy Froman requested the Board have an explicit time table moving forward that is posted on the town website. It should include date for the articles, date for public forum, what's involved with the public forum, types of questions, wording of invitations, televised, dates of Town Meeting, posting on the website on the calendar for the Special Town Meeting, in the newspaper, Planning Board Meeting to go over the Bylaws and the Zoning. This needs to be a table of information that is publishable. Would like to see it by next week. If it is one document it can be shared with the public.

Tom Guerino said we are trying to put together a balanced forum pro, con, and what the law is, have it televised. The dates are set and we can put those on the calendar on the website as well as on the news feed on the website.

Peter Meier spoke about supporting going to Town Meeting and supporting the warrant and signing the warrant; is concerned about the resources that will be spent for this Special Town Meeting for four articles when Town Meeting is just 42 days later.

Tom Guerino said the comments from Counsel and Atty. Lampke is that it may not withstand scrutiny. The AGs office spokes person at the meeting in late September was clear that moratoriums may not hold up and municipalities who want to give the voters the opportunity should do so before April 1st. Also leaving the two articles relative to the Marijuana prohibition aside. If we were to not move forward and wait 42 days I could only get \$200,000 max at \$290,000 from the Finance Committee in a reserve fund transfer, where I need \$534,000 to move the community building forward.

Peter Meier said he wishes we had more information when we voted to have a Special Town Meeting.

Don Pickard agreed with Mr. Meier, 42 days is not a long time. According to the Town Planner if Article 1 fails we still have the moratorium.

George Slade said we might be leaving the town open to liability

Elmer Clegg spoke about the email in response to the formal request from Atty. Troy to look at the moratorium paragraph in the Town Bylaws section 4830 and answer the question as to whether that paragraph needs to be modified as we put the new proposal section 2220 in front of Town Meeting. That paragraph does not have to be touched it includes a self killing clause that states the moratorium shall be in effect through November 30th, 2018 or until such time the town adopts Zoning Bylaw amendments that regulate recreational marijuana establishments.

Mary Jane Mastrangelo said it is important the Board of Selectmen include in their schedule how their recommendation and when the recommendation is going to be made.

Ms. Mastrangelo also spoke about the Finance Committee process for voting on zoning articles and the ban on marijuana, having more information to make a decision, and state tax revenue from the sale of marijuana. The voters need the information to make an informed decision.

Mary Jane Mastrangelo read the Zoning Bylaw/Ordinance Compliance: Documentation that the proposed site is compliant with bylaws/ordinances in effect at the time of the application, including a certification from the municipality that it is in compliance, including with the buffer zone requirement. There are controls. Right now there are 70 pages of regulations on the cannabis commission. I think we are taking a step, in the Special Town Meeting that is not allowing us to take the care that we need to in making this decision.

Elmer Clegg agrees we are moving ahead to fast. Given the Board of Selectmen has sponsored this article, the Planning Board will meet on the 22 of March, at that public hearing the Planning Board should vote on the final wording of the article as written by the Town Planning, then have a public hearing where the public is allowed to voice their opinion on the subject of restrictions against non-medical marijuana establishments. Following that public hearing the Planning Board should take a vote to support the decision or not to support the decision. I don't see anyone in the town who is equipped to address the public on the financial ramifications of this legalization.

Tom Guerino said in his discussion with colleagues there has not been a lot of information readily available. We are going to try to find out what the fiscal positives are for this. The only information of fiscal benefit has been from the industry or industry supporters.

George Slade said one of the speakers willing to speak has data from Colorado. A Lot of it is market driven.

Peter Meier said you have financial benefit vs. social benefit and the negatives that go along with it. We owe it to the town meeting body and the taxpayers that we explain that to them. If it doesn't come here we may be pushing that revenue to another town. We need to have the whole spectrum of information for discussions.

Judy Froman questioned if we can have a list of who you are planning on having at the forum, so we will have what their credentials are on this subject. Tom Guerino said yes, we would put them on the flyer.

Mary Jane Mastrangelo said the Finance Committee decided they would discuss whatever other articles there are and would like to see those on the 19th of March so we can have some discussion on the articles at a meeting prior to the Town Meeting.

6b. Update on meeting with Stop and Shop and Mass DOT.

George Slade spoke about the Stop & Shop MassDOT meeting last week. We met to discuss the progress of the property abutting the east side of the Bourne Rotary. MassDOT will host a meeting early in April so the state planners can set the sequence of events. Mr. Travers reached out with information regarding resurrection of the MEPA filing that needs to be updated.

6c. Goals

Don Pickard said his goal that he has been working with the Administrator on, the Time Attendance software, provide us with where your department heads are with that. Tom Guerino said Linda has been working with a company to get that available to all the departments. Not sure how far along we are on that issue.

Don Pickard said another goal is attempting to identify how we can save some overtime by the reduction of routine type calls/runs to nursing homes, assisted living facilities, and Dr. Offices.

6d. FY19 Budget

George Slade said last night we joined the FinCom joint meeting. Managers of the Library, Recreation, Council on Aging answered questions about their budgets. The status of the shared cost was reviewed with the Finance Director.

Peter Meier said he met with the Town Administrator with follow-up questions that are being addressed.

7) Selectmen's Reports

a. Events attended past week

b. Events anticipated to attend current week

Peter Meier spoke about the construction meeting for the School Building Committee. Things are moving forward. Mr. Meier spoke about some of the challenges they have come across. The website should be available soon so people at home can see the process.

George Slade said there is a broad invitation for Thursday morning from 9-12:00 to attend the meeting with Joint Base Cape Cod. We have a meeting about once a month and we go over commonalities to the upper Cape towns, our relationship with the Base, how things can be improved. If there are other department heads that would like to attend the meeting you can respond.

8) Town Administrator Report**a. ATA Recruitment****b. Update of Pedestrian and Bicycle Path Committee**

Mr. Guerino wanted to mention a couple things that happened. He spoke about the Storm. Any resident is welcome to bring the debris from the storm to the landfill as long as you can show residency in Bourne, you do not need a dump sticker. Mr. Guerino spoke about some of the damage that happened around Town. The governor has declared a state of emergency. We haven't had a federal declaration on a state of emergency so we don't know what the federal reimbursement may or may not be available to us. We have been keeping documentation of all overtime and all expenses to be prepared if it does come through. A lot of people did a lot of hard work.

Got check form the insurance company. We have a contractor who gave us an estimate. We have had two estimates on the gym floor. Asked the Facilities Manager to have the company provide me a contract so we can get moving on that. There should be another check coming in.

Will make a recommendation on the Assistant Town Administrator on Thursday. We had the final interview last week. The Dept. leaders met informally with them. Expect to hire someone later this week.

Regarding the pedestrian bike path committee I now have sufficient numbers of folks so I can make the appointments of the at large members, I expect the inaugural meeting to happen next Wednesday or Thursday.

George Slade questioned the progress of the dog park. Tom Guerino said there has been a lot of work done on the dog park. We have looked at other parcels of land and we continue to look at other parcels of land to make this work. Trying to look on the south side of the bridge. There are some places on the north side of the bridge. We are continually trying to figure out a way to make this happen.

9) Future Agenda

- a. Massachusetts Maritime Academy to give formal update to the Board of Selectmen meeting and to answer questions**
- b. Stop and Shop Rotary and Clay Pond Road update**
- c. Board of Selectmen discussion on term limits**
- d. Cable TV Contract - opt out and renewal preliminary discussion**
- e. Appoint Election Workers**
- f. Seasonal Liquor-Food-Amusement License Renewals 3-20-18**
- g. Private Road Acceptance Committee**
- h. Rules of Procedures**

George Slade said Linda Zuern, from the Assembly of Delegates, is ready to give us her annual in April.

Judy Froman would like to have an update and a project plan for the Priority Based Budgeting. Judy Froman offered to take the lead on the Board of Selectmen Rules of Procedure and walk the Selectmen through tackling each section and having it on the agenda for small topics until we have accomplished getting through the Rules and Procedures.

10) Adjourn

Voted Peter Meier moved and seconded by Don Pickard to adjourn. Meeting adjourned at 8:50 pm. Vote 4-0.

Respectfully submitted – Carole Ellis, secretary.