Board of Selectmen
Minutes of November 5, 2013
Bourne Community Building
Bourne, MA 02532

TA Guerino

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

Documents
- None

Note this meeting is being televised and recorded. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time

Call to order
Chm. Baldwin at 6:30 pm.

Ellis MOVED and SECONDED by Meier to move into Executive Session to discuss contracts, negotiations and litigation update and to reconvene in public session at 7:06 pm. Roll call: Pickard – yes; Zuern – yes; Meier – yes; Ellis – yes; Baldwin – yes.

Moment of Silence for our Troops /Salute the Flag

Public Comment – Non-Agenda Items

Minutes: 10/15/13
Zuern MOVED and SECONDED by Meier to approve Minutes of 10/15/13 as amended.
VOTE 5-0.

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

Rep. Vieira –update
Grant Program is available through Mass Development for Regional Approaches in the Commonwealth. Military installations are encouraged to work the neighboring communities. He asked the board if there was any interest with the Innovation Challenge Grant or if there is any interest in coordinating towns for opportunities to do so jointly.

Zuern said it would be a great idea to come up with something as a region.

TA Guerino said the town is involved with the County on aerial mapping on all of the Cape towns. Currently Bourne is working with the base concerning wastewater. He is in favor of a joint meeting.

Mr. Vieira will reach out this week with other towns to meet the deadline of 11/22/13.

Mr. Vieira discussed Chapter 90 Funds which have increased from $200M to $300M. The Governor is holding $100M of those funds. He is working on urging the Governor's reconsideration to release all Chapter 90 Funds.

Mr. Vieira discussed proposed legislation to limit coverage's on Flood Insurance for outstanding mortgages which limits the financial impact to the homeowners. He read into record which stated flood insurance protects the creditors and is not for needed repairs or damage.

Mr. Vieira is working with Town Clerk Barry Johnson and the Bourne Recreational Authority on a bill regarding the DEP septic design limiting growth of campgrounds asking DEP to review wastewater regulations as it relate to campgrounds.

Mr. Vieira spoke with Ms. Sally Riggs and TA to explore commuter rail for Buzzards Bay and is working on obtaining cost estimates moving forward.

Mr. Vieira said Belmont Circle was identified for revision.

Mr. Vieira toured the Hoxie School with the Mashpee Wampanoag group who is interested in a Charter school and is in discussions moving forward.

Mr. Vieira is looking to continue to get the youth involved in the community through municipal engagement of the strategic plan.

Zuern raised issue about the difficulty of state mandates and the town costs to carry said mandates. Rep. Vieira is very aware that there is a cost and time involved. Mr. Vieira said with regard to public safety, specifically police training academies, Massachusetts is the only state that doesn't have a designated funding source. He is working on having a bill written to identify funding.

Zuern raised issue of regionalization and feels the town is giving up power and authority. She also stated common core values coming from the Federal government when it should be from the local community.

Mr. Vieira will conduct a follow up meeting with School Committee.

Zuern inquired about the military priority over affordable housing. Mr. Vieira said it was a procedural vote which was an amendment to a bond bill. He said the issue could come back as an independent bill, but currently there is nothing on the calendar.

Ellis asked about when will the schools bring back cursive writing. Mr. Vieira said the focus is on the statutory obligations. The curriculum set by the school committee.

TA Guerino said with the transportation bond bill, $3 ½ M is set for Belmont Rotary and would like to see it released for work to commence. The other issue is the public piece on the police academy where we need a better way to train officers through the police academies. Mr. Vieira said the MPTC budget has been underfunded and a state wide academy revenue sources is being looked at so agencies can plan ahead. Lastly, TA Guerino asked about getting a consistent figure annually to budget.

Mr. Joe Agrillo asked if there was any assistance for folks who have floodplain insurance. Mr. Vieira explained it is a Federal law.

Reclassifying propagation closures from a closed status to an open status – Tim Mullen
Zuern MOVED and SECONDED by Meier to reclassify propagation closures from a closed status to an open status as recommended by the Shellfish Warden/DNR Director. VOTE 5-0.

Linda Marzelli – FY13 closeout
TA Guerino thanked Ms. Marzelli for her work on behalf of the citizens. Some highlights were as follows:

- Council on Aging (COA) creating two new Revolving Funds
- Sale of Town Owned properties by auction on 11/15/12 facilitated by Ms. Nancy Sundman
- New Facilities Maintenance Department created, Funding for OPEB liability
- A new DPW Facility Project

<u>Revenues by Source</u>
Ms. Marzelli explained 75% of Bourne's revenues are from property taxes.

<u>Tax Rate Levy Calculation</u>
2013 Prior Year Levy Limit - $36,051,597

<u>Local Receipts</u>
FY13 is $5,538,645
FY14 estimated is $4,846,170

Miscellaneous line in FY13 include one-time odd revenues coming in. This includes the sale and tax credits for the Cody School.

Majority of the local receipts is from Motor Vehicle Excise - $2,247,790.

State Aid
FY13 budgeted total is $7,089,787
FY14 estimated total is $7,241,743

Majority of the State Aid is Chapter 70 - $4,771,738.

Expenditures by Function

- Total turn backs for FY13 was $831,020
- Transfers from other departments covered budget for Snow & Ice shortfall in the amount of $318,276
- Group Health Insurance had a turn back in FY12 required a transfer at year end of FY13 the net increase in expense was $313,000

Operating Budget
FY13 expended total - $51,875,052, increase of $3,240,597 from FY12 expended.

Majority of the Operating Budget is Education - $20,448,159 (39%).

State Cherry Sheet Charges
FY13 total is $3,035,152
FY14 total is $3,459,928

Charter School Sending Tuition is the biggest increase. TA Guerino said making up for it is a difficult one. Currently we are looking at an estimate of 55 more children from Bourne based on 10/1/13 numbers.

Meier commented on the Upper Cape Tech (UCT) will be asking for money to fix their buildings. TA Guerino said these are complex numbers, formulas and challenges the town will have to work out.

Debt Service

- Bonded $7,290,000 on 12/5/12 which included the elementary school, road repairs and ISWM equipment and Phase IV landfill liner.

- Refunded $4,335,000 of currently outstanding debt on 6/4/13. This included three CPA land purchases, Community Center land and building and the library roof.

Majority is the Exempt Debt - $13,310,066.

Financial Policies

- Free Cash Balance of at least 5% of General Fund Operating Budget

- Stabilization Balance of at least 7% of General Fund Operating Budget – TA Guerino said Ms. Elinor Ripley supplied these numbers and will need to get them.

- Employer Health Insurance Trust Fund not to be less than four months average claims and not less than $1,600,000 at the end of the fiscal year.

History of Free Cash, General Stabilization Fund and Capital Stabilization Fund History briefly reviewed.

Sewer Enterprise Fund
Keep yearly assessment of $734
Retained earnings at 7/1/13 - $633,476

ISWM Enterprise Fund
Retained earnings at 7/1/13 of $5,446,742

TA Guerino said with regard to the Stabilization Account, 75% of the $200,000 allocated for "emergency" work at Sagamore Beach will be reimbursed by FEMA to the town. Also, although ISWM retained earnings looks "beefy" currently, in FY15 and FY16 the debt burden will be high as we will be tapping into retaining earnings which is scheduled.

Cape Light Compact (CLC) update – Maggie Downey
The CLC includes all 15 towns on the Cape, 6 on the Vineyard and the two Counties. The CLC was created in 1997 and are authorized to have cities and towns to work together for three tasks: 1) Power supply; 2) Energy Efficiency; and 3) Consumer Advocacy. Each task was briefly reviewed with a PowerPoint presentation.

The CLC offers a Heat Loan Program ($25,000 loan zero interest for 7 years) available for new heating system.

The CLC is also offering a retrofit of street lights in Bourne, saving $37,000 annually which does not include the maintenance.

TA Guerino asked if the sale by NU will impact the CLC with regard to rate distribution. Ms. Downey said it would not.

2013 Activities were briefly reviewed.

2014 Activities:
- Annual audit every calendar year
- Energy efficiency – conducting a study on who has been served and who is left to be served
- Issuing an RFP for municipal aggregation power supply.

Zuern asked if there was mercury in the LED lights. Ms. Downey said to her knowledge there isn't any mercury in those lights, but they are in the CFLs. Ms. Downey added a homeowner doesn't have to choose all of the suggestions of the Energy Audit.

Board of Selectmen procedures and modifications – V. Chm. Zuern
Zuern read into record XIV. Board of Selectmen New Committee Procedures dated 10/29/13. This is for clarification as some committees were not following proper procedures.

Pickard raised issue with being inundated with paper with the second sentence of Page 2. However, he feels it is a good basis of setting up a committee and commended Zuern's efforts.

TA Guerino said filing of minutes in the Selectmen's/Town Administrator's office is running out of room. If distributed as policy, they won't be on file at the Selectmen/Administrator's office but the Clerk's pursuant to the policy.

Pickard said that if a committee is not taking the direction of a charge, it would get back to the Selectmen's attention to be alleviated.

Zuern suggested amending Page 2, Paragraph 1, second sentence … "The minutes 'may' be included in the packets" …

Ellis asked if the issue of the minutes reflect in the Open Meeting Law. TA Guerino said this is not in opposition to the Open Meeting Law.

Zuern added an item #4 to Changes to the Procedures III. Procedure for Establishing Policies and Procedures, Item #4 "Action, which may include further discussion, adoption or rejection, may be taken at the end of the discussion at the second reading, or at a subsequent meeting.

No vote was taken but there was a consensus of agreement to the procedures and modifications as outlined and as amended tonight. TA Guerino to send to the Clerk's Office per Ellis.

Licenses/Appointments

a. **a. MMA – Bay State Conference Center -1 day liquor license**

Meier MOVED and SECONDED by Zuern to approve MMA request for One Day Liquor License for the Bay State Conference Center on 11/7/13 from 4:30 pm – 7:00 pm. VOTE 5-0.

b. **b. MMA – Beachmoor at MMA – 1 day liquor license**

Ellis MOVED and SECONDED by Meier to approve MMA request for One Day Liquor License for the Beachmoor on 12/20/13 from 10:00 am – 3:30 pm certification of inspection before license provided per routing slip (Building Inspector). VOTE 5-0.

c. **Historic Commission – Frances Speers**

Meier MOVED and SECONDED by Zuern to appoint Frances Speers to the Historic Commission for a term to expire 6/30/14. VOTE 5-0.

Discussion regarding floodplain maps – Mr. Quigley, Deputy District Director
Meier asked to be put on the agenda at Special Town Meeting.

The New Federal Act includes communities near rivers, ponds and mountains that Congress found themselves with homeowners near the floodplain where they didn't have any before. The Homeowners Insurance Flood Ability was introduced giving a four year delay to the Act. Congressmen have talked with FEMA with regard to the map and what methodologies being used.

Mr. Quigley suggested anyone receiving an insurance bill that is unwarranted, to call his office who will speak with FEMA.

Ellis asked when a homeowner writes to the Congressmen which House Bill do they reference. Mr. Quigley will supply TA Guerino the information for distribution to the Selectmen.

Zuern raised issue of models which shows areas that are mostly likely to get hurricanes and not subject to this area. Mr. Quigley said the Bigger Waters Bill will address this issue and added the Bill should be affordable after 4 years.

Mr. Joe Agrillo raised concerns about people up here paying for people down south.

Mr. Jim Mulvey received a copy of the floodplain map from the Town Planner's office. Also, he commended Ms. Rebello for her efforts in the Annual Report.

Selectmen's business

a. **80 Club House Drive, Pocasset – Tax Title**

TA Guerino said the town is working on this property. He will have a recommendation whether to allow property to be bought back or move forward with a tax sale for the next meeting. 11/26 or 12/5 at the latest.

Ellis requested TA Guerino draft letter on behalf of the board for appreciation for Thelma Locke for Historic Commission – done.

b. **b. Approval of narrative for the Cape Cod Commission**

TA Guerino said there was a very productive meeting between the Town Planner Ms. Moore and Zuern and Ellis. Zuern thanked Ms. Moore. Ellis said it was an extremely productive meeting and hopes the board would support this.

Pickard said it appears many issues are based on personal opinion by proponents even though some items are factual.

Ellis said the points #1-#4 were thoroughly discussed with the Town Planner. They were applied against the bylaw that already exists. He was satisfied with the Town Planner.

Pickard said majority vote was able to send to the Cape Cod Commission. He feels this discretionary DRI states a public disgrace of town officials.

Ellis MOVED and SECONDED by Zuern to approve projected narratives by the subcommittee that met with the Town Planner and the Town Planner's comments. VOTE 3-1-1 (opposition by Pickard and abstention by Baldwin).

TA Guerino will report to the board after the meeting of 11/12/13 at 11:00 am.

Town Administrator's Report
TA Guerino reminded the board he will be at the National League of Cities leaving this coming Monday and will return the following Tuesday. The Finance Director will serve in his capacity in his absence per the Charter.

Zuern conducted a TV show with Jerry Ellis as her guest on WWI and WWII memorbilia.

Meier toured substantial roads and understands the Superintendent's request for maintenance and services on these roads. The old building on the Patterson property will be demolished. TA Guerino added the Building Inspector will write a letter requesting to tear the building down.

Adjourn
Meier MOVED and SECONDED by Zuern to adjourn. Meeting adjourned at 9:50 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa A. Groezinger, sec.