Board of Selectmen
Meeting Notice
AGENDA

Date	Time	Location
Tuesday March 27, 2012	6:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

Note this meeting is being televised and recorded. If anyone in the audience is recording or video taping, they need to acknowledge such at this time

7:00 – 7:15 (Items 1-3) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag

3. Licenses/Appointments/Easements
    a. Auctioneer License – Petrowsky Auctioneers

4. Town Meeting Articles

5. Town Administrator Report

6. Selectmen's business

7. Adjourn

Board of Selectmen
Minutes of March 27, 2012
Bourne Community Building
Bourne, MA 02532

TA Guerino

Don Pickard, Chairman
John Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin

Guests: Financial Director Linda Marzelli, Board of Health Director Cindy Coffin

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents
- None

Meeting called to order
6:00 pm by Chm. Pickard

Moment of Silence/Salute the Flag

Chm. Pickard - no minutes or correspondence tonight; no Public Comment.

Licenses/Appointments/Easements

a. Auctioneer License – Petrowski Auctioneers

Ford MOVED and SECONDED by Meier to approve Petrowski Auctioneers request of auctioneer license on 5/4/12 from 9 am – 4 pm per routing slip. VOTE 4-0.

Special Town Meeting Articles

Article 1 – negotiated agreements
Salary steps were frozen and require re-negotiation. Negotiations are currently on-going, but TA Guerino expects to have a number within the next two Board meetings to put into the motion at Town Meeting.

Article 2 – Sagamore Beach Colony Club
This article may be Indefinitely Postponed (IP).

Article 3 – Bourne Veterans Community Building
To repair or replace new roof.

Article 4 – Bourne Veterans Community Building
To create additional office space for an administrative assistant and other renovations to accommodate the public. $12,500 to be taken Free Cash.

Chm. Pickard – talked with the Chairman of the Trustees and feels the Board and TA Guerino need to discuss at the next Board meeting. He is not sure this building should be Town Hall Annex.

Article 5 – supplement Town of Bourne ISWM Programs 2012 annual budget
Landfill doing better this year and the budget will need to be amended.

Article 6 – close out and transfer available balances

Article 7 – Center for Art, Science and Culture
Goal is to restore the former Hoxie School and to re-use as a cultural resource by private petition. Petitioners are looking for a relationship with the town and town participation. There is a great cost, but are looking for things to generate income to support their project. They are working on a master plan in conjunction with the town and the Board; this is a "faith project".

Per the Fire Chief's perspective, he cannot have building open to the public at this time. Since the building was vacated, it needs to be brought up to code. It is not grandfathered.

Petitioners explained the two-phases as being to use the building for functions and then to do improvements. They expect a timeframe of 5/15/12 moving forward.

Ford – raised issue that the Board was told to get off the books, as with the Coady School.

Chm. Pickard – Town Meeting vote authorized a sale or disposition of the building. Article 7 is a non-binding resolution. The town meeting vote will be an indication of the town's position.

Ford – voters' support for the town to maintain will need to be explained at town meeting.

TA Guerino – raised issue of cost from just keeping the building at a minimum heat temperature.

The group would consult with professionals (shut the heat and mothball the building) and will do what they can.

The Finance Committee did not take a position on Special Town Meeting Article 7.

Jim Mulvey – suggested a draft lease agreement. TA Guerino said they are a long way to develop a lease agreement, but a draft proposal come to the Board. He is not sure if the town can go another year to budget.

Ford – if the group can fix where they don't have to heat it, maybe from fundraising they can repair or if it would fall under historical sites (CPA funds). The town voted to lease to someone or get off the books.

TA Guerino – it is up to the Board to move forward. He feels the town can sustain for another year.

Chm. Pickard – he isn't sure the vision of this project is shared by this Board. He doesn't feel it is financially viable for the town.

Petitioners will take the information to their committee. TA Guerino offered to attend a meeting of the group's committee.

A Special Town Meeting in October can rescind a previous vote for this building. The petitioners to speak with Town Clerk's office moving forward.

Article 8 – landfill closure work
Installation of all associated appurtenances.

Town Meeting Articles
Article 1 - Regularly required authorization
Board of Selectmen sponsored.

Article 2 - Salaries and compensation of all elected officials
Board of Selectmen sponsored.

Article 3 - Regular annual expenses
Board of Selectmen sponsored.

Article 4 - Sewer Department
Board of Sewer Commissioners sponsored.

Article 5 - State Aid Highway (Chapter 90)
DPW Superintendent sponsored.

Article 6 - Reserve Fund
Board of Selectmen sponsored.

Article 7 - Integrated Solid Waste Management Program
Board of Selectmen sponsored.

Article 8 - Revolving Funds
Linda Marzelli – annual authorization with addition of new programs:

1) Recreation Programs- taking funds in by the Recreation Department spending limit of $90,000; (TA Guerino - swimming lessons sessions in July and August going into the General Fund)

2) Shellfish Propagation - taking funds for commercial licenses. TA Guerino said this was taken out of the General Fund, but at the last town meeting $30,000 was put back (TA Guerino will ask Tim Mullen) for a spending limit of $30,000.

3) After School Activity – fees for transportation services and transportation costs for spending limit of $15,000.

4) Public Library Book – purchase additional library materials for spending limit of $20,000.

5) COA Supportive Day - client services for a spending limit of $100,000

6) COA Programs – any other charges and fees (instructors and programs) for a spending limit of $50,000 (Board and FinCom have authority to raise spending limit)

7) Community Building Rentals – extra hours for a spending limit of $10,000

8) Composting Bin – additional bins to sell for a spending limit of $250.00

Total Revolving Fund - $365,250

Jim Mulvey – asked if funds can be used for a designated use. TA Guerino said there are two funds: one is for Designated Donation Account; the other is the Revolving Account.

Sandra Vickery – as a concerned voter, she is requesting if the Board would consider an amendment to Article 8. Two new funds were created and feels each needs its own adequate time for discussion at Town Meeting. They have a huge impact at the COA.

Ford – explained they are separate and will be taken up separately at Town Meeting. He asked if there are any specific questions to bring up now.

TA Guerino – this is done with Capital and not uncommon for someone at Town Meeting to request a separate discussion and vote.

Ford – he can't think of a way that would interfere with how they run the Supportive Day.

TA Guerino – if this moves forward, those participants in any of the programs, it will be seamless. The only difference will be administratively. No change in personnel, no change in program guidelines. The only thing that changes is how the financing goes through the town accounts.

Chm. Pickard – raised issue with no change in personnel. TA Guerino said in the Supportive Day Program, there is not an employee that works for the town that has specific qualifications to work with clientele and clients in the Supportive Day Program.

Ford – if Ms. Vickery has any further questions, to see TA Guerino.

Betty Connelly –asked if both positions will be union employees with benefits. TA Guerino said one is paid from a revolving fund and the other is a combination of funds. Both employees of Town benefits.

Meier – wants to make sure this Supportive Day Program is sustainable. TA Guerino said this is a long-term commitment on a program that has been successful.

Article 9 - Capital improvements and capital projects
Capital Outlay sponsored.

Article 10 - Reports and recommendations
Board of Selectmen sponsored. Board or Committee reports.

Article 11 - Rescind authorization for unissued debt
Finance Director sponsored.

Article 12 - Community Preservation Committee
Administrative and operating expenses. Recommendation by the CPC at Town Meeting.

Article 13 - Community Preservation Committee
Recommendation at Town Meeting.

Article 14 - Bourne Zoning Bylaw Appendix
Architectural design guidelines. Pictures demonstrate examples. "S" stands for standard and "G" stands for guidelines.

Ford – asked about the applicant's expense for this bylaw. Ms. Moore said the vision is that an architect would sit with the Design Review Committee.

TA Guerino – there are some instances that are grandfathered. Ms. Moore said this allows applicants to come into compliance as much as possible. This article is for a new development to be consistent with a New England coastal façade.

Diana Barth – wanted to know if this will affect anything beyond the downtown. Ms. Moore said it is just for the downtown.

Article 15 - Bourne Zoning Bylaw Section 2814
Overall town regulations and create new bylaw.

Article 16 - Bourne Zoning Bylaw deleting Section 2880 Signs
New sign bylaw; the downtown should look different from the rest of the town. This will try to address issues in the downtown area.

Jim Mulvey – asked if the authority goes to the Design Review Committee to issue approval or denial before Building Inspector can issue his authority. Mr. Roger Laporte felt said committee review was a good idea in the downtown district, but raised issue with enforcing.

Chm. Pickard – concerned about adding another level, slowing down the process for someone to want to open a business. Ms. Moore said it is not required to get a sign at the beginning. This is open for pre-review and then go to the Design Review to get things worked out to move forward.

Ford – asked if this addresses the issue the Beachmoor with off-premise signs, which it will. The advantage of this Article is that the Sign Committee (approve sign design, not sign location) may meet more than the Planning Board to move forward.

Ford – asked TA to check with Town Counsel with regard to what is the avenue available to appeal if the Sign Committee denies the sign.

TA Guerino – the Board has authority with some signs (placement). However, Ms. Moore said Design Review Committee makes a recommendation to the Board.
Jim Mulvey – ZBA resolves issues where Inspector of Buildings has made a decision and is being challenged by a member of the public. In this case, being challenged and Inspector of Buildings has no right to issue because the sign was not approved by the said committee which is a subcommittee. TA Guerino to seek Town Counsel opinion.

Article 17 - Bourne Zoning Bylaw deleting Section 3530
Re-wording of bylaw suggested one member of the Planning Board. Screening of dumpsters and machinery to enhance bylaw.

Chm. Pickard – asked if this pertains to ISWM. Ms. Moore said anything that is reviewed by the Planning Board. Not for ISWM, but rather an office building or restaurant.

Ford – this would address vehicles with no engines in them.

Article 18 - Bourne Zoning Bylaw adding Section 2815 Design Review Committee
Include an architect, landscape, civil engineer, Downtown District property/business owner, member of the Main Street Steering Committee and a citizen at large.

Chm. Pickard – requires Town Counsel review for language as article should read "preference shall be given". Also change wording to "may include".

TA Guerino – said this is worded as a standing committee of non-members of the Planning Board.

Meier – asked if all articles have been reviewed with Town Counsel. TA Guerino said Town Counsel will have a final review of all Articles in a future meeting.

Article 19 - Blocking Fire Hydrants and Fire Department Connections
No change to the bylaw, but rather taking the fine from the Commonwealth and putting back into the town. Adding a fine of $300.

Article 20 - 3.4.4 of the Town of Bourne Bylaws
Bylaw Committee sponsored.

Article 21 - Motor Vehicle Junkyards
Amend bylaws by striking wording of "$50 fine" and adding "a fine of $300 per day".

Scott Fitzmorris – inquired about the fines for the junkyard. Selectmen are the authorizing authority and if there are any conditions or restrictions, the police can issue a fine.

Article 22 - Chapter 3 General Regulations
Adding specific fines for various violations as proposed in Warrant.

Meier – requested to change wording in item "3.1.2 Digging on Private Land" to read "…Digging on Public Land".

Coreen Moore - inquired about the signs which are enforceable by the police. This gives police authority and the town a right to fine.

Article 23 - Police Details
Any questions give to TA Guerino who will forward to the Chief to come before the Board on 4/3/12.

Article 24 - Prohibiting Feeding of Waterfowl
Article has been on the books for over 10 years and trying to make it realistic for the cost of fines.

Article 25 - Article 3.1.4 Railroad and Auto Overpasses
Planning Board will take a position on 4/14/12.

Ford – feels the Board should take a position, but will wait to hear from the Planning Board.

Article 26 – Section 3.1.34 Sidewalk Sales
Violations subject to a fine. Same regulation and a different way to fine.

Article 27 – Section 1.1.11 Two-thirds Votes
Wording "Request of the Moderator" to be added to the Warrant Articlel

Article 28 – Section 3.4.2 Unsanitary Conditions
This allows the Board of Health to discuss with the police department and gives the Board of Health more enforcement.

Article 29 – Section 1.1.7 Vote by Ballot
Bylaw Committee request after discussion with Town Moderator.

Article 30 - Proceeds from insurance
Insurance recovery account. Board of Selectmen sponsored.

Article 31 - ISWM Host Community Fees in access of $450,000
Board of Selectmen sponsored.

Article 32 - Section 3.1.41 Unregistered Vehicles
To change Section "3.1.41" to "3.1.42". There is some zoning enforcement and gives the Board of Health another enforcement tools.

Bylaw Committee sponsored.

Article 33 - Mooring Permits
Adding a new section. Planning Board will take a position on 4/14/12.

Article 34 - Solid Waste Related Agreements
Board of Selectmen sponsored.

Article 35 - Bourne Zoning Map
Bourne Village. Planning Board has not voted and will not until 4/14/12. The Selectmen normally do not take a position in a petitioned Article.

Board of Selectmen sponsored.

Article 36 - Repair and resurface Cheryl Lane, Pocasset
Petitioned article.

Board of Selectmen sponsored.

Article 37 - MGL Chapter 40 Section 22F
Contracted.

Finance Director sponsored.

Article 38 - Wage a wage and classification study
Board advised TA Guerino article should go on the Town Meeting.

Town Administrator sponsored.

Town Administrator Report
None.

Selectmen's business
None.

Adjournment
Meier MOVED and SECONDED by Baldwin to adjourn meeting. Meeting adjourned at 9:21 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.