Board of Selectmen
Minutes of October 23, 2012
Bourne Community Building
Bourne, MA 02532

TA Guerino

Don Pickard, Chairman
John Chm. Ford, Vice-Chairman
Peter Meier, Clerk (excused)
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 litigation: a) Police – Stg. Michelle Tonini; and b) Fire – Firefighter Richard Doherty and to reconvene in public session. Roll call: Zuern – yes; Pickard – 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
TA Guerino introduced a candidate for Eagle Scout, Master James Manduca of Troop 36 Mashpee. He will sit for the meeting for observation and questions.

Ms. Kathleen Donovan – commended TA Guerino for the Ethics meeting that was held. TA Guerino said it was collaboration with COA Director Ms. Monteiro.

Approve Minutes: September 24, 2012; October 9, 2012
Pickard MOVED and SECONDED by Zuern to approve minutes of 9/24/12 as amended. VOTE 3-0. Baldwin abstained.

Pickard MOVED and SECONDED by Zuern to approve minutes of 10/9/12 as amended. VOTE 4-0.

TA Guerino – commented on the YMCA from Falmouth looking to expand down into the Falmouth area and asked if they can take up during Item #7 - Comprehensive personnel policies adoption as Ms. Thompson will not be available.

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

Item G – Wareham Veterans' Day Parade, Ceremony and Luncheon. TA Guerino will send notice that Zuern and Chm. Ford will attend.

Item B – Weights and Measures. Intermunicipal agreement is reviewed on an annual basis.

Item H - transportation issues. TA Guerino will attend.

Obstruction of visibility on Baxendale Road
Sgt. James Czyryca on behalf of the Chief Woodside with Mr. George Sala.

Issue of public safety with overgrowth of trees and shrubs at Baxendale Road. That is four feet over the roadway. The section is on a gradual curve. It is a private roadway, serviced by the town for snow removal and trash pickup. Violation of Bylaw 3.2.1 and require trimmed, altered or removed within 10 days of written notice.

Pictures passed around to the board and submitted for the record. Mr. Sala and Mr. Tellier haven't been able to make any contact with owner. Neighbor cannot get out of her driveway safely.

Pickard MOVED and SECONDED by Baldwin the board support Police Chief Woodside and submit letter after hearing testimony of both Mr. Sala and Sgt. Czyryca

with regard to the property identified in photo as it is a hazard to traffic and will be required to be trimmed back into compliance within 10 days or the town will take action to remove.

Zuern – requested to send letter by certified mail before the town takes action to remove. TA Guerino said notification will be sent by certified letter.

VOTE 4-0.

Comprehensive personnel policies adoption (Ms. Thompson – Mr. Guerino)
Tabled as Town Counsel and Ms. Thompson have not met to review before adoption.

Shellfish Propagation/Management Openings and Closures (Mr. Mullen)

Pickard MOVED and SECONDED by Baldwin to approve the request of the Harbormaster to re-open what was closed last year. VOTE 4-0.

Pickard MOVED and SECONDED by Zuern to approve the request of the Harbormaster's closure request. VOTE 4-0.

Pickard MOVED and SECONDED by Zuern to approve the request of the Harbormaster to re-classify and open the areas of Little Bay, Windsor Cove, and Toby Island. VOTE 4-0.

Review of By-Law proposed changes (Mr. Mullen)
This is a housekeeping as the Bylaw proposed changes. Three of the four changes have already been addressed in the Waterway Regulations. What is not addressed is the mooring reduction area.

Chm. Ford – at last night's FinCom meeting, discussion of taking out of the bylaws and it would mean we no longer have people at ATM to make any votes; it would be done by the Selectmen with regard to Waterway Regulations. Moorings would be 100% under the Harbormaster.

Article 10 - FinCom approved Article 10.

Article 11 - FinCom approved Article 11 if Article 10 fails; otherwise if Article 10 passes, Indefinitely Postpone Article 11.

Article 12 – FinCom approved Article 12 if Article 10 fails; otherwise if Article 10 passes, Indefinitely Postpone Article 12.

TA Guerino - if Article 10 fails, the position of the motions for Article 11 and Article 12 is to Indefinitely Postpone.

Mr. Mulvey - feels it is not within the jurisdiction of the Selectmen to take action before or against with regard to the Waterway Regulations; if there are going to be changes, it should be left to the Harbormaster with the ability of someone to appeal his decision to Boston Waterways Commission. The Selectmen are not legitimately involved in issues with the Harbormaster.

No board vote taken.

Licenses/Appointments:

a. **Lobster Trap - Entertainment License**

Pickard – asked TA Guerino if this is consistent with other licenses. TA Guerino it is what applicant requested and the board can make consistent being the licensing authority, they can adjust as they see fit.

Zuern – would like to see clarification of what 'soft music' is on the permit.

TA Guerino – be cognizant of the FD comments of 99 people limit.

Pickard MOVED and SECONDED by Zuern to approval Lobster Trap's request for an Entertainment License at 290 Shore Road for soft music inside only from 11:00 am – 11:00 pm, 7 days a week per routing slip.

Discussion
Ms. Kathleen Donovan is opposed to this request as the place is too small and doesn't have enough parking.

VOTE 3-1 (Baldwin opposed).

b. Appointment of Election Workers

Pickard MOVED and SECONDED by Zuern to approve appointment of Election Workers as being George Rucker, Jr., Beverly Armando, Kathy Fritzell and Grace Matakanski. VOTE 4-0.

c. Appointment of Andrew Cormier – Special Works Opportunity Program

Pickard MOVED and SECONDED by Zuern to re-appoint Mr. Andrew Cormier to the Special Works Opportunity Program for a term to expire 6/30/13.

Discussion
Mr. Agrillo – asked what the Special Works Opportunity Program is. TA Guerino said it is a organization appt. by BOS that work with people who have cognitive or physical disabilities. Town supported for decades at Town Meeting. Interested parties can contact the Town Hall for information.

Mr. Mulvey – suggested Mr. Cormier come before the board to briefly discuss what the Special Works Opportunity Program does and contact information.

VOTE 4-0.

Town Administrator's business:

a. FY 14 Budget discussion

This year may be a year where need to 'take a breather' from expansion; we really don't know where the economy is going. The town needs to be cognizant of where we going with levy limitations; asking voters to support the DPW facility which is debt exclusion; $145,000 to start a Wastewater study. TA Guerino is putting caution to Department Heads as we start the budget process with the board's support.

Chm. Ford – supports TA Guerino's recommendation of a conservative approach. He wouldn't support any new positions if we don't have the funds to support.

TA Guerino – sees requiring some assistance in a couple departments, but will need to show (2 p/t positions equaling 1 f/t) they are sustainable.

Zuern – attended the MMA meetings and stressed a liability account to take care of pensions. (Post Employment Benefit piece). TA Guerino said it will show we are serious about the standards. Zuern added Mr. Grant from the Finance Committee brought up issues that need to be taken care of. She supports the not hiring of any new people.

b. Town Meeting prep.

The board will be voting on articles later in tonight's meeting.

c. ICMA Meeting report

TA Guerino – the ICMA was a very good conference, attended by people from all over the world. Next's year's conference will be in Boston, MA.

d. Clerk/Collector Move

TA Guerino – complete, but took a little longer than expected. Collector's and Clerk's offices have flipped. This will allow for cross training and continuing service. He thanked Linda Marzelli, Karen Giraurd, Barry Johnson and Wendy Chapman for their efforts. He added Mr. Tellier offered some DPW staff to assist with the move. He thanked all involved for their cooperation.

Mr. Agrillo – raised issue with "tightening up their belts" but looking for voters to approve a new DPW facility. TA Guerino said he is in concurrence with the Selectmen and the FinCom.

Selectmen's business:

a. Discussion regarding joint meeting with Finance Committee

Chm. Ford –suggested rotating Monday and Tuesdays to get a Selectmen quorum when scheduling joint meetings with the Finance Committee. He will speak with FinCom Chm. to discuss.

TA Guerino – according to the Charter, he prepares a budget which becomes a Selectmen's budget, which becomes a public budget and then becomes the FinCom budget. Joint meetings alleviate the necessity of Department Heads having to present budgets more than once.

b. Special Town Meeting article vote

Chm. Ford – tonight this board needs to vote seven articles that are deemed Essential Articles. The FinCom voted unanimously that the DPW facility being essential. He contacted the Town

Moderator and was told it probably isn't essential, but if the board votes as essential, it becomes essential.

TA Guerino – DPW facility has some essential elements. If essential, it comes up prior to the lottery.

Chm. Ford – feels it really didn't fall into essential category as it sends the wrong message to the public.

Zuern –it is possible the article can be voted without being essential in one night.

Zuern MOVED and SECONDED by Pickard to vote Articles 1, 2, 3, 5, 6 and 15 as Essential Articles.

Discussion

Mr. Mulvey – asked if the monies to the non-profit will go back to the town with regard to the cable TV charges. TA Guerino said the $28,140 approved by the FinCom to run cable access until non-profit was establish. This will repay the Reserve Fund; balance will go to the non-profit.

VOTE 4-0.

Article 1 – Amend Electric Service Upgrade for DPW
Pickard MOVED and SECONDED by Zuern to approve Article 1. VOTE 4-0.

Article 2 – Amend Departmental Budgets
Pickard MOVED and SECONDED by Zuern to approve Article 2. VOTE 4-0.

Article 3 – Unpaid Bills
Pickard MOVED and SECONDED by Zuern to approve Article 3. VOTE 4-0.

Article 4 – CPC undesignated fund balance
Pickard MOVED and SECONDED by Zuern to approve Article 4. VOTE 4-0.

Article 5 – Cable TV
Pickard MOVED and SECONDED by Zuern to approve Article 5. VOTE 4-0.

Article 6 – Capital Improvement
Pickard MOVED and SECONDED by Zuern to approve Article 6. VOTE 4-0.

Article 7 – Town's OBEB liability
Pickard MOVED and SECONDED by Zuern to approve Article 7. VOTE 4-0.

Article 8 – Sandwich Road
Pickard MOVED and SECONDED by Zuern to hold vote of Article 8 until Monday 10/29/12. VOTE 4-0.

Article 9 – Water Resource District Enforcement Bylaw
Pickard MOVED and SECONDED by Zuern to approve Article 9. VOTE 4-0.

Article 10 – Amend Use of Waterways Bylaw
Pickard MOVED and SECONDED by Zuern to approve Article 10. VOTE 4-0.

Article 11 – Amend Use of Waterways Designated Waterskiing Areas Bylaw
Zuern MOVED and SECONDED by Baldwin to approve Article 11. VOTE 2-2 (Ford, Pickard opposed). Motion fails.

Article 12 – Amend Use of Waterways Enforcement and Penalties Bylaw
Pickard MOVED and SECONDED by Zuern to approve Article 12. VOTE 4-0.

Article 13 – Board of Selectmen Authorization of Parcels of Land
Board previously voted to IP this Article.

Article 15 – Ecovan to Bourne Community TV
Pickard MOVED and SECONDED by Zuern to approve Article 15. VOTE 4-0.

Article 17 – Land Parcels
Pickard MOVED and SECONDED by Zuern to approve Article 17. VOTE 4-0.

Article 18 – CPC restore/replace windows – no figures at FinCom
TA Guerino – recommended to defer vote and allow the FinCom make recommendation at STM.

c. Transportation Committee – Change in Charge

Chm. Ford – in the Charge there are 9 members with indefinite terms. In the Charge, requested to change the length of the term to a definite term to guarantee nine (9) active members.

TA Guerino – recommends a 3-year term, and will come back with new wording indicating terms. The board can put on their agenda for adoption.

Pickard MOVED and SECONDED by Zuern to give to TA Guerino authorization to amend the Charge to change term of service to no more than 3 years.

d. Facility Use

TA Guerino – with regard to meeting room areas, broken out as a fair and equitable system. Local non-profits don't charge. When look at the gymnasium schedule, there is no differentiation (with exception of young fundraising). The question comes up for a local non-profit comes for a fundraiser activity, the board can waive the fee. This leads the board into an area of non-consistent enforcement of your own policy.

The consensus of the board is to put on the 11/13/12 meeting agenda.

Pickard – he is not for charging non-profits; limit the amount of times per year. Chm. Ford is not for charging non-profits as well.

TA Guerino – suggested adding Veteran's Hall in room rentals fee if the area is utilized.

Zuern – as fees are not charged on Saturdays, she asked if this includes the rest of the week. TA Guerino said Saturdays is the issue.

TA Guerino – will draft up a policy similar to the front page of the Facility Use Policy for the next meeting.

Selectmen's Report

Zuern – attended Wareham meeting MEP; participated in the TV show for DPW facility which will be shown for two weeks. She did another show with Charlie Noyes on evacuation in the event of a hurricane.

Pickard – raised issue of the board's contractual obligation for a performance evaluation of the Town Administrator by the end of December. TA Guerino will look for templates from other towns (Franklin, Walpole for example) and bring to the board for review. He will also contact Mr. Warren Ruthford.

Chm. Ford – evaluating twice a year. TA Guerino said this is a check in once a year.

Pickard – the board is to provide TA by the end of December his review. TA Guerino said this is from 7/1/12 forward.

Chm. Ford – attended Selectmen's Association; attended joint meeting with FinCom on 10/15/12; attended the Ethics Committee meeting and the FinCom meeting of last night.

TA Guerino – Thursday, 10/25/12 at 7 pm at the Bourne Middle School, the second of public forum on the DPW facility will be held. On Saturday, 10/27/12 there will be an Open House with shuttles leaving the Community Building at 9:00 am, 10:00 am and 11:00 am. On Friday, 10/26/12 at 4:00 pm celebration for the construction on Main Street.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 9:38 pm.