

**Board of Selectmen  
Minutes of Tuesday, November 1, 2016  
Bourne Community Building  
Bourne, MA 02532**

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**TA Tom Guerino**

**Selectmen**

Don Pickard, Chairman

Peter Meier, Vice-Chairman

George Slade, Clerk

Stephen Mealy

Michael Blanton

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

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

**Documents**

**6:15 p.m. Call to order in open session**

1. **Executive Session:** To conduct strategy session with respect to litigation - Christopulos Investment and Realty v Town of Bourne, Don Perry and Pinnacle Site Contractors, LLC v Town of Bourne, Nouria Energy v Town of Bourne, Lighthouse Lane Realty Trust v Town of Bourne, Animal Rescue League of Boston v Board of Assessors.

The Chairman declares that such open discussion will have a detrimental effect to the litigating and negotiating position of the public body.

**Roll call Vote** to convene in Executive Session for the purpose stated. The Board will reconvene in open session following the Executive Session at approximately 7:00 PM.

**Voted** Peter Meier moved and seconded by Michael Blanton to go into Executive Session.

Roll call vote: Mr. Blanton - Yes; Mr. Meier - Yes; Mr. Slade - Yes; Mr. Mealy - Yes; Mr. Pickard - Yes; Vote 5-0.

**Voted** Peter Meier moved and seconded by Michael Blanton to adjourn Executive session and reconvene in open session.

Roll call vote: Mr. Blanton - Yes; Mr. Mealy - Yes; Mr. Meier - Yes; Mr. Slade - Yes; Mr. Pickard - Yes. Vote 5-0

**Meeting Called to Order**

Chm. Pickard called the meeting to order at 7:02 pm.

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

Don Pickard stated the Board was in executive session to conduct strategy session with respect to litigation - Christopulos Investment and Realty v Town of Bourne, Don Perry and Pinnacle Site Contractors, LLC v Town of Bourne, Nouria Energy v Town of Bourne, Lighthouse Lane Realty Trust v Town of Bourne, Animal Rescue League of Boston v Board of Assessors.

On two matters the Board took votes in executive session. There was a vote taken on Christopulos Investment and Realty v Town of Bourne where there was an offer presented and the Board voted 5-0 in favor of declining the offer. The next one was Lighthouse Lane Realty Trust v Town of Bourne. The Board voted unanimously to authorize Town Counsel to file an appearance on behalf of the Town of Bourne and to report the status of that matter to the Town Administrator.

**Public Comment – Non-Agenda Items**

None requested.

**5) Minutes from Meeting(s) dates: 10.05.16 Executive; 10.17.16 Regular**

**Voted** George Slade moved and seconded by Michael Blanton to approve the minutes from October 5, 2016 joint executive session and the joint Zoning Board of Appeals as presented and to encumber. Mr. Mealy and Mr. Meier abstained. Vote 3-2-0

**Voted** Peter Meier moved and seconded by Michael Blanton to approve the minutes from October 17, 2016 as presented. Mr. Mealy abstained. Vote 4-1-0.

**6) Correspondence**

George Slade brought the committee up to date on the correspondence.

- A. Letter from Thyssenkrupp Elevator Corporation re: Application for Permits filed with the Commonwealth of Massachusetts
- B. Barnstable County HOME Consortium is looking for Bourne Representative to serve and request that Bourne submit a nominee to fill this position for the 3-year term ending January 1, 2020
- C. Request permission from the Selectmen to put memorial benches in memory of Joanne LaFratta and John McGinn
- D. Conservation Commission abutter notification for work being done at the following properties:
  - 63 Bellavista Drive, Pocasset
  - 67 Tahanto Road, Pocasset

- E. Board of Appeals abutter notification for work being done at the following properties:
  - 21 Dollins Road, Pocasset
  - 282 Main Street, Buzzards Bay
- F. Housing Assistance Corporation [HAC] is planning their 13<sup>th</sup> Annual Shelter Cape Cod Telethon on Thursday, December 8<sup>th</sup> at the Cape Cod Community Media Center
- G. Bourne Historic Commission express their sincere thanks in preserving the 1924 signage of the Buzzards Bay National Bank
- H. Cape Side Convenience Store is seeking a Keno License from the Massachusetts State Lottery Commission
- I. Ann Geary Roche submitted letter of resignation from the Bourne Housing Authority
- J. Letter from The Open Doorway of Cape Cod thanking the Selectmen for supporting the 2<sup>nd</sup> Annual Cape Cod Run for Recovery
- K. Appeals Board meeting notice of November 2, 2016

Don Pickard questioned is any member of the Board interested in serving as the representative from Bourne for the Barnstable County HOME Consortium? Mr. Blanton said he is interested in representing Bourne depending on his schedule. Mr. Blanton will reach out to Michelle Springer. Don Pickard said if you can't please reach out to the Town Administrator so he can put in on the website.

Peter Meier said he wanted to thank Ann Geary Roche for her time serving on the Bourne Housing Authority. Peter Meier explained when they meet and what they do. Michael Blanton said it was a great opportunity to work with a great population in town. Tom Guerino had a brief meeting with the Executive Director of the Housing Authority.

Tom Guerino said on item C relative to Mr. McGinn, the people who were advocating for this couldn't make it tonight. They will be at the December 13<sup>th</sup> meeting.

## **7) Request for a benches**

- a. In memory of John McGinn**
- b. In memory of Joanne LaFratta**

Tom Guerino said we have had a couple of requests trying to get a bench down at Gray Gables. Mr. McGinn was quite an advocate for that area. I explained to them generally when a request comes to the Board of Selectmen for a bench or a memorial of some sort, the Board has generally looked favorable upon those that have had a long municipal service or a long commitment to the community, someone that has a tie to doing things for the community. That has been the protocol for the Board allowing that to happen. I need to speak with Mr. Sala as it relates to both of these and the placement; Gray Gables is a fairly small area. The Corps of Engineers didn't have a spot for Mr. McGinn's bench. I will report back to the Board on what we have or not have available for accessibility.

Don Pickard questioned does the Board need to initiate a policy relative to the criteria for getting a memorial bench in town? Have the Administrator put together a plan for recommendation to the Board, and we can push these out to a meeting in January. Tom Guerino said these will be prior to the policy. Michael Blanton questioned what would the criteria be for someone who has contributed to the Town of Bourne in some sort of substantial way. This may need to be addressed on a case by case basis.

#### **8) Selectmen's Business –**

- a. Goals Progress and Update**
- b. Succession Planning**
- c. Administrator's Contract**

Don Pickard spoke about the goals. Everyone is a liaison or sharing a liaison to some of the goals. I shared the organization chart with Mr. Slade. I have shared with the Town Administrator.

Michael Blanton said I have nothing to report at this time.

Peter Meier said I have spoken to the Town Administrator on economical development, about bringing a consultant in to possibly talk about it. He is talking about putting something in the budget for economical development.

George communicated with the Town Administrator regarding the budget. Sent an outline with things I'd like to see. Builds on the experience from the Finance Committee.

Stephen Mealy said the plastic bag ban was accepted by Town Meeting. Was the Waste Water Allocation Policy part of our goals or was that separate. Tom Guerino said you were going to look at reserve capacity protocol for the Sewer Commissioners.

Stephen Mealy said I have talked to people and got information back to look at ways to limit the allocation for waste water

Summary, Possible approach to Wastewater Allocation within Bourne; summary of possible references

In searching for a means to fairly allocate limited wastewater treatment capacities within the Buzzards Bay sewer district, I have found the following documents that I can make available for the Sewer Commissioner's review:

1. State of Vermont Administrative Rule 87-46, Wastewater Allocation Process. Adopted in September, 1987.

This is a short (10 page) process to allocate waste-load allocations among competing discharge sources. It addresses multiple discharges to the same water body, considering the available capacity and attempts to address dividing discharge among various dischargers.

Comment. Although this addresses the use of an available resource, the discharge to a water body, a similar approach might be obtained using the available capacity of Wareham for Bourne's situation.

2. Policy for Allocating Wastewater Treatment Capacity, Charlotte, N. C. September 17, 2007, adopted by the Union County Board of Commissioners.

This is a comprehensive agreement (34 pages) between several wastewater Treatment facilities including a Collection System and developers that would propose to connect to the system. The policy is intended to establish guidelines for allocating limited wastewater treatment capacity in a fair, rational, and lawful manner.

This may be reflective of the proposed Bourne Wastewater Treatment Plant currently proposed at Queen Sewell Park and the existing Inter-Municipal Agreement with the Town of Wareham.

3. Wastewater Ordinance by the Milton Selectmen, Milton VT adopted November 20, 2008.

This is a Town Ordinance regulating the public and private wastewater collection and treatment systems, private sewerage disposal, allocation of wastewater treatment capacity, the installation and connecting to building sewer systems and the discharge of waters and wastes onto the public wastewater collection and treatment systems. It is comprehensive, addressing capacity allocation and includes such items as Alternative Onsite Systems, Cluster systems, Excess discharge. 34 pages.

4. Chester NJ Rules and Regulations Governing the Allocation of Gallonage within Wastewater Treatment Facilities. 6 pages.

This is a short (6 page) addressing capacity allocation agreements, transfer of capacity agreements, and facilities ownership. Included are categories of gallonage such as Health Hazard, Public Building, Residential and non-Residential definitions. It addresses new growth, levels of priority and reserves.

5. Highland Park New Jersey Utility Capacity, 2008. A comprehensive Technical Report (64 pages) prepared by the New Jersey Highlands Water Protection and Planning Council for the Highlands Regional Master Plan. It reviews both Wastewater Utility Capacity as well as Water Utility Capacity. It was developed for determining the location and capacity of the utility infrastructure to support the surrounding communities within the study region. It also covers the limitations of future expansion of wastewater treatment capacity and evaluate the potential limitations of future expansion.

Those reports are all available. I will get them to the Town Hall.

**b. Succession Planning**

Don Pickard said we to have to start our succession planning with some of our department heads that may decide to retire in the next 2-3 years.

Tom Guerino said we have a report that was provided to the Board a few years ago. It gives us a good framework on this. ICMA (International City and County Management Association) has a good library relative to this. I have ordered a CD that each of you should watch at your convenience. Succession planning on Boards may be a little more difficult than it is in some of the larger communities. We don't have a second in command in a lot of these departments; they are departments of one or one with an administrative assistant. There is not a lot of area relative to promoting from within. We have put more money into professional development over the past five years for the union contracts. I think we need to get a baseline as to where we are. Who may be looking at their retirement and start a plan from that. Tom Guerino said the Fire Department and the Police Department have a date they have to give a notice that they plan to retire.

Peter Meier said every year the succession planning has been a priority of mine. You don't want to have to go outside of the organization and hire someone if you have people within the organization who have earned the right to move up. If you want people to stay around longer and invest in this town we need to show the initiative that we want to promote from within.

Michael Blanton said succession for some of these areas and one of the real challenges is that we try to be prudent with fiscal resources and pair down the cost of town government so we have a real skeleton crew. Many are department of one or departments of one and an administrative support person so it is very difficult to plan who will back fill when that person leaves. If it is a department of one, when they leave, we have to bear the cost of bring the next person up to speed, they have to get up and running and there are costs associated with that. At the same time provide a level of service to the towns people they have come to know, enjoy and expect from us.

Peter Meier said one thing I advocate for is when we have down time some of the employees should be trained in other departments.

Tom Guerino said that is correct but when you have slow time you are picking up on a lot of the administrative things you need to do. Many of the departments haven't come back to the staffing levels they had after the layoff in 91. We do with one person in a department when there use to be three. Succession planning is important.

George Slade said it is a time to spread them out so you can treat each turnover in due time rather than having too many build up at once. It may be in our best interest to work on coaxing more time or less time, and having that happen to our advantage. We have to look at these as opportunities.

Tom Guerino said we have a lot of people who are eligible and who will probably retire.

**c. Administrators contract**

Don Pickard said we talked about doing this now instead of doing it during the budget season. Mr. Mealy and I sat down and discussed the mechanics of it.

Stephen Mealy said Mr. Pickard and I had spoke about the Town Administrators Contract.

**Summary, Outline of Preparation for the Town Administrator's Contract Review**

The Board of Selectman's review of the Town Administrator is scheduled to take place by the end of the current Fiscal Year. The current contract was approved by the Board on June 10, 2014 for 3 years.

To prepare for this review, I suggested to Chairman Pickard I prepare a summary of the contracts for the Town Administrator, current and past alongside those of other town employees who also have employment contracts including the Financial Director and the Superintendent of Schools.

Such a comparison might include the following broad categories:

- Duties
- Term
- Salary
- Cost of Living Adjustment
- Merit Payments
- Longevity Payments
- Performance Evaluation
- Hours of Work
- Expense Reimbursement
- Use of Town-Owned Vehicles
- Expense Account spending
- Vacation Time
- Vacation Time Carry Over
- Personal Days
- Sick Leave
- Health, Disability and Life Insurances
- Holidays
- Bereavement
- Resignation Procedures
- Severance Pay
- Termination

The intent of the preparation is to provide an overview of the contacts used for our highest-paid municipal employees compare and are used.

The summary will contain only these comparisons; no inclusion will be made to for any proposed changes now, nor commendation of any existing differences or discrepancies between any reviewed document. It is a means to allow each of the member of the Board to view a snapshot of the contractual agreements reached in the past with these various positions.

I propose to have this summary completed by December 31, 2016.  
Your comments and suggestions are welcome.

Peter Meier said we should settle this sooner rather than later. We are going into the budget season.

Tom Guerino said he wanted to note the last contract negotiation each of those items was voted on specifically. It is basically the contract that was in place in 2014, the same contract that was voted in 2005. I look forward to sitting down with the Board and discussing it.

Don Pickard said once Mr. Mealy has the summary prepared I'd like to have an executive session with the Board Members to discuss the Boards ideas relevant to the contract for the Administrator. We may think of having two members of the Board sit with the Administrator in his office and go over that, then bring back their best estimate of what is best for the town to the full Board in executive session. Mr. Pickard questioned Mr. Meier what is your participation level on this, I know you have recused yourself in the past. Peter Meier said I am talking to the Massachusetts State Ethics Commission on my options to see what option I have. I am going to talk formally tomorrow to find out what my options are and then I will report back to the Board by Thanksgiving. Don Pickard said if you can do it before December 31<sup>st</sup> we can have the Board meet in an executive session.

Michael Blanton said if you are entertaining suggestions or volunteering to serve on that small counsel to evaluate or discuss the Town Administrator's contract, I would be very interested in serving on that counsel.

## **9) Town Administrator's Report**

Tom Guerino wanted to update the Board, the Board has authorized Bourne to work with our neighboring communities as it relates to the Community Compact on a regional system working with the Base on economic development. I think it will benefit more for the town playing good neighbor. To be able to get into the regional piece the communities have to be part of the community compact. My office has recently applied for two of the areas allowed. One is technology and one is environment, there are a number of different subject matters. We have applied for an economic development piece. That will be looking at a SWOT (strengths, weaknesses, opportunities, threats). We know what a lot of them are but there may be some from an outside facilitator that may help us with this. If we engage the entire community we may find some others. That is one of the areas we have applied for. The other is document management. Tracking



where various papers are from one point to another, where they are along the line, where they drop off, who's responsibility is what. Part of the compact provides IT document management. As well as with the new public records law taking effect in January. We had our initial conversation with the folks in IT at the commonwealth level. Those are two areas the Selectmen have had lots of interest in and wanted to have some results with. There are a couple of areas within these programs that we can get both technical and outside assistance. Those are things we are looking at. The applications are in.

## **10) Selectmen's Reports**

Michael Blanton said he participated in the Trunk or Treat. We had a Selectmen oriented vehicle that was manned by Mr. Meier, Mr. Slade and myself. That was a great event that was held here last Wednesday. Tom Guerino said there were a lot of departments that were represented, Fire, Police, ISWM, DPW. Recreation puts this whole thing together. There were also a lot of families that participated in that event. Mr. Blanton said I want to applaud our Town Clerk to make sure early voting is in place. You can also vote this week Monday through Friday. Tom Guerino said early voting looks like it will top 20 percent. People have generally found it to be pleasurable. Michael Blanton said people have said they enjoy the access, the hours, the lack of lines, the ability to get it out of the way ahead of time. Other people have expressed they want to participate in the classic election day activities as well.

Peter Meier said next Friday at 11 a.m. will be the dedication for the work done at Town Hall, the refurbished memorial. We will have our US congressman as well as our high school band. It will be a nice event to give recognition for what everyone has done with this. We need to get as many people out there as possible. For safety are we going to block off the horseshoe driveway and have no parking there? Tom Guerino didn't have an answer to that. Peter Meier also spoke about Christmas at the Park, and other places to have this event. Tom Guerino said we will make sure we have a location for the lighting of the lights, Santa, and things we need. Mr. Sala is working on the lights. There will be a lighting ceremony; we are working on where and how it will be set up.

Peter Meier also spoke about the need for a Special Town meeting in February 2017. We need to send a message to the CPC committee letting them know we are entertaining a possible application to do the next phase of Buzzards Bay Park.

Tom Guerino said there are some things that George and I need to look at relative to the procurement issues. The current contract does not leave a lot of contingency money left. If we were to delay how we would procure. There are some thing we could move toward a Special if the Board wanted to push it to February. Let Mr. Sala and I come back to you with a recommendation as to what we need and how we need it.

George Slade said he attended the Community Action Committee held in Hyannis. It puts Bourne in touch with the rest of the Cape. Insuring services are available to low-income families. Helping families become self sufficiency in a variety of ways. They are going to

have a walk through their shelter in Hyannis. Mr. Slade spoke about the Holy Cross event. There is also a Technical Assistance Bureau. It would be good to do that from time to time. Mr. Slade also spoke about the Art of Communication within the Town. It's a relationship with the press, speaking with one voice.

Tom Guerino said there is a group called EGL (Emerging Government Leaders) that have really good twitter ideas, help communities make that communication bridge. We are getting a lot of information on what other towns are doing.

Stephen Mealy spoke about the food pantry. There are a number of places including the Market Basket where you can drop the food off, including the Food Pantry itself. There is a meeting this Friday morning put on by the Cape Cod Technology Counsel and the Director of the Cape Cod Committee that is going to be speaking about the interaction between the Commission and following up with the 208 plan. If there is a member of the Board or a member of Town Hall that would get involved that would be worth it. We are not being well served yet on the 208 plan prep by the Cape Cod Commission. Tom Guerino said they have submitted a lot on our behalf, Terri, at the Board of Health, has reviewed what they submitted. Mr. Mealy questioned if Terri can come in and present. It is held at the Hyannis Golf Club. It would be good to have people from Bourne there to ask questions.

## **11) Adjourn**

**Voted** Peter Meier moved and seconded by George Slade to adjourn. Meeting adjourned at 8:00 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.