

**Board of Selectmen
Minutes of Tuesday, August 14, 2018
Bourne Veterans' Memorial Community Center
Buzzards Bay, MA**

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TA Tom Guerino
ATA Glenn Cannon

Selectmen

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

RECEIVED
2018 AUG 14 10 02
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.

Documents

Meeting Called to Order

Chm. Meier called the meeting to order at 7:25 p.m.

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

Public Comment – Non-Agenda Items

None requested.

3) Continued from August 7, 2018: Road Closure - Grasslands Lane, Cataumet - Fallon Family Wedding

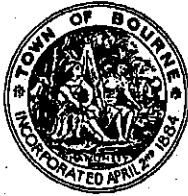
Peter Meier read the letter from Mr. & Mrs. Fallon.

I spoke with Lt. Esip regarding the road request. Lt. Esip has been in touch with Mr. Fallon and he understands that the PD concurs as long as the road access is open for a least one lane of travel and at least 10 feet wide. He also understands that the road will be open to everyone and not just the residents. Mr. Fallon is in the process of obtaining the concurrence of the abutters and will have it available on Tuesday night at the meeting. If for any reason he is unable to reach all the neighbors, he will let us now. Mr. Fallon said that not all the abutters are at their Grasslands Lane residence full time.

Jared MacDonald said it is imperative that the one lane be open for emergency vehicles. James Potter questioned the food trucks. Mr. Fallon said only the caterer and bartender have trucks. Mr. Potter requested that all liquor be only on their property and not on the town road.

Voted Jared Macdonald moved and seconded by Judy Froman to approve the request. Vote 5-0.

4) Letter of support for Phase 6 - Dan Barrett



THOMAS M. GUERINO
email: tguerino@townofbourne.com

TOWN OF BOURNE
Town Administrator
24 Perry Avenue
Buzzards Bay, MA 02532
Phone 508-759-0600 x1503 – Fax 508-759-0620



August 14, 2018

Mr. Harold Mitchell, Chairman
Cape Cod Commission
P.O. Box 226
Barnstable, MA 02630

Re: Town of Bourne, Phase 6 landfill expansion

Dear Chairman Mitchell:

The Bourne Board of Selectmen (Board) would like to express our strong support for the approval of the Phase 6 landfill expansion at the Department of Integrated Solid Waste Management (ISWM) located on MacArthur Boulevard. This expansion is an integral part of ensuring the continued operations of ISWM which currently serves as a vital part of the Cape Cod infrastructure not only for landfilling, but also for transfer operations for construction and demolition debris and single stream recyclables.

The capacity provided in Phase 6 is particularly important as the Town currently receives MSW from the Town of Falmouth under contract, as well as municipal combustor ash from Covanta SEMASS in Rochester, MA where several towns on the Cape send their MSW.

The creation of ISWM in 1998 and the subsequent development of ISWM facility has been and continues to be an important policy decision for the Town of Bourne as supported by the Board and at numerous Town Meetings. The Town is pleased to be a part of efforts to provide our fellow Cape Cod communities with local options to help manage their waste, recyclables and organics.

We urge the Commissioners to approve this expansion. Please feel free to contact Town Administrator, Tom Guerino at 508-759-0600, extension 1308, if you have any questions for the Board.

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Thank you for your consideration.

Respectfully submitted,

Bourne Board of Selectmen

Peter J. Meier

Judith Froman

James L. Potter

George G. Slade Jr.

Jared P. MacDonald

CC: Town Administrator
ISWM Department
Bourne Board of Health

Dan Barrett, ISWM General Manager, on behalf of the ISWM Business Model Working Group, spoke about the proposed Phase 6 expansion. The last expansion of the currently sight assigned landfill area.

Started with an Expanded Notification of Project Change to the Mass Environmental Policy Act (MEPA) folks. That took the place of an Expanded Environmental Notification Form, which ended up with a Supplemental Singular Environmental Impact Report. The Supplemental Singular Environmental Impact Report was approved by the secretary, which triggered MEPAs review. We got approval with conditions from MEPA, now we are working with the Cape Cod Commission. We were able to narrow it down to a Stormwater Management Plan.

DEP has approved the Authorization To Construct. We can't do anything until we make it through the Cape Cod Commission process. We will have bid openings tomorrow, contingent upon approval from the Cape Cod Commission. With the help of the Cape Cod Commission we hope to have a public hearing in Bourne, by the end of August. We will have a sub committee there, which will be chaired by Bourne's representative, Mr. Conron. The Cape Cod Commission staff will give a presentation; the ISWM staff will give a presentation; and then the sub Committee will give a recommendation. It will then go to the full Commission. It takes 17 days to start a full Commission meeting. If everything goes well we could have a decision from the Cape Cod Commission early November.

Peter Meier questioned the sight assignment. Mr. Barrett said there is nothing in phase 6 that requires us to do a sight assignment. We are not changing anything for the operation of the facility at that point. We are focusing on Phase 6. Phase 6 is something that the town of Bourne is counting on.

Tom Guerino said he hopes the Board will see fit to move forward with the letter of support to Chairman Mitchell at the Commission so we can move this process forward for the hearing at the Commission.

Voted Judy Froman moved and seconded by Jared MacDonald to move forward with the letter of support to Chairman Mitchell from the Board of Selectmen of Bourne.

James Potter suggested to ask them to expedite where they can.

Dan Barrett said we urged the Commissioners to approve the expansion. The Cape Cod Commission is working with us on this. They now consider us a regional asset. Mr. Barrett said there aren't many landfills left in the state.

Jim Mulvey questioned looking ahead where will waste go in about 20-30 years if there are not a lot of landfills left. Dan Barrett they are looking at railing or trucking out of state. They are favoring transfer station, rail facilities, construction demolition. I think it is difficult to depend on rail and rail is expensive to operate.

Vote: 5-0

5) Selectmen's Business

- a. Signing Warrant for State Primary**
- b. Selectmen's Workshop on Rules of Procedure and Goals**

Peter Meier said the primary election is Tuesday, the fourth day of September, 2018 from 7:00 A.M. to 8:00 P.M.

Voted Judy Froman moved and seconded by James Potter to authorize signing the primary warrant for Tuesday September 4, 2018. Vote 5-0.

The Committee went into their Workshop on Rules of Procedure at 7:50 p.m. and it is not televised.

Glenn Cannon went over the edits he suggested under section VI Executive Session section.

The Board of Selectmen went over the Rules of Procedure. They discussed section IV Meetings of the Board, section V Meeting Procedures, section VI Board Meetings: Executive Sessions, and Section VII Agenda Procedures.

IV. MEETINGS OF THE BOARD

A meeting called for any time other than the regular meetings shall be known as "special meetings". The same rules as those established for regular meetings shall apply, unless an unforeseen emergency requires a special meeting to be scheduled on a legal holiday. Special meetings shall be called by the Chair, in consultation with the Town Administrator, and with the informal consent of a majority of Board members, or whenever at least three (3) members of the Board make such a request in writing to the Chair or the Town Administrator, either whom shall give notice of such meeting.

The Board shall conduct working sessions as **it deems necessary**. ~~This requirement does not apply to budget preparation and review.~~ Such meetings will be posted in accordance with Open Meeting Law. A synopsis of transactions of informal meetings shall be made a part of the record of meeting minutes.

The Board, at least 21 days before a Town Meeting, shall meet to review and vote the Warrant per the requirements of the Charter.

The Clerk of the Board is responsible for the minutes. The Town Administrator is responsible for the process for arranging for Minutes to be drafted, circulated, reviewed, and voted upon by the Board according to the Public Records Law.

V. MEETING PROCEDURES

Board meetings shall be conducted in accordance with generally accepted rules **noted in Section I, Procedural Matters**. It is the practice that application of said procedure may be on a relatively informal basis.

A quorum shall consist of three members of the Board. As a practical courtesy, **the meeting will identify any action involving the Town regarding critical** or environmental matters, the adoption of policy, or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions ~~by motion and decisions~~ shall be ~~by motion~~, seconded, ~~discussed~~, and voted. Split votes will be identified by name in the meeting minutes. **Equal yes/no votes result in a lost motion.**

Options for voting for a board/committee member(s):

When there is more than one candidate for an opening on a board/committee the Board will vote for each opening with the candidate having the most votes being placed in an open position. This process will be repeated until all openings are filled. If the result of the Board vote yields a 2,2,1 vote, the two candidates that received two votes will be placed in two of the openings.

The Town Administrator or his/her designate, starting with the Assistant Town Administrator, shall attend, unless excused by the Chair of the Board ~~is expected to be in attendance~~ at all meetings of the Board. ~~In the absence of the Town Administrator the TA will instruct the Assistant Town Administrator and in ATA absence the TA will instruct another designee to attend the meeting.~~ The Town Administrator shall attend in order to keep the Board informed and advised, and to recommend in all matters that fall within the jurisdiction of his/her office. He/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction **as indicated in the Charter.**

VI. BOARD MEETINGS: EXECUTIVE SESSIONS

Where practicable, executive sessions shall be scheduled at the beginning of the open meeting of the Board. Should an executive session be required, it may commence prior to the regularly scheduled meeting time of 7:00 P.M. as previously described. Only items clearly allowed under the Open Meeting Law shall be included in executive session. Prior to calling for a motion to adjourn into executive sessions, the Chair shall state the reasons for which an executive session is sought.

The Chair shall also state whether or not the Board will reconvene in open session. A majority of the members present and voting must vote to enter executive session by roll call vote.

Draft minutes of Executive Sessions shall be available to the **clerk of the Board and Town Counsel** in written form within **7 days** of the session **for edit and vote at the next Executive Session.** Unlike the case with open session, there is no right to tape record or videotape executive sessions. ~~These minutes will then be voted on to approve their content at the next Board of Selectmen open meeting.~~ The Board will then vote to **disclose or withheld from disclosure release/unencumber or encumber** the minutes depending on whether or not the reason for them being kept secret still exists.

1. If they are released/**unencumbered** they will be filed by the Board of Selectmen Clerk in the Town Clerk's office
2. If the minutes are **encumbered** they will be delivered by the Board of Selectmen Clerk as hard copies and kept in a confidential file in the Record Access Officer's (RAO's) files (in Bourne, the Town Clerk is the RAO) entitled "Encumbered Board of Selectmen Executive Minutes."

The Clerk of the Board of Selectmen is responsible for this file and to bring all encumbered minutes before the Board of Selectmen for review once in every six months to determine if any

of the encumbered minutes should be released/~~unencumbered~~. This policy will help insure that closed session minutes are kept secret only as long as needed.

VII. AGENDA PROCEDURES

The Town Administrator ~~in conjunction with the Chair of the Board~~, bears primary responsibility for coordinating and planning the agenda ~~on Wednesday~~ for regular meetings of the Board. The Town Administrator, in consultation with the Chair, shall approve the agenda and schedule a realistic time period for each appointment, interview, conference, or other scheduled item of business. In order for items to be considered for the agenda, they must be submitted to the ~~Chair and~~ Town Administrator by 12:00 noon on the ~~Thursday second Wednesday~~ preceding the meeting ~~and no later than the Wednesday prior to the Tuesday meeting~~. Items added to the agenda after this time will be considered out of necessity or due to being routing in nature and exceptions may be made due to emergencies or other cause satisfactory to the Town Administrators and Chair of the Board.

Agenda items may include:

- Call to Order
- Moment of Silence for Our Troops and First Responders, Pledge of Allegiance
- Public Comment
- Acceptance of Meeting Minutes (as required)
- Correspondence
- Scheduled Appointments (as required)
- Hearings (as required)
- ~~Report of the Town Administrator~~
- Committee Reports
- Other Selectmen Business (~~action as required~~)
- ~~Reports of Members of the Board~~
- Adjournment

~~Agenda order as noted above unless altered publicly at the meeting.~~

~~Each agenda item may state the action anticipated of the Board, as appropriate. Any member of the Board of Selectmen may request an item be put on the agenda for a future meeting. Requests are to be presented at a public Board of Selectmen's meeting or be presented in writing with copies to all Board of Selectmen members and the Town Administrator.~~

Members of the Board, staff, the Town Administrator, or others who prepare background materials for the meeting should have such material available for Board members by ~~Friday evening-Wednesday at noon~~. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting, which were not included in the Board's meeting packet, any Board member may request that the relevant item be tabled to allow Board members time for careful study of the material.

The agenda shall be available to the public ~~per the Open Meeting Law in Town Hall and on the Town of Bourne website. and the press at the Selectmen's Office at the time of posting and shall~~

~~be posted on the Town bulletin board inside Town Hall that same day. It shall also be posted on the Town-maintained World Wide Web page by close of business on Friday. Copies of the minutes of previous meetings and all important correspondence, reports and other pertinent background materials shall be held in the Selectmen's Office for collection by or distribution to Board members.~~

6) Adjourn

Voted Judy Froman moved and seconded by Jared MacDonald to adjourn. Meeting adjourned at 9:00 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.