Board of Selectmen
Workshop Notes of March 20, 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

Meeting called to order
7:00 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.

Moment of Silence/Salute the Flag

Public comment (non-agenda items)
None noted.

Approval of Minutes
Pickard MOVED and SECONDED by Baldwin to approve minutes 1/10/12 as submitted.
VOTE 4-0.

Meier MOVED and SECONDED by Ford to approve minutes of 3/6/12 as submitted.
VOTE 4-0.

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

Item A – Ford asked if this hinged on the approval of the enlargement which what happened. Glad to see organization will come forward with transfer of liquor license. TA Guerino said proponents of the larger facility on different structure (simple transfer of ownership) and haven't withdrawn their ability to appeal at this time; maybe another lease arrangement.

Item F – George Seaver letter. Ford recommends to address with volunteers. TA Guerino will research and bring before the Board next meeting.

Item B – Invitation for Eagle Scout of Honor on 3/23/12. Baldwin will attend. Citation will be given.

Item I – Municipal Licensing Corporation. Ford recommends any member of the Board to attend on 4/24/12.

Item C – VFW Fundraiser on 4/14/12.

Item E – Conron letter and Item J – Wastewater Advisory Committee – TA Guerino said pursuant to the Board policies, appointments will be acted upon an upcoming Board meeting.

Growth Incentive Zone (GZI) – final authorization of the BOS (Coreen Moore)
GZI application is ready to be sent to the Cape Cod Commission. Before she can move forward, a Board vote will be needed that states whether the GIZ requires a Town Meeting vote or not.

Timeline reviewed, beginning in 2008 before proposing to formalize guidelines to adopt as standard at ATM 2012. Believe the town wants a GIZ in the downtown. No ordinance and coming before the Board.

Mr. Nizwicke from Cape Cod Commission – this application is an important step moving forward. Revisited the Hyannis GIZ; in the worst real estate market, downtown revitalization projects are working. Revitalization stimulates commercial and residential tax base growth.

Ford – asked abut the wastewater with regard to the GIZ. Moving forward with wastewater, an actual build out with numbers that reflect in the said application has been developed, including offsets to develop. These have a cummulative threshold.

TA Guerino – the town picked up additional capacity for the town. The application gives the town flexibility.

Meier MOVED and SECONDED Ford to endorse the Growth Incentive Zone (GIZ) application moving forward immediately. The Board further determines that a Town Meeting vote on the application is not required, as a vast majority of the items included for a GIZ application had been previously approved by various annual and special town meetings. VOTE 4-0.

Courtyard Restaurant Entertainment Licenses – Kelley Morley
Ms. Morley requesting the Board to put back restrictions on outdoor music at the Courtyard Restaurant; upon research no other towns allowed to play outdoor music until 1:00 am. The Courtyard had a violation in September; and had license renewed and all restrictions were removed.

Ford – reviewed copy of the meeting with regard to the license renewal for the Courtyard. He believed the restrictions applied to no percussion outside after 10:00 pm.

TA Guerino - raised issue of the restrictions at that meeting. Ford admits TA Guerino did bring up restrictions, but only after the vote. TA Guerino said when Mr. Miller filled out the application, he was aware of the restrictions. Mr. Miller's intent was to take off the restrictions

and go back to the license it was prior to restrictions. Ford said he wouldn't have voted to take the restrictions off.

Police Chief Woodside – since September, complaints have been called in, but not justified. The restrictions in place should have been tweaked. 12:00 am is reasonable for the outside. The Millers have complied with every issue the police department has raised. It is his feeling that enforcing strictly the license restriction didn't work well for the department.

Ms. Morley – said she did call with complaints; the Courtyard had a DJ and kept playing music outside until almost 1:00 am. This is in violation.

Chm. Pickard – he isn't convinced the need for another hearing.

Ford – disagrees and feels the restrictions will give the Police a tool to enforce and is in favor of putting restrictions back on license. He doesn't feel the restrictions should have been taken off the license.

TA Guerino – for clarification, the Courtyard restrictions was never "no outside amplified entertainment"; restrictions were "no base or percussion".

Ford MOVED and SECONDED by Meier the Selectmen hold a hearing for the Courtyard Restaurant Entertainment License.

Baldwin would like to see a noise violation prior to holding a hearing. Ford said the Board can wait until a violation occurs, but would like to give the police a tool for enforcing.

VOTE 1-3 (Meier, Baldwin, Pickard). Motion fails.

Capital Outlay Committee to present recommendations – Mary Jane Mastrangelo

Mastrangelo – Capital Committee working on an inventory of capital equipment as part of developing a replacement schedule of capital items. Looking to extend the 5-year plan to a longer period of time.

Capital Requests reviewed:

1. IT – on hold. 4/11/12 - before the Board for inclusion in the ATM 2012.

2. Police Department
    a. Cruisers (4) and laptops (3). Ongoing for laptops in the cruisers
    b. Tasers (33) - TA recommendation of $76,000) – new item
        i. cameras

Chm. Pickard - asked if Bourne wants cameras on the tasers. TA Guerino said if they are not appropriate (not stable), it is a trial to see how they work and will make a determination.

Ford – cameras come into play for liability purposes. TA Guerino said the Chief is more opposed that wanting the cameras on the tasers.

Chm. Pickard – doesn't feel it is a good idea. TA Guerino said this is to see if they work; he feels it is a good experiment and feels the town should try.

Baldwin – recommends the town buy one (1) camera and do field training. TA Guerino said this is a good idea and Mary Jane Mastrangelo will take recommendation to the Committee.

3. Fire Department
    a. Replacing Engine 125 – 1987 fire engine; currently out of service; 1 of 2 held at Head Quarters (plan for stretching out how equipment will be replaced). Cost of engine $575,000.

TA Guerino – it is equivalent to 275,000 miles of hours. To refurbish the cost is around $220,000 with multiple parts that are over 25 years old equates to $23,000/year for 20 years.

Ford – talked with the Highway Department this afternoon, $200,000 and wouldn't be sure after replaced the tank and pump would be sufficient for a long period of time.

Deputy Fire Chief Carrara – the department is down three (3) engines, but even with one being repaired, still down two (2) engines. TA Guerino said a lot of the companies off McArthur Boulevard; a chemical mix foam will be used to put off fires.

    b. Pocasset Station repairs – some work to prevent further damage

    c. Air Compressor – replacing 23 year old breathing apparatus.

    d. Safety Equipment for matching Federal Funds (FEMA grant of $225,000; proposal of $20,000 match for the town). On 5-year replacement schedule, cover expense with grant.

    e. Buzzards Bay Station repairs – $60,000

    f. Portable radios replacing (48)

4. DNR
    a. replacing 1995 pump-out boat
    b. Replacing in Kingman

A Department of Marine and Fisheries (DMF) grant to cover 75% of both items

5. Bourne High School
    a. Replace bleachers

b. System IT plan – upgrading student system
c. Replacing workstations
d. Replacing maintenance truck with a F-250 (maintenance and initial plowing) - $60,000
e. Dump truck – deferring

6. DPW (replace)
    a. One ton dump truck 2001
    b. Pick-up truck 2001
    c. Dump sander 1994
    d. 1 lawn mowing equipment purchased in 1994
    e. Electrical upgrade for park and gazebo area – per Code
    f. New DPW facility – postponed recommendation until the Fall Town Meeting. Article will need to be IP'd.

7. ISWM
    a. Replacing a compactor 2005 model
    b. Cat wheel loader – replacing dozer
    c. Mobile heavy screener replacing 2001 model
    d. Replacing roll-off containers (number cut down)

Not on the ISWM list, final closure a total amount of $1.9M.

8. Recreation Committee
    a. Clark Field upgrade – ADA compliance
    b. Pocasset playground equipment upgrade – ADA compliance

TA Guerino – the Newton case has been settled and it is up the legislature to correct the CPA funding issues. These two (2) fields have been waiting five years for the X grass using CPA funds.

9. Shore & Harbor Committee
    a. Dredging
    b. Estuaries program (UMass Dartmouth water quality project in final phase)

TA Guerino – for the Board review tonight.

10. Board of Health
    a. Replacing 2003 Ford Ranger

<u>Total Capital Outlay Budget – $3,230,150</u>.

TA Guerino – this is a pretty standard Capital request before the Selectmen and would like to move forward as quickly as possible. FinCom heard this presentation last night at their meeting. He recommends the Board take action on the Capital Plan tonight, including

Baldwin's recommendation for the amount of cameras, which will bring the total down $68,000 - $69,000.

Ford MOVED and SECONDED by Baldwin to support Capital Outlay Plan as submitted with correction of the purchase of one camera, not four. VOTE 4-0.

Licenses/Appointments/Easements

a. 7:30 pm Sandy's Famous Seafood Restaurant – addition of patio

Deferred.

b. 2012 Seasonal Liquor Renewal

Meier MOVED and SECONDED by Ford to approve 2012 Seasonal Liquor, Food and Entertainment License Renewal for: the Chart Room; and The Sagamore Inn. VOTE 4-0.

c. 2012 Seasonal Licenses

Meier MOVED and SECONDED by Ford to approve the 2012 Common Victualer License for: Betty Ann's Dairy Freeze, Lazy Sundaes Ice Cream; Seafood Shanty; and the Whistle Stop Ice Cream Co, Inc. VOTE 4-0.

Meier MOVED and SECONDED by Ford to approve the 2012 General Amusement License for: Cataumet Light Mini Golf; and Cartwheels II. VOTE 4-0.

Meier MOVED and SECONDED by Ford to approve the 2012 Weekday Amusement License for: Cartwheels II. VOTE 4-0.

Meier MOVED and SECONDED by Ford to approve the 2012 Sunday Amusement License for: Cartwheels II. VOTE 4-0.

Meier MOVED and SECONDED by Ford to approve Coin-Operated Automatic Device License for: Cartwheels II. VOTE 4-0.

d. Scallop Festival – Three One Day Liquor

Meier MOVED and SECONDED by Ford to approve Cape Cod Canal Region Chamber of Commerce request for the Scallop Festival on 9/21/12, 9/22/12 and 9/23/12 from 10:00 am – 10 pm on Friday and Saturday; 10:00 am – 6:00 pm on Sunday. VOTE 4-0

e. Chartwells @ MMA – Beer and Wine only

Meier MOVED and SECONDED by Ford to approve MMA's request for Chartwells beer and wine only license on 3/29/12 from 5:00 pm – 10:00 pm. VOTE 4-0.

f. Ocean Enterprises LLC – Class II Car Dealers

Meier MOVED and SECONDED by Ford to approve Ocean Enterprises LLC request for a Class II Car Dealers license per routing slip. VOTE 4-0.

g. **John Flanagan – Appointment to Transportation Advisory Committee**

Meier MOVED and SECONDED by Ford to appoint Mr. John Flanagan to the Transportation Advisory Committee for an indefinite term. VOTE 4-0.

h. **Temporary easement – For the Impact Area Groundwater Study Program – MMR, town-owned property on County Road beginning approximately 300 foot northerly of its intersection with Michael Road and continuing southerly to approximately 325 feet southerly of its intersection with Oakdale Valley Road. There is also a request that if the sampling results suggest that a ground water monitoring well would be beneficial, that they may place up to three wells and then request a 25-year easement for the wells.**

Ford MOVED and SECONDED by Meier to approve temporary easement for the Impact Area Groundwater Study Program. VOTE 4-0.

Cable Contract

At the last meeting, the Board requested Atty. Epstein to ask Comcast if they would consider continuing running the studio until 8/15/12. Atty. Epstein contacted Comcast, who are willing to extend until 7/31/12. TA Guerino recommends the Board vote to approve this contract.

Ford MOVED and SECONDED by Meier to approve the contract as submitted and approved by Atty. Epstein and TA Guerino. VOTE 4-0.

Town Administrator Report

Sources and Uses handouts and new budget paperwork distributed to the Board per Ford request. One item not currently in the budget is the part-time Program Manager in the Recreation Department, which will be discussed at the 4/3/12 Board meeting.

TA Guerino recommends the Board meet on 4/3/12 in a public session to review Town Meeting Warrant Articles and for the Special Town Meeting. The Bylaw Committee will also be present.

Jim Mulvey – asked about public input at said meeting as he is interested in speaking on the one bylaw with regard to appointment of subcommittee by a board giving exceeding great power over the Inspector of Buildings. TA Guerino said it is up to the Board.

Ford – requested the Board to allow the public address issues per Jim Mulvey's comment.

TA Guerino – added there is one additional article relative to the Wastewater Authority as discussed at the County level that will also be discussed.

Selectmen's Business

Ford – Dalton bridge work to begin late April/early May. He asked TA Guerino about what is left in the budget to review and discuss. TA Guerino said everything was brought down to 3%; no numbers have been changed on salaries.

a. ISWM future business discussion

Chm. Pickard said after a series of presentations by the ISWM staff and its consultant George Aronson of CRMC to the BOS in joint sessions with the BOH, FC and Energy Advisory Committee discussing the future of the ISWM facility, the Working Group has a recommendation. This recommendation considered many factors including whether or not to take MSW from Cape communities when their contracts expire in 2014.

These agreements consists of:

a. A 10-year contract to accept ash for disposal and cover use at the landfill at favorable rates. Bourne will retain 30,000 TPY of capacity to manage MSW.

b. A 15-year contract (with a 5-year extension to be executed pending town meeting approval) to accept the Town's trash after the landfill closes until at least 12/31/2042.

One hightlight is that the town has predictable revenue for the remainder of the landfill life.

The next step would be the Board to vote on the decision to authorize TA Guerino to execute both agreements on 4/3/12 at the BOS meeting. Final contract language is being reviewed by Town Counsel.

These decisions to move forward in partnership with Covanta, along with the outcome of the pending RFPs will set ISWM on a long-term course toward sustainability well beyond the life of the landfill. The Working Group will continue to play a key role in reviewing all plans and proposals.

Adjourn

Meier MOVED and SECONDED by Ford to adjourn. Meeting adjourned at 8:46 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.