Board of Selectmen
Minutes of March 19, 2013
Bourne Community Building
Bourne, MA 02532

TA Guerino

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

Guests: Planning Board members, Library Trustees members and candidates for the Transportation Committee

Documents
None

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.

Joint Meeting Called to Order
By Chm. Ford at 6:54 pm

Joint Session with Planning Board to fill vacancy in full member and possibly appoint alternate. Discussion related to Mr. Meier's concerns.
Chm. Ford – explained Meier had issue with the voting process and not who has been appointed with regard to him voting for Mr. Hanley and not Mr. Michienzi.

Meier – he has been open as to who he has supported and he brought forward this issue as he has never voted in such a way before. He asked pointed questions and submitted them to the Town Clerk. The issue is more the process and not who has been appointed. He is not going forward with a complaint to the Attorney General as tonight's vote will be a new vote.

TA Guerino – when the vote was initially taken, it should have been read and it was not. He has spoken to Town Counsel and a remedy was given. Since there was a question to the validity of the vote, the Open Meeting Law provides for towns to have remedy. The remedy is what we are doing this evening; starting from zero and having a re-vote for any alleged concern of the voting processes.

Pickard – one issue was that the ballot should have been maintained by either the Selectmen Clerk or Clerk of the Planning Board; the other concern is that Meier is alleging misconduct.

TA Guerino – stated he had custody of the votes, put them in the Selectmen bag and was taken to the Selectmen's office.

Chm. Ford – tonight there will be two votes of who will be a permanent member and an alternate member of the Planning Board (PB).

DuBerger – we will appoint a permanent member for eight weeks. At this point, neither applicant has pulled papers for the PB position. At this time, Chm. Ford called point of order.

Roll call vote:
Pickard MOVED and SECONDED by Ford to appoint Mr. Vincent Michienzi as a permanent member of the Planning Board until election.

DuBurger MOVED and SECONDED by Zuern to appoint Mr. Sean Handy as a permanent member of the Planning Board until election.

Jensen (Planning Board) – at 52 Main Street, abutters are called upon to say if they have any objections. 10 abutters; 4 of are mainly Michienzi. Afraid as talented he is he will have to recuse himself for vital decisions the PB makes.

Roll call for Michienzi: Nelson – yes; Doucette – yes; Jenson – no, DuBerger – no; Gallo – yes; Howarth – yes; Zuern – no, Pickard – yes; Ford – yes; Meier – no, Baldwin - no. VOTE 6-5 for Michienzi as a permanent member of the PB until election.

Alternate member to the Planning Board
Meier MOVED and SECONDED by Doucette to appoint Mr. Sean Handy as alternate member to the Planning Board. Roll call: Nelson – yes; Doucette – yes; Jenson – yes, DuBerger – yes; Gallo – yes; Howarth – yes; Zuern – yes, Pickard – yes; Ford – yes; Meier – yes, Baldwin – yes. VOTE 11-0 for Handy as an alternate member of the PB until election.

Meeting Called to Order
By Chm. Ford at 7:10 pm.

Moment of Silence for our Troops /Salute the Flag

Public Comment – Non-Agenda Items
None.

Minutes of 3/5/13

Meier MOVED and SECONDED by Pickard to approve minutes of 3/5/13 as amended. VOTE 5-0.

Correspondence
Meier read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

Joint Meeting with Library Trustees to fill vacancy
Chm. Ford – one letter of interest from Ms. Kristine Maginnis to fill vacancy of the Library Trustees, who is present tonight and has been a resident of Bourne for 13 years.

Meier MOVED and SECONDED by Pickard to appoint Ms. Kristine Maginnis to the Library Trustees for the balance of the remainder of the term. Roll call: Rider – yes; Toree – yes; Simpson – yes; DiPaulo – yes; Zuern – yes, Pickard – yes; Meier – yes; Baldwin – yes; Ford – yes. VOTE 10-0.

Appointments and Licenses

a. **Seasonal License Renewals (Liquor, Common Victualer (food), General Amusement, Sunday and Weekday**

Pickard MOVED and SECONDED by Meier to renew the Chart Room Liquor, Food Amusement, Weekday and Sunday licenses. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to renew The Sagamore Inn renewal of Liquor and Food license. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to renew Common Victualer (food) licenses for Betty Ann's Dairy Freeze; Lazy Sundaes Ice Cream; Seafood Shanty, Inc.; and Whistle Stop Ice Cream Co., Inc. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to renew General Amusement licenses for Cataumet Light Mini Golf and Cartwheels II. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to renew Sunday Amusement license for Cartwheels II. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to renew Coin Operated Automatic Device license for Cartwheels II. VOTE 5-0.

b. **Representative to the Cape Cod Commission**

Pickard read Mr. Blanton's attendance record from 2010, 2011, 2012 and 2013.

Pickard MOVED and SECONDED by Meier to appoint Mr. Michael Blanton as Bourne Representative to the Cape Cod Commission for a term to expire 4/24/16. VOTE 5-0.

c. Transportation Committee

Three candidates for one opening on the Transportation Committee: Mr. John Forte, Mr. William Locke and Ms. Cindy Parola. Ms. Parola is present tonight and reviewed her qualifications. Chm. Ford read into record both Mr. Forte and Mr. Locke's e-mails of interest.

Pickard MOVED and SECONDED by Baldwin to appoint Ms. Cynthia Parola to the Transportation Committee for a term to expire 6/30/13. Roll call: Zuern – yes; Pickard – yes; Meier – yes; Baldwin – yes; Ford – yes.

d. Local Emergency Planning Committee

Pickard MOVED and SECONDED by Meier to appoint Edward Donoghue, John Stowe, Chrystal LaPine, Jon Nelson, Felice Monteiro, Marc Lieber and Donald Pelonizi to the Local Emergency Planning Committee for terms to expire 6/30/13. VOTE 5-0.

e. St. Margarets Regional School asking for waiver of fee for Easter Egg Hunt

Pickard MOVED and SECONDED by Meier to approve St. Margarets Regional School request at 143 Main Street on 3/24/13 from 9:30 am – 3:30 pm for a waiver of fee for Easter Egg Hunt. VOTE 5-0.

f. Easement – Pinacle on Sagamore Beach

Pickard MOVED and SECONDED by Meier to grant temporary access easement to Pinnacle Site Contractors for the purpose of constructing stone revetment and erosion control under Town of Bourne Conservation Commission Emergency Certification at 4, 6, 12, 16, 20, 22, 28, 34 & 40 Sagamore Road and 165 Clark Road from 3/21/13 - 5/9/13. VOTE 5-0.

g. Easement – Coady School

Pickard MOVED and SECONDED by Meier to grant temporary easement to Pinnacle Site Contractors at the Coady School between 3/18/13 – 12/31/13. VOTE 5-0.

Linda Marzelli – Municipal Lien Certificates and Demand Fee Charges

TA Guerino – this is under the Treasurer's authority; the fee charges is to go from $25 to $50. There will be an article at Town meeting in regards to Demand Fees.

Local 1717 – Firefighters – Fireworks

Mr. Sean Silva and Brian Rooney of the Local 1717 present tonight for informational discussion. The Local 1717 is looking for an annual site for fireworks off Scenic Highway. There is an area of a 100' x 100' for shooting fireworks off safely which is within State Codes. The Local 1717 has spoken with the Buzzards Bay Water District, the Buzzards Bay Superintendent as well as Conservation.

Meier – asked about the active cranberry bog. The 100'x100' box has the maximum setbacks for fireworks to have exclusion off cranberry bog owner's property. There is no concrete evidence that fireworks cause pollution. Water is flowing away from the site.

Zuern – requested to look into clean up for proclorate. DEP has a plan of best practices which will be followed and should limit any potential ground water impact.

Pickard – suggested the Local 1717 work on the 2014 Celebration of the Canal. The Local 1717 said there is already a separate group working on fireworks for the 2014 Celebration.

Local 1717 will be seeking donations for fireworks in the future and is not related to the Local Firefighter's campaign.

Baldwin MOVED and SECONDED by Meier to approve the Local 1717 Firefighters Fireworks proposal as presented tonight with the stipulation the proposal is put to a routing slip.
VOTE 5-0.

Licenses/Requests

a. **One Day Liquor Licenses for the sale of all kinds of alcoholic beverages for the:**
    i. **Beachmoor**
        1. **6/1/13 – Hall of Fame Dinner**
        2. **6/15/13 – Wedding**
        3. **6/22/13 – Family Dinner**
        4. **8/10/13 – Wedding**
        5. **8/17/13 – Wedding**
        6. **9/7/13 – Wedding**
        7. **9/14/13 – Wedding**
        8. **10/4/13 – Wedding**
        9. **10/5/13 – Reunion**

Mr. Mulvey – he thought there was an agreement the license would cover events previously booked prior to the MMA's ownership. TA Guerino – the MMA satisfied under current liquor license with commitments. This will use nine of the one day licenses and the board has authority to grant individually. The caterers (the Chart Room) have the ability to exercise the license.

Pickard MOVED and SECONDED by Meier to approve Beachmoor request at for One Day Liquor Licenses for the sale of all kinds of alcoholic beverages on 6/1/13 (Hall of Fame Dinner); 6/15/13 (Wedding); 6/22/13 (Family Dinner); 8/10/13 (Wedding); 8/17/13 (Wedding); 9/7/13 (Wedding); 9/14/13 (Wedding); 10/4/13 (Wedding) and 10/5/13 (Reunion). VOTE 5-0. *The requests will be put to a routing slip.*

    ii. **ABS Library Information Commons**
        1. **9/21/13 – Admiral's Gala**
        2. **10/4/13 – Reunion**
        3. **10/5/13 - Reunion**

Pickard MOVED and SECONDED by Meier to approve ABS Library Information Commons request for One Day Liquor Licenses for the sale of all kinds of alcoholic beverages on 9/21/13 (Admiral's Gala); 10/4/13 (Reunion); and 10/5/13 (Reunion). VOTE 5-0. *The requests will be put to a routing slip.*

Town Administrator Report

a. Budget reconciliation

ADJUSTMENTS TO EXPENDITURES		
Upper Cape Regional Voc School	$148,114	
COA Program Services	$ 7,420	
Community Bldg – Comcast	$ 6,500	
Community Bldg – Longevity	$ 450	
Recreation Dept – Longevity	$ 450	
Finance Dept – Clerical	$ 1,532	
Fire Dept – Medical	$ 15,000	
Town Administrator Clerical		$(20,000)
School Dept		$(50,000)
Police Patrolmen Salary		$(50,000)
Group Insurance		$(100,000)
	$423,257	$(220,000)
Elected Officials Salary	$ 1,301	
ADJUSTMENTS TO REVENUES		
Additional Revenue Source		
Local Aid		$155,033
Department Receipts		$ 10,000
ISWM Share of Elect/MT Tech		$ 9,535
Total Changes to Sources and Uses	$424,558	$(424,558)

Meier – as if the grant is reflected for firefighters. TA Guerino – no effect and depends on how it gets drawn down.

Zuern – COA services. TA Guerino – primarily for the Supportive Day Program and for the meals for the café for the program continues. Zuern asked if this goes for salaries. TA Guerino – we are not adding additional positions that cover people who volunteered prior.

Chm. Ford – stated the COA Director presented the budget to the FinCom last night. $40/day for the program but doesn't include the meal. The cook's salary comes directly out of fees. The restaurant will pay for itself.

TA Guerino – some Supportive Day financial support comes from the State.

TA Guerino - DNR covered by waterways fees. School provided $50,000

Chm. Ford – DVDs are available if a board member cannot attend the FinCom budget presentation meetings. Any department can come in before the board for additional questions or concerns. TA Guerino – the overall town budget is up 1.8%. He added Ms. Marzelli has done a good job with the information from Sources and Uses and Line Item Budgets and report provided to the board through the annual budget message.

TA Guerino – UCT budget is up 1.7%; Bourne Public School budget is up 2%.

TA Guerino – thanked the Department Heads and Ms. Marzelli for their input, the town is in pretty good shape regarding the operations budget. He noted that these numbers do not include Articles.

Selectmen's business

a. Signing Warrant for Special Primary Election

Pickard MOVED and SECONDED by Meier the Board of Selectmen sign the Warrant for Special Primary Election. VOTE 5-0.

b. Town Administrator Review Form

Chm. Ford – received four different examples of a review form per HR Director. The consensus of the board is to use the City Manager Performance Evaluation completed by 4/19/13, meeting with TA Guerino on week of 4/22/13. 4/29/13 send evaluation to the Chair; cooralte and send back to members. 5/14/13 agenda item to give TA Guerino his public evaluation. Meets contractual agreements.

TA Guerino – requested to have done prior to election.

Pickard MOVED and SECONDED to Meier adopt the City Manager Performance Evaluation Form. VOTE 5-0.

c. Proclamation – Childhood Cancer Awareness Week

Pickard MOVED and SECONDED by Meier that the Town of Bourne Board of Selectmen hereby officially proclaim 4/21/13 – 4/27/13 as Childhood Cancer Awareness Week. VOTE 5-0.

Chm. Ford - Bylaw committee. The committee is short two members at-large per Ms. Elinor Ripley. Chm. Ford read Ms. Ripley's email about details of the committee into record.

Chm. Ford – UCT budget. State law is to provide transportation to the students going to the vocational school. The State to isn't meeting their obligation; what the state doesn't pay for, it is on the town's dime. He suggests a letter on the board's behalf to our local representative

and State Senator to support the laws with regard to the transportation costs of regional schools.

TA Guerino – to draft letter on behalf of the board and will have for the April meeting.

Zuern – email forwarded from Stacey Smith on Wastewater Treatment forums; attended LEPC meeting which broke into five subcommittees where had discussion of getting other groups such as churches to open up for shelters. Anyone interested volunteering email Charlie Noyes. Attended Open Meeting for the Bourne Cable. She completed her Conflict of Interest requirement.

Meier – attended LEPC; attended DPW working group who is working on getting the DPW facility to the ballot. He asked should the board follow up on goals voted on last summer. TA Guerino – yes, as it is part of the review process. One of Meier's goals was the liability of appointed committees on a future agenda item. TA Guerino – said formally he has not spent time on or anticipated on what the selectmen were going to do in some cases during the course of the year.

Chm. Ford – TA Guerino to work on his own goals.

Baldwin – we should be looking at where to get water samples.

Chm. Ford – directed an individual talk to Town Planner with regard to a sign on the deferred loan program; attended the FinCom meeting where UCT and DPW budgets discussed.

TA Guerino – at next meeting 4/2/13 representatives of the EAC bringing forward at least one or two power purchase agreements relative to wind and solar for net metering savings on electricity for the town.

Zuern – hosted a cable TV show on the education on firearms safety and will be showing on cable every other week. Mr. Studley was her guest.

Meier – asked about the Snow & Ice budget. TA Guerino - as of yesterday prior to the $235,000 number upside down and purchasing additional $20,000 for salt and OT for roadways.

Adjournment
Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 8:45 pm.

Respectfully submitted,
Lisa Groezinger, sec.