Board of Selectmen
Minutes of February 21, 2012
Bourne Veteran's Building
Buzzards Bay MA 02532

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Town Administrator Tom Guerino

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

List of documents:

Meeting called to order
7:14 pm by Chm. Pickard.

Note this meeting is being televised and recorded. If anyone is the audience is recording or videotaping, there is a need to acknowledge such at this time. Member of the Bourne Enterprise acknowledged recording tonight's meeting.

Moment of Silence/Salute the Flag

Public comment (non-agenda items)
None.

Approval of Minutes
Meier MOVED and SECONDED by Ford to approve minutes of 1/31/12 as submitted. VOTE 4-0.
Ford commented on discussion of MMA entertainment license. Selectmen can't address entertainment license discussion unless there is a complaint; discussions should not have transpired at that time.

Meier MOVED and SECONDED by Ford to approve minutes 2/7/12 as submitted. VOTE 3-0-1 (abstention from Baldwin).

Correspondence
Meier read correspondence into record. All correspondence is on file in the Town Administrator's office.

Ford commented on the minutes of the Pollution Task Force.

Letter on Council on Aging Director resignation – TA Guerino will draft letter on behalf of the Board to thank Director for her services.

Sandy's Restaurant Keno License – Ford would like to support. TA Guerino said the Board typically has not had objections to keno licenses.

March for Meals – Meier will be volunteering for delivering Meals on Wheels; 2/2/12 waiver for State Aid for Library $8,142.17 to include library incentive plan for municipal equization grant and non-resident circulation.

Representative Randy Hunt
Here tonight to publicize an event that is being sponsored by the Joint Committee on Mental Health and Substance Abuse on 3/5/12 at 7 pm at the Sandwich High School auditorium. Prescription Drug Abuse Public Forum about issues of prescription drug abuse as well as the other issues that have come up in the area of concern. This has been a big issue on Cape Cod as well as the Commonwealth. This refers to narcotic drugs with opioids prescribed primarily for pain relief. Event will bring solutions to the problems.

Three solutions:

- Legislature has created a bill that passed the Senate but has not been through the House called an act relative to the Prescription Drug Diversion Abuse and Addiction. (Prescription monitoring Program).
    - issue of innocent doctors being taken advantage of while "doctor shopping".
    - stops "bath salts" crystal chemical composition sold over-the-counter as recreational drug use
- Pilot program has started at the Barnstable County Correctional Facility on the drug Vivitral; an extended time release of this drug which cancels effects of opioids. Gives person who is serious about staying sober an option to stay clean.
- Dr. Ray Tomasi of Gosnald Cape Cod to discuss techniques in detecting addicts' behaviors at a much earlier stage.

PDF file will be emailed to TA Guerino to put on the town website.

Mr. Hunt encouraged people to Google Randy Hunt State Rep for his website in which one can sign up for email lists of committees he sits on.

Bourne Community Boating – Paul Bushueff
President and Executive Director introduced who thanked the town for supporting Bourne Community Boating (BCB) and in keeping program running.

Brief slide presentation of what BCB offers. Program will be the same with the addition of the 2-week Palooza session for children who don't fit into the regularly structured programs; an adult sailing and stand up boarding program. Scholarships are available and encourage people to apply.

Meier raised issue with seasonal residents not meeting the 3/3/12 registration and possibly missing out on participating. Residents who can't fit into the 4-week program may be able to register for the 2-week Palooza program.

Donations can be sent to, including sponsorships for Phinney's Harbor Day:
Bourne Community Boating
PO Box 3157
Bourne, MA 02537

or on their website:
www.bournecommunityboating.org

Meir MOVED and SECONDED by Ford to recess for five minutes. UNANIMOUS VOTE.

Public Works Facility Building Committee Report – Stanley Andrews and Rickie Tellier
Committee update. Committee members were introduced.

Review of feasible study was done after committee members visited other surrounding Public Works, including what used for facilities. This information helpful in looking for site visits.

General site the committee has looked at 17 acres near the new elementary school. This site gives room for expansion and leaves a buffer between the school and the proposed Public Works building. The committee recommends to the Selectmen that the Department of Public Works site included in the GIS site map, identified in the blue lines in the referenced map dated 1/28/12 and stamped by the Planning Department.

Future items – bringing on board an engineer to assist with developing plans for the design of a site utilities and placement of a lock building and utilities for this site. They would like Selectmen to take action on said site moving forward.

Meier – raised issue of a placeholder on the Town Warrant for discussion purposes. Selectmen would need to know a reasonable timeframe this can be obtainable, they would need to pull the article. Mr. Andrews said at this time the committee doesn't wish to pull the placeholder and would like to continue working towards goals of making Town Meeting for a request. This will be a potential debt exclusion override question and will go to Town Counsel to put Article together.

Ford – asked where in relation is the proposed site to the water fields. It is outside of the water resource district on the site at this point. Water flow analysis and information on wastewater shows directional flow heading towards the canal.

TA Guerino said this location was the same place that was reported to the Selectmen at Town Meeting three years ago. At that point in time, the School Committee was agreeable to the area with further studies.

TA Guerino recommends the Board recommends proposed site tonight. All traffic in and out will be before the school and hours of operation are the opposite of the school which works out well. Most safety concerns have been taken into consideration and still continue today. The next step is the committee to work engineer they obtained for a design build and how to make facility fit on site. At that point, they will have cost estimates to bring to Town Meeting.

Meier – money remaining. Money to spend for the engineering design of the site.

Meier MOVED and SECONDED by Baldwin to support the DPW Working Group Committee's recommendation for the 17-acre parcel referenced in the Town Planner's plan of 1/28/12. VOTE 4-0.

TA Guerino said the taking of some money out of Stabilization or Free Cash to offset the cost of this building is still a possibility, but looking at the debt schedule going out, it may not make a lot of sense to use the reserves for borrowing that amount of money over a 20-year period at such a low rate. However, the Selectmen will have to determine financing and scheme. Before it goes to Selectmen for inclusion on the ballot or at Town Meeting, all of the financing mechanisms and options must be available for review.

Any models of buildings the committee reviewed that would be a good fit. The Town of Hingham had similar departments as Bourne. They don't have the trash and recycling pick-up, but very similar departments. One of the biggest concerns the committee heard was that they shoe horned their facility into too small of a site.

Licenses/Appointments

a. Common Victualer License – Marconi Club

Meier MOVED and SECONDED by Ford to approve Marconi Club request of a common victualer license per routing slip (FD annual inspection). VOTE 4-0.

b. Election Worker's

Meier MOVED and SECONDED by Ford to appoint the following persons as Election Officers: Jane Nam, Sandra Vickery, Elizabeth Paquette, Dolores Collins, Lucia Fulco, Inez W. Page and Carol Blanchette. Loraine Young (Warden), Maureen Dunne (Clerk), Mary Ellis (Clerk), Diane Flynn (Clerk), and Judith McAlister (Clerk) per request of Barry Johnson, Town Clerk. VOTE 4-0.

c. Appointment – Lauren Freed – Bourne Cultural – Education/Scholarships committees

Ford MOVED and SECONDED by Meier to appoint Lauren Freed to the Bourne Cultural and Education/Scholarships committees for terms to end 6/30/14. VOTE 3-0.

Town Administrator Report

TA Guerino has worked with financial guidelines that have served the town well. They were in the works when he first came into town and have been revised a couple of years thereafter and the town has been living very well within those policies. During the course of discussions over

the years, there was always discussion of reserves as Free Cash and Stabilization. These are crucial as they help with savings and bond ratings. However, there is a lot more to the undesignated reserves. The Financial Director and Town Treasurer, in connection with the Town Administrator, have put together for Selectmen review an amended policy to look at the policy percentages (highlighted in red) to discuss. Additionally, there is a request to note the investment policy that the Selectmen recently adopted within these financial policies. TA Guerino hopes the Board will adopt as presented. He does note, however, original policies were adopted by the Selectmen, the Finance Committee, Town Finance Director and the Town Administrator who all signed off. This will be a policy, so it will be a three meeting situation; take in this evening; second reading and third reading to adopt.

The amendments include the following:

- Change wording from "Unreserved Fund Balance" to "Reserve Fund Balance".

- Looked at changing the two rates between the Fund Balance and Stabilization from the 5% to 7%. However, upon research of surrounding towns, generally towns had 10% total, so the 12% is being more conservative and does well for our bond-rating and would like to remain as is.

- Add under "Capital Improvement Plan … that the town should capitalize expenditures of at least **$20,000** and having a useful life of more than five (5) years …" Ran across issue when have audit when asking what capital expenditure that used for fixed asset purposes. Recommended changing from $5,000 to $20,000 as listing all purchases becomes cumbersome.

- Debt Service Guidelines – remove whole section that existed and take out and put in "… the Town will strive to budget at least 3% of the general fund annual operating budget excluding debt service on debt service for capital maintenance and equipment costs. This amount does not include the debt for Community Preservation, Enterprise Funds, Debt Exclusions and self-supported debt."

- Debt Maturity Guidelines – change "7 years" to "5 years".

- Investment Guidelines to refer to the Town of Bourne Investment Policy for the full guidelines. Used to list a small amount of investment policy and wanted to make sure guidelines refer to the policies and not forget they exist.

These amendments will not affect the bond-ratings for the Town of Bourne.

TA Guerino, for the record, referenced Section C on page 2 relative to Health Insurance Trust Fund that the Town is well within our current policy of 4-month average cost of $1.6M combined in the trust so within policy at this time.

Chm. Pickard said Meier has brought to his attention that the rules and procedures say that the Selectmen adopt policies by a 4/5th vote. TA Guerino said by policy, the Board can choose to accept the offering tonight; these will be sent to the Boards and Committees or personnel that will have an interest in this. At the second reading, TA Guerino will report back to the Selectmen relative to any comments that have come forward by interested parties; the Selectmen may/may not incorporate; and then move forward to a third reading at which time the Board could/could not adopt.

Meier MOVED and SECONDED by Ford to accept amendments as presented by Town Finance Director and move to a second reading. VOTE 4-0. *TA Guerino stated this will be put on the Selectmen's agenda for the 3/6/12 meeting.*

TA Guerino said the Selectmen are not currently scheduled to meet in a workshop on 3/13/12. He recommends they meet for two purposes: a) any Board or Committee come before the Selectmen if any additional budgetary questions; and b) course relative to the use of iPads. TA Guerino requests Selectmen forward budget questions by Tuesday, 3/6/12 for the meeting on 3/13 to have ample time to prepare.

Selectmen business

a. Cable Contract discussion

Chm. Pickard stated that at the request of Ford, examples of what other communities have done and have scheduled Atty. Epstein who wrote up contract on behalf of the Selectmen's Cable Advisory Committee to come in before the Board for a question and answer to see if there is any further questions he can answer before the Board puts to a vote on the contract. TA Guerino said the documents sent from Sandwich and other communities, the amount of the 3% that has been discussed relative to this contract that is going to assist the 501C corporation in running it's operation appears to be more than sufficient.

Meier – any conversation with the School Committee relative to the possible 10-year lease. TA Guerino said it is his understanding it was a favorable discussion at the time and feels it will work out fine.

Jim Mulvey – believes the 3% surcharge was not to be levied onto the subscribers. It should be duly noted that in the bill he just paid, there has already been a 3% increase and has already been levied. He wonders if anyone has contacted the State Telecommunications group and ask what justified a rate increase prior to their approval of a new contract. These questions have not been asked. What other offices have been closed? The Bourne office is busy to be closed. Should a non-profit corporation be established to run the studio and the agreement for $20,000 for 10-years that is supposed to provide equipment <u>only</u>. That $20,000 or 3% surcharge, does this money flow directly to a 501C corporation or through the town bookkeeping? This should be separate from the town and wonders if the monies involved going directly from Comcast to the corporation or going to flow through the town bookkeeping. Chm. Pickard said relative to the length of the contract, and since Bourne is the last, other

communities are now into their 8-year or 9-year contracts; his question is based on if Bourne would be better off with a 8-yr or 9-yr contract so all towns on the Cape can negotiate in mass at that point. Relative to the 3% surcharge, Chm. Pickard asked if Mr. Mulvey could provide a copy of his most recent bill to TA Guerino for follow-up with party negotiating with Comcast. Also, Comcast serves about 50 people a day at that busy and does see his point.

Jim Mulvey – 10-year contact is accessive at this time, but where a separate corporation is to be set up to run the local studio, even at the end of a 10-year period, the Town is a licensing authority and why in the position of negotiating circumstances between Comcast and the private corporation. Other than licensing, why is the town involved in negotiations between Comcast and a private corporation. Chm. Pickard said hopefully will have the best answers when address.

Ford - Atty. Troy can address all issues. The 3% cost was to go to the subscribers; not gifts given; and the $20,000/yr for capital improvements was something different - $200,000 doesn't come out of the consumer.

Meier – Atty. Troy agreed to form. However, he wants to make sure he signs something that is in the best interest of the town. Ford said the Selectmen will not enter into any kind of agreement without Town Counsel opinion was the point he was trying to make.

TA Guerino said under the Federal Communications Commissions as well as the public utilities group, there is very little within the cable contract that you have are negotiable. Most are established by Federal and State regulations. In terms of extension of service, the PEG channels which are required by law. The relative piece as it relates to the 501C3, you want a 501C3 with money going directly into the 501C3; the town does not want the fiduciary responsibility of keeping their books. They will be responsible for their own books. If there is a financial problem with their ability to run the system, it is not on the taxpayer to bail them out. The Town Meeting may augment from time-to-time, but is not required to do so.

Ford – one of the biggest concerns was the store leaving town and has to be addressed. The other item is the cost of cable. We do know that the $200,000 to run the studio would be from the 3% over the 7,500 users in town; if other technology comes up, they have to maintain.

Meier – because still in negotiations, the equipment the residents view town boards on-line isn't available. TA Guerino said he doesn't know; at some point in time, in the near future, people will be able to stream local meetings through their internet.

Ford – downloads of meetings and heard the costs of $15,000.

Jim Mulvey – has a difficulty of conceiving a 10-year contract obligating them without an escape clause in the fine print; not knowing what the future holds.

Chm. Pickard said this meeting will be on 3/6/12.

Selectmen's Business

a. Town Administrator's contract

Chm. Pickard an Executive Session was held this evening to discuss strategy for possible contract with the Town Administrator. TA Guerino attended reason being his attorney forwarded his version of a contract he would like to send to Atty. Troy. Without the contract, it is premature to discuss further to the public. Chm. Pickard anticipates Atty. Troy will have this in hand by the next Selectmen's meeting and Selectmen will table discussions until then.

b. Other Selectmen's business

Ford – discussed the iPad and TA Guerino will have training set for the Selectmen.

Adjourn

Ford MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 10:00 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.