Board of Selectmen
Minutes of October 9, 2012
Bourne Community Building
Bourne, MA 02532

TA Guerino (excused)
Linda Marzelli, Financial Director

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

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

List of documents

- The Green Center, Inc. PowerPoint presentation – dated 10/9/12

Meeting called to order
7:00 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 at this time.

Approval of minutes – regular: 10/2/12
Pickard MOVED and SECONDED by Meier to approve regular session minutes of 10/2/12 as amended. VOTE 5-0. Pages 2, 4, 6 Greene.

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

At this time, Chm. Ford introduced Ms. Linda Marzelli in place for TA Guerino.

Eco-toilet presentation – Hilde Maingay and Earle Barnhardt
The Green Center, Inc. – a non-profit research and education organization in Falmouth, MA.

Conventional toilets use a lot of clean water to flush human waste. Eco-toilets minimize the contamination of clean water. They range from toilets that package human waste for collection and disposal to toilets that create nutrient-rich compost from human waste.

Discussion

Pickard – it is unpredictable as depends on who purchases it and where they dispose of it.

Zuern – Phoenix composting toilets and can use composting material out in the yard for landscaping. Current MA law requires to bury 6" into earth or take away by a licensed company. There are no specifications. Zuern asked how often the system needs to be cleaned out. Waste for a family of 2 adults and 2 children requires once every three years. If you have waste separated, it becomes pathogen free after 2 years and can use use on landscapes without hazard.

Meier – asked if Bourne has local regulations. Ms. Coffin said Bourne has composting toilets (haul off on Bassets Island) and there are a few that have been approved in town.

Zuern – asked if anyone used the system for large areas and if it has worked. Not one done on a town scale. Proposing Falmouth try out. First town to work with is Florida in town of 5,000 people.

Licenses/Appointments

a. Chartwells – One Day Beer & Wine License

Pickard MOVED and SECONDED by Meier to approve MMA's request at 101 Academy Drive Buzzards Bay for Alumni Dinner in the Chartwell's Dining Hall on 10/12/12 from 5:00 pm – 11:00 pm for one day beer and wine license per routing slip. VOTE 5-0.

Sign Special Town Meeting and November Election Warrant

Signing of Special Town Meeting and Election Warrant handed to the Selectmen for signatures.

Pickard MOVED and SECONDED by Meier to sign the Special Town Meeting and November Election Warrant. VOTE 5-0.

Zuern encouraged the public to review and be familiar with the red book of the Election Warrant (ex: use of marijuana, assisted suicide, etc). prior to voting.

Board to determine funding source for $145,000 waste water study article

Ms. Marzelli – recommends to take money from Free Cash.

Pickard MOVED and SECONDED by Meier to take monies out of Free Cash for the $145,000 waste water study. VOTE 5-0.

Human Resource policy third reading and adoption vote – Troy Thompson

Ford:

- Hiring – add language stating the Fire Chief should be left to his discretion and follow HRD and State Civil Service procedures and regulations
- Family – add language that states 'no town employee shall participate on any interview with cousin or spouse'
- Police Department retaining files – police employees are 'sworn officers'
- Documents inserted into employees file – TA Administrator is the appointing authority
- Page 23 – taken out due to contracts
- Page 28 – taken out
- Page 33 – add language stating HR Director would do an investigation on all employees; Ms. Thompson said it is procedure.

Ms. Thompson – policy is updated. The Harassment Policy to "Discriminatory Policy" will need Town Counsel review.

Zuern – issues with the Harassment Policy and isn't sure of the changing of the language is suffice. Ms. Thompson said MPA took language from MCAD; if there is more of their verbage, not following the State.

Pickard – Zuern's point is taken but feels it is taken with criminal statues. In order to allege criminal harassment, there has to be 3 specific episodes on record and may be a different type of harassment.

Ford – requested Ms. Thompson add language that says the HR Director will put an employee on notice and document.

Zuern – raised issue with constitutional rights, with attempts to injure or threaten. Harassment has to be clear and not infringing on any rights and not insulting. Ford – usually has to do with police and police powers.

Zuern – if something said is insulting it may be considered harassment. Ms. Thompson said it is freedom of speech and there is a fine line; if it is repeated to annoy, it is harassment. Ms. Thompson can take case by case to determine harassment.

Baldwin – believes in early intervention and not wait for three incidents. Ms. Thompson will investigate.

Ford – everyone would have to comply eradicate before it became a problem where action needed to be taken (anti-violence policy).

Meier – HR Director talking to the victim, but what if an employee wants a Union Representation present. Ms. Thompson said employee can have that.

Ms. Thompson – the Policies were reviewed by Town Counsel.

Pickard – the board is not at a point to adopt on a Third Reading due to the number of questions brought forward tonight.

Ford – Atty. Troy hasn't gone over the Harassment Policy. He is fine with the policy with stipulations raised tonight. He agrees the Discriminatory or Harassment will need to be reviewed by Atty. Troy.

Mr. Mulvey – suggests harassment have a legal definition. He also said Ford voiced a number of amendments/additions and there must be a consensus that the rest of the board concurs.

Ms. Thompson – reviewed with Ms. Sundman the Family Medical Leave – page 3. After Family Medical Leave was used, employees request vacation - leaving the department short-handed. To rectify, use personal time, sick time, compensation and then vacation in this order.

Zuern – asked about medical leave 12 weeks. Seems not enough days to wait until employees get vacation. Unions never questioned this policy.

Meier – asked if the changes reflect any grievances in any departments. Ms. Thompson – stems from the Fire Department, but will not be an issue in the future.

Ford – Atty. Troy to review comments made tonight, including the Harassment Policy and will be put on Selectmen's agenda for a 4th Reading.

Public Works Facility discussion and position
Board should consider final vote tonight.

Pickard – Thanked Mr. Andrews and his committee's work and hopes this board takes a position tonight.

Ford – this will free up land and extending the life of the landfill until 2048. This was worth $10M at that time. Relative to the landfill ending on 12/31/14, most towns are seeing prices $74 - $94 for disposal. Covanta went out separately and came in between $60 - mid $70s for Bourne. Phase 6 will be a $23M revenue stream for the town.

Pickard – the price to start delivering waste to Covanta is less than it costs the town to put in the ground.

Ford – believes the new DPW facility is in the best interest for the town and is something that is needed. He is in favor of this proposal.

Meier – new building is also freeing up space in Town Hall and will give room for other departments; this is not just for DPW but other town departments. He supports this proposal. Pickard – ISWM contributed $18M to the General Fund in the last 10 years. ISWM is paying for a portion for the new facility. The community, as a whole, benefits.

Zuern – the cost comes out to be $37 per year. She encourages the public to come to the Open Houses with any questions.

Mr. Andrews – Info sessions will be held on 10/18/12 and 10/25/12 at 7:00 pm at the BMS Library. An Open House will be held on 10/27/12 at the DPW facility from 9:00 am – 12:00 pm – a shuttle will be available between the hours of 9:00 am, 10:00 am and 11:00 am from the Community Building to the facility. Poster boards will be located at the Public Library, the Community Building, Town Hall and the Gallo Ice Area. Informational fliers will be available this week and will be available at said locations.

Pickard – added that land is town-owned property. The Finance Director worked on a formula. Ms. Marzelli said ISWM had a better year this year and feels they can do a $1M debt service.

Meier MOVED and SECONDED by Pickard to approve the Department of Public Works facility as discussed including the outlined funding source as presented. VOTE 5-0.

Ford – he feels the facility is a good sell for the public even with the given the time frame for public outreach. In the past he has not been in favor of an override, but feels in this case it is appropriate. He is optimistic.

Meier – Town Meeting will be tough because the bonding needs a 2/3rd vote. He is cautiously optimistic.

Baldwin – he feels the new facility will enhance the financial stability of the town in the future as there will always be waste.

Zuern – DPW facility outreach includes a TV show "Spotlight on Bourne" which will be aired on 10/24/12. Mr. Stanley Andrews, Mr. Rickie Tellier and Mr. John Redman will be on the show.

BOARD VOTE: VOTE 5-0.

Selectmen's business

Ford – Friends requested a $200 waiver for Psychic on 10/13/12 from the board for use of Community Building. TA Guerino's position is in favor.

Meier MOVED and SECONDED by Pickard to waive the $200 fee for the Psychic Fair on 10/13/12.

Discussion
Baldwin - doesn't feel the board should waive the fee.

Mr. Mulvey – is in favor of the waiver of the $200 with the stipulation that the Friends leave the building in its previous state.

Zuern – when the Community Building was built, it was the Friends who did a lot of the fundraising, etc. and feels the board should work with the Friends.

BOARD VOTE: VOTE 4-1 (Baldwin in opposition).

Other Selectmen's Business
Zuern – attended the Mass. Selectmen's Association and the 100th Anniversary of the Pocasset Community Building.

Ford – attended the Mass Selectmen's Association which discussed the Federal cuts that have been already voted upon and the States will have to make up for it. The town "isn't out of the woods yet." Next week he will attend the Cape Cod Selectmen's Association on Friday at the Dan'l Webster Inn.

Adjournment
Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 9:05 pm.

Respectfully submitted - Lisa Groezinger, sec.