Board of Selectmen
Minutes of August 23, 2011
Bourne Veteran's Building
Buzzards Bay MA 02532

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TA Guerino

Don Pickard, Chairman
John Ford, Vice Chairman
Jamie Sloniecki (excused)
Earl Baldwin
Peter Meier

List of documents:

- Ford paragraph on why he asked to put new position in previous meeting discussion – 1 page

Meeting called to order
7:00 pm

Moment of Silence/Salute the Flag

Public Comment – non-agenda items
Mr. Agrillo commented Monument Beach table and possibly replace fence. TA Guerino will speak with DPW.

Approval of Meeting Minutes
Meier MOVED and SECONDED by Ford to approve minutes of 6/7/11 as submitted. VOTE 4-0.

Ford MOVED and SECONDED by Meier to approve minutes of 7/12/11 as amended. VOTE 4-0. (making correction between Chairman and Vice Chairman).

Ford MOVED and SECONDED by Meier to approve minutes of 8/2/11 as amended. VOTE 4-0.

Correspondence
Selectmen Meier read correspondence into record. Copies of correspondence are available at the Town Administrator's Office.

Division of Marines Fisheries – Ford update requested. DNR Director said they are testing shellfish on the pier.

Budget Final Year – Ford update requested on $1.3M Federal government aid funded to the children of the Mass Military. TA Guerino said the Town will not receive $1.3M, but will be distributed between the Town of Bourne, the Town of Bedford (West Dover Air Force Base),

and the city of Boston. This money will be utilized without further appropriation. When granted to the School Department, the School Department and the Town of Bourne have an understanding that will continue. The Superintendent of Schools and himself discussed putting 40% of what is received up against School Department Employee benefits to offset some of benefit costs and to keep on one line item. This agreement has been in force 4 or 5 rounds, except for the year the school had some severe financial difficulties, the money was allowed to float directly in to the Town. If the monies are close to last year, the amount given to the Town will be in the amount of $800,000.

Letter of Joan Eckleson in reference to floats and signs – Ford update requested. TA Guerino said there will be articles on the Special Town Meeting, if the Board chooses to more forward later in the meeting. He is working with Counsel relative to said letter.

Letter of Barnstable County Sheriff in reference to medical dispatching – Ford updated requested on if the Town gets free medical dispatching through the Fire Department. TA Guerino said that the end of this past fiscal year, the County House of Corrections was taken over by the Commonwealth and there are different rules. He attended a meeting of Cape Cod Managers a week ago with discussion topic relative to the cost. Chief Greene and TA Guerino to set up meeting with Sheriff Cummings to discuss. In the past, the Town has received benefit at not cost but the Town has also transported to the House of Corrections when needed by ambulance or other means at no cost. Ford further inquired about an agreement. House of Corrections are changing. TA Guerino said there was also an agreement for an amount of money, at the time the House of Correction was built and cannot find anything in writing stating this, and maybe the Fire Department has documentation.

Meier inquired about Cape Cod Healthcare service and fees that will begin to incur on 10/1/11. Police and Fire Chiefs have been meeting and will be making a recommendation to the Selectmen in the future. Regarding the fees beginning in October, TA Guerino said that one of the concerns that the Managers had in the Managers' meeting, was that no community on the Cape within this service area has budgeted for the FY12, and there has to be some work done by all towns on how this will be funded. Ford added that he remembers there was information in writing (secondary piece that was part of the agreement) and suggested TA Guerino discuss with Chief Puma. TA Guerino will ask Chief Greene to do so.

Mr. Agrillo inquired about the $800,000 and why it is given to the school. TA Guerino responded that it is an appropriation that is not guaranteed on an annual basis. Senate President Murray has been able to work with the House leadership which is used for helping the Town underwrite the costs for education for children that come from the Base to the school system. It is an enhancement to the school budget but not guaranteed every year. Money is from the legislature and does pass through the Town, as many grants do. Ford explained that it is a reimbursement to the taxpayers for the children on the Base. Mr. Agrillo asked why it isn't in the School Committee's budget. TA Guerino said it is a special legislation budget not guaranteed every year.

Licenses/Appointments

a. Recycling Committee

Ford MOVED and SECONDED by Meier to re-appoint James Boyle to the Recycling Committee for a term to end 6/30/14. VOTE 4-0.

b. Recreation Committee

Meier MOVED and SECONDED by Ford to appoint Steven J. McCarthy to the Recreation Committee for a term to end 6/30/14. VOTE 4-0.

c. Shore & Harbor Committee

Chm. Pickard read letter into record of Mr. Southwood dated 7/8/11. Mr. Gasson expressed interest was 8/13/11. Town Administrator's office requesting Board's separate interest. Sloniecki excused tonight. Selectmen will tally preference and give to TA Guerino. TA Guerino said three (3) votes for Mr. Southwood and one vote for Mr. Gasson.

Meier MOVED and SECONDED by Ford to appoint Mr. Southwood to the Shore & Harbor Committee for a term to expire 6/30/14. VOTE 4-0.

d. Massachusetts Maritime Academy – one day liquor license

Ford MOVED and SECONDED by Meier to approve Massachusetts Maritime Academy request for one day, all alcohol liquor license on 9/9/11 from 5:30 pm – 9:30 pm per routing slip. VOTE 4-0.

a. Regional Transportation Advisory Committee

Meier MOVED and SECONDED by Baldwin to re-appoint Thomas M. Guerino to the Regional Transportation Advisory Committee for a term to expire 6/30/12. VOTE 4-0.

40 Sqateague Harbor Road Dock

Chm. Pickard said some residents retained professional staff (Warwick & Associates) and asked to take them out of order. No objections.

Barbara Frappia, Warwick & Associates presentation on property purchased at 40 Squateague Harbor Road. Along with purchase was a bath house. Small packet given to the Selectmen. Bath house around for about a century and is sitting on town-owned property. Heffernan's, property owners, would like to restore said bath house. They hired John Priestley, Jr. as their architect to review. In conjunction with restoration of bath house, they would like to construct a seasonal dock extending from the porch of the bath house out into Squateague Harbor (mid April – mid October).

Any dock eminating from bath house into the harbor would be crossing Town property. In 1993, the Board of Selectmen authorized a Mr. George Seaver to rebuild the bath house after Hurricane Bob. Since that time, the bath house has fallen into disrepair.

Conceptual idea is to take the bath house and slide it ten (10) feet to the North and line with the steps coming down the coastal bank so the steps can come right down to the bath house. The two purposes are: 1) easy access preserving Conservation land and 2) provide more room at that end of the property as it is a public access. Heffernan's amendable to in addition to rebuilding the bath house and putting in a dock, to work with the Town to help maintain the end of Ocean Avenue so it would help the accessibility. All dock work would meet all applicable regulations and provide beneficial access for the Town.

Warwick & Associates is asking the Selectmen tonight for an Order to go forward as the Town is the property owner and to sponsor an Article at Town Meeting. Prior to going to the Conservation Commission, they need a Town Meeting vote. Similar projects have been approved and done in the past. Ms. Frappia gave documentation to the Board of what a Warrant Article would look like, granting a defined easement for the purpose of maintaining a seasonal dock. Language is taken from other previous Articles with similar scenarios at Town Meeting. The Selectmen have been the sponsor. Shellfish survey was done and concluded as not to be a vial or productive habitat.

Ford would like DNR has look at proposal as well as Conservation Agent Brendan Mullaney. DNR Director, Tim Mullen, said it would be very preliminary for the Department of Natural Resources to comment at this time. Ford further commented that the DNR input prior to Town Meeting vote would be beneficial. Mr. Mullen said he isn't privy to the conducted shellfish study.

TA Guerino said he believes the Special Town Meeting in October, date to be voted upon tonight, will be one day. He said the Selectmen need only to vote to allow Article for the dock. He will consult with Town Counsel relative to requirement of easement to move the bath house. Ford would also like DNR and Conservation Agent reports prior to Selectmen sponsorship. Ms. Frappia more than happy to provide copy of Shellfish Study to Mr. Mullen, DNR.

Meier MOVED and SECONDED by Ford to open and close Special Town Meeting on 10/17/11 at 7:00 pm at the Bourne High School and the Warrant to close on 8/29/11. VOTE 4-0.

Meier MOVED and SECONDED by Baldwin to allow Article as proposed by owners of property (Heffernans) to be placed on Special Town Meeting Warrant. VOTE 4-0.

TA Guerino said he will have two (2) separate Articles for the dock if there is a requirement for easement.

Draft Aquaculture Regulations – DNR Director Tim Mullen

Mr. Mullen said there are complex issues that the Town does not currently have. He spoke with various committees (Shore & Harbor and Shellfish Working Group) for input. One significant change is the addition of liability insurance to name Town as additional insured. The

addition includes the identifying vessels, working on grants, hours of operation. Mr. Mullen said that Town Counsel will still need to review and that document is still in draft form.

Ford recommended adding portion with regard to Shellfish Constable inspection in the addition.

Mr. Mullen said he would like to see Regulations take effect by the end of the year, but he is not taking lightly as deserves the generous reviews it is getting.

TA Guerino recommends raising advertising fees relating to notification to abutters to $125 (Section 8.17 Fees).

The Town of Bourne does not have enough space or enough flats needed. Ford asked if this regulation would be put in a productive shellfish area to which Mr. Mullen replied that by law it cannot.

Ms. Donovan asked about the area where she lives as being subject to a potential area. Mr. Mullen said it would be seasonal.

Mr. Mulvey said that regulations are a necessary step and it prepares the Town for applicants. He asked if abutters (Wareham) need to be notified with regard to Estuaries. Chm. Pickard said this would be a question for Town Counsel.

Mr. Mulvey said he would hope the Selectmen would not put Mr. Mullen in the position of pre-suggesting certain areas and hopes it would depend on interested areas. Chm. Pickard concurs.

Chm. Pickard said the next step moving forward would be Town Counsel review.

Mr. Mullen said any comments can be emailed to him and he will forward to Town Counsel. Mr. Patrick Ross, expressing interest in getting process moving as regulations are an extremely daunting process. He believes the proposed regulations would be beneficial to the Town as well as applicants.

Selectmen took quick recess before reconvening meeting.

Propagation area Reclassification – DNR Director, Tim Mullen

Mr. Mullen recommending the Board makes an amendment to the current Shellfish Regulations and is proposing an indefinite closure of an area in Mashnee dike for the purpose of propagation and general management of the fishery. This closure would contain all of the oyster beds out on Mashnee dike. There have been well over 100 people on all 8 Sundays open and oyster population has been knocked down by 2/3 last season. For conservation purposes, the closure of this area for at least one season and can reassess next season. Area was propagated with 30,000 oysters between 1” and just under 3” in size.

Newest bed opened in Little Bay and hopes to fair better. He is expecting another 40,000 oysters at Mass. Maritime and planned on leaving them in Little Bay and Buttermilk Way. At this point, if said area is opened, there will be no chance of recovery for next year.

Ford talked about the oyster drills and commercial boats. He also mentioned access an issue for protection of new oysters and parking might be an issue.

Mr. Agrillo asked about Little Bay access to Wing's Neck. He also asked if the Town owns both sides of the dike where the boats are tied up are town property. He suggested the Town install surveillance cameras for illegal harvests.

Mr. Mullen said harvesting continued for months after the season was closed.

Meier asked what the Shore & Harbor or Shellfish Working Group's position. Mr. Mullen said SHC generally doesn't take up shellfishing issues. He does not have the Shellfish Working Groups' position.

Meier MOVED and SECONDED by Baldwin to approve the Shellfish Regulation Amendment No. 2011-2 effected 8/24/11 the following area shall be closed to all shellfish fishing: the waters of the portion of Mashnee dike in the Town of Bourne from the "no shellfishing" sign located at the end of the access path on the end of the dike is approximately 1,100 feet to the "no shellfishing" sign located at the end of the access path at the end of the dike. This closure will also extend seaward to the floating shellfish markers located approximately 150' offshore. This area is being closed for purposes of shellfish propagation and general management of the fishery. VOTE 4-0. *(Ford would in the future like to see this discussed with the Shellfish Working Group).*

Mr. Mulvey said the Shellfish Acting Working Group is comprised of both commercial and recreational people. Their last meeting was the night of the Town Meeting and wasn't possible for the DNR Director to bring in front of the Shellfish Working Group.

DPW Building Committee Charge

TA Guerino said in pursuant to the meeting of a few weeks ago, he was asked to have a charge prepared. He looked at other similar type committees in both Bourne and surrounding Towns. Mr. Tellier has reviewed. Much of the language is modeled from the Energy Efficiency Committee for consistency and leaves it to the Board for discussion.

Committee make up of a seven member Board – (FinCom -1; Capital Outlay – 1; Planning Board – 1, DPW – 1; and three (3) members at large. *(Ford requested having a couple of days earlier for discussion. TA Guerino concurs)*.

Meier MOVED and SECONDED by Ford to approve DPW Building Committee membership and Charge as amended submitted to the TA Guerino submitted 9/9/11 as amended. VOTE 4-0. *(TA Guerino hopes to have committee by 9/15/11).*

Town Administrator's Report

a. **Auction**. Tax title deferred to another date. Ms. Sundman wanted to be sure that the way we have the descriptions of the property compliant with the bylaw. Have auction within the fall *(The Board would like to recognize Ms. Sundman)*. The date has been taken off the website but the property is still there. Also one additional property has come to the TA office attention and may want to reconvene three committees to have property put on to bring in some dollars.

b. **Selectmen last meeting with Ms. Sally Riggs**. Selectmen voted relative to the priorities for highway work. The MPO met and agreed to move the fixed route bus service to Sandwich and Bourne up to this year for study and funding. They have pushed off the paving of MacArthur Boulevard so the Planning Board can better discuss the developing in that area. Also, the Board's actions last meeting made a difference to the MPO with issues relative to Bourne. Also, moving forward relative to Buzzards Bay traffic configurations needs more planning work. Commission will be assisting Bourne and no date when will happen but was moved up on the priority list.

c. **Selectmen goals**. Relative to goals, TA Guerino is more than ½ way through Department reviews.

Selectmen's Business

a. **Public Comment Policy**. Second reading. Mr. Agrillo inquired about the Public Comment Policy. Ford read into record said Policy. Chm. Pickard further explained to the Policy. Mr. Agrillo objects to public comment from one person lasting 30 minutes. To hear from everyone before someone can speak again. Chm. Pickard said it is the discretion of the Chairman. No further comment from the Board or public. Mr. Gately feels Atty. Troy's Policy is narrow personally. TA Guerino will be scheduling a Forum relevant to the Public Comment Policy for all Town Boards and Committees possibly in September. Chm. Pickard received a call from Kathy Walton of the School Committee for her suggestion of the Forum function facility and social hour afterwards. TA Guerino will move Policy for the first meeting in September for adoption.

b. **Annual Report deadline** - 9/16/11 for all Boards and Committees for the 7/1/10 – 7/30/11. Chm. Pickard with work with V. Chm. Ford to put together for a narrative on Finance, Mission Statement, Selectmen Goals, identify spending for 2012, identify licenses, Town Committees and Selectmen meetings. Ford recommends Selectmen review and break down in segments then Chm. can put together. *(TA Guerino said former Selectmen Mealy and Meli should be contacted)*.

Meier – Chamber of Commerce looking or volunteers for the Scallop Festival for 9/23, 9/24 and 9/25. Notify Marie Oliva or any staff members.

Ford – Administrative:
<u>September</u>
9/6 - Executive Session with Atty. Troy to discuss Open Mtg. Law changes
9/6 - Regular meeting (Lifeguard supporters on agenda)
9/20 Regular meeting (Monument Beach parking plan discussion added to agenda)
9/27 - Workshop (with Open Space Committee).

<u>October</u>
10/4 – Regular meeting
10/18 – Regular meeting
10/17 – Special Town Meeting
10/25 – Workshop (with FinCom)

TA Guerino asked Board to begin to look at Budget priorities for November.
Chm. Pickard asked TA Guerino to put meetings and workshops on the website calendar even if no agena for planning purposes.

Ford – attended Steering Committee for Main Street.

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

Respectfully submitted,
Lisa Groezinger, sec.