Board of Selectmen
Minutes of November 13, 2012
Bourne Community Building
Bourne, MA 02532

TA Guerino

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

6:00 pm – Chm. Chm. Ford called meeting to order.

Pickard MOVED and SECONDED by Zuern to go into Executive Session to discuss pending cases and on-going litigation update – Fire Department: Doherty/Weeks and to reconvene in public session. Roll call: Zuern – yes; Pickard – yes; Meier – yes; Baldwin – yes; Ford – yes.

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.

Meeting convened at 7:15 pm.

Moment of Silence for our Troops

Salute the Flag

Public Comment – Non-Agenda Items
Mr. Barlow – on behalf of the Bourne Historic Society, informed the board and public of the Victorian Christmas Train on 12/5/12 at 6:30 pm in the park in conjunction with the Holiday lighting of the park.

TA Guerino introduced the new Director of Facilities, Jon Nelson. Pending projects are thorough assessments of the Police Station, Pocasset Fire Station and Town Hall. Mr. Nelson is in the process of completing a needs assessment. He is putting a package together to keep the buildings functioning while developing a 5-year plan.

Pickard – suggested using the Sagamore Fire Station as being the headquarters. TA Guerino will take into consideration, but will have to look at the logistics.

TA Guerino, Mr. Nelson and the School Superintendent will get together to review the schools the week after Thanksgiving.

Approve Minutes: Regular Session of 10/23/12 and 10/29/12 and Executive Session of 10/23/12
Pickard MOVED and SECONDED by Baldwin to approve minutes of 10/23/12 as amended. VOTE 4-0-1 (Meier abstained).

Pickard MOVED and SECNDED by Meier to approve minutes of 10/29/12 as amended. VOTE 3-0-2 (Zuern, Baldwin abstained).

Pickard MOVED and SECONDED by Zuern to approve executive session minutes of 10/23/12 as submitted. VOTE 4-0-1 (Meier abstained).

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

Item B – the board will impose the one-day closing for the next agenda regarding T.J.'s Grill & Bar.

Item I – public auction of tax properties will be held on Thursday, 11/15/12. Please contact Ms. Sundman in the TA's office for further information. Zuern added there is a single-family home on 3 Birdsong Road. TA Guerino said it is in good shape; the town cleaned and landscaped the property and credited Ms. Sundman for getting the project up and running.

Tax Classification Hearing – Donna Barakauskas
Pickard MOVED and SECONDED by Zuern board vote in favor of the Tax Classification recommended by the Board of Assessors and Ms. Barakauskas to retain one tax rate for all classes of property for Fiscal Year 2013. VOTE 5-0.

Joint Meeting with Board of Health to discuss: announce results of the Working Group's review of the previously issued Requests for Proposals with regard to Landfill Gas Utilization, Supply Leachate Treatment Equipment and Lease of certain Town-owned and Site-Assigned land for the Development of Alternative Waste handling Technologies. Followed by a brief discussion of next steps in the process.

Meier MOVED and SECONDED by Zuern to take a five minute recess to set up for the Joint Meeting with the Board of Health. VOTE 5-0.

Members of the BOH present: Galon "Skip" Barlow, Stanley Andrews and Kathleen Peterson. Also present Dan Barrett, ISWM.

TA Guerino – back a few years, the town wanted to know the best utilization of the land site assigned and use of the landfill sight which includes the DPW moving and other points. As a re-cap of the last meeting in January, the town issued three RFPs for lease, gas use and leachate for the landfill area. This was reviewed by the Business Working Group to put together the RFPs and the Subcommittee reviewed those RFPs. It was recommended that TA Guerino issue a conditional award to Harvest Power to address site lease, gas and leachate. It was also recommended that with regard to leachate, the town would not be making a purchase at this time. If everyone is on the same page, the Interim Development Agreement (IDA) is to protect the town during the development and will include some site-assigned land. The lease will not be effective until the BOH allows site-assignment and has been recorded in the Registry of Deeds. The Final IDA is anticipated for review in January 2013, after the BOH has reviewed and has signed off.

Mr. Barrett – BOH Chm. Peterson raised question in site assignment which will engage counsel, Mr. Kalpin, to guide through the process – an interpretation of how it pertains to the IDA. The BOH needs to review to make sure there are no environmental issues and will continue to have joint meetings moving forward.

The Site Assignment, Condition #10, pertains to agreements and site lease. Once executed, we are moving forward. Anything done prior to execution is negotiations. The Assignment states in order for the town to engage in any type of agreement having to do with leasing, we have to have a full sign off from the BOH.

Pickard – introduced the Working Group: Mr. Redman, Mr. Ware and Mr. Schofield who were the subcommittee. All operations will be thoroughly reviewed by the BOH before any work will move along.

BOH Chm. Peterson – site assignment will be the most important item. The language is very specific and the BOH agrees the Working Group did a wonderful job. The BOH wants to make sure follow steps the right way.

Zuern – asked where the document comes from. The BOH wrote up with Counsel and adheres to the 2005 Site Assignment; this is the basis of how the landfill operates. A copy of said Assignment was given to Zuern.

Mr. Barlow – suggests the board ask the BOH's position for first hand information and to avoid second hand information.

Mr. Barrett – once we engage Town Counsel, he can make a quick judgment as to how to proceed and will relay to the BOH moving forward. TA Guerino ensured whatever counsel is engaged with, that Town Counsel will also be engaged as well.

Zuern – asked if organic material will be buried in the ground. Mr. Barrett said it and it is all enclosed and so is the entire building. The town will lean toward wet solids (food) vs. dry solids (grass, clippings). Bourne will not benefit from power currently as we will have to negotiate a power agreement. Benefit will be from sale of gas, least payments and the host community fee.

Chm. Ford – raised issue of, for example, a whale washed up in town; how will Bourne dispose of it? Mr. Barrett said this is why the DEP has formed subcommittees - for markets created - and that is what Harvest Power is doing.

Mr. Barlow – cautioned that this will be a long process which may pan out or may not pan out.

Mr. Andrews – this is another step. As we take each step, we will keep communications and continue the process until a decision point.

Presentation of Road maintenance program. BETA Corp and Rick Tellier (informational no action required)

Mr. Tellier - BETA Corporation here tonight for presentation of their inventory of all town roads (good and bad) and came up with a 5-year management plan. They also looked at the town signs to make sure they are in compliance.

Tonight's presentation of what is accomplished and what they want to accomplish and financially how much it would cost for maintenance.

All regulatory signs were looked at and we can now compare with the Town Hall list for accuracy (speed limits, no parking, stop signs, etc.).

Mr. Anthony Garrow, BETA Group. PowerPoint presentation.
Purpose of Program is to maximize the life of infrastructure. You ideally want all roads to be on the high curve; once they get into a poor category, the cost will go up expendentially.

ESRI ArcMap/ArcReader – non-propriety system is user friendly.

<u>Road Maintenance</u>
Construction methods:

- Defer maintenance
- Routine maintenance
- Surface treatment
- Mill and overlay
- Reclamation

Scope of Work:

- Inventory of roadways
- Field inspection program
- Existing conditions summary
- Capital improvement planning
- System maintenance

Steps:

- Bourne Roadway Profile – almost 100 miles of road.
- Pavement inspection form - stresses in the roadway; critical information
- Sample Inspection Data
- General Rating by Mile – overall, Bourne scored 79 which is a good rating
- Breakdown by Repair Method – deferred maintenance is 22% in a positon where roads are in good condition and do repairs related to the roads (sidewalks or drainage).
- Breakdown by Repair Method – approximately $12.8M in today's dollars
- Repair Methods and Forecasting
- Chapter 90 Review - $599,028 Allotment (every year may pay for crack sealing each year)
- RSR Forecast (5 Years)
- Summary of Planned Improvements – 5 Years: Estimated total 25.75 miles
- System Maintenance (update, monitor, re-inspect, add new roads and newly accepted roads)

DISCUSSION

TA Guerino – asked if take into consideration use of road as to where put in priority for repair. You are looking at number of vehicle road trips in conjunction road function and amount of traffic ancillary to help prioritize maintenance.

Meier – also record to make sure roads built right. This wasn't done, but can be done prior to maintenance. If any questions on depth of pavement, consider doing pavement testing depending of what the repair is.

Newly constructed road – within 5 years there will be some maintenance (crack sealing) to preserve another 3-5 years. This is a perfect situation and can manage.

Meier – to ensure the roads held up, the Planning Board (PB) held cash bonds of up to 3 years.

There are about 99 miles of publically owned roads and about 110 miles of private roads.

Chm. Ford – asked if roads from 1980 and on were build to code. Mr. Tellier said most newer subdivisions built within 15 - 20 years were built up to good standards that he has inspected.

TA Guerino – when repair and older road, a lot of the issues are drainage related which will bring the cost beyond the $700,000 per year.

Mr. Tellier - there are some people who don't want the road taken by the town. The roads that are to be taken over would have to be brought up to the town's standards before the town taking.

TA Guerino – there was a Road Acceptance Committee (inactive now) who found roads looking to be put on the town acceptance which were the roads that needed the most serious amount of work.

Chm. Ford – new roads would be in the town's interest to take over.

Mr. Tellier – next steps: we are working on a 5-Year Plan and hope the town can adhere to. The other thing we may need to address is the sidewalks. Mass DOT is looking at "complete roads", which includes sidewalks and bike paths.

To maintain sidewalks, you have to maintain width and include ramps which control how to design sidewalks (ADA compliant).

<u>Sign Inventory Program</u>

- MUTCD Retro Requirements – Bourne in compliance which allows to replace signs not meeting requirements
- Field Data Collection
- Summary of Findings – 1,342 total signs
- Sign Replacement Plan Options (vendor purchased/vendor installed and vendor purchased/town installed)
- Next Steps (pavement and signs) – continue to analyze information, follow capital improvement plan as best as can

DISCUSSION
No board comments. No public comment.

Approval of Road Name for new subdivision – Tern Way
Holmes & McGrath, Inc. requesting subdivision at 526 Scraggy Neck Road.

Pickard MOVED and SECONDED by Meier to approve Road Name for new subdivision being Tern Way. VOTE 5-0.

Discussion regarding next steps for public works garage proposal. Mr. Andrews
TA Guerino – Ms. Marzelli worked with DOR and it was determined the town cannot set a tax rate if holding for a vote. Without the ability to set a tax rate, the town cannot function. The

town cannot move forward with this vote and recommends the board IP this article until the May 2013 local elections.

Meier – sends out a big thank you to all involved in the educating the public of the DPW facility for all the work tto date.

Pickard MOVED and SECONDED by Zuern to Indefinitely Postpone the article on the Public Works facility. VOTE 5-0.

Zuern – was asked by the public if the building could be built for less. Mr. Andrews said the building is a basic building and have keep the costs in mind when came up with the estimates - there are fixed fees and regulations involved.

Pickard – if we can answer questions and do our best promoting the project, with more time, we have a better case.

TA Guerino – the temporary DPW rental trailers (11 years old) will need to be replaced.

Zuern – some people voted against via absentee ballot and didn't have all the information. TA Guerino said the wording on the ballot is required per statue.

Mr. Redman – education was the key; we advertised, posted legal notices and conducted Open Houses. He and Mr. Ahearn visited several DPW facilities in the surrounding communities and there isn't one that does the amount of work of our DPW. If the facility doesn't move, $23M in revenue will be lost to the town.

Chm. Ford – the DPW has to move regardless.

Ms. Diana Barth – asked if a presentation at Town Meeting as it could be an education opportunity. TA Guerino said putting a brief presentation would make sense; suggests Mr. Redman or Mr. Andrews present at Town Meeting. The consensus of the board is for a brief presentation at Town Meeting.

Town Administrator's Report – Building use policy amendment
This is an opportunity of not having an open ended policy.

Amended - Page 2:

- Non-Bourne based NFP's shall be charged fees pursuant to above schedule.
- Local Not for Profits (501c3's) will be exempted from facility rental fees for up to two events per year inclusive of all buildings. Kitchen fees, if applicable will be assessed per the rates noted above.
- No fundraising activities shall be permitted in a municipally sponsored function unless previously approved by the Town Administrator

DISCUSSION
Baldwin – not all charities are 501c3. TA Guerino can take out and put "Registered Not For Profits.

Pickard – asked about Rotary Clubs. TA Guerino would consider them as local.

Meier – wants to make sure the Trustees are staffed through the budget with this building. TA Guerino said if the facility said is utilized on a Saturday, there is a flexible schedule for custodial accommodations - OT is not an issue. Only local and not for profits that get waived.

Chm. Ford – if the staff is not working, that is the reason for the fees. TA Guerino said these functions need to be scheduled in advance for planning.

Zuern – asked about changing the wording "501c3" in two places on the first page.

Meier MOVED and SECONDED by Zuern to approve the Building Use Policy Amendment per TA Guerino.
T
Mr. Mulvey – take into consideration the reason an organization is not for profit and it be pre-authorized with a true mission of what it is. A Guerino said if registered with the Commonwealth, we don't want to be subjective. There is an application process.

VOTE 5-0.

TA Guerino will make changes and they will be implemented.

Budgets – due to TA Guerino 12/5/12 and will start meetings with Department Heads.

Selectmen's Report

a. Transportation Committee charge and terms of office

Chm. Ford –request was to put a change of member terms. Members will serve for one year ending 6/30.

Pickard MOVED and SECONDED by Meier to approve the Transportation Committee Charge and terms of office. VOTE 5-0.

Zuern – attended the ceremony at Henshaw Property; attended the Wareham Parade (BHS band was outstanding – Ford concurs and added Wareham would like to do something similar jointly with Bourne next year).

Pickard – attended meeting in Orleans with regard to Municipal Solid Waste. Ford asked who is paying for the maintenance of the $30M building – the burden may be put on the towns and is something to keep an eye on.

Meier – attended Henshaw Property ceremony; attended the Wareham Parade.

Chm. Ford – spent time with TA Guerino this week with regard to the DPW facility; reminded the public that tomorrow night is Town Meeting.

Adjournment
Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 9:50 pm.

Respectfully submitted,
Lisa Groezinger, sec.