Board of Selectmen
Minutes of July 24, 2012
Bourne Community Building
Bourne, MA 02532

TA Guerino

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

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

List of documents

- None

Pickard MOVED and SECONDED by Meier to go into Executive Session at 6:00 pm – Bob Troy re: Doherty litigation and Conservation Law Foundation – update on on-going litigation and to reconvene in Regular Session. Roll call: Zuern – yes; Pickard – yes; Meier – yes; Baldwin – yes; Ford – yes.

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

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

Moment of Silence/Salute the Flag

Public Comment
None requested.

Approval of minutes
Meier MOVED and SECONDED by Pickard to approve regular session minutes of 7/10/12 as amended. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to approve regular session minutes of 7/17/12 as submitted. VOTE 5-0.

Correspondence

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

Item I – the tent is still standing, but no more inventory is in the tent. One citation of violation sent and owner of business in process to rectify.

Item N – joint meeting tentatively scheduled for 8/21/12 to appoint member on the Bourne School Committee. Anyone interested to send request to the Superintendent or TA's office. Appointment is until 5/31/12.

Item H – Task Force asked Meier to read paragraph into record (GET FROM PETER).

Introduction of New COA Director – Felicita Monteiro
TA Guerino introduced the new COA Director. Ms. Monteiro brings 18-years' experience. She has brought in a total of $1.14 M in funding for the COA.

Licenses/Appointments
Chm. Ford opened public hearing at 7:22 pm for installation of underground storage tank for storage and sale of diesel fuel at 48 MacArthur Blvd.

Meier MOVED and SECONDED by Pickard to recess meeting to introduce Ms. Felicita Monteiro. VOTE 5-0.

Meier MOVED and SECONDED by Pickard to reconvene meeting to the public hearing.
VOTE 5-0.

Bruce Garret, Volta, as representative for applicant. Looking to renovate by adding a convenient store to the rear, including the installation of the storage tanks. All proper notifications were received and given to TA Guerino.

Mr. Garrett said Volta received Planning Board approval of site plan.

Paul C. Weeks, Fire Department, reviewed request and BFD concurs – when owner files permit to install underground permit; new permit to sewer; submit new FP29 to reflect new tank; submit FP289 inspection of all storage tanks.

a. Underground Storage – Volta – 48 MacArthur Blvd.

Pickard MOVED and SECONDED by Meier to approve Volta Oil request at 48 MacArthur Blvd. for installing additional 8,000-gallon underground storage tank for storage and sale of diesel fuel per routing slip (FD, BOH, TC). VOTE 5-0.

Meier MOVED and SECONDED by Pickard to close public hearing. VOTE 5-0.

b. Pan Mass Challenge Ride

Chm. Ford explained request is to approve the bicycle route through town and use of the movie theater parking lot. There will be a shuttle from the parking lot.

Meier MOVED and SECONDED by Pickard to approve Pan Mass Challenge Ride on 8/4/12 from 10:00 am – 7:00 pm per routing slip. VOTE 5-0.

c. Pan Mass – One Day Liquor

E-mail from Chief Woodside's required conditions attached to the routing slip.

Pickard MOVED and SECONDED by Zuern to approve Pan Mass request for one day liquor license on 8/4/12 from 12:00 pm – 6:00 pm per routing slip and to waive the license fee. VOTE 5-0.

d. MMA – One Day Liquor

Pickard MOVED and SECONDED by Meier to approve MMA request for one day liquor license, all alcoholic for MMA Summer Bash on 7/28/12 from 11:30 am – 6:00 pm per routing slip. VOTE 5-0.

Squeteague – Bath House and new proposed deck

Atty. Ford for applicant. Showed pictures of the building to the Selectmen of before and after Hurricane Bob, including what applicant is proposing to the board. Requesting permission to continue to use easement subject to the Conservation Commission. This is a case where the town received the deed in the late 1800s and states anyone who owned property shall be permitted to install bathhouses; only one still in existence he is aware of. Historic Committee is happy to see restored.

Zuern – asked for clarification of location on property. No other questions.

Meier – asked if location is near former house of Howard Crow. Atty. Ford stated it is.

Chm. Ford – asked about public access. Atty. Ford said there is a little path at the end of the pavement.

TA Guerino – Heffernan's indicated to clear out path area for public access; within these deeds there is use by various folks in the deed and not exclusively for the use of the Heffernans. Atty. Ford explained the bathhouse is exclusively for the Heffernans but the path is for the public.

Troy memo dated 6/25/12 with regard to Roy & Clare Heffernan's proposal to construct a bathhouse on Bourne property adjacent to 40 Squeteague Harbor in Cataumet is sufficient to demonstrate the applicant has a sufficient ownership interest for the Conservation Commission to review the Notice of Intent (NOI). In addition, the proposed platform, stairs and balcony

(identified in the NOI) can be constructed on Bourne property without a separate easement granted by the town.

Atty. Troy's opinion states Ms. Heffernan has provided Bourne with sufficient evidence establishing title to the property to submit the NOI. The town, as the owner of the real property on which the bathhouse is situated, is authorized to provide written permission for the proposed re-construction of the existing bathhouse which will enable Ms. Heffernan to satisfy the requirement of MGL c. 131 Section 40 and 310 CMR 10.05(4).

The Conservation Commission must determine whether the applicant has met the burden of proof under 310 CMR 10.03(2). If the Commission makes this finding, the property owner should seek approval from the Selectmen that the proposed project is within the scope of the easement and request written permission from the town to construct the project.

Pickard MOVED and SECONDED by Meier to approve Heffernan request for bathhouse application as submitted and pending Conservation Commission approval. VOTE 5-0.

Friends of the Hoxie School
Deferred to 8/7/12.

Second reading – Town Personnel Policies
TA Guerino – pursuant to written policies, the board accepted the package, then was brought to First Reading. After First Reading, it was distributed to all depart heads, union heads, stewards. At the Second Hearing, questions or comments made by anyone who package was sent out to, accommodations will be made where appropriate and will be brought back to the board for the Third Reading an engrossment.

Meier – discussed the probationary period being one-year. In his opinion one year is too long. TA Guerino said the town should have some assessment for a non-union employee and generally Department Heads do not wait for 365 days.

Zuern – Page 10: under Hiring, Item #6 - doesn't include a research background. TA Guerino said appropriate background checks for employees can be added when they come in. She said this should be done before second interviews. Pickard suggested TA Guerino go to the Student National Clearing House site.

Pickard – need to identify what should be done for each employee with respect to certain departments.

Zuern – asked when is the CORI check done. TA Guerino said it is done prior to the third interview.

Zuern – Page 11 – CORI – with certain positions when does it happen and when is it modified and what positions to be modified. TA Guerino said when someone is working with a child, a second CORI is done, or for a laborer who comes back the town does a CORI check every other year or for recurring positions at the marina. The town doesn't do full CORI checks for seasonal employees.

Zuern – Page 16 – Location of Security, second line – safety and security. TA Guerino said certain files must be locked; other personnel files have to be in an office that can be locked. Files that deal with health related issues or civil rights would have to be in a separate, locked file with limited access.

Zuern - Page 18 – Salary Schedule – asked who establishes "grade". TA Guerino said the classification program "step in time" is a grade in step which is determined by position. She asked if some employees can skip steps. TA Guerino said from time to time people have taken more responsibilities, and a request is made for a move in grade.

Zuern - Page 27, Second paragraph – acting honestly – (she stated she hopes all hired employees act honestly); Under #1-13 – Causes for Discipline, #6 – asked if acting dishonestly would include as immoral conduct, or if not, what includes immoral conduct. TA Guerino said dishonesty would be considered terminable. HR Director to add a better clarification.

Zuern - Page 28, Second paragraph – under non-discrimination; a sentence doesn't need to be in there (religion practices). HR Director can remove as it is stated under the first paragraph.

Zuern - Page 30, E-F is a typo – HR Director will delete.

Zuern - Page 44, Fourth Paragraph – Whistle blower – who is appropriate governmental agency. TA Guerino said it is the Attorney General's office. Pickard suggested leaving vague. Chm. Ford asked who someone can go to if discussing TA Guerino. HR Director said they person can go to her and/or the Selectmen.

Zuern - Page 45, Fifth Paragraph – TA implementing policies and procedures, #1 - for reporting improper governmental actions. HR Direct took from the MMAPA (union contracts). HR Director will ask Mike Gratis what this is, as it is in Unit B. TA Guerino said a Planning Board member issue where allegation of improper behavior was brought to him and had to bring to the proper governmental agency. HR Director will check with their Counsel and will review.

Chm. Ford – Police Policies and Rules Regulations were different. Some of these personnel policies would pertain to the Police and some wouldn't. Should state at the beginning of this policy that Police Policies, rules and regulations are incorporated into their contracts, but doesn't state as such. HR Director said she and the Police Chief and review which items don't pertain to police officers and what will pertain to dispatchers and secretarial staff (Unit A).

Chm. Ford - Goals and Policies – "executive powers" is crossed out. TA Guerino said "executive powers" should be put back in.

Chm. Ford – on the next page under Mission Statement – questioned why the word Board of Selectmen is crossed out and the word municipality was inserted. TA Guerino said to make more genetic.

Meier – Page 8, #2 – all appointments - HR Director to make corrections to who appoints.

TA Guerino requested Second Reading have another session on 8/7/12 and to go to Third reading on 8/23/12.

Zuern – requested changes in red on only the corrected pages moving forward.

Town Administrator's business

a. **Board to discuss and sign override debt exclusion question regarding proposed DPW Facility**

TA Guerion correction – proposed ballot question for the DPW facility in which the Town Clerk needs on or before 8/1/12 to have included with State General Election Ballot. An up-to-date report based on the RFP is planned to go to the STM in October 2012 with facility costs as will see them at the ATM. There is still more work to be done on the final design issues (ex: facility cost, ISWM responsibilities, what the town hopes to take from other sources to bring costs down).

Pickard – asked what the final costs of project will be. TA Guerino said it will be in October. There is a Capital Reserve, an auction that will generate some money, and ISWM will pick up 25% of the cost. The town engaged Weston & Sampson to take to the numbers to ATM.

Pickard – if the DPW facility doesn't move, it affects Phase 6 of the new landfill. Per Covanta, the loss of 548,600 tons of airspace equates to $23,353,000 in potential loss of revenue for the town. This will be the sales pitch to the voters.

Chm. Ford – what is being asked tonight is to reserve space to be on the November presidential ballot.

Zuern – asked about where on town-owned land is the facility going to be. TA Guerino said it is proposed to be off Scenic Highway which is before the school on the left on the way up.

Zuern – if voted to put on ballot, when it will it be there. TA Guerino said once goes to the State, it will be up there.

Zuern – added if you have a capital plan and show the debt exclusion is going down in certain areas, you can add another.
Chm. Ford – believes the biggest issue will be the trash pick-up.

Meier – asked if the board will know by Labor Day and wonders if the town is rushing this item. TA Guerino said it could be 9/15/12 at the latest.

TA Guerino – will speak with Stanley Andrews and the committee and reiterate the board's concerns of rushing this item.

Meier MOVED and SECONDED by Pickard to authorize the Town Administrator to notify Town Clerk of the board's intension to put the override debt exclusion regarding proposed DPW Facility on the ballot. VOTE 5-0.

TA Guerino - State Senate President's Office said the town and State Bond bill will go to Conference Committee of $3.5M for re-configure planning and part of the construction on the Belmont Circle. This gives us the opportunity to move forward and target traffic to downtown area and making access from Sandwich Road to the bridge less cumbersome.

TA Guerino discussed gas break. Folks in the Support Day Program were brought to the Bourne Elementary School. He thanked Lisa Plante and the School Superintendent as well as Charlie Noyes for implementation.

Selectmen's business
Meier – taking phone calls about Main Street construction and doesn't remember being consulted for this project as it is during the busiest time of year. TA Guerino said Selectmen were informed of grant and project. He agrees the timing is terrible and is dictated when the Commonwealth tells Bourne when this needs to be complete. Paving and re-claiming is being worked to possible do at night (two nights on re-claiming piece; one night on paving). Meier asked if Keating doesn't agree to overnight work, will the Community Building be affected and lose programs? TA Guerino said he will not allow that to happen.

Chm. Ford – is sympathetic to the Main Street businesses losing money during construction. Suggested bringing in the Conservation Law Foundation and the County to the board for discussion on wastewater. TA Guerino suggested doing on separate evenings in August. Lastly, the public auction will be on 9/13/12.

Meier –Tax Write Off program - asked if there is a possibility to expand the program by putting more money into it and lower age requirements. Assessor's Office would need to come before the board.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn meeting. Meeting adjourned at 9:04 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.