

**Board of Selectmen
Minutes of Tuesday, February 6, 2018
Bourne Community Center
Bourne, MA 02532**

TA Tom Guerino

Selectmen

George Slade, Chairman

Peter Meier, Vice-Chairman arrived at 7:40

Judith Froman, Clerk

Don Pickard

Michael Blanton

RECEIVED
2018 FEB 14 PM 12:59
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

7:00 p.m. Chairman called 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

Public Comment – Non-Agenda Items

None requested.

George Slade announced that we are still holding the Selectmen's meetings at the Bourne High School Media Center due to the recent water damage at the Bourne Veterans Memorial Community Center.

4) Approval of Minutes: Revote 12/19/17; 1/9/18; 1/16/18; 1/23/18

Voted Michael Blanton moved and seconded by Judy Froman to approve the minutes from December 19, 2017. **Vote 4-0.**

Voted Michael Blanton moved and seconded by Judy Froman to approve the minutes from January 9, 2018. **Vote 4-0.**

Voted Michael Blanton moved and seconded by Judy Froman to approve the minutes from January 16, 2018. **Vote 4-0.**

Voted Michael Blanton moved and seconded by Judy Froman to approve the minutes from January 23, 2018. **Vote 4-0.**

5) Correspondence

Judy Froman brought the Board up to date on the correspondence

- A. Letter from James Chapman regarding Traffic Congestion
- B. Letter from Gail Larsen-MacPhee addressing 2 issues with the "reconstruction" of the gym due to the frozen pipes in January 2018
- C. Department of Agriculture Resources submitted notice for public hearing on March 1, 2018 for the Eversource Cape and Islands 2018 - 2022. Vegetation Management Plan
- D. Board of Appeals Variance 2017 - V34 Final Decision for Town of Bourne, O Armory Road Buzzards Bay

Mr. Guerino said the letter from Gail Larsen-MacPhee was about three items, one dealt with putting down a resin floor as oppose to a wooden floor, the second dealt with the striping of the gym floor with pickle ball markings, the third one dealt with air conditioning. According to the Rec Director the wooden floor works better. We are looking to see if we can get the chillers working correctly in the gym. We can look into lining the court for pickle ball.

Voted Michael Blanton moved and seconded by Judy Froman to move agenda number 10 to the next item on the agenda. **Vote 4-0.**

10) Mr. Jordon Geist - Bourne School Department requesting a vote by the Board on a resolution to submit to the Mass School Building Authority (MSBA) a Statement of Interest for an accelerated repair/replacement (for the A wing roof at the High School) as in current capital plan.

Mr. Geist spoke briefly about the process for getting a new roof for the A wing at the High School.

Judy Froman read the Certificate of Vote:

At a meeting of the Board of Selectmen of the Town of Bourne, held on February 6, 2018, a quorum being present and voting throughout, upon a motion duly made and seconded, it was

VOTED: The Board of Selectmen of the Town of Bourne, in accordance with its charter, by-laws and ordinance, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 1, 2018 for the Bourne High School located at 75 Waterhouse Road, Bourne, MA 02532 which

describes and explains the following deficiencies and the priority category(s) for which an applicant may be submitted to the Massachusetts School Building Authority in the future. Submitted Statement of Interest - Priority 5 - the Bourne High School A wing roof was constructed in 1961, the roof structure is failing and leaks in many areas causing among other issues throughout the wing, one science lab to be shut down, and one classroom to be vacated. This situation and the environment it creates presents many challenges in delivering the best education possible for the students of Bourne; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Bourne to filing an application for funding with the Massachusetts School Building Authority. Board of Selectmen: George G. Slade Jr., Chairman; Peter J. Meier, Vice Chairman; Judith MacLeod Froman, Clerk; Donald J. Pickard; Michael A. Blanton.

Voted Michael Blanton moved and seconded by Judy Froman to approve the aforementioned certificate of vote and authorize the superintendent to submit to the MSBA the Statement of Interest Form. **Vote 4-0.**

6) 7:15 P.M. Pole hearing - Old Plymouth Road, Sagamore for two new poles

Voted Michael Blanton moved and seconded by Judy Froman to enter into a hearing.
Roll call vote: Mr. Blanton - Yes; Ms. Froman - Yes; Mr. Pickard - Yes; Mr. Slade - Yes.
Vote 4-0.

George Slade read the public hearing notice.

Petition for joint or identical pole locations. January 2, 2018.
To the Board of Selectmen in Bourne, Massachusetts
Verizon New England Inc. and NSTAR Electric Company DBA Eversource Energy request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Old Plymouth Road Two (2) Poles:

This petition process to place new Pole 29/16.5 on the Westerly side of Old Plymouth Road approximately 29' South of the center line of Meetinghouse Lane and Pole 29/16.5S on the Easterly side of Old Plymouth Road approximately 30' South of the center line of Meetinghouse Lane.

This work is necessary as part of an upgrade of existing pole line.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for permission to erect and maintain poles, wires and cables, together with anchors, buys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked VZ N.E. Inc. No. MA2017-55 Dated 12-19-2017.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree that space shall be reserved and maintain for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

Verizon New England Inc.

Daryl Crossman, Rights of Way Agent - Dated the 2 day of January, 2018

NSTAR Electric Company DBA Eversource Energy

Karen Rae, ROW Representative - Dated this 8 day of January, 2018.

George Slade acknowledged the letters of notification to abutters are included in our packet. Mr. Slade also stated should the decision of this board not to approve this request there is a right of appeal under Mass General Law 40A section 17 as amended.

Tom Stampon, representing Verizon, spoke on why they are looking to place two new poles and anchors.

Voted Michael Blanton moved and seconded by Judy Froman to close the hearing.

Roll call vote: Mr. Blanton - Yes; Ms. Froman - Yes; Mr. Pickard - Yes; Mr. Slade - Yes.

Vote 4-0.

Voted Michael Blanton moved and seconded by Judy Froman to approve the plan as petitioned before us. **Vote 4-0.**

7) 7:20 P.M. Pole hearing - Old Head of the Bay Road, Buzzards Bay to place two joint poles with anchor

Voted Michael Blanton moved and seconded by Judy Froman to enter into a hearing.

Roll call vote: Mr. Blanton - Yes; Ms. Froman - Yes; Mr. Pickard - Yes; Mr. Slade - Yes.

Vote 4-0.

George Slade read the public hearing notice.

Petition for joint or identical pole locations. January 9, 2018.

To the Board of Selectmen in Bourne, Massachusetts

Verizon New England Inc. and NSTAR Electric Company DBA Eversource Energy request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Old Head of the Bay Road:

Place two (2) JO poles with anchor, 3/14 & 3/15, on the southerly side of Old Head of the Bay Road to a point approximately 112' westerly from existing pole 3/16S. The pole placements are necessary in order to accommodate new service to #55 Old Head of the Bay Road.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked VZ N.E. Inc. Plan No. MA2017-59 Dated January 5, 2018.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree that space shall be reserved and maintain for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

Verizon New England Inc.

Daryl Crossman, Manager Rights of Way - Dated the 9 day of January, 2018

NSTAR Electric Company DBA Eversource Energy

Karen Rae, Rights of Way Representative - Dated this 11 day of January, 2018.

George Slade acknowledged the letters of notification to abutters are included in our packet. Mr. Slade also stated should the decision of this board not to approve this request there is a right of appeal under Mass General Law chapter 40A section 17 as amended.

Tom Stampon, representing Verizon, spoke on why they are looking to place two new poles and an anchor for service to #55 Old Head of the Bay Road.

Jill Garland questioned why they need two new poles.

Tom Stampon explained why they need two new poles.

Voted Michael Blanton moved and seconded by Judy Froman to close the hearing.

Roll call vote: Mr. Blanton - Yes; Ms. Froman - Yes; Mr. Pickard - Yes; Mr. Slade - Yes.

Vote 4-0.

Voted Michael Blanton moved and seconded by Judy Froman to approve petitioned for joint or identical pole location on Old Head of the Bay Road as presented. **Vote 4-0.**

Voted Don Pickard moved and seconded by Michael Blanton to move agenda number 9 ahead of agenda number 8. **Vote 4-0.**

9) A discussion & Vote to support the submission of the Open Space/Recreation Plan

Barry Johnson and Krista Moravec, Horsley Whitten Group, presented the Board with the draft Open Space and Recreation Plan.

Barry Johnson said he was there on behalf of the Open Space Committee; we have been working with the Recreation Committee and other town departments and individuals to create the plan. Comments and letters of support were requested and received from the Planning Board and the Cape Cod Commission. Comments from the Cape Cod Commission were reviewed by the Open Space Committee and minor edits were made to the plan. A draft of the Open Space Recreation Plan was also submitted to the State Division of Conservation Services for a preliminary review. By submitting the draft to DCS, the Town remains eligible for upcoming DCS grant funding. DCS also provided comments and they have been addressed in the draft before the Selectmen. We are going to request the Board of Selectmen take a vote, we have prepared a letter of support for the plan, in order that we might be able to include it in our submittal to the Division of Conservation Services.

Tom Guerino read the letter that Barry Johnson on behalf of the Open Space Committee and the Recreation Committee wants the Board to support: The Board of Selectmen is pleased to endorse the updated 2018 Open Space and Recreation Plan as presented by the Open Space Committee.

We support the goals and action items within this plan and understand that the development and implementation of the Open Space and Recreation plan is an important step in preserving the character and quality of life in the Town of Bourne.

We look forward to participating in the implementation of this plan.
Signed by the Board.

Krista Moravec went over the Open Space and Recreation Resource Plan. When we talk about open space in this context we are talking about land that is undeveloped and protected for public access to nature, it is protected for water quality, it is protected for habitat. Recreation is for outdoor and indoor facilities, parks, play grounds, gymnasiums, courts, ball fields. The plan has several purposes, it gives direction on how to maintain and enhance the benefits of open space and recreation resources. These resources provide a healthy environment, clean air, clean water, they also support healthy residents, they give us places to be active and they also support healthy local economy. The town does have a conditionally approved plan.

Barry Johnson said this is a seven-year plan. This will end up being a section of the Local Comprehensive Plan. Some of these initiatives will be coming up at this town meeting through the Community Preservation Funding Request.

The plan can be viewed online at:

https://www.townofbourne.com/sites/bournema/files/file/file/osrec_plan_final_0.pdf

Voted Peter Meier moved and seconded by Michael Blanton to support the submission of the Open Space Recreation Plan. **Vote 5-0.**

8) Discussion with Town Counsel about requirements of the Open Meeting Law

Atty. Bob Troy went over the provisions of the Open Meeting Law. It needs to be made clear that if a single member of a government body sends out an email, on any public business within its jurisdiction, to a quorum or more of the rest of the body that is a violation of the Open Meeting Law. Unless the email refers to matters involving scheduling information, distribution of a meeting agenda, distribution of other procedural meeting, or the distribution of reports or documents that may be discussed at a meeting provided that no opinion of a member is expressed.

That includes phone calls, electronic mail, and communication, including serial communication regarding anything that is within the scope of your public responsibilities.

The second matter is if there is communication amongst the members in response to that initiative by one member that is also a violation. If there is a fine assessed under the Open Meeting Law the member does not pay it, the town does.

Every email of a public official is subject to disclosure under the Public Records Statute, it gets reviewed by the Records Access Officer.

11) License/Appointments

a. Appointment - Steve Kramer - Recreation Committee

b. Appointment - Edward Brodzinski - Selectmen's Task Force on Local Pollution/Phase II Stormwater Management Community Oversight Program

Peter Meier went over the two appointments.

Voted Peter Meier moved and seconded by Michael Blanton to appoint Steve Kramer to the Recreation Committee term to expire June 30, 2020. **Vote 5-0.**

Voted Peter Meier moved and seconded by Michael Blanton to appoint Edward Brodzinski to the Selectmen's Task Force on Local Pollution/Phase II Stormwater Management Community Oversight Program term to expire on both June 30, 2018. **Vote 5-0.**

Voted Peter Meier moved and seconded by Michael Blanton to take 13a out of order. **Vote 5-0.**

13.a Discussion related to adding line item for Labor Counsel

Don Pickard stated why he brought this item up. The person coming in as the Assistant Town Administrator should have the ability to address the HR function and problems

within through legal counsel if needed. Would like to get a consensus on how the board feels.

Tom Guerino appreciates Mr. Pickard's thoughts on Thursday, however there was never a problem following protocol with accessing counsel when needed. Concerned relative to how the Charter is established and how we set protocols for departments. The Assistant Town Administrator will not have access to counsel that wouldn't come through the existing protocols, it would still be considered a departmental request. He understands Mr. Pickard's thoughts but does not think it is necessary.

Mr. Pickard said he would be happy to withdraw his request.

Mr. Troy said his main concern is we need to be mindful of the fact that anything we talk about we need to make sure we are doing it in an atmosphere that protects the town. The Chair of the respected Boards have to insure the town's interest is protected. We are a municipal corporation, and we have liability. We need to make sure we are protecting our fiscal interest and our legal interest. Another concern I have is we have not paid enough attention to the town charter. Looking at the charter there is a provision that authorizes the creation of additional positions. The charter does not anticipate having an Assistant Town Administrator. If there are duties being assigned to the Assistant Town Administrator that are now under the charter the responsibility of the Town Administrator it needs to go to charter review. The Assistant Town Administrator has no authority under the charter, because our charter didn't contemplate having a Town Administrator and an Assistant Town Administrator. I urge you to put the charter review as a future agenda item.

Don Pickard spoke about not filling the Assistant Town Administrator position until the charter is reviewed and changed.

Bob Troy suggested you might want to work towards charter amendments to catch up on the Towns' Administrative evolution. The Charter Review might have a recommendation and Town Meeting has the authority to make that decision.

Jim Mulvey said one of the current issues is who can approach the Town Counsel for advice; another issue is a review of the charter is necessary. Does the hiring an Assistant Town Administrator constitute a major change in the charter? Jim Mulvey spoke about the charter review committee and the charter review commission.

12) FY19 Budget discussion

Peter Meier said he would like one change to the budget. Would like to add money to the recreation department to have the community building open on Saturdays during the school year.

Tom Guerino doesn't think there will be a significant cost. Mr. Guerino will have a formalized outline for next week.

George Slade questioned does the Board have a preference of meeting with the finance committee or another board as we work our way through the budget process. The members agreed that it would be beneficial to have a joint meeting.

13) Selectmen's Business

b. Organizational Chart - Vote on updated chart

c. Board to select member to participate on Final Interview Panel for Assistant Town Administrator.

Tom Guerino said there was one change; Town Counsel was added as a department.

The Selectmen appoint Town Counsel and Town Counsel works through the protocols of the Administrator with the exception the Board of Selectmen always have the opportunity to engage counsel.

Voted Michael Blanton moved and seconded by Peter Meier to accept the organizational chart as amended here denoting the relationship between Town Counsel, the Board of Selectmen, and the Administrator as discussed tonight. **Vote 5-0.**

13 c. George Slade said he has an interest in serving on the panel for the final interviews for the Assistant Town Administrator and read why he would like to be a participant on that panel.

"As Bourne moves to hire its first Assistant Town Administrator I would like to bring my interest and expertise -- a 35 year career as a finance professional and 20 years of experience with municipal government as a volunteer finance committee member.

This process began shortly after I joined the select board so I have been involved from the beginning. It was the selectman's goal.

There needs to be a climate of trust, not just between this board and the administrator, but between the entire search committee and the people of Bourne, that the recommended candidate has the most to offer the town in improved services.

This appointment requires the ability to work in a collegial manner with other members of the search committee. More importantly, working as a team player should never be construed as being complacent. Conversely, I am more than ready to challenge others should I feel there is a premature consensus emerging.

Fortunately, the others involved in this task are talented professionals already giving the requisite scrutiny that this effort demands. It is really important for the town to move forward with the best possible candidate -- one who will not only develop a healthy working relationship with the Administrator, but will also challenge the status quo wherever appropriate.

My work experience includes 30 years in the private sector as an assistant controller.

And as a finance director at the Cape Cod Regional Transit Authority, a quasi-public organization, I was responsible for my own staffing. With both organizations, I participated in employee and contractor-related searches and as well as special projects that involved administering policies. This included contracts with security companies as well as the operator contract to handle the fleet of over 100 vehicles.

Finally, I worked with talented and knowledgeable colleagues in the early phase of this selection process. It is my intent to seek their opinions and bring their insights to the selection committee."

George Slade
Chairman, Bourne Board of Selectmen

Tom said whoever the Board of Selectmen chooses would be involved in the final 11 interviews, from today until the end of the process. Next week there will be interviews of those 11 on Wednesday and Thursday.

Don Pickard said the Board should be brought up to speed with the candidate's qualifications, so we can intelligently vote in favor or vote to oppose. Based on the Chairman's list of experiences, I am prepared to vote to select the Chair.

Voted Peter Meier moved and seconded by Judy Froman to appoint George Slade as our representative to the Assistant Town Administrators selection committee. **Vote 5-0.**

14) Selectmen's Reports

a. Selectmen's Goals

Peter Meier said the weekly construction meeting for the school building is tomorrow morning at 9:00. Mr. Meier said he was late because Buzzards Bay Water district had a meeting to replace Rickie Tellier, who passed away, with Wendy Chapman.

George Slade said he will attend the third and final Resilient Cape Cod meeting at the Pocasset Community Center, being administered by the Cape Cod Commission.

Michael Blanton attended an event at the Cape Cod Chamber of Commerce, discussion of the expansion of the hotel/motel tax bill. Mr. Blanton spoke briefly about the Wastewater Facility Building and Design Committee meeting he attended. The First Friday Office Hours were successful. Upcoming this week at UMass Dartmouth's Center for Innovation and Entrepreneurship the Steve and Aquabotics form, it's in line with trying to stay cognizant with what is happening with regard to blue economy opportunities, Aquabotics is going to make their presentation.

Peter Meier spoke briefly about the meeting last Wednesday at the fire station in Sagamore; the start of the South Side Fire Station Feasibility and Design Building Committee. The next meeting will be the 21st.

George Slade said this Friday is the Cape Cod Selectmen Council meeting.

15) Town Administrator Report

a. Assistant Town Administrator Recruitment update

b. Community Building progress update

a. Tom Guerino updated the Board on the Assistant Town Administrator recruitment. Linda Marzelli, Bob Gray and I have narrowed the applicants down to about 11 candidates. Will give a written diagram of how the process has been moving along and how it works. We have started to schedule the first round of interviews.

Judy Froman suggested the Board members go over the job description and bring forward items that we would like Mr. Slade to bring up during the interview process.

Don Pickard said it is his hope the Administrator and the committee will bring forward the strongest candidate possible to this Board.

Judy Froman cautioned the interview process not be rushed.

b. Tom Guerino updated the Board on what is happening at the Community Building.

16) Future Agenda

a. **Massachusetts Maritime Academy to give formal update to the Board of Selectmen meeting and to answer questions - February**

b. **Stop and Shop Rotary and Clay Pond Road update**

c. **Board of Selectmen Goals - as required**

d. **Cable TV Contract - opt out and renewal preliminary discussion**

e. **Rules of Procedure (note-this is being intentionally moved to 2/13; this will allow for a brief discussion as to the process to handle the revisions, possibly a workshop**

f. **A member of the legislative delegation to give BOS an update on situation regarding Comcast (this would most likely be Representative Hunt)**

Peter Meier suggested adding Community Building Update.

Don Pickard questioned Term Limits.

Judy Froman would like an update on the Priority Based Budget.

17) Adjourn

Voted Judy Froman moved and seconded by Don Pickard to adjourn. Meeting adjourned at 9:37 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.