Board of Selectmen
Minutes of November 27, 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

Meeting Called to Order
7:00 pm.

Moment of Silence for our Troops

Salute the Flag

Public Comment – Non-Agenda Items
None requested.

Approve Minutes: Regular Session of 11/13/12
Pickard MOVED and SECONDED by Baldwin to approve minutes of 11/13/12 as submitted. VOTE 4-0.

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

Annual Review of Residential Recycling Area – Regulations and Fees
TA Guerino – Mr. Barrett had no changes, other than dates. He didn't see reason for Mr. Barrett to be here, but said if the BOS had any questions and they are not planning to sign the document, he could appear at the next meeting.

Shellfish Regulations – Tim Mullen
There are little change except the dates and is looking to remove a designation on two oyster beds in little bay.

Pickard MOVED and SECONDED by Zuern to approve 2013 Shellfish Regulations as presented by Mr. Mullen tonight. VOTE 4-0.

Pickard MOVED and SECONDED by Zuern to approve the 2013 Residential Recycling Area Regulations and Fees as presented by ISWM staff. VOTE 4-0.

Licenses/Appointments

a. Nolan LeRoy – Wastewater Advisory Committee

Pickard MOVED and SECONDED by Baldwin to appoint Mr. Nolan LeRoy to the Wastewater Advisory Committee for a term to expire 6/30/14. VOTE 4-0.

b. T.J.'s Grill & Bar Violation – vote date of suspension

Pickard MOVED and SECONDED by Baldwin to suspend T.J.'s Grill & Bar's license on 12/15/12 for one day. VOTE 4-0.

c. 2013 License Renewals (liquor, food, entertainment)

Chm. Ford – as point of interest, the Pocasset Golf Club is now open to the public for serving liquor.

<u>CLUB – ALL ALCOHOLIC</u>

Pickard MOVED and SECONDED by Baldwin to approve Aptucxet Post #5988's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Buzzards Bay Eagles's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement, Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Marconi Club's Liquor license. VOTE 4-0. TA Guerino to check on the Common Victualer license.

Pickard MOVED and SECONDED by Baldwin to approve Monument Beach Sportsman's Club Inc.'s Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Otis Fish and Game Club, Inc.'s Liquor and Common Victualer. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Pocasset Golf Club's Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Weary Travelers Club Inc.'s Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve s Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

COMMON VICTUALER – ALL ALCOHOLIC

Pickard MOVED and SECONDED by Baldwin to approve The Brookside Club's Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Buzzards Bay Tavern's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Courtyard Restaurant's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Cranberry's Restaurant and Pub The Bog's Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Flynn's Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Leo's Seafood Restaurant Inc.'s Liquor and Common Victualer licenses. VOTE 4-0.

The Lobster Trap Fish Market and Restaurant's Liquor and Common Victualer licensed were **discussed but not voted**. TA Guerino to check into their Weekday Amusement license.

Pickard MOVED and SECONDED by Baldwin to approve Lost Dog Canal Café's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Mezza Luna's Liquor, Common Victualer and Weekday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve The Parrot Bar & Grill's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Port O'Call Inc.'s Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Sandy's Famous Seafood Restarant's Liquor and Common Victualer licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Stir Crazy's Liquor and Common Victualer licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve T.J.'s Bar & Grill LLC's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Trading Post Lounge Inc.'s Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Trowbridge Tavern & Ale House's Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Wayho Grill Inc.'s Liquor, Common Victualer and Weekday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Wayho Restaurant's Liquor and Common Victualer licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Whaleback Restaurant's Liquor, Common Victualer, Weekday Amusement and Operated Amusement Device licenses. VOTE 4-0.

<u>COMMON VICTUALER – WINE & MALT</u>
Pickard MOVED and SECONDED by Baldwin to approve Buzzards Bay House of Pizza's Liquor and Common Victualer licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Golden Place Restaurant's Liquor and Common Victualer licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Pizza by Evan's Liquor and Common Victualer licenses. VOTE 4-0.

<u>GENERAL ON PREMISE – WINE & MALT</u>
Pickard MOVED and SECONDED by Baldwin to approve Ryan Family Amusement's Liquor, Common Victualer, Sunday Amusement, Operated Amusement Device and General License licenses. VOTE 4-0.

<u>PACKAGE STORE – ALL ALCOHOLIC</u>

Pickard MOVED and SECONDED by Baldwin to approve Bourne Bridge Liquor, Grey Gable's Market, Liberty Warehouse Liquors, The Liquor Barn, Luke's Liquor 'N More, Portside Liquors Inc., One Stop Convenience Store, Sea Side Wine and Spirit and Ye Olde Spirit Shoppe Liquor licenses. VOTE 4-0.

TA Guerino – will review the common victualer license for the Marconi Club and the entertainment license for the Lobster trap for the next meeting.

d. Class II Car Dealer – Atlantic Equipment LLC – Change of Corp.

Pickard MOVED and SECONDED by Baldwin to approve Atlantic Equipment LLC, d/b/a Bobcat of Bourne for Change of License at 170 MacArthur Boulevard per routing slip. VOTE 4-0.

e. Common Victualer License – Canal Creamery

Pickard MOVED and SECONDED by Zuern to approve victualer license request for Canal Creamery at 89 Main Street, Buzzards Bay per routing slip (BOH serve save). VOTE 4-0.

Certification of Slum and Blight documentation for DHCD grant programs – Coreen Moore

Ms. Moore – we are looking to apply for the next grant to continue the Rehab Program and to apply for a Façade Sign Program for a total of $900,000 to improve the front of buildings on Main Street.

Bourne meets two qualifications for this grant. The lower-to-moderate income for the Rehab Program and for the Commercial Rehab – 25 % of property is experiencing deteriation or decline in property value. A building inventory was done by the Barnstable Regional Building Inspector.

Chm. Ford – asked what the difference between blight and slum. Ms. Moore said blight is a state of decline, deterioration, need of maintenance, not abandoned nor decrepid. Slum is either abandoned or decrepit.

Ms. Moore needs the BOS approval and certification of blighted area to continue to apply for this grant.

Chm. Ford – people who apply for funds of $50,000 – town sets conditions be buildings that are occupied or rented out; are there any places that are occupied and not hookup. TA Guerino doesn't believe so. Ford asked about one particular vacant buildings and will look into further. TA Guerino said it may be people not currently connected, but if start flowing water, they would be connected. Ms. Moore said this is short term and not a long term vacancy.
Ms. Moore – explained the loans are a 10-year deferred loan which is a $50,000 maximum and no minimum; if the property stays occupied for 10 years you don't have to pay back and if the property is sold, you have to pay back. She is looking to include the signs also and is waiting DHCD approval. TA Guerino said this is not a financial pocket gain.

Chm. Ford – you have to have flood insurance; if you didn't have any, part of loan can be used for insurance.

TA Guerino – asked what happens if flood insurance isn't kept going and the façade work is done. Ms. Moore said it is a grey area with DHCD, but they only require one year of flood insurance.

TA Guerino – thanked Ms. Moore, the staff and contractors for the application work and hopes to continue the success rate.

Pickard MOVED and SECONDED by Baldwin to approve Certification of Slum and Blight documentation for DHCD grant programs as presented by the Town Planner 11/27/12.
VOTE 4-0.

Town Administrator's Report

a. Establishment of a Town Administrator's Canal Celebration Committee

Start as a town committee and recommended to work independently. Recently the town was approached though the Chair and would like to be a town-sponsored committee through the town. The BOS is provided with a proposed Charge to be considered which was reviewed by Town Counsel. The committee requested of TA Guerino to have members of appointed officials - pursuant to the Charter, members of the BOS are not able to serve. TA Guerino plans to have very little oversight and occasional updates through selectmen meetings.

Chm. Ford – TA Guerino will act in his best way for the committee. A member of the BOS could serve on the Steering Committee. The BOS needs to make motion to approve the committee Charge and TA Guerino to set up the Executive Order which establishes Bourne representatives and that town employees cannot vote to spend funds of 501c per Town Counsel.

Chm. Ford – this will be a TA committee and not a Selectmen's committee.

TA Guerino – the board has to look at the make-up of the committee; one of which shall be a member of the Bourne BOS and serve without compensation – for a guarantee.

Chm. Ford – the motion should include to authorize the committee with the changes of the Executive Order as discussed tonight, including one member shall be a member of the Bourne Board of Selectmen and that no town employee can vote to spend funds of a 501c.

Discussion and vote tabled to 12/4/12 BOS meeting.

b. Town Administrator Review

Pickard MOVED and SECONDED by Baldwin to approve, at the request of the Town Administrator, to waive the December 2012 evaluation and to review in May 2013 per the

Town Charter - *For clarification, Chm. Ford said this is only for this year; next December there will be a review.* - VOTE 4-0.

Budgets are due from Department Heads on 12/5/12 and they will be prepared to come before the BOS the last meeting in January.

Upper Cape Tech is playing in the Division 5 Super Bowl in Milton. If they are victorious, there will be a police escort from Route 25 to the Upper Cape Vocational Technical School property.

Selectmen's Report

a. Joint Meeting with Finance Committee

Chm. Ford – 2 members of the board cannot make Monday meetings. DVDs would be available for members who missed the joint meetings. Or we could go back with two separate presentations. The board concurs with viewing the DVD's for the joint meetings with the Finance Committee.

b. Support of the BOS for CIC grant applications

The Cape Cod Commission (CCC) is applying for a Regional Incentives grant. Bourne is not currently participating Regional Permitting System. We have our own license we are currently using and expecting to go live soon (12/17/12), but some areas that don't provide as thorough review as the license program. If we can't get this portion enhanced, maybe we can drop our current permitting by letting it expire and join with the Cape towns' permitting system. He asks the board support as most of towns on the Cape are on this system. This would be to gain information only; there is no downside with supporting the grant application.

Pickard – asked how much does the current permitting system cost for Bourne. TA Guerino said $10,000. He was not sure of the cost with the County and will report back with information. He said you can purchase certain moduals, and not the whole program.

Pickard – suggests not do anything until the town's software "bugs" can be worked out. TA Guerino feels this is important to help support other communities as there were times we needed their support.

The consensus of the board is to wait until they get more information from TA Guerino.

Pickard – one page email from Deputy Director of the CCC. We invited Ms. Senatori to come in before the board for further information.

c. Stormwater Bylaw Discussion

Chm. Ford – the Task Force on Local Pollution has been working on the stormwater management problems and want to have the Governing Construction and Post-Construction Stormwater Management of New Develpopments & Redevelopments addressed. Mr. Mulvey is a member of the Task Force on Local Pollution and has been trying to get this bylaw addressed

since last May. TA Guerino to request Dr. Costa or his staff (Bernie Taber) review the Draft Stormwater Bylaw and come before the board at a future meeting.

TA Guerino – this bylaw should have been reviewed and brought to the 2010 Town Meeting. This will be brought to the Bylaw Committee and May 2013 ATM. He concurs this needed to be addressed.

Chm. Ford – talked with Mr. Mulvey and Mr. Toomey and this does need some work. TA Guerino said there is 7 months for review and submission to the Bylaw Committee and at that point can be discussed and voted upon by the BOS, FinCom and Capital Outlay Committee.

Mr. James Mulvey – the formal name of the committee is the Phase II Stormwater Remediation Stormwater Run Off Committee. The major problem is with stormwater run off with estuaries – for commercial and residential. He suggested this proposed bylaw be reviewed by Buzzards Bay Project. Make a staff member a lead and the rest of staff for a yearly report. We need leadership and input from Department Heads.

TA Guerino – would like to see continued projects in the MMA dormitory parking lot with regard to run off water taken in. This should go forward and will move forward after being made cognizant of the issue.

Baldwin – commented on the handout of the Cape Cod Emergency Traffic Plan as far as access to the Bourne Bridge from Trowbridge Road, Sandwich Road or Veteran's Way which will be blocked. He explained some people will have to merge into a lot of traffic that will already have accumulated and wants people to be aware of this.

Pickard – asked people to think of the Food Pantry for donations. Fire Department Homeless for Holidays will be held on 12/16/12 at 223 Main Street and is also looking for food and toy donations. On 12/12/12 the Cranberries Restaurant will donate a percentage of food sales to the Food Pantry.

Ford – he attended a breakfast, Main street meeting and today the Trustee's meeting. He mentioned a notice from Ms. Moore of the Bourne Downtown Façade Workshop on 12/12/12 at Town Hall, lower level conference room.

Adjournment
Pickard MOVED and SECONDED by Baldwin to adjourn. Meeting adjourned at 8:35 pm.

Respectfully submitted - Lisa Groezinger, sec.