

**Board of Selectmen  
Minutes of Tuesday, May 11, 2021  
Zoom Remote – Public Access**

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**TA** Tony Schiavi  
**ATA** Glenn Cannon

**Selectmen**

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

Others: Carey (Madeline) Stenberg, Mike Rausch, Mary Jane Mastrangelo, Renee Gratis, Paul Shastany

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If you already have the Zoom App downloaded to your device or computer, you may simply join the meeting by entering the Meeting ID and Password noted above, or go to <https://zoom.us/meetings> look for the Join Meeting button.

Participants wishing to speak should click the "Reactions" icon on the lower toolbar and then click "Raise Hand" in the dialog box to notify the Chair. The Chair will recognize participants. For Participants who are calling into the meeting and wishing to speak should press \*9 to notify the Chair. The Chair will recognize participants. Please mute your phone/microphone upon entry.

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**

Madam Chair Froman called the meeting to order at 7:00 pm.

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

**Vision:** Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment,

TOWN CLERK BOURNE

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especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.

**Mission:** Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

**Public Comment – Non-Agenda Items**

Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.

**6) Approval of Minutes: 5-3-21**

**Voted:** Jared MacDonald moved and seconded by James Potter to approve the minutes of May 3, 2021.

**Roll Call Vote:** James Potter - Yes, George Slade - Yes, Peter Meier - Yes, Jared MacDonald - Yes, Judy Froman - Yes  
Vote: 5-0-0.

**7) Selectmen's appointments**

- a. Award certificate of appreciation and service to Carole Ellis
- b. Application to close a section of Circuit Avenue between Pequot and Kennebec Road to vehicle traffic between 3-8 p.m for wedding reception for the Stenberg family

**7.a. Award certificate of appreciation and service to Carole Ellis**

Judy Froman read the certificate of appreciation.

Town of Bourne Board of Selectmen  
Certificate of Appreciation

Be it hear-by known to all that the Town of Bourne here-by offers its sincere appreciation to Carole Ellis for her 14 years of secretarial services to various boards and committees in the Town of Bourne.

Given this 11 day of May, 2021 on behalf of the Town of Bourne  
Signed by the Selectmen

**7.b. Application to close a section of Circuit Avenue between Pequot and Kennebec Road to vehicle traffic between 3-8 p.m for wedding reception for the Stenberg family**

**Applicant: Paul and Madeline Stenberg, 435 Circuit Ave. Pocasset. Location: Circuit Ave – section of Circuit Ave between Pequot Ave & Kennebec between house number 425-457 on June 26, 2021 from 3-8 p.m. Nature of Request: Wedding reception for daughter with a clambake. Remarks – No structures are allowed to be erected on the beach without a permit and no porti-pottis within 100' of the water. Police Department – Access for emergency vehicles must be maintained. Appropriate barriers/signage should be in place indicating closure. Fire Department - Access for emergency vehicles must be provided if necessary.**

Carey Stenberg spoke briefly about her family, about the wedding, and closing the street. Sent a letter to all of the neighbors regarding closing the street.

Jared MacDonald suggested to make sure there is decent signage at each end so everyone understands the detour.

Chief Shastany said there will be signs put up.

**Voted:** Jared MacDonald moved and seconded by James Potter to allow Paul and Madeline Stenberg to close a portion of Circuit Avenue between Pequot Avenue and Kennebec Avenue for vehicle traffic between 3PM and 8PM on June 26, 2021.

**Roll Call Vote:** James Potter - Yes, George Slade - Yes, Peter Meier - Yes, Jared MacDonald - Yes, Judy Froman - Yes  
Vote: 5-0-0.

## **8) License/Appointments**

- a. **Discuss filling process for filling a vacancy on the Bourne Housing Authority pursuant to MGL Ch41 Section 11**
- b. **Discussion and vote to approve a Petition to the General Court for Special Legislation approved by Article 13 of the May 3, 2021 Annual Town Meeting.**
- c. **Discussion and possible vote regarding the Board's approach to submitting a language change to MGL Ch29C Section 19 approved by Article 19 of the May 3, 2021 Annual Town Meeting**
- d. **Discussion and possible vote related to a fee agreement with Attorney James Lampke as Special Counsel to the Board of Selectmen**

### **8.a. Discuss filling process for filling a vacancy on the Bourne Housing Authority pursuant to MGL Ch41 Section 11**

**If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein.**

Judy Froman got a message from Greg Wheeler, Executive Director of the Bourne Housing Authority, it included the resignation by Lidia Manter. Judy Froman and Greg Wheeler will work on a joint meeting, probably June 1<sup>st</sup>, to look at candidates and get nominations from folks.

Peter Meier said he was surprised it took this long. In the packet it stated it wasn't stamped in by the Town clerk. The letter came in last September/October. Under Chapter 41 Section 11 you have 30 days. Usually within 30 days of the letter coming in, the affected Board notifies the BOS in writing of the vacancy.

Judy Froman said there was a lag time, not sure of the situation. It was originally dated August 29, 2020. It was date stamped April 28, 2021. Ms. Froman questioned do we go back to the talent bank forms from people who submitted the forms stating they are looking to serve on a board/committee?

Tony Schiavi said we put out a public notice looking for candidates. Ask Greg Wheeler if they want us to issue the public notice.

Peter Meier said since the notice goes to the Board of Selectmen with the official vacancy the Board of Selectmen are charged with doing the advertisement.

#### **8.b. Discussion and vote to approve a Petition to the General Court for Special Legislation approved by Article 13 of the May 3, 2021 Annual Town Meeting .**

Tony Schiavi said Article 13, of the Annual Town Meeting, to remove the police Chief from Civil Service passed at Town Meeting. Now we have to draft the special legislation that will be sent to the state. Have been in contact with Rep. Vieira and working with Town Council to draft the petition. The Warrant Article had the language that will be used. Working with Town Council on a Pre-Amble. Once the Board votes, I have the certificate of vote in numerous copies that will get filed in the house and senate that will go to Rep. Vieira who will move it to the rest of the delegation to get it passed.

#### *The Commonwealth of Massachusetts*

*Petition by the Town of Bourne to the General Court  
Requesting Special Legislation Authorizing the Town to  
Exempt the Position of Chief of Police from Civil Service Law*

*Now comes the Town of Bourne, acting through its Board of Selectmen, and respectfully petitions the General Court to enact Special Legislation exempting the position of Chief of Police from the provisions of Chapter 31 of the General Laws;*

*Whereas, the Town of Bourne has a vacancy in the position of Chief of Police and the Town seeks to facilitate and enhance its ability to fill the position by*

*maximizing the number of potential candidates; and*

*Whereas, the Town of Bourne, at its Annual Town Meeting on May 3, 2021, voted to Authorize the Board of Selectmen to Petition the General Court to exempt the position of Chief of Police from the provisions of Chapter 31 of the General Laws, a copy of which is attached hereto and incorporated by reference;*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

*SECTION 1. Notwithstanding any general or special law to the contrary, the position of Chief of Police within the police department of the Town of Bourne shall be exempt from chapter 31 of the General Laws.*

*SECTION 2. This act shall not impair the civil service status of a person holding a position described in Section 1 on the effective date of this act.*

*SECTION 3. This act shall take effect upon its passage.*

*Respectfully submitted on this \_\_\_ day of May, 2021*

*TOWN OF BOURNE*

*BOARD OF SELECTMEN,*

*Judith McLeod Froman, Chair, James L. Potter, Vice Chair, George G. Slade, Clerk, Peter J. Meier, Selectman, Jared P. MacDonald, Selectman*

**Voted:** Jared MacDonald moved and seconded by James Potter to approve the Petition to the General Court for Special Legislation authorizing the Town of Bourne to exempt the position of Chief of Police from Civil Service Law (Chapter 31 of the General Laws), as presented.

**Roll Call Vote:** James Potter - Yes, George Slade - Yes, Peter Meier - Yes, Jared MacDonald - Yes, Judy Froman - Yes

Vote: 5-0-0.

**8.c. Discussion and possible vote regarding the Board's approach to submitting a language change to MGL Ch29C Section 19 approved by Article 19 of the May 3, 2021 Annual Town Meeting**

**ARTICLE 19: To see if the Town will vote to authorize the Board of Selectmen to Petition the General Court to amend the provisions of Massachusetts General Laws Chapter 29C, Section 19 by adding language authorizing the Cape Cod and Islands Water Protection Fund to provide subsidies and other assistance for Water Pollution Abatement Projects for Buzzards Bay in accordance with an Intermunicipal Agreement pursuant to Massachusetts General Laws Chapter 40, Section 4A, or take any action in relation thereto.**

**Sponsor - Board of Selectmen**



**MOTION: That the Town vote to authorize the Board of Selectmen to Petition the General Court for Special Legislation to accomplish the following:  
To amend the provisions of Massachusetts General Laws Chapter 29C, Section 19 by adding language authorizing the Cape Cod and Islands Water Protection Fund to provide subsidies and other assistance for Water Pollution Abatement Projects for Buzzards Bay in accordance with an Intermunicipal Agreement pursuant to Massachusetts General Laws Chapter 40, Section 4A.**

Tony Schiavi said Article 19 of the Annual Town Meeting passed. We need to draft language that will allow the BOS and Sewer Commissioners to decide how they want to approach the Water Protection Fund in crafting the best language that will meet the needs of the Town. The ability to apply subsidies to other projects that meet the criteria, particularly our agreement with Wareham.

James Potter said we have to be careful with the words we use to tell the message we are trying to convey. Suggest to change "Owner" to "Participant" We had the IMA before the law was passed, all the regional governments may only have one owner, where ours there is two owners. The word Owner doesn't allow flexibility, where in our case we are a minority owner. There is no talk about who is the official owner of the regional government. In our circumstance the owner is not part of the participating government. Another change is in our language we would only be looking for Capital Expenses that were shared by Bourne. In this case we should be specific. We are looking for reimbursement based on operating cost; reimbursement based on our share of Capital in the IMA.

Jared MacDonald agrees the portion of it that sates Capital Impacts, should be clear. Instead of the word Owner use Participant or Member.

James Potter said we had already begun the process of speaking with the Executive Board, regarding what our needs were and what we were looking to accomplish. The Water Protection Fund Board knew this was coming. We informed them that some of the original wording that we had intended, we took away, we wanted to be able to negotiate it with them. This is a good opportunity for our Board to discuss what we would like to see in the wording, what meets Bourne's interest, and bring it back to the Executive Board. They are looking to us to put together language to propose to them. We were also going to run it by the council for the Water Protection Board. This encompasses our whole north side of town. We want to be able to get reimbursement for projects we do on the north side. We can make the couple of changes and bring that back to the Executive Board's counsel. If we get that through, we will be eligible for reimbursement. You also have to be on the IUP list and have to have taken out an SRF loan. We have talked with Clean Water Trust, and we have to work some language into our IMA. We also need to work on language about how the SRF loan process works for Bourne, when Wareham is on an eligible project or taking a loan.

Judy Froman said it make sense to make the language changes. This is regarding water that surrounds Cape Cod, which should be talked about on a regular basis. It improves the quality of water in that area.

Jared MacDonald said this opens up opportunity for Bourne. Our job is to look out for the citizens of Bourne, and this is something that we pay into, so getting some money back to us to support the IMA and the sewerage system is important. The overall importance is to better the waters around us. It should benefit all the towns on the Cape; we should get our fair share.

James Potter said Bourne has had one of the older systems on the Cape. Because of that the rate payers, everyone that was connected has paid into that. Some of the towns on the Cape were able to craft wording in the legislation, so they received reimbursement for past debt, that they incurred for wastewater projects. It is a big expense to our small Enterprise Fund. Being part of the Wareham system has kept us incompliant with the 208 Plan.

Judy Froman confirmed that the message we will send back to the Board is to change the word Owner to Participant. The other change is adding in wording regarding Capital Expenses spent by Bourne.

**Voted:** Jared MacDonald moved and seconded by James Potter to allow the Chair of the Board of Sewer Commissioners to act on behalf of the Board of Selectmen to enter into discussions with the Cape Cod and Islands Water Protection Fund Management Board relative to drafting language to Petition the General Court to amend the provisions of Massachusetts General Laws Chapter 29C, Section 19. The amended language change would be presented to the Board of Selectmen for approval at a future date.

Peter Meier suggested to have Tony Schiavi and Glenn Cannon involved in the conversations as well.

Jared MacDonald moved and seconded by James Potter to amend his motion to add after Chair of the Sewer Commissioners "and the Town Administrator and Assist. Town Administrator" to act on behalf of the Board...

**Roll Call Vote:** James Potter - Yes, George Slade - Yes, Peter Meier - Yes, Jared MacDonald - Yes, Judy Froman - Yes  
Vote: 5-0-0.

#### **8.d. Discussion and possible vote related to a fee agreement with Attorney James Lampke as Special Counsel to the Board of Selectmen**

Judy Froman said back in April the Board asked me to facilitate seeking professional assistance to resolve some recent issues. I talked with a number of different attorneys and decided Atty Lampke to be the advisor for us. We have a fee agreement for legal services.

Jared MacDonald said this is something we should do, there were issues brought forward. This is important to do to ensure that we are doing our job and maintaining our professional atmosphere. We need to show that we are dedicated to making sure the Town of Bourne is going in the correct direction, professionally.

George Slade said when this was brought before us, I agreed we should move forward. But now I feel somewhat uncomfortable that this would appear to be an attempt by the Select Board to inject itself to release compelling evidence that voters would need in formulating a decision on whom to vote for, so I don't feel comfortable moving forward on this now. I feel what would serve the town in the best manner would be a group of Board members who will work collaboratively and to continue to improve the town of Bourne. I think this would create a bad atmosphere.

Judy Froman said the agreement is tapping into being able to gain advise. Atty Lampke has been helpful. I did speak with Atty Troy and he was in support of this.

Jared MacDonald said the timing isn't the best but it was brought forward and it is part of our job to address it. The problem still existed.

Peter Meier said folks don't want tax money to be spent on something that could be delt with inhouse. It's not prudent to go through with this at this time, there may be another way we can facilitate this.

Judy Froman said this step is for Atty Lampkee to advise the town on procedures, policy, and roles of the Board, committees, officials, and employees and related topics, and any other mater requested by the town. He is a facilitator. He is the president of the Mass Municipals Association of Lawyers.

George Slade said he is uncomfortable moving forward with any scope at this point in time. A lot could happen between now and next week.

Jared MacDonald said this gives us an opportunity to take it out of our hands and get some very competent instruction. Don't think this isn't going to impact the vote, don't think these findings are going to be completed before the vote. It is important to move forward and get this council on board to correct any issues that have been done, to align people into their positions, and show us the best way to move forward with these steps.

Judy Froman said this person is a council, not an investigator. Atty Lampkee brings forward his vast experience with working with people and Boards, and facilitating and mediating. He is experienced with working through issues. Feel very strongly that there are some discussions that need to happen.

Peter Meier suggested it should be more specific for what this person would be used for.

George Slade suggested to table this item. Not prepared to formulate a scope, there are so many things we are not sure of at this point.

Judy Froman said she does not want this to be drawn out. We need to have these conversations, and should be with people who are experienced and who are not necessarily involved in our town.



Jared MacDonald said he doesn't think it should be tabled. Things need to be rectified. It is important that people understand their duties and boundaries.

**Voted:** Jared MacDonald moved and seconded by James Potter to approve a fee agreement with the law firm of Lampke Law, LLC to act as Special Counsel to the Board of Selectmen, as presented.

James Potter said this is a great tool to find out where we are lacking, where we can strengthen and understand our roles. As the Executive Board of this town, this is the right path for the Board. This reflects well on the Board with the TA and the staff that knows that the top 5 people are looking out for them.

Jared MacDonald said even if this person is hired before next week's vote, they won't have any substance available until after the vote. There will be no further release of information. This matter should be taken out of the Boards hands.

**Roll Call Vote:** George Slade – No, Peter Meier – No, Jared MacDonald – Yes, James Potter – Yes, Judy Froman – Yes  
Vote: 3-2-0.

## **9) Town Administrators**

### **a. Town Hall Reopening Plan Update**

Tony Schiavi said during the pandemic the number one job was to provide uninterrupted government services to the community. Second is to ensure the safety of our employees. Government is an essential activity.

We took deliberate steps in the beginning, constricting ourselves, closing buildings to the public, to ensure we could provide uninterrupted services to the community. Even though the building were closed to the public employees were still in the building working. We spread out in the building to make sure we could give employees proper separation.

As we start to get to this point, we will look at reopening the town, probably after Memorial Day weekend, we will have one entry and one exit. We have to figure out what services we will provide in person. We will still encourage people to do things online, use the drop box, and only come into town hall when it's absolutely necessary. If you need to speak to someone in person, which will take some amount of time, we'd encourage people to make an appointment, so that can be done somewhere else. When we open we are expecting people will have to wear masks, have to social distance, only be in the building for 10-15 minutes max. We will let the public know what the expectations are from us as to how we can service the residents. We will continue encourage folks to use other methods to provide service to them. We'll have a Dept Head meeting on Thursday at 10:00, we will discuss that with the department heads to make sure they have everything they need, and let them know when folks come into Town Hall we have window service only. The way we will provide Town services has/will changed.

Peter Meier questioned what is the status with the outside recreation areas, playground, splash pad, courts.

Tony Schiavi said we have to get the playground inspected, we have to figure out how to monitor the recreation areas, playground, splash pad. We'll give everyone an update at the June meeting.

Tony Schiavi asked to bring up a topic that wasn't available within 48 hours notice. Mr. Schiavi said he was contacted by the local American Legion Post, they would like to do a Memorial Day ceremony on Memorial Day at 10:00 a.m. at the flagpole at Town Hall. It will last about 30-40 minutes.

## 10) Correspondence

George Slade brought the Board and the public up to date on the correspondence

- A. Letter of interest and talent bank form from William Doherty interested in various committees
- B. Letter from State Preservation Office Massachusetts Historical Commission informing the Aptucxet Trading Post accepted for listing in the National Register of Historical Places.
- C. Notice form DEP Waterways Regulation Program of application received by Hideaway Village Condominium Association to preform beach nourishment at 749 Head of the Bay Road

Peter Meier said on behalf of the Bourne Historical Society, wanted to thank those who worked on getting the Aptucxet Trading Post on the Historic Register.

## 11) Adjourn

**Voted:** Jared moved and seconded by James Potter to adjourn. Meeting adjourned at 9:01 pm.

**Roll Call Vote:** James Potter - Yes, George Slade - Yes, Jared MacDonald - Yes, Peter Meier - Yes, Judy Froman - Yes

Vote: 5-0-0.

Respectfully submitted – Carole Ellis, secretary.