Board of Selectmen
Minutes of October 2, 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

List of documents

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Meeting called to order
6:00 pm by Chm. Ford

Pickard MOVED and SECONDED by Meier to move into Executive Session to discuss the strategy for the sale and auction of Town owned property and to reconvene into open session. Roll call: Pickard – yes; Baldwin – yes; and Ford – yes.

Selectmen Meier and Zuern were present to go into regular session

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
Paul Zekas, Municipal Auction, President, said although no date is set currently, strategies will begin in the middle of November. The public auction will be conducted at the Community Building. There will be an open house to discuss details. For further information, please call (508) 842-9000. A live website will begin later this month to view all properties.

Approval of minutes – regular: 9/18/12
Pickard MOVED and SECONDED by Baldwin to approve regular session minutes of 9/18/12 as submitted. VOTE 5-0.

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

TA Guerino to send letters on the board's behalf recognizing services for resignation letters (Kathy Burgess, Hal DeWaltoff, Michael Brady and Judith Riordan and Jim Sullivan).

Chm. Ford – reminded the public that anything involving the Doherty case is in litigation. Atty. Garth Gartis will be coming in before the board on 10/23/12.

TA Guerino – recognized Kathy Burgess' 39 years of service and Hal DeWaltoff's work on the Finance Committee. Both will be missed.

Item N – with regarding to Representative Viera. Letter was sent from Therese Murray's office to MEMA on behalf of Bourne relative to Entergy's nuclear facility in Plymouth. Senator Kerry's office is reaching out and offered Congressional liaison on the town's behalf.

Item V – correspondence was sent to DOT. This matter has been going on for a few years and TA Guerino will follow up for action.

Affordable Housing – Jean Stanley
Update on Housing Rehab Program

The Town of Bourne received a Mass. Community Development Fund grant to provide 0% interest, forgivable, deferred payment loans to income eligible homeowners and investor owned year-round rental properties, for critical code related home repairs. These funds will be distributed on a lottery basis for owner occupied single-family/multi-family and investor owned units in the Buzzards Bay target areas. At least 51% of the units in the rental structure most occupied by low and moderate income households.

The program offers help with plumbing, heating, roof, insulation, hot water, septic, doors & windows, flooring, foundation, structural repairs, ceilings and electrical. By mid-January, Bourne will be closing on its 14th property. By 11/1/12, Bourne will have spent down 80% of the allotment of $421,000. Bourne has the opportunity to apply for another grant at the next cycle. A lot of repairs have been done to bring up property values, secured by a lien for 15 years.

Ms. Stanley briefly reviewed pictures of one home which required a full abatement due to amount of lead on the property.

Coreen Moore - this program is sought after and is popular. This is an opportunity to make a difference for the town. Any homeowner interested can call the Bourne Housing Program.

Meier – mentioned Continental Apartments and helping with the railing, decking, electric and sprinkler systems. This grant has helped in many ways.

Coreen Moore – the 80% spent is an important requirement as the town wants to apply for the grant again. This time the town will go for 10 rehab houses, adding store front sign improvement for the downtown program as a second activity. The third activity may be Continental Apartments for the railing or Council on Aging which is due in by 11/14/12. She discussed looking to expand to possibly the Sagamore and Monument Beach areas, but will have to explore. We will be continuing the area of Buzzards Bay. With this program, Bourne is fulfilling its goals within the LCP and ties into the Downtown revitalization.

Bill Clarke from Barnstable County Extension to discuss ARC

The county is seeking to purchase property ($4M) currently used for shellfish propagation. The proposal includes a surcharge on local commercial and residential shellfish permits to cover the cost. This is also a proposal for wind turbine at the site (Dennis).

Mr. Clarke and Mr. Dick Kraus are going to every town in the county to try to get Cape wide support. Brief slide presentation given on project. Bourne didn't participate this year in the oysters but did with the quahogs. A $100,000 State budget was cut down to $39,000 for oyster seeds.

ARC supplies all of Barnstable County towns and 90% of local/regional shellfish farmers with oyster and quahog seed. All commercial and recreational shell fishermen depend on ARC for shellfish propagation. ARC is the only commercial shellfish hatchery in MA to supply the seed size.

Fees would include: $10/fee for recreation license generating $161,290/year; and a $50/fee for commercial license generating $72,900/year. Average income from user fees is $23,190/year. $3.2M will be borrowed at 4% interest - $232,696.44/year - high end numbers. Numbers would come down if get the funding and is based on all 15 towns participating.

Pickard - $60M enterprise needs to be subsidized by the county. $60M wouldn't exist if didn't have hatchery. He asked Mr. Clarke if the county would take over the property and if jobs become county employees. Mr. Clarke said with the intent to purchase, the county would own and put a lien on property. It would remain as open space and the county would lease to run the operation. The plan is to lease now back to current owners and have them run the business. Employees would not become county employees. Pickard believes the government shouldn't be involved in a "farming" business. The interest is to protect this property.

Meier – asked about the pending lawsuit with regard to the turbines. Mr. Clarke said it is going to court in January, 2013. Meier also asked if this property self eroding. Mr. Kraus said Dennis did two studies. The town looked at the erosion issue and a cost benefit analysis was done for

dredging and rebuilding dunes. Meier asked about the $10 vs. $50 fees suggested and if it would be similar to debt exclusion. Mr. Kraus said it would be a 20 year term and once paid off, it is done. If other sources of funding are obtained, you reduce the term and/or amount.

Pickard – asked Mr. Clarke how many towns has he approached and what is the consensus. Mr. Clarke said Bourne is the 9th community. Chatham Shellfish Advisory approved and recommended the Selectmen – the same for Wellfleet; Brewster both Shellfish Advisory and Selectmen approved; Orleans Shellfish Advisory requested a month to reconsider and vote at their next meeting – seemed as if they are in opposition; Barnstable's Shellfish Advisory considering at their next meeting; Falmouth Shellfish Advisory seemed positive and are going to the Selectmen; Dennis Shellfish Advisory approved and are going before the Selectmen; Yarmouth Shellfish Advisory is going before the Selectmen; Harwich and Truro – will be on a future Shellfish Advisory agenda; Sandwich – haven't heard from.

Pickard – is opposed to Bourne supporting involving the county. There are 235 shellfish farms – a great opportunity to start a cooperative to come together and fund out of commercial people. Mr. Kraus said the ARC and lease holders started a cooperative called the Wellfleet Shellfish Company, but cooperatives are hard to hold together.

Zuern – asked if Mr. Clarke went before the Bourne Shellfish Advisory. Mr. Clarke explained he didn't but is before the Selectmen. Zuern agrees with Pickard and doesn't feel Barnstable County is the avenue to pursue.

Ford – he sent information to the Bourne Shellfish Advisory and hasn't heard back at this time.

TA Guerino – the USDA Rural Development should have funds for this type of activity. Cooperatives are hold together, but suggested to speak with Ms. Lynn Banander to work on a different cooperative model. He also suggested speaking to Cecil which may have some models through the Kellog Foundation.

Stanley Andrews, Chm of the Shellfish Working Group, - The group had discussion 2 months ago, and had some concerns – with regarding to the suppling seeds, a lot are off Cape and these fees are just for Cape communities. It seems the county will be supporting a business that supports off Cape facilities who are not paying those fees. Bourne is looking to maintain their own open space – we provide our own open space with open space funds and wonder why not doing this in Dennis.

Mr. Clarke – met with Dennis Land Trust will look at CPC funding which may be available to reduce the costs for the term of the loan. Off Cape towns do benefit is true. Westport is looking for State support as well.

Meier – this board has a fiduciary responsibility for Bourne.

Mr. Mulvey – asked about if the ARC went bankrupt who picks up bond issue; who carries the flood insurance. He mentioned that Wellfleet has a large commercial shellfish "business" in town - Bourne doesn't have that many; mostly recreational. He has difficulty actively supporting.

Mr. Clarke – the cost would be $4M purchase and even though other towns have bigger fisheries, they will be paying more - it is a user fee.

Pickard – would have liked the Harbormaster input.

Ford – has a hard time with a private enterprise using public money.

Zuern – if there are any changes in the future, we can always on the agenda to discuss.

No board motion made.

Conservation Restriction – 85 Monument Neck Road
This is a restriction [proposed for the noted property located near Rocky Pont (Grey Gables) area of town. Documents from ConCom, Town Planner and Assessor have been received.

Mark Robinson – ConCom, Town Planner and Board of Assessors have reviewed and approved.

Zuern – inquired about the farming. Mr. Robinson described it as a "hobby" farm with chickens, sheep, ducks, and one pig.

Pickard – asked who the property is conveyed to. Property rights will remain in the Spilhaus family to pay taxes, but the long extent of the coastal bank and field will be preserved. Pickard commented on this restriction will reduce taxes on property; it would be cutting property taxes in half – from $35,270 to $7,146 and the town would have the first right of refusal. Mr. Robinson explained not under conservation restriction - enrolling the property in Chapter 61A which will include that.

Ford – asked about public access. Mr. Robinson explained the restriction provides public access allowing fisherman to use the corner of the property to fish in the Back River. Mr. Spilhaus has dedicated above-title area (dry land) for that type of public access to be permitted. This property is a residential property.

Zuern – asked where the fisherman access is located. Mr. Robinson said in the area where there is rip rap. Fisherman access this area currently.

Ford – how many lots could this property have been if it was sub-divided. Mr. Robinson couldn't say, but the land is shaped and is high enough for a potential future building.

Mr. Spilhaus – looked into subdividing, which he doesn't want to do.

Meier MOVED and SECONDED by Zuern to approve the Conservation Restriction at 85 Monument Neck Road application as presented tonight. VOTE 5-0.

A signed copy will be returned to TA Guerino's office once approved in Boston.

Further discussion regarding Federal grant for Fire personnel
The town was again approached by the funding agency. This is a $1.1M to retain 8 fire personnel over two years.

Chief Woodward – grant through FEMA. He addresses issues that were raised by this board prior: Money left over, and asks the board consider:

- Layoffs – there is a market out there for experienced people, allowing employees to live out of town. Recall has been down.

- Town funds to create supervisors – controversial and all can say these are National standards relative to staffing. Can fund within existing funding.

- Demoting positions – last guy in is the first one out - no question in seniority; you either take layoff or go in lower rank.

- Vehicles runs – less wear and tear are within timeframe.

- Training – in-house training will be 4-6 weeks. If keep firefighters past 2 years, some costs would require training.

Chief Greene is asking the board's reconsideration as the town will benefit having these 8 firefighters relative to the service they provide.

Ford – had money to put on relative to the supervisor's 15% differential – OT savings. Chief Greene said collective bargaining doesn't change, you have a shift change, recall of personnel and 15% differential.

Zuern – asked what else the grant would cover. Chief Greene said protective equipment, health benefits, cost of living raises; after 2 years, you have the option to apply for another grant, keep or layoff.

Meier – asked if there will be anyone in the department retiring to potentially offset? Chief Greene said 2-4 employees in the next few years. The grant looks at the staffing and will need to maintain the level of staffing.

Pickard – asked if the Chief has a current list to select the new firefighters. Chief Greene doesn't' have the issue as the Police Chief would have. Pickard asked when the firefighters would begin employment. If moving forward, it would be the first of the year. Pickard asked if any of the eight firefighters would be promoted to lieutenant. Chief Greene said they would be active lieutenants and by contract he would have to put all new firefighter/paramedics in the academy of up to 2 years – he would do at the end of the 2 year timeframe. Pickard also asked what the Jacobs report recommended. Chief Greene said it recommended putting a lieutenant in Pocasset and a lieutenant in Sagamore, as well as an Assistant chief and secretary when funding.

TA Guerino – Based on Jacobs Report and the Chief's work, if you look at this year's OT vs. the previous years, he has done a great job handling (17.8% of OT = $79,404 out of $400,000 approximately). This is a trial.

Pickard – asked about putting the 8 firefighters in the academy. Chief Greene said after 18 months he would make a decision – the costs have to be factored in.

TA Guerino – asked if the Chief could write that cost in as part of the next grant. Chief Greene responded no.

Chief Green - even with a 2-year window, with 8 new firefighters, some will retire.

Discussion held on hiring half he firefighters and if it would be cost effective.

Pickard – his only concern is that after 2 years, people forget the method of funding. The board's responsibility is to provide services to the town.

Ford – feels 4 firefighters is a good number. Gives one on each shift at one station. Chief Greene – he would like the 8 firefighters.

Pickard and Zuern – allow the Fire Chief for the number of firefighters as it is his department and his grant.

Mr. Mulvey – is in favor of the hiring of 8 firefighters.

Chief Greene – will do his own in-house training and would be complete in 4-6 weeks. The new hires will go to the academy after the 2-years if kept on.

Meier MOVED and SECONDED by Zuern to support the Fire Chief's application to apply for grant to hire 8 firefighters in the Town of Bourne. VOTE 3-2 (Ford, Baldwin). Ford explained his reasoning for vote.

Pickard – suggested a re-vote if any one voted against to reconsider. The vote was taken no re-vote.

Baldwin – afraid the department will be dissipated; he doesn't see the economy getting better.

Licenses/Appointments

a. Chartwells – (2) One Day Liquor – MMA Homecoming

Pickard MOVED and SECONDED by Meier to approve MMA's request at 101 Academy Drive Buzzards Bay for two licenses: 10/13/12 from 11:00 am – 6:00 pm at Tennis courts for one day wine and malt; and also on 10/13/12 from 4:00 pm – 10:00 pm at Fantail Dining Room, Baystate Conference room and patio one day wine and malt, per routing slip. VOTE 5-0.

Town Administrator's report

a. Special Town Meeting – budgeted amendment

Review Town Meeting draft Warrant and provided the board with estimates on the costs for the Town Meeting. All articles are sponsored as provided by the Charter, run through.

TA Guerino is meeting with Atty. Bob Troy tomorrow for his and the Town Moderator's augmentations. Final form will be available for the board's signature on 10/9/12.

ESTIMATED Money for Town Meeting - subject to minor adjustments until the 22nd.

Insurances (General Liability/Workers comp – not health) - $320,000

Transfer admin assist money from Fire to HR - neutral

Money for ISWM working group:

a. Travel - $450
b. Contracted services – $2,500
c. Secretarial money for Landfill working group - $600

Money to Selectmen - other contracted services for 2014 Canal Celebration – Ford will have estimates

DNR Fuel - Marina sales - $65,000

Monies back to Reserve Fund from CATV – neutral cost

Secretarial money for BVMCC Trustees - $600

Collector clerk move - contractor, furniture, etc. - $37,440

6800 Finance Department
8600 Clerk furniture

600 copy machine
2500 sundry
5540 clerk architect
8000 carpentry
1000 electrician

OPEB – $10,000

For IT purchase of goods and materials – was to be part of capital. COC determined that this is annual replacement of hardware and software/ server maintenance and supports expenditure as it was not in annual budget. $28,500

Back to EMD – R911 – $3,500

Back to Fire for Reverse 911 - $3,500

TOTAL $477,390

Other items include:

Budget for Facilities manager as provided –

Also note that the petitioned article to purchase the Historic home at 9 Sandwich Road would be from Free Cash or Stabilization. Also note a question as to the town use for municipal and historical purposes is who is going to maintain the building, if a NFP is planning to the Town is probably bound by procurement laws similar to those with Hoxie and Coady (as the town will own the Sandwich Road property). Additionally, does the "for historical purposes" hinder the Town's future use of the property? This needs much more research.

TA Guerino thanked the Clerk and Finance Director; he is moving forward and expects to have completed by 10/19/12.

Brief review of articles on the Warrant:
Article 1 – Electrical service upgrade for the DPW. Meier – big cost for a simple move and wondered if this is something the town can look at using a long term p/t tradesman. TA Guerino said yes and is one of the things for the FM to come up with over the next several months.

Article 2 - Supplement to augment and reduce to the budget for the year; $320,000 liability insurance - agent brought down from $345,000.

Article 3 – Transfer of sums for unpaid bills

Article 4 – CPC recommendation to transfer within the CPC balance sheet

Article 5 – reimburse reserve fund for costs of the Cable TV contract paid by the town.

Article 6 – funding Capital Improvements and Capital Projects.

Article 7 – funding the Town's OPEB liability

Article 8 – purchase of parcels of land (9 Sandwich Road)

Article 9 – Section 3.7.6 Water Resource District Enforcement of the Town's bylaws by deleting the word "members" in the first sentence and changing fine from "not less than $50.00 nor more than $300.00 for each offense" to "$300 for each offense".

Article 10 – amend Town Bylaws by deleting Article 3.6 Use of Waterways in its entirety.

Article 11 – amend Section 3.6.2 Use of Waterways Designated Waterskiing Areas.

Article 12 – amend Section 3.6.2 Use of Waterways Enforcement and Penalties.

Article 13 – transfer of land.

Article 14 – further study wastewater collection.

Article 15 – convey 1999 Ford Ecovan previously owned by Comcast to Bourne Community TV, Inc.

Article 16 - DPW facility total cost is $11.08M; funds by ISWM and DPW bringing net borrowing to $6.33M or 12 cents on FY12 tax rate or $37.16 on $300,000 home.

Stanley Andrews – discussed public relations information.

Article 17 – transfer and convey properties in the best interest of the town.

Article 18 - funding cable access and allowing for capital allocated to the local access company. Simple letter to Comcast to initiate checks to the television company is all that is necessary. Vote has to do with capital.

Article 19 - windows at the Historic Archives Center need to be replaced. This will be before FinCom. $125,000. Meier – commented on being specific on what materials are going in there. TA Guerino approved construction and design.

b. Acceptance of a whale

The Wagners would like to donate one whale back to the town at the next meeting the board sign a letter. Go up and get and hoping to display on the park or on the town side of lake. Tentatively have a place and will take in during the winter.

c. Facilities Manager appointment

TA Guerino notified the public of the appointment of Jonathan Nelson of 2 Crow's Nest Drive in Buzzards Bay. Mr. Nelson comes to this position with great enthusiasm and believes he will be able to provide with knowledge of what is needed to run the department, do assessments and project management. TA Guerino is asking the board for a waiver of the 14 days.

Meier MOVED and SECONDED by Pickard to approve TA Guerino's recommendation of removing the waiver of 14 days. VOTE 5-0.

TA Guerino – Mr. Nelson will begin on 11/5/12 and will formally meet the board prior to his hiring date.

Selectmen's Business

a. Review warrant article

Completed.

b. DPW facility discussion

Discussed.

c. Board to vote publically on Counsel for ISWM

Ford – Atty. Mark Kalpin was the unanimous choice of the board to provide Special Counsel for Bourne. Atty. Kalpin has accepted and has agreed to reduce his salary to $600/hour - this will be discussed with the Finance Department.

Pickard MOVED and SECONDED by Meier to approve Atty. Mark Kalpin of Wilmer & Hale as ISWM Special Counsel. VOTE 5-0.

d. Designation of Special Municipal Employees – Charter Compliance Committee

Meier MOVED and SECONDED by Pickard to add "members of the charter compliance committee" to the selectmen's blanket vote granting special municipal employee status under the conflict of interest law.

Zuern – the Cape Cod Commission sponsoring a meeting – go to wateraliance.org to sign up. She attended a BFDC meeting.

Meier – will not be at the Selectmen's meeting of 10/23/12 – this is also a BOSC meeting night. He mentioned FinCom's Glenn Galusha thanked the board for recognition of the passing of his wife.

Baldwin – spoke about Current Events and mentioned doing a blog in which he will look into.

Ford – attended the BFDC meeting, met with TA Guerino during the week to discuss the centennial meeting at the Beachmoor – an events planner is coming on-line and will be a good program for the town.

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

Respectfully submitted - Lisa Groezinger, sec.