

**Board of Selectmen
Minutes of Tuesday, November 9, 2021
Bourne Veterans' Community Center
Buzzards Bay, MA**

**TA Tim King, Acting
ATA Glenn Cannon**

Selectmen

Peter Meier, Chair
George Slade, Clerk
Judy Froman, Vice Chair
Jared MacDonald
Mary Jane Mastrangelo

RECEIVED
2022 MAR -9 PM 2:27
TOWN CLERK BOURNE

6:40 PM Call Public Session to order in Open Session

Chair Meier called the meeting to order at 6:40 PM.

Chair Meier said that in Executive Session they motioned to sign the First Amendment to the Memorandum of Agreement, with NextGrid, which will be reviewed by Town Counsel as to form, and it will be voted on again in Open Session under 9b. He said they also informed the County that they intend to negotiate, and they will be looking for special counsel that specializes in real estate property acquisitions, to assist.

Moment of Silence to recognize our Troops and our public safety personnel and for the two Police Officers that were shot in line of duty today in Boston/Salute to 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, 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 on 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.

No public comment

7) Approval of Minutes: October 8, 2021

Voted: Jared MacDonald moved, and Judy Froman seconded to defer the minutes of October 8, 2021, until the next available meeting.

Vote: 5-0-0.

8) Appointments and Licenses

- a. Discussion and possible vote to appoint Eda Cardoza to the Council on Aging Committee.**
- b. Roadway Traffic Safety Committee.**
 - i. Amend the Committee Charge to include two (2) additional at-large members.**
 - ii. Discussion and possible vote to appoint Richard Libin to the Roadway Traffic Safety Committee.**
- c. Discussion and possible vote to appoint Kristin Weisker to the Bourne Commission on Disabilities.**
- d. Discussion and possible vote to appoint Assistant Town Administrator Glenn Cannon to the Joint Base Cape Cod – Military Civilian Community Council as an alternate member.**

8.a. Discussion and possible vote to appoint Eda Cardoza to the Council on Aging Committee.

Chair Meier said that Eda Cardoza filed a Talent Bank Form on September 16, 2021. She has lived in Bourne for over fifty years and has been very involved in the community.

Voted: Jared MacDonald moved, and Mary Jane Mastrangelo seconded to appoint Eda Cardoza to the Council on Aging Committee.

Vote: 5-0-0.

8.b. Roadway Traffic Safety Committee.

- i. Amend the Committee Charge to include two (2) additional at-large members.**

Chair Meier said at the last meeting there were two applicants for the Roadway Traffic Safety Committee that were viable candidates and only one available opening. It was decided to vote to amend the charge to allow both candidates to serve. Chair Meier said that if membership is increased by one it would be an even number, therefore if it is increased by two members it would give an odd amount. There were two other candidates that had both withdrawn. There was some discussion about whether two more members are needed.

Voted: Judy Froman moved, and Jared MacDonald seconded to amend the charge of the Roadway Safety Committee to include two (2) additional at-large members.

Vote: 5-0-0.

- ii. Discussion and possible vote to appoint Richard Libin to the Roadway Traffic Safety Committee.**

Voted: Jared MacDonald moved, and Judy Froman seconded to appoint Richard Libin to the Roadway Safety Committee.

Vote: 5-0-0.

8.c. Discussion and possible vote to appoint Kristin Weisker to the Bourne Commission on Disabilities.

Kristin Weisker, of Pocasset, introduced herself and talked about her experience in helping people with disabilities. She said she would like to be more involved in the Town of Bourne and she feels that the Bourne Commission on Disabilities would be a good fit.

Voted: Judy Froman moved, and Jared MacDonald seconded to appoint Kristin Weisker to the Bourne Commission on Disabilities, with a term to expire on June 30, 2024.

Vote: 5-0-0.

8.d. Discussion and possible vote to appoint Assistant Town Administrator Glenn Cannon to the Joint Base Cape Cod – Military Civilian Community Council as an alternate member.

George Slade said that it was suggested about a year ago that each of the Town's have an alternate member so there will be full coverage on the Military Civilian Community Council. He said that Tony Schiavi was the alternate until he left his position in Bourne. Mr. Slade said that he recommends Glenn Cannon and asked the Board if anyone had another candidate in mind.

Glenn Cannon said that he feels that it would be beneficial for the Town of Bourne if a staff member was appointed because the meetings would not interfere with the workday and the meetings are almost like an Upper Cape Town Administrator meeting, and this staff member would be able to hear what the other Upper Cape Towns are doing in their towns.

Voted: Judy Froman moved, and Mary Jane Mastrangelo seconded to appoint Assistant Town Administrator Glenn Cannon as an alternate to the Military Civilian Community Council, MC3.

Vote: 5-0-0.

Voted: Jared MacDonald moved, and Judy Froman seconded to authorize the use of the stamp for the appointments that were made this evening.

Vote: 5-0-0.

There was discussion about making a general procedure regarding the use of the stamp.

9) Selectmen's Business

- a. **Discussion and possible vote on the request by Dan Barrett, General Manager, to appoint Special Counsel for the Integrated Solid Waste Management (ISWM) Facility expansion.**
 - b. **Discussion and possible vote on the NextGrid (solar array) First Amendment to the Memorandum of Agreement.**
 - c. **Discuss the possible budget needs as we transition key staff positions due to retirements.**
 - d. **Discussion and possible vote on the Selectmen budget goals.**
 - e. **Discussion and possible vote on the Town Counsel candidates interview process.**
- 9.a. Discussion and possible vote on the request by Dan Barrett, General Manager, to appoint Special Counsel for the Integrated Solid Waste Management (ISWM) Facility expansion.**

Dan Barrett, General Manager, Integrated Solid Waste Management (ISWM) said that ISWM is requesting approval to appoint specialized legal counsel to represent them through the DEP permitting and hearing process. He explained that they are currently working on the Site Suitability report from DEP and the steps they had to take to get to this point. He said they have 20 days to respond to any comments from DEP and the goal is to meet with DEP to ask them what they would like responses to.

Mr. Barrett said that ISWM gave them an initial document and they came back with and Request for Information (RFI). Their decision is due on December 13th, and once the decision is made, and assuming it is positive, the clock starts on the public hearing process, which involves the Board of Health. The Board of Health would then have 30 days to initiate their public hearing process. He said an attorney with litigative talent and experience is very important.

Mr. Barrett said they have chosen four attorneys. Mark Kaplan of Holland and Knight was used before as representation in the negotiations and the establishment of the lease agreement that ISWM had with Harvest Power. He was a little expensive and may be over-qualified for what is needed at this time. In order of choice for the other three there are: Tom Mackie, of Mackie, Shea & O'Brien, and Michelle O'Brien of Pierce and Atwood, and Donald Nagle. Mr. Barrett gave an overview of each of the attorneys they selected, and their fees.

There was discussion about each of the candidates. It was decided to make a choice of attorney tonight because they need to hire an attorney within the next week. This would come out of the budget, which comes from retained earnings. Glenn Cannon said that there has been a lot of attention being paid to this project, and Chair Meier said the money is money well spent because this project is good for the Town of Bourne.

Voted: Judy Froman moved, and Jared MacDonald seconded to authorize the Acting Town Administrator to enter a contract with Special Counsel Michelle O'Brien, of Pierce and Atwood, for the purpose of assisting the Integrated Solid Waste Management Facility (ISWM) with Massachusetts Department of Environmental Protection Site Suitability permitting and Bourne Board of Health Site Assignment permitting. The contract shall be reviewed by Town Counsel, Robert Troy, as to form by review by Robert Troy.

Vote: 5-0-0.

Chair Meier asked when the Board of Health Site Assignment will commence. Mr. Barrett said it would commence 30 days from December 13th. There is a 40-day comment period in which DEP will accept comments for 21 days and the remaining 19 days they review the comments. Glenn Cannon asked if the Board of Health has selected Counsel yet, and Mr. Barrett said the last he heard, they had not selected Counsel.

9.b. Discussion and possible vote on the NextGrid (solar array) First Amendment to the Memorandum of Agreement.

Chair Meier said that this was crossed out on the agenda by mistake because when you take a recommendation out of executive session, you are supposed to vote it in open session, so this agenda item will be added to the agenda for the opening of Town Meeting when the Board of Selectmen meet at 6:30, to make it official.

**FIRST AMENDMENT
TO****Memorandum of Agreement**

This First Amendment is made to that certain Memorandum of Agreement is entered into in July, 2021 by and between the Town of Bourne, 24 Perry Avenue, Bourne, MA 02532 by and through its Board of Selectmen ("Town") and Nextgrid, Inc., 3584 Holland Drive, Santa Rosa, CA 95404 ("Developer") (the "Agreement").

WHEREAS, the Developer seeks to modify the Agreement in order to address certain concerns and goals with regard to the financing and completion of the Project; and

WHEREAS, the Town is amenable to said changes but as noted below desires compensation and approvals not previously required; and

WHEREAS, the Town and the Developer have determined that it is in the best interest of the success

of the Agreement and to benefit the Town to amend the Agreement.

NOW THEREFORE for good and valuable consideration, the receipt and sufficiency of which is hereby

acknowledged and for the mutual promises set forth below, the Parties agree as follows:

The Agreement shall be amended as follows:

A. Paragraph 1 shall be omitted and in its place the following shall be added:

"The Developer shall gift to the Town the Premises shown in **Exhibit A** by a quitclaim deed, free of encumbrances and in good clear and marketable title for the exclusive purpose of developing and constructing a solar renewable energy project for the first twenty five years and thereafter for general municipal purposes. Said deed shall be subject to a right of reversion, to be exercisable by the Developer within sixty (60) days after the expiration of twenty five years or the expiration of the useful

life of the solar facility constructed thereupon, which ever is longer but in no event later than thirty (30) years ("Reversionary Period"). In order to exercise the reversion, the Developer shall pay to the Town TWO MILLION SEVEN HUNDRED EIGHTY THOUSAND AND NO/100'S DOLLARS (\$2,780,000.00) commensurate with the exercising of the right of reversion, if so exercised. If the reversion is not exercised by the end of the Reversionary Period, then the right of reversion will terminate. Said gift to be made within 10 business days of the last to occur of; (a) authorization the Town of Bourne Town Meeting to be held no later than November 30, 2021 to allow the Board of Selectmen to accept the gift, and (b) Developer has fully entitled the Project including receipt of governmental and utility approvals, and eligible solar incentives, and (c) approval by the Great and General Court of the Commonwealth of Massachusetts authorizing the Town to enter into the transaction with the Developer subject to the right of the reversionary interest. In the event all of the foregoing do not occur on or before December 30, 2022, then this agreement shall be null and void and neither party shall have further recourse against the other at law or in equity."

B. Paragraph 2 shall be omitted, and in its place the following shall be added: "The Developer shall pay to the Town Five Hundred Thousand Dollars (\$500,000.00) within ten (10) business days of Commercial Operations of the Project in consideration of the Town undertaking this transaction."

C. Paragraph 3 shall be omitted."

D. Paragraph 6 shall be amended by omitting same and in its place the following shall be added:

"The Parties agree that in the event the foregoing gift outlined in paragraph 1 is not accepted, or

approval by the Great and General Court as outlined in paragraph 1 does not occur or the lease as outlined in paragraph 7 is not approved by Town Meeting, then this Agreement shall be null and void and neither party shall have further recourse against the other in law or in equity.”

E. Paragraph 8 shall be amended by omitting the reference to paragraph 1-3 above and in its place refer to paragraph 1 above.

F. Paragraph 9 shall be amended by omitting the reference to paragraph 1-3 above and in its place refer to paragraph 1 above. Further the date of June 30, 2022 shall be replaced by the dated “December 30, 2022”

G. Paragraph 10 shall be amended by omitting the reference to paragraph 1-3 above and in its place refer to paragraph 1 above.

H. The Developer shall pay to the Town within five (5) business days of the execution hereof, FIFTEENTHOUSAND AND NO/100'S (\$15,000.00) as payment for transactional costs including legal and consulting services related to the Agreement and First Amendment.

I. Time remains of the essence.

J. All other terms and conditions of the Agreement not modified hereunder shall remain in full force and effect.

IN WITNESS WHEREOF, this instrument is sealed and delivered as of this ____ day of _____, 2021.

Town Developer

Board of Selectmen Nextgrid, Inc.

Aaron Culig

Its President

EXHIBIT A

PREMISES (Blue Border)

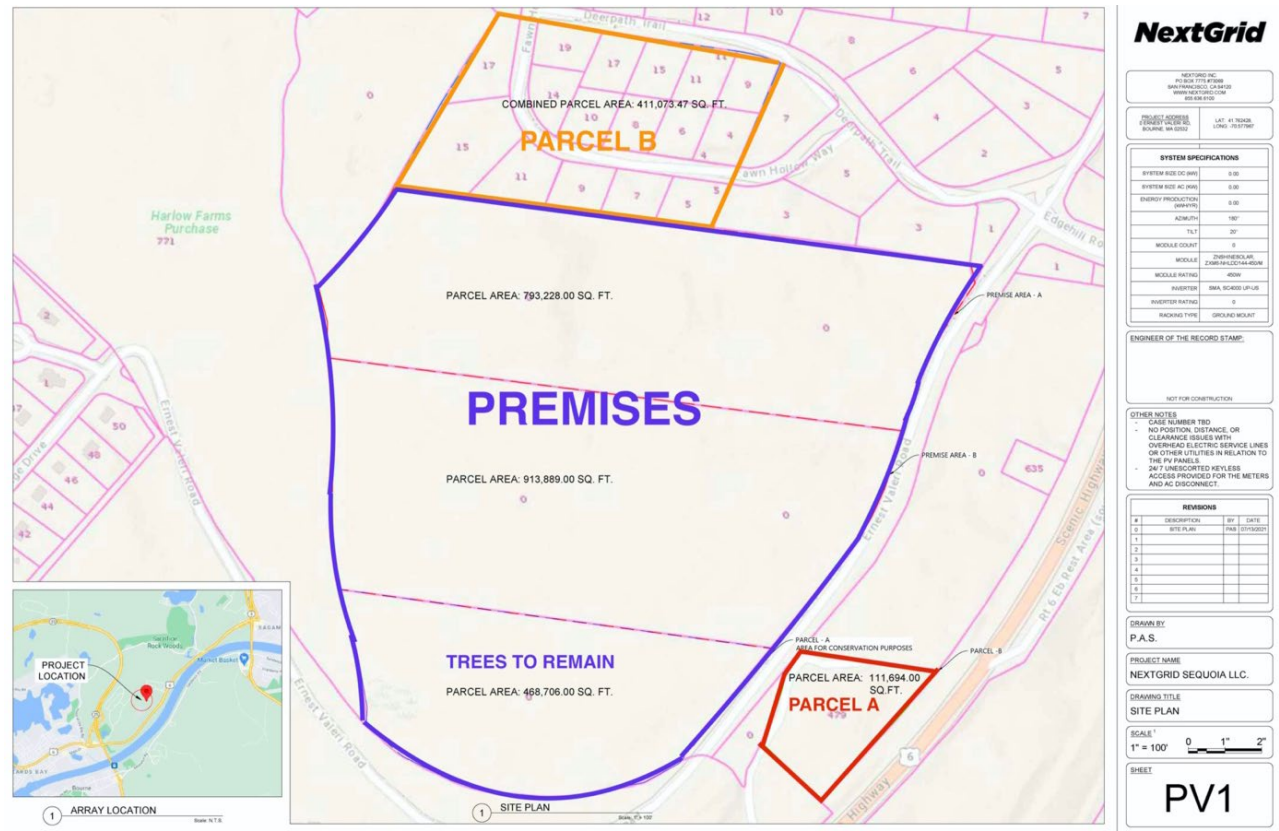
- **Solar Array Area:** Book 13392 Page 246 - 1,707,117 square feet
- **Wooded Area:** Book 13392 Page 246 - 468,705 square feet

Parcel A (Red Border) - General Municipal Purposes:

- Book 26988 Page 290 - 111,694 square feet

Parcel B (Orange Border) – Conservation Purposes:

- Various Parcels – 411,073 square feet

**EXHIBIT B****INDEMNIFICATION AND INSURANCE PROVISIONS****21. Indemnification:**

The Developer hereby agrees to indemnify, defend and save harmless the Town, the Town's officers, agents and employees, from and against any and all damages, liabilities, actions, suits, proceedings, claims, demands, losses,

costs, expenses, recoveries and judgments of every nature and description (including attorneys' fees) that may arise in whole or in part out of or in connection with the work being performed or to be performed, or out of any act or omission by the Developer, its employees, agents, sub-contractors, material men, and anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused

in part by any party indemnified hereunder. The Developer hereby agrees to reimburse the Town for damage to its property caused by the Developer, its employees, agents, sub-contractors or material men, and anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, including damages caused by his, its or their use of faulty, defective, or unsuitable material or equipment, unless the damage is caused by the Town's gross negligence or willful misconduct.

21.1 The Developer hereby agrees to indemnify and hold harmless the Town, including the agents, employees and representatives of either, from and against all claims, damages, losses and expenses, including attorney's fees, arising out of or resulting from the performance of the work, provided that any such claim, damage, loss or expense (a) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including the loss of use resulting therefrom and (b) is caused in whole or in part by any negligent act or omission of the Developer, any Subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder.

21.2 The Developer shall be responsible for all damage or injury to property of any character during the

prosecution of the work resulting from any act, omission, neglect, or misconduct in the manner or method of executing the work or due to the non-execution of the work or at any time due to defective work or materials.

21.3 In any and all claims against the town or any of their agents or employees by any employee of the Developer, any Subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this paragraph shall not be limited in anyway by any limitation on the amount or type of damages, compensation or benefits payable by or for the Developer or any Subcontractor under workmen's Compensation Acts, disability benefit acts or other employee benefit acts.

21.4 The Developer hereby assumes the entire responsibility and liability for any and all injury to or death of any or all persons, including the Developer's employees, and for any and all damage to property caused by, resulting from or arising in whole or in part out of any act, omission, or neglect on the part of the Developer or of any Subcontractor or of anyone directly or indirectly employed by any of them, or of anyone for whose acts any of them may be liable in connection with operations under the Contract.

21.5 The Town agrees to make reasonable effort to notify the Developer of any duty arising out of this paragraph, but failure to make timely notice will not relieve the Developer of any duty under this paragraph.

The foregoing provisions shall not be deemed to be released, waived, limit or modified in any respect by reason of any surety or insurance provided by the Developer under the Contract.

22. Insurance

22.1 Workers Compensation Insurance:

The Developer shall provide by insurance for the payment of compensation and the furnishing of other benefits under Chapter 152 of the General Laws of Massachusetts (The Worker's Compensation Act) to all employees of the Developer who are subject to the provisions of Chapter 152 of the General Laws of Massachusetts.

Failure to provide and continue in force such insurance during the period of this Contract shall be a material breach of this Contract, shall operate as an immediate termination thereof, and the Developer hereby agrees to indemnify the Town for all losses, claims, and actions resulting from the failure to provide the insurance required by this Article. The Town agrees to make reasonable effort to notify the Developer of any duty arising out of this paragraph, but failure to make timely notice will not relieve the Developer of any duty under this paragraph.

The Developer shall furnish to the Town a certificate evidencing such insurance prior to the execution of this Contract before the same shall be binding on the parties thereto, except if specifically waived by the Town.

22.2 Other Insurance Requirements

a. Comprehensive commercial general liability insurance with limits of at least \$1 Million per occurrence and \$3 Million annual aggregate for property damage and \$1 Million per person and \$3 Million per occurrence for bodily injury, which shall include the Town of Bourne as an additional insured, and which shall cover bodily injury, sickness or disease, or death of any person including employees and those persons other than the Developer's employees, and claims insured by usual personal liability coverage, death, or property damage arising out of the Work including injury or destruction of tangible property, including loss of use resulting therefrom.

b. Motor vehicle insurance for any motor vehicles used in performing the Work, with limits of at least \$500,000 per person, and \$1 Million per accident.

c. The intent of the Specifications regarding insurance is to specify minimum coverage and minimum limits of liability acceptable under the Contract. However, it shall be the Developer's responsibility to purchase and maintain insurance of such character and in such amounts as will adequately protect it and the Town from and against all claims, damages, losses and expenses resulting from exposure to any casualty liability in the performance of the work, including and not limited to Professional liability insurance where applicable.

d. All policies shall identify the Town as an additional insured (except Workers' Compensation). The Developer shall notify the Town immediately upon the cancellation or amendment to any policy. Renewal Certificates shall be filed with the Town at least ten (10) days prior to the expiration of the required policies. Certificates evidencing all

such coverage shall be provided to the Town upon the execution of this Contract, and upon the renewal of any such coverage. Each such certificate shall specifically refer to this Contract and shall state that such insurance is as required by this Contract. **Failure to provide the notices required in this Section or to continue in force such insurance shall be a material breach of this Contract and shall be grounds for immediate termination.** Said insurance shall include: Workers

Compensation/Employers' Liability Insurance, Business Automobile Liability Insurance, and Commercial General Liability Insurance (CGL). The CGL policy shall include coverage for liability arising from premises, operations, independent Developers, personal injury, contractual liability. All Certificates of Insurance shall be on the "MIIA" or "ACORD" Certificate of Insurance form, shall contain true transcripts from the policies, authenticated by the proper officer of the Insurer, evidencing in particular those insured, the extent of coverage, the location and operations to which the insurance applies, the expiration date and the above-mentioned notice clauses. All insurance shall be written on an occurrence basis. Coverages shall be maintained without interruption from date of the Contract until date of final payment and termination of any coverage required to be maintained after payment.

e. The Developer shall obtain and maintain during the term of this Contract the insurance coverage in companies licensed to do business in the Commonwealth of Massachusetts and acceptable to the Town.

9.c. Discuss the possible budget needs as we transition key staff positions due to retirements.

Chair Meier said he asked Tim King and Glenn Cannon to put a report together regarding retirement impacts.

Acting Town Administrator Tim King said that one of areas of concern for him is to see what the Board of Selectmen would do in terms of the Town Planner – if they would like the Town Planner to focus on Economic Development or something narrower. He said that there are several different regulatory positions that are separate little departments, Engineering, Conservation, Town Planner, Building Inspection, and because of that there is some difficulty in terms of both making sure that everyone is on the same page and making sure that everything is getting done in a way that there is commonality and purpose. He said he feels that the Board of Selectmen should give him some input in what they have seen in terms of the Town Planner position, and in the reporting roles of the Engineer, Conservation Agent and Building Inspector. He said the Town Planner will be retiring at the end of December.

Chair Meier said that he feels any discussion about the Town Planner should be with the Planning Department. He said that he feels that Economic Development is needed in Bourne, and an Economic Development position could help Bourne all around. He said that either the Planning Board can have a joint meeting with the Board of Selectmen, or Tim King and Glenn Cannon can meet with them on their own and bring their recommendations back at a future meeting.

Mary Jane Mastrangelo asked if there was anything in the Local Comprehensive Plan or in the Strategic Plan about Economic Development because it has been discussed many times and there are many different layers and she feel some brainstorming should be done. She feels a joint meeting with the Planning Board would be helpful.

George Slade asked Mr. King what exactly it is he would like to see with the Town Planner position. Mr. King said he would broaden the scope of the Town Planner to include Economic Development, and it could be that the Assistant Town Planner play the Economic Development

role. Mr. King also said that the de-centralized nature of the regulatory bodies could be made better by combining them in one department with a direct reporting responsibility. Judy Froman said that the Town has been fortunate that the collection of people in recent times have been willing to be collaborative, but from a management standpoint Mr. King is correct, in that there are some inefficiencies tied together with it.

Assistant Town Administrator Glenn Cannon said that departments could be moved around and to re-address what the Assist Town Administrator does and to bring those groups all together. He also said regarding Economic Development, with Town Planner retiring, there may be an opportunity to re-assess that position. Ms. Froman said it is time to be proactive, rather than reactive, has the Town has been in the past.

Mr. King said that the other issue he wanted to talk about was Town Counsel. Chair Meier said that it is on the agenda and that the Town may be without Town Counsel soon. They have resumes that have been scored, and if the firms still want to be involved, then they need to be interviewed. Ms. Mastrangelo said she thinks they should start a process for discussing interviews and then decide who is going to do what after the interviews are done, and that there should be an executive session with current Town Counsel, Robert Troy. There was some discussion about Robert Troy interviewing for Town Counsel and about the process of interviewing for Town Counsel.

Chair Meier suggested that the Board meet with Robert Troy before Town Meeting to discuss what cases are left and to see what he can help the Town with short term until interviews for the next Town Counsel are finished. Mr. King asked which firms the Board of Selectmen would like to invite for interview.

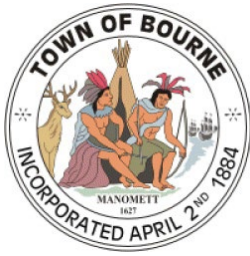
Voted: Jared MacDonald moved, and Judy Froman seconded to invite the firms of Miyares & Harrington, K P Law and Brooks and DeRensis to interview before the Board of Selectmen at a date that is agreeable to all.

Vote: 5-0-0.

Chair Meier said that the Interim Town Administrator, Tim King, will do the outreach to the firms. He also said that they will meet in Executive Session at 6:15 on Monday night before Town Meeting with Robert Troy.

Ms. Froman asked Mr. King about the status of the assistance needed in the Town Administrator's office. Mr. King said that Kathleen Thut has been placed in the Interim Executive Assistant position, and now there is a vacancy in Kathleen's position, which is 75% funded by the Sewer Fund and 25% by the General Fund, although the work is about 15% Sewer work and about 85% Town Administration work. Mary Rebello is providing some assistance in the office currently.

There was discussion about organization within the Town Administrator's office and how the budget for the positions may be re-organized. There was some discussion about the difficulties in retirements and the timing for them. Ms. Mastrangelo said there should be a plan to maintain customer service without stressing out the employees, and maybe bring back some seasoned workers or hire temporary workers.



TOWN OF BOURNE
Town Administrator

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Buzzards Bay, MA 02532
www.townofbourne.com
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Timothy J. King, Town Administrator
Email: tking@townofbourne.com

To: Board of Selectmen
From: Tim King, Town Administrator
Subj.: Staffing
Date: November 5, 2021

Town Counsel

Bob Troy will finish his work in early December. The Board has received, evaluated, and ranked proposals from several law firms. I have prepared the attached rating sheet showing the ratings for each board member. The Board should select three firms to invite in for interviews later this month. I will undertake some further review of the references of each selected firm.

Conservation Agent

Glenn and I interviewed Sam Haines before he left. He provided useful information about hiring his successor. The town has advertised the position and has received about a dozen applicants have applied for the position. I am in the process of reviewing them. I am putting together a screening committee consisting of two members of the Conservation Commission, Asst. Town Administrator and a Conservation Agent from a neighboring town to assist with the review.

Town Planner

I have interviewed the current Town Planner and discussed ideas for her department. The Board should discuss whether to expand the portfolio of this position to include such areas as Economic Development. The entire area of regulatory review that includes Planning, Conservation, Engineering and Building Inspection is decentralized and suffers from a lack of common oversight. I would like Board input about whether the reporting relationships should be reorganized.

Police Chief

Filling this position will commence once the legislature has approved removing it from Civil Service. The Board should meet with Paul Shastany to discuss qualities you would want and the town and Police Department needs in a new Police Chief.

Human Resources Director

I will be starting the process of filling this vacant position shortly. It is certainly needed. There are few town policies and presently much of the work is decentralized. Glenn and I with the School Superintendent the possibility of sharing a position. They are not interested.

Facilities Director - Like many Mass Towns Bourne is suffering from a lack of investment in building infrastructure. The Town has taken a number of recent steps to address this problem. But much more is needed. Sean Feeney does a good job with the day to day facility activities. The Town would benefit from having a Facilities Director. Glenn and I discussed this with the School Department. They are more open to the idea of a shared position in this area. I am drafting a job description along those lines for the Board to consider but I would like to hear your ideas.

IT Director

Sharing this position with the School Department was discussed with the Superintendent. They are not interested in this approach. There is still the need for two full time positions for the Town. I am currently assessing the abilities of the current employee in the department for promotion to Director.
Other Vacancies

There are a few vacancies in the DPW, ISWM, Library, Town Clerk, and my office that will need to be filled. The positions in DPW and ISWM are actively being recruited to be filled. The Library Director has requested a possible revision of one or two of the positions currently vacant.

Any changes would have to be negotiated with the Union.
The Town Clerk told me he wants to wait until a new Town Administrator before filling the vacancy in his office.

Filling the vacancy in the Town Administrator Office is complicated by the 75/25 sharing of costs with Sewer. Moving the sewer billing responsibilities to DPW makes sense. I need to discuss this with Sean Patterson. This would also need Union discussion. This also means that funding for the position needs to be reviewed. It may be necessary to reduce it to part time if sewer billing is moved to DPW.

9.d. Discussion and possible vote on the Selectmen budget goals.

Discussion deferred.

9.e. Discussion and possible vote on the Town Counsel candidates interview process.

Discussed previously

10) Town Administrator's Report – "Adopt a Visibility Site" Perry Avenue walkway to the Cape Cod Canal.

Glenn Cannon reported that after he walked the walkway, and after a discussion with DPW, it was determined by him that DPW can not keep up with the trimming and the weeds. He thinks there may be an opportunity to do an "Adopt a Visibility Site", where residents and maybe even some landscaping companies can help with the upkeep of the walkway. Jared MacDonald said that Mr. Cannon has made a good point especially due to Keystone, the hotel, Calamar etc. Chair Meier said that they may be able to work with Mass Maritime on the idea. Ms. Froman said there are other areas in the town that would need something like this also.

11) Committee Reports

George Slade said that a Police Academy is now being considered on the base and they had to go through an audit. He said the report just came in, so he does not have all the details yet.

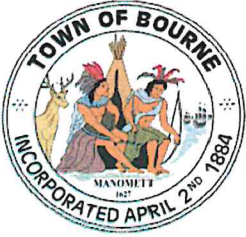
Judy Froman said that she and Tim King went to Mass Maritime Academy and met with the President and the Vice President of Operations. They are 100% vaccinated at the school now, and do not have to wear masks. They talked about parking and parking lots and ways to have better communication and signage for events, and about community events. She said that there are cruise boats that do not go to Bourne, and Mass Maritime would like help to engage people in staying in Bourne. They also talked about construction of the new dorm.

12) Correspondence – George Slade said there was none.

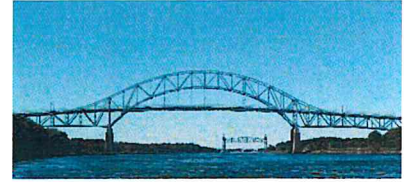
13) Adjourn

Voted: Jared MacDonald moved, and Judy Froman seconded to adjourn.

Vote: 5-0-0.



Board of Selectmen Meeting Notice AGENDA



Date

November 9, 2021

Time

6:00 PM

Location

Bourne Veteran's Memorial Community Center
239 Main Street, Buzzards Bay

Note this meeting is being televised, streamed or recorded by Bourne TV. If anyone in the audience is recording or video-taping, 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

6:00 PM Call Public Session to Order in Open Session

1. Board of Selectmen Executive Session

Motion to enter into Executive Session (Number 6) to consider the purchase, exchange, lease or value of real property. The chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

- Barnstable County Land – 0 Doctor Julius Kelley Drive

Motion to enter into Executive Session (Number 6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

- The "Motor Way" property identified as a parcel of land located off Route 28 in the Town of Bourne and further identified as Lot 2 on a Plan recorded with the Barnstable County Registry of Deeds in Plan Book 675, Page 72 and also Bourne Assessors Map 52, Parcel 41, MacArthur Blvd., Bourne, MA.

Roll call Vote to convene in Executive Session for the purpose stated.

The Board of Selectmen will reconvene in open session at the end of the executive session.

The Chair will report out a summary of any votes taken during the Executive Session.

Conduct Executive Session.

Roll call vote to adjourn the Executive Session and re-enter Public Session.

2. Moment of Silence to recognize our Troops and our public safety personnel

3. Salute to the Flag

4. **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, 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.

RECEIVED
2021 NOV -5 PM 1:47
TOWN CLERK BOURNE

5. **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.
6. **Public Comment on Non-Agenda Items**
 - a. 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.
7. **Minutes:** 10.08.21
8. **Appointments and Licenses**
 - a. Discussion and possible vote to appoint Eda Cardoza to the Council on Aging Committee
 - b. Roadway Traffic Safety Committee
 - i. Amend the Committee Charge to include two (2) additional at-large members.
 - ii. Discussion and possible vote to appoint Richard Libin to the Roadway Traffic Safety Committee.
 - c. Discussion and possible vote to appoint Kristin Weisker to the Bourne Commission on Disabilities.
 - d. Discussion and possible vote to appoint Assistant Town Administrator Glenn Cannon to the Joint Base Cape Cod – Military Civilian Community Council as an alternate member.
9. **Selectmen's Business**
 - a. Discussion and possible vote on the request by Dan Barrett, General Manager to appoint Special Counsel for the Integrated Solid Waste Management (ISWM) Facility expansion.
 - b. Discussion and possible vote on the Next Grid (solar array) First Amendment to the Memorandum of Agreement.
 - c. Discuss the possible budget needs as we transition key staff positions due to retirements.
 - d. Discuss and possible vote on the Selectmen budget goals.
 - e. Discussion and possible vote on the Town Counsel candidates interview process.
10. **Correspondence**
11. **Committee Reports**
12. **Adjourn**

Council on Aging

October 19, 2021

EXP	COMM	APPT BY	FIRST	LAST
June 30, 2022	Council on Aging	Board of Selectmen	Beverly	Armando
June 30, 2022	Council on Aging	Board of Selectmen	Dianne	Carter
June 30, 2022	Council on Aging	Board of Selectmen	Jean F.	Hills
June 30, 2022	Council on Aging	Board of Selectmen		Vacancy
June 30, 2023	Council on Aging	Board of Selectmen	Kenneth	Blanchard
June 30, 2023	Council on Aging	Board of Selectmen		Vacancy
June 30, 2023	Council on Aging	Board of Selectmen		Vacancy
June 30, 2024	Council on Aging	Board of Selectmen	Sandra M.	Barnard
June 30, 2024	Council on Aging	Board of Selectmen	Marilyn A.	Jackson
June 30, 2024	Council on Aging	Board of Selectmen	Geraldine J.	Parham Andos
June 30, 2022	Council on Aging - Alternate Member	Board of Selectmen		Vacancy
June 30, 2023	Council on Aging - Alternate Member	Board of Selectmen	Lorraine S.	Young

Applicant:

Eda Cardoza, 16 Wright Lane, Buzzards Bay, MA 02532 – 508.759.9351 –
edacard72@gmail.com

D
11-11-21

TALENT BANK FORM

ACT NOW- SERVE YOUR COMMUNITY

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TOWN GOVERNMENT TALENT BANK

c/o Town
Administrator,
24 Perry Avenue
Buzzards Bay, MA
02532

BOURNE RD OF SELECTMEN
RCUD 2021 SEP 16 PM 3:00

NAME: Eda Cardoza DATE: 9/16/21
ADDRESS: [REDACTED] RECINCT: 3
OCCUPATION: Teacher TELEPHONE # [REDACTED] EMAIL: [REDACTED]
BACKGROUND: Coach at St. Margarets. Volunteer SE. U. Acad

Check	AREAS OF INTEREST (LIST ORDER OF PREFERENCE)
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	ZONING BOARD OF APPEALS - The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws, and by this Bylaw, those powers being to hear and decide applications for Special Permits upon which the Board is empowered to act under this Bylaw; to hear and decide petitions for variances, excluding variances for use; to hear and decide other appeals from any aggrieved person, officer, or board, or the Cape Cod Planning and Economic Development Commission, to issue comprehensive permits as provided by Sections 20-23, Ch.40B, G.L., and in special cases to issue withheld building permits, as provided by Section 81Y, Ch.41, G.L.
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	BUZZARDS BAY ACTION - The mission of the Buzzards Bay Action Committee is to improve collaboration among watershed municipalities.
	BY-LAW COMMITTEE - Reviews and also recommends updates or changes to the Town By-laws
	CABLE ADVISORY COMMITTEE- performs research/makes recommendations for cable license renewal
	CAPE & VINEYARD ELECTRIC COOPERATIVE - was organized on September 12, 2007. Provides for the establishment of energy cooperatives.
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	CONSERVATION COMMISSION- administers the Wetlands Protection Act, Local Wetlands bylaws
✓	COUNCIL ON AGING- coordinates programs designed for the needs of aging in coordination with the MA Executive Office of Elder Affairs
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	LANDFILL BUSINESS PROJECT MODEL WORKING GROUP-Make recommendations on long term viability of the Integrated Solid Waste Management Department to the Town Administrator and Selectmen

NO VAC

	LOCAL EMERGENCY PLANNING COMMITTEE - mission is to provide residents with an emergency response program for hazardous materials incidents, extreme weather, and other high impact events.
	OPEN SPACE COMMITTEE - was formed in 1999 for the purpose of recommending acquisitions of interest in real property to be owned or managed by the Conservation Commission or other designated nonprofit organization or in the case of interests to acquire sites for future wellhead development for a Water Resource District.
	TASK FORCE ON LOCAL POLLUTION/PHASE II STORMWATER MANAGEMENT COMMUNITY OVERSIGHT PROGRAM - membership shall consist of seven (7) members of the general public, at least two of whom, if possible, shall have a professional background in science, law or engineering.
	PRIVATE ROADS ACCEPTANCE - On an annual basis we will have to establish a prioritization process to see what roads will be brought before the town for consideration.
	RECREATION COMMITTEE – Works with the Director of Recreation on long term planning for the recreational needs of the Town
	RECYCLING - Provide advice and assistance to the Board of Selectmen, the ISWM General Manager and Town residents concerning recycling requirements and procedures. Assist the Board of Selectmen with public education concerning recycling, composting and source reduction.
	REGISTRAR OF VOTERS - The Board of Registrars responsibilities include registering voters, making local listings of residents, certifying nomination papers and petitions, processing absent voter applications and administering election recounts.
	SELECTMEN'S ENERGY ADVISORY COMMITTEE - assist the Board of Selectmen on the investigation, research and consideration of siting and utilizing alternative forms of energy for municipal purposes.
	SOUTH SIDE FIRE STATION FEASIBILITY AND DESIGN BUILDING COMMITTEE - To serve as advisors to the Town Administrator and Bourne Board of Selectmen as it prepares the design, siting and feasibility of a new replacement fire/ems station on the south side of the Cape Cod Canal.
	SHORE AND HARBOR COMMITTEE – Works on plans, future development and recommends regulatory change and enforcement
	SPECIAL WORKS OPPORTUNITY PROGRAM - SWOP's mission statement is to provide social opportunities to adults with intellectual disabilities residing in the Town of Bourne. We do this through social settings that foster independence and cultivate respect and support through community involvement.
	STREET AND TRAFFIC – Look into the current street lighting.
	TOWN ADMINISTRATORS ADVISORY COMMITTEE ON PEDESTRIAN BICYCLE PATHWAY - to assist in the creation of a pedestrian and bicycle pathway within the geographic boundaries of the Town of Bourne, connecting with the Shining Sea pathway in Falmouth
	TRANSPORTATION ADVISORY COMMITTEE - shall have the following responsibilities on transportation-related projects proposed by the town and others and shall include, but not limited to, highways and other roadways, rail services, bus services, shuttle services and transportation facilities.
	WASTEWATER FACILITY DESIGN AND BUILDING - To serve as advisors to the Town Administrator and Bourne Board of Sewer Commissioners as it prepares the final design, siting and construction of a 100,000 gpd facility within Buzzards Bay.
	UPPER CAPE REGIONAL TRANSFER STATION - is the body that oversees all operations for the municipally-owned regional solid waste transfer station located on Joint Base Cape Cod (JBCC) in Sandwich.
	VETERANS GRAVES OFFICER
	OTHER (please list)

Roadway Traffic Safety Committee

The Roadway Traffic Safety Committee is a group formed by the Board of Selectmen. This committee is a review and clearing house for all issues relating to the roadways and traffic or other related safety issues in the Town of Bourne. To have a concern reviewed by the committee please send an email including your contact information to the committee at RTScommittee@townofbourne.com). The committee will review all concerns within the purview of this committee, and in some cases may require a traffic/safety study or analysis of the situation by additional internal or external stakeholders. After review, the committee will make a recommendation to the Town Administrator's office or the Board of Selectmen as required.

The committee is made up of a member of the Police Department, Fire Department, Department of Public Works, Planning Board or Town Planner, Town Engineer, Select Board Member [ex-officio & non-voting] and 4 resident at-large members ~~2 residents~~. Appointments will be on an annual basis.

Voted ~~06.15.21~~ 11.09.21 Selectmen's Meeting

Roadway Traffic Safety Committee

EXP	COMM	REP OF COMM	FIRST	LAST
June 30, 2022	Roadway Traffic Safety Committee	Fire	David	Cody
June 30, 2022	Roadway Traffic Safety Committee	BOS - Ex-Officio-non-voting	Judith MacLeod	Froman
June 30, 2022	Roadway Traffic Safety Committee	At Large Resident	Mandy	Holway
June 30, 2022	Roadway Traffic Safety Committee	Engineer	Timothy	Lydon
June 30, 2022	Roadway Traffic Safety Committee	Town Planner or Planning Board	Coreen	Moore
June 30, 2022	Roadway Traffic Safety Committee	Public Works	Shawn	Patterson
June 30, 2022	Roadway Traffic Safety Committee	At Large Resident	Matt	Smith
June 30, 2022	Roadway Traffic Safety Committee	Police	John R.	Stowe, Jr.
June 30, 2022	Roadway Traffic Safety Committee	At Large Resident		Vacancy
June 30, 2022	Roadway Traffic Safety Committee	At Large Resident		Vacancy

11/5/21

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TOWN GOVERNMENT TALENT BANK

c/o Town
Administrator,
24 Perry Avenue
Buzzards Bay, MA
02532

NAME: RICHARD LIBIN DATE: 9-22-2021
ADDRESS: [REDACTED] PRECINCT: 6
OCCUPATION: [REDACTED] TELEPHONE: [REDACTED] EMAIL: [REDACTED]
BACKGROUND: [REDACTED]
COVE MASTER, DEPUTY SHELTER COMMITTEE, SHORE & HARBOUR COMM

Check	AREAS OF INTEREST (LIST ORDER OF PREFERENCE)
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	VETERANS GRAVES OFFICER
	OTHER (please list)

Richard E. Libin

F

September 22, 2021

Town of Bourne
24 Perry Avenue
Buzzards Bay, MA 02532
Attn: Select Board

Re: Roadway Traffic Safety Committee

Dear Select Board,

I would like to be considered for the at large seat on the Roadway Traffic Safety Committee. My background with the town goes back well over twenty years and I am currently the Cove Master at Barlows Landing and one of the Deputy Shellfish Constables. I also serve as the Chairman of the Shore and Harbor Committee which deals with safety issues related to the waterways, beach facilities, parking areas, and also addresses the regulatory and enforcement recommendations to the town.

Thank you for consideration.

Respectfully,

Richard F. Libin

Richard F. Libin

TOWN OF BOURNE - FY22 Commission on Disabilities

EXP	LAST	FIRST	STREET	CITY	STATE	ZIP	HOME #	EMAIL
June 30, 2022	Carr	Victoria			MA	02553-0464		
June 30, 2022	Carr	Nathan			MA	02553-0464		
June 30, 2022	Cooney	Lori			MA	02532		
June 30, 2022	Morley	Patricia			MA	02559		
June 30, 2023	Duffy-Krauspe	Patty			MA	02534		
June 30, 2023	Pelonzi	David S.			MA	02532		
June 30, 2023	Ruggles	Patricia			MA	02532		
June 30, 2024	Brunco	Marc			MA	02532		
June 30, 2024	Vacancy							

Kristin J. Weisker



BOURNE BD OF SELECTMEN
RCUD 2021 OCT 4 PM12:56

October 4, 2021

Town Government Talent Bank
c/o Town Administrator
24 Perry Avenue
Buzzards Bay, MA

Dear Mr. King,

It has come to my attention that there is an opening on the Commission on Disabilities committee. I would like to put my name forward for such a position with the town. I have recently met with the chair, Victoria Carr, and believe I can be of service to her committee.

My husband and I moved to Bourne three years ago and we have been regular visitors to the area for over two decades. I would like to contribute to this community that has been so welcoming to me and my husband.

I am now retired from the investment industry where I had been a relationship manager for the past 15 years of my career. I have solid interpersonal skills and enjoy working in a collaborative environment.

I have attached the completed Talent Bank form and look forward to hearing from you about any next steps.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristin J. Weisker".

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TOWN GOVERNMENT TALENT BANK

c/o Town
Administrator,
24 Perry Avenue
Buzzards Bay, MA
02532

NAME: Kristin J. Weisker DATE: 10/4/27

ADDRESS: [REDACTED] PRECINCT: 6

OCCUPATION: RETIRED TELEPHONE: [REDACTED] MAIL: [REDACTED]

BACKGROUND: career working as relationship manager in the investment industry

Check	AREAS OF INTEREST (LIST ORDER OF PREFERENCE)
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	ROADWAY TRAFFIC SAFETY COMMITTEE - This committee is a review and clearing house for all issues relating to the roadways and traffic or other related safety issues in the Town of Bourne.
	SELECTMEN'S ENERGY ADVISORY COMMITTEE - assist the Board of Selectmen on the investigation, research and consideration of siting and utilizing alternative forms of energy for municipal purposes.
	SOUTH SIDE FIRE STATION FEASIBILITY AND DESIGN BUILDING COMMITTEE - To serve as advisors to the Town Administrator and Bourne Board of Selectmen as it prepares the design, siting and feasibility of a new replacement fire/ems station on the south side of the Cape Cod Canal.
	SHORE AND HARBOR COMMITTEE – Works on plans, future development and recommends regulatory change and enforcement
	SPECIAL WORKS OPPORTUNITY PROGRAM - SWOP's mission statement is to provide social opportunities to adults with intellectual disabilities residing in the Town of Bourne. We do this through social settings that foster independence and cultivate respect and support through community involvement.
	TOWN ADMINISTRATORS ADVISORY COMMITTEE ON PEDESTRIAN BICYCLE PATHWAY - to assist in the creation of a pedestrian and bicycle pathway within the geographic boundaries of the Town of Bourne, connecting with the Shining Sea pathway in Falmouth
	TRANSPORTATION ADVISORY COMMITTEE - shall have the following responsibilities on transportation-related projects proposed by the town and others and shall include, but not limited to, highways and other roadways, rail services, bus services, shuttle services and transportation facilities.
	WASTEWATER FACILITY DESIGN AND BUILDING - To serve as advisors to the Town Administrator and Bourne Board of Sewer Commissioners as it prepares the final design, siting and construction of a 100,000 gpd facility within Buzzards Bay.
	UPPER CAPE REGIONAL TRANSFER STATION - is the body that oversees all operations for the municipally-owned regional solid waste transfer station located on Joint Base Cape Cod (JBCC) in Sandwich.
	VETERANS GRAVES OFFICER
	OTHER (please list)

Section 2-9: Finance Committee.

A finance committee shall be appointed as provided by by-law. Town employees, including school employees, shall not be eligible for appointment to, or service on, the finance committee. The finance committee shall choose from its members a chairperson and fill such other offices as it may create.

Article 3**Executive Branch, Board of Selectmen.****Section 3-1: Term of Office, Composition.**

There shall be a board of selectmen to consist of 5 members to be elected for 3-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year. The board of selectmen shall also serve as sewer commissioners until such time as the town adopts legislation creating a board of sewer commissioners.

Section 3-2: Vacancy.

A vacancy in the office of selectmen shall be filled in accordance with the General Laws.

Section 3-3: Policy Role.

The board of selectmen shall serve as the chief goal-setting and policy-making agency of the town, keeping in mind the goals, policies and action items of the local comprehensive plan, or LCP, and shall appoint a town administrator to carry out such policies. Annual goals as voted by the board of selectmen shall be filed with the town administrator not later than July 1 after the regular spring town election and also published in the annual town report.

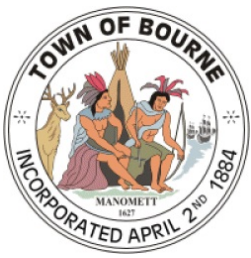
An individual selectman shall have no independent authority unless specifically authorized by a vote of the board of selectmen. Selectmen shall deal with administrative agencies and departments only through the town administrator. Selectmen, individually or as a board, shall not become involved in the day-to-day administration of a town department. The board of selectmen shall act only through the adoption of written policy goals, policies and action items which shall be implemented by the town administrator and written in a policy book that shall be available to the public for review.

Section 3-4: Powers and Duties.

Except as otherwise provided by this charter, all executive powers of the town shall be vested in the board of selectmen and the board shall have all of the powers and duties given to boards of selectmen under the Constitution and General Laws of the commonwealth, and such additional powers and duties as may be authorized by this charter, by by-law or by town meeting vote. The board of selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause a record to be kept of all its official acts.

Section 3-5: Appointing Powers.

The board of selectmen shall appoint the town administrator, town counsel, registrars of voters, constables and members of all multi-member bodies for whom no other appointment provision is made in this charter or by by-law. Representatives of boards or committees specified as members of a committee shall be designated by their respective boards or committees. All boards, committees and commissions appointed by the board of selectmen shall be responsible to the board of selectmen.



TOWN OF BOURNE

Town Administrator

24 Perry Avenue – Room 101
Buzzards Bay, MA 02532
www.townofbourne.com
508.759.0600, Ext. 1308



Anthony E. Schiavi, Town Administrator
Email: aschiavi@townofbourne.com

Request for Qualifications Town Counsel Services ADDENDA

To: All Bidders

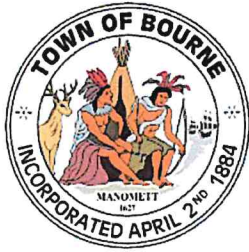
From: Anthony Schiavi, Town Administrator

Date: March 31, 2021

This Addendum modifies and forms a part of the RFQ documents posted to the Town of Bourne website on March 10, 2021. This Addendum consists of the following: One (1) typed page.

1. Can you tell me what your legal budget was for last year?
 - A. **Currently the legal budget is \$300,000 for all uses (i.e., town counsel, labor counsel and special counsel.) For example, this year we have hired special counsel to renegotiate the Town's Comcast license. However, the Board of Selectmen has tasked the Town Administrator with working to reduce the legal budget, if possible, however it was maintained at \$300k due to the cable license for FY22.**
2. As to on-site office hours, we presume those would be at the Town Hall, and if so, traditionally, how many such hours are expected on a semi-monthly or monthly basis?
 - A. **We expect that if we utilize "on-site hours" it would start at approximately 2 days per month at approximately 5-6 hours per day. As to office space, you would likely be using the Bourne Community Center, 239 Main Street, Buzzards Bay ~ 500 ft from Town Hall.**
3. Does the Town of Bourne expect a satellite law office to be located in the general vicinity of the Bourne area or on Cape Cod?
 - A. **There is no requirement for the selected firm to have a satellite office close to Bourne.**

NOTE TO ALL BIDDERS: YOU MUST ACKNOWLEDGE RECEIPT OF ALL ADDENDA ON YOUR BID SUBMISSION FORM WHERE INDICATED OR INCLUDE A COPY OF ADDENDA IN YOUR BID SUBMISSION.



Anthony E. Schiavi
Town Administrator

TOWN OF BOURNE

Town Administrator

24 Perry Avenue – Room 101
Buzzards Bay, MA 02532
www.townofbourne.com
508.759.0600, Ext. 1308



TOWN OF BOURNE OFFICE OF THE TOWN ADMINISTRATOR Request for Qualifications Town Counsel Services

The Bourne Board of Selectmen seeks to appoint an attorney or law firm as Town Counsel on or about May 18, 2021. Interested firms or attorneys must meet or exceed the qualifications stated in the RFQ/I, must be readily accessible to authorized public officials, exceptionally experienced in municipal law as described in the RFQ/I, possess an uncompromising adherence to the highest standards of professional conduct and ethics, and be committed to rendering sound and objective legal advice and opinion.

In seeking Town Counsel, the Board of Selectmen is not bound by M.G.L. c.30B or by any other constraints apart from the sound judgment of its members. This process is being used to communicate the desired qualifications of Town Counsel and to solicit information in an orderly fashion for rough comparative purposes. Ultimately, though, the Board of Selectmen will select the candidate that they deem to be in the best interests of the Town, in its sole discretion. Consequently, the Board of Selectmen, Town Administrator, and the Town of Bourne reserve the right to waive any irregularities in the RFQ/I process and to accept or reject any or all proposals.

Full context and instructions may be found on the Town of Bourne website (townofbourne.com) under the heading "Town Bids/RFPs." **Sealed envelopes containing responses shall be marked "Town Counsel RFQ/I" and be received no later than Friday, April 9, 2021 at 4:00 pm at Bourne Town Hall, 24 Perry Ave., Buzzards Bay, MA 02532.**

The right is reserved, as the interest of the Town may require, to revise or amend the specifications prior to the date set for the review of the responses to the RFQ/I, such revisions and amendments, if any, will be announced by an addendum to the RFQ/I. In such case, the addendum will be posted on the Town's website on March 31, 2021. The respondent shall acknowledge receipt of all addenda by signing, dating, and returning the acknowledgement page of the addenda with their RFQ/I.

Questions may be directed to Town Administrator Anthony Schiavi at aschiavi@townofbourne.com.

GENERAL INFORMATION

Firms may be invited to make presentations at a Board of Selectmen's meeting

Date	Time	Description
March 10, 2021		Release of RFQ/I to public, posted on Town of Bourne and MMA websites
March 26, 2021	4:00 PM	Last day for written inquiries
March 31, 2021	4:00 PM	Anticipated date that answers to written inquiries will be posted on Town of Bourne website in the form of addenda
April 9, 2021	4:00 PM	RFQ/I's are due
April 14, 2021		List of RFQ/I's submitted to Board of Selectmen for evaluation
April 20, 2021	7:30 PM	Presentations to Board of Selectmen, if needed
May 7, 2021	4:00 PM	Announcement of Award

Request for Qualifications/Information
Town Counsel Legal Services
Town of Bourne

I. Objective: The Bourne Board of Selectmen seek to appoint an attorney or law firm as Town Counsel on or about May 18, 2021. Interested firms or attorneys must meet or exceed the qualifications stated below , and must be readily accessible to authorized public officials, exceptionally experienced in municipal law as further described below, possess an uncompromising adherence to the highest standards of professional conduct and ethics, and be committed to rendering sound and objective legal advice and opinion.

II. Form of Government: The Town of Bourne is a vibrant and historic Cape Cod community located at the gateway to the distinctive region in Massachusetts with approximately 20,500 year-round residents, increasing to about 40,000 during summer months. It has a tradition of responsive government service and is known for its miles of beautiful coastline, charming villages, and abundant open space. The town operates under a Home Rule Town Charter and in that regard, the Board of Selectmen acts as the appointing authority for Town Counsel. Town Counsel will provide services to all departments, boards and committees of the Town of Bourne as directed by the Board of Selectmen and Town Administrator as their designee. The Town will continue from time-to-time to engage and retain special counsel as circumstances dictate. The Town of Bourne's legislative body acts through an open town meeting construct and meets annually on the first Monday in May and generally in the fall or at other times through Special Town Meetings.

III. Areas of Qualification and Services:

1. General municipal law and established under MA General Law and as appropriate, case law.
2. Municipal finance.
3. State procurement laws - from bidding to award, development of standard contracts for goods and services, engineering, etc.
4. Town Charter interpretation and guidance.
5. Open Meeting Law, exceptions, public records law and conflict of interest in a municipal setting.
6. Land use and real estate experience including but not limited to purchasing, divesting, eminent domain, easements, licenses and leases etc. as well as negotiation assistance.
7. Open Town Meeting to include drafting, reviewing and providing guidance on Town Meeting Articles and review of motions. Includes attendance at all Annual and Special Town Meetings.
8. Assist with drafting, submitting and monitoring special legislation and home rule petitions.
9. All aspects of zoning to include review and assistance with zoning changes, amendments, permitting etc.
10. MA liquor licensing laws and guidance to the Board of Selectmen during license holder hearings.
11. Regulations related to conservation, wetlands, storm water compliance, solid waste

and wastewater, to include both Environmental Protection Agency and the MA Department of Environmental Protection regulatory guidance and permitting.

12. Provide assistance, review and guidance with various types of energy contracts and projects related to solar or other forms of renewable energy.

13. Represent the Town of Bourne at various legal proceedings, including the appellate level, attend court appearances, administrative agency hearings and/or other litigation venues on behalf of the Town.

IV. Qualifications: The successful appointee and all those who will be working on behalf of the appointee must be a member in good standing of the Massachusetts Bar Association and qualified to practice law in Massachusetts and able to represent the Town before all courts and governmental agencies in which the Town is likely to appear in the usual pursuit of its municipal functions. Town Counsel must have professional liability insurance in the amount of at least \$1,000,000.

V. Experience: The appointee must represent or have represented as general counsel a Massachusetts municipality for not less than five (5) years or possess equivalent experience. References for all municipalities currently represented or represented in the last ten (10) years by the prospective appointee must be submitted. Prospective appointee must designate at least one other qualified attorney available to render advice and otherwise represent the interests of the Town when the appointee is not available. In this regard, "qualified attorney" shall mean another attorney who substantially meets the minimum qualifications set forth herein for the appointee. If there are particular areas of municipal law for which an appointee would seek "outside counsel" assistance, please identify those areas and whom the appointee typically uses in those areas.

VI. Accessibility: The appointee must commit to returning all calls and electronic correspondence from the Town Administrator or authorized officials either himself/herself or through a qualified back up within 24 hours of the communication. The appointee must also commit, as a general rule, to responding to requests for written opinions within one week unless the circumstances of the opinion warrant a shorter or longer time frame for a response. Electronic communications such as PDF documents are preferred when appropriate.

On-site office hours may be desired on a semi-monthly or monthly basis or occasionally more frequently to attend an on-site meeting.

VII. Billing: The appointee must commit to providing statements for services rendered on a monthly basis. Each statement, if based on an hourly rate for service, must disclose, at a minimum, the date of the service, the identity of the attorney or staff person performing the service, the subject matter reference for the service, a description of the service performed, the time it took to perform that service, and the hourly rate for the individual performing the service. Legal services provided for, or related to, the Town's enterprise funds will be billed separately from one another and/or general legal service. Expense items must be itemized.

VIII. Fees and Expenses: The Town's budget for legal expenses is a total within the legal services line item in each fiscal year's budget. This budget includes fees and expenses for Town Counsel and special and labor counsel as necessary. Other budgets may contain amounts to be

expended on legal services, such as the Town's two enterprise funds. Towards this end, the Board of Selectmen would be pleased to consider alternatives to the traditional hourly rate fee arrangement with counsel. As an example, responding attorneys may propose a fixed retainer for a specified scope of services, with an hourly rate for work outside the established scope of services. In addition, with the electronic nature of much of our communications today, the Board of Selectmen would also be interested in hearing ideas related to a monthly flat rate for general phone calls and emails from those authorized to communicate with Town Counsel, and which may not require any detailed legal research before responding. Prospective attorneys should feel free to be creative in these areas so long as the proposal is workable, reasonable and easily understood. Whether or not an alternative fee arrangement is proposed by the responding attorney, the attached fees and expenses response sheet must be completely filled out.

IX. **Selection:** In seeking Town Counsel, the Board of Selectmen is not bound by M.G.L. c.30B or by any other constraints apart from the sound judgment of its members. This process is being used to communicate the desired qualifications of Town Counsel and to solicit information in an orderly fashion for rough comparative purposes. Ultimately though, the Board of Selectmen will select the candidate that they deem to be in the best interests of the Town, in its sole discretion. Consequently, the Board of Selectmen, Town Administrator, and the Town of Bourne reserve the right to waive any irregularities in the RFQ/I process and to accept or reject any or all proposals.

X. **Application:** Qualified attorneys interested in responding to this RFQ/I should fill out the attached forms completely, attach copies of all documents requested therein, and return the same in an envelope labeled "Town Counsel RFQ/I" to:

Anthony E. Schiavi
Town Administrator
24 Perry Ave.
Bourne, MA 02532

Please provide six (6) copies of your RFQ/I response and all associated documentation on 8½ x 11 paper. Electronic submissions to aschiavi@townofbourne.com will be accepted in PDF format. The Town will provide a 'received acknowledgement' via email for all emailed submissions. If such acknowledgement is not received by you on or before the submittal date, please call Nancy Sundman, Executive Secretary at 508.759.0600 ext. 1304 for confirmation.

*All responses to this RFQ/I must be received at the Office of the Town Administrator/Board of Selectmen at the above address – or via email to aschiavi@townofbourne.com **no later than 4:00PM on April 9, 2021.** Thank you!*

RESPONSE TO REQUESTS FOR QUALIFICATIONS/INFORMATION FOR BOURNE TOWN COUNSEL

NAME: _____

FIRM NAME: _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

EMAIL: _____

Please respond to each of the following:

1. Please identify by name (address and phone number if different than above) the proposed Town Counsel and each proposed back-up counsel. The Board of Selectmen wants to know the specific individual attorney who will serve as Lead Counsel.
2. Please attach resumes for each attorney identified above.
3. Do each of the attorneys identified above meet the minimum bar admission requirements of the RFQ/I? If other than "yes", please explain.
4. With respect to each attorney identified, please list each and every Massachusetts municipality represented by the attorney within the past ten years, the years of such representation, and the name, address and phone number of at least one contact person in each municipality with knowledge of the attorney's representation.
5. Please describe each identified attorney's experience in the areas of land use, zoning and planning.
6. Please describe how you propose to satisfy the accessibility requirements of the RFQ/I.
7. Please describe how you propose to satisfy the backup requirements in section V. of the RFQ/I.
8. Will you meet or exceed the billing requirements of the RFQ/I?
9. State whether you have represented a client in the preceding three (3) years who has or had a matter pending before any officer, agency board or committee of the Town of Bourne.
10. Confirm that you will not, during the time of your representation of the Town, represent any client in any matter in which the interests of the client are adverse to those of the Town, or in any matter

seeking action by any officer, agency, board or committee of the Town, in accordance with MGLA 44A c268A s17.

11. Provide a general description of the firm, its history, significant changes in its makeup over the last three (3) years and its range of business.
12. Provide a list of municipalities represented over the last 10 years (see attached sheet).
13. Although the Town Administrator will select and appoint Labor Counsel, please explain your firm's experience with Municipal Labor Law as there may be times where collaborative discussions between Town Counsel and Town Labor Counsel are desired or warranted.
14. For the above Municipal Clients, have you or the firm:
 - A. Exceeded the municipal legal budget appropriation (general fund) in the last three (3) fiscal years (FY2018, FY2019, FY2020) and if so, by what percent?
 - B. If you have a retainer arrangement with the above clients, please note the retainer amount vs. total amount billed for the last three (3) fiscal years.
15. Provide details of any criminal investigation, regulatory or disciplinary proceedings or material litigation against your firm or members of your firm, which is either pending or has been completed in the preceding three (3) years.
16. Provide details as to the nature and amounts of your firm's professional insurance and of any claims asserted or made against such coverage in the preceding three (3) years.

By my signature, I certify that the information contained in this Response to Requests for Qualifications are complete and accurate, to the best of my knowledge and belief.

Signed: _____ Date: _____

Print Name _____

Firm Name _____

Lists of municipalities represented over the last 10 years/references:

Client Name	Contact Name and Title	Telephone Number

RESPONSE TO REQUESTS FOR QUALIFICATIONS/INFORMATION FOR BOURNE TOWN COUNSEL

Fees and Expenses Response Sheet

(To be attached to and made a part of the overall Response to Requests for Qualifications)

1. Please list the name and hourly rate for proposed Town Counsel and for each attorney intended or likely to serve as backup when the appointee is unavailable.
2. If you propose to bill for services provided by paralegals, clerical staff or other non-attorney personnel, please list by title and by hourly rate each position for whom you may bill.
3. Please provide a complete listing of all charges for expenses you intend to impose as incurred (i.e. any and all copy charges, telephone charges, fax charges, mileage charges and the like, but excluding any fees for stenographers, court fees, service fees and the like).
4. In what hourly increments do you intend to bill?
5. Do you bill out attorney time out of the office on a portal-to-portal basis or some other basis? Please describe.
6. Will there be a separate charge for office hours and/or training sessions? If so, please itemize.
7. Do you intend to propose an alternative fee arrangement? Yes____ No____ If "yes", please attach additional sheet(s) fully describing and explaining your proposal.

**ACKNOWLEDGMENT OF RECEIPT OF ADDENDA TO RFQ DOCUMENTS
TOWN OF BOURNE**

Town Counsel Legal Services

The undersigned responder hereby acknowledges receipt of the following notices, revisions, or addenda to the advertisement, specifications or RFQ/I documents. By indicating date of receipt, responder acknowledges the submittal takes into account the provisions of the notice, revision or addendum.

Reference # or Title of Addendum	Mode of Receipt (fax, email, pickup)	Date received

Acknowledgment:

Name and Title of Authorized Representative

Signature

Date