

**Board of Selectmen
Minutes of Monday, December 21, 2021, 7:00 PM
Bourne Veterans' Community Center
Buzzards Bay, MA**

ATA Glenn Cannon

Board of Selectmen

Peter Meier, Chair
George Slade, Clerk
Judy Froman, Vice Chair
Mary Jane Mastrangelo
Jared MacDonald (7:10)

Others - Bryan Bertram, Miyares and Harrington LLP.

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1. Board of Selectmen Executive Session

- a. Motion to enter into Executive under Purpose #2 of the Massachusetts Open Meeting Law relative to contract discussions/negotiations with Non-Union personnel for the position of Town Counsel, the law firm of Miyares & Harrington. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to these discussions/negotiations.

Voted: Judy Froman moved, and George Slade seconded to enter into Executive under Purpose #2 of the Massachusetts Open Meeting Law relative to contract discussions/negotiations with Non-Union personnel for the position of Town Counsel, the law firm of Miyares & Harrington. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to these discussions/negotiations.

Roll call vote to convene in Executive Session for the purposes stated – Judy Froman – yes, Chair Meier – yes, George Slade – yes, Mary Jane Mastrangelo – yes. 4-0-0.

- b. Motion to enter into Executive under Purpose #2 of the Massachusetts Open Meeting Law relative to strategy in preparation for contract discussions/negotiations for Non-Union Personnel; Acting Town Administrator Glenn Cannon. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body.

Voted: Mary Jane Mastrangelo moved, and Judy Froman seconded to enter into Executive under Purpose #2 of the Massachusetts Open Meeting Law relative to strategy in preparation for contract discussions/negotiations for Non-Union Personnel; Acting Town Administrator Glenn Cannon. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body.

Roll call vote to convene in Executive Session for the purposes stated – Mary Jane Mastrangelo – yes, George Slade – yes, Chair Meier – yes, Judy Froman – yes, 4-0-0.

Conduct Executive Session

7:40 PM Call Public Session to order in Open Session

Chair Meier called the meeting to order at 7:40 PM.

Chair Meier reported that in Executive Session they discussed approval of the fee structure for the Firm of Miyares & Harrington and the vote was unanimous, 5-0-0. They also approved a merit grade pay for Acting Town Administrator Glenn Cannon.

2. Selectmen's Business

- a. Discussion and possible vote on a contract for new Town Counsel, the Law Firm of Miyares & Harrington LLP.
- b. Discussion and possible vote to approve a contract for the Acting Town Administrator (Mr. Glenn Cannon).
- c. Discussion and possible vote on enrollment of the Town of Bourne in the statewide litigation settlements with Janssen, McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation and authorizing the Acting Town Administrator to execute the "Subdivision Settlement Participation Form – Distributor Settlement" and "Settlement Participation Form – J&J Settlement," and to submit said forms to the State.
- d. Discussion and possible vote to extend the Intermunicipal Agreement for Information Technology Services between the County of Barnstable and Bourne.

- 2.a. Discussion and possible vote on a contract for new Town Counsel, the Law Firm of Miyares & Harrington LLP.

Acting Town Administrator Glenn Cannon said that after interviewing three firms, the firm that was selected is Miyares & Harrington and today they came to an agreement on the fee structure. The firm is very open on how the Town wants to approach the fee structure. For now, they are proposing an hourly fee and there will be several meetings with the firm to discuss. There will be free training offered by the firm. There was some discussion about how it is time for new representation for the Town of Bourne. Chair Meier thanked Bob Troy and his staff for all they have done for the Town of Bourne.

Voted: Mary Jane Mastrangelo moved, and Jared MacDonald seconded to approve the fee agreement for the appointed Town Counsel, the law firm of Miyares & Harrington, LLP.

Vote: 5-0-0.

- 2.b. Discussion and possible vote to approve a contract for the Acting Town Administrator (Mr. Glenn Cannon).

Voted: Mary Jane Mastrangelo moved, and Judy Froman seconded to allow the Acting Town Administrator, Mr. Glenn Cannon, to receive out of grade pay at the annual rate of \$158,000.00 per year, beginning December 6, 2021, and continuing while Mr. Cannon is appointed the Acting Town Administrator. The out of grade pay shall continue until Mr. Cannon's appointment is suspended, revoked or a Town Administrator is appointed.

Vote: 5-0-0.

- 2.c. Discussion and possible vote on enrollment of the Town of Bourne in the statewide litigation settlements with Janssen, McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation and authorizing the Acting Town Administrator to execute the "Subdivision Settlement Participation Form – Distributor Settlement" and "Settlement Participation Form – J&J Settlement," and to submit said forms to the State.

Attorney Bryan Bertram said that this is an issue that has been talked about across the state. He said that all should know how much damage opioids have done and that there have been a lot of lawsuits over this damage. He said that this lawsuit concerns states and subdivisions of states and has nothing to do with individuals that may sue opioid makers. He said it is a national litigation involving many states including Massachusetts and they have reached a potential settlement. He said the way the settlement works is that it goes in steps. Every Town and City in the State has been given a notice to opt in. He said there are two participation forms because it is essentially two settlements. He said that the Town has until January 2, 2022, to sign up. He said to opt in, the Town would have to release any claims to sue these large companies individually, and in turn it makes the Town available for the funds to address the opioid crisis.

Voted: Mary Jane Mastrangelo moved, and Judy Froman seconded to enroll the Town of Bourne in the Statewide settlements with Janssen, McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation and authorize the Acting Town Administrator to execute the "Subdivision Settlement Participation Form – Distributor Settlement" and "Settlement Participation Form – J&J Settlement," and to submit said forms to the Massachusetts Attorney General's office.

Vote: 5-0-0.

There was some discussion on what the funds would be used for in the Town of Bourne.

- 2.d. Discussion and possible vote to extend the Intermunicipal Agreement for Information Technology Services between the County of Barnstable and Bourne.

Mr. Cannon said that this is a service agreement that the Town of Bourne has with Barnstable County to help with IT Services. He said that the IT Department consists of one employee, and he would like to go on vacation so Barnstable County will help with emergency services. The agreement expired on December 16th, so it needs to be extended for another year. He said that they hope to get back to having 2 employees in the IT Department soon, but having this contract is a good backup to have.

Voted: Judy Froman moved, and Jared MacDonald seconded to extend the Intermunicipal Agreement for Information Technology Services between the County of Barnstable and the Town Bourne with a new end date of December 16th, 2022.

Vote: 5-0-0.

Chair Meier wanted to take a point of personal privilege. He said that at last week's meeting he said that Mr. Potter sent an email singly to him, but he would like to correct that statement because when he opened the attachment it did say "All Selectmen".

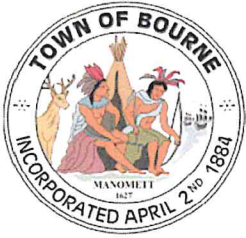
3. Adjourn

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

Vote: 5-0-0.

Respectfully Submitted,

Kim Johnson, Recording Secretary



Board of Selectmen Meeting Notice AGENDA **AMENDED**



Date

December 21, 2021

Time

7:00 P.M.

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.

7:00 P.M. Call Public Session to Order in Open Session

1. Board of Selectmen Executive Session

- a. Motion to enter into Executive Session under Purpose # 2 of the Massachusetts Open Meeting Law relative to contract discussions/negotiations with Non-Union personnel for the position of Town Counsel, the law firm of Miyares & Harrington. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to these discussions/negotiations.

Roll Call vote to convene into Executive Session for the purposes stated.

- b. Motion to enter into Executive Session under Purpose # 2 of the Massachusetts Open Meeting Law relative to strategy in preparation for contract discussions/negotiations for Non-Union Personnel; Acting Town Administrator Glenn Cannon. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body.

Roll Call vote to convene into Executive Session for the purposes 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.

1. Selectmen's Business

- a. Discussion and possible vote on a contract for new Town Counsel, the Law Firm of Miyares & Harrington LLP.
- b. Discussion and possible vote to approve a contract for the Acting Town Administrator (Mr. Glenn Cannon).

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- c. Discussion and possible vote on enrollment of the Town of Bourne in the statewide litigation settlements with Janssen, McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation and authorizing the Acting Town Administrator to execute the "Subdivision Settlement Participation Form – Distributor Settlement" and "Settlement Participation Form – J&J Settlement," and to submit said forms to the State.
- d. Discussion and possible vote to extend the Intermunicipal Agreement for Information Technology Services Between the Count of Barnstable and Bourne.

2. Adjourn