Board of Selectmen
Minutes of November 26, 2013
Bourne Community Building
Bourne, MA 02532

TA Guerino

Earl Baldwin, Chairman (excused)
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
By V. Chm. Linda Zuern at 7:00 pm.

Motion by Peter Meier and seconded at 6:01 pm by Jerry Ellis to move into Executive Session regarding Labor Contracts Associate Counsel, Pending litigation and to reconvene in open session. Roll call: Zuern – yes; Pickard – yes; Ellis- yes; Meier – yes.

Moment of Silence for our Troops /Salute the Flag

Public Comment – Non-Agenda Items
None.

Minutes: 10/31/13, 11/5/13
Meier MOVED and SECONDED by Ellis to approve Minutes of 10/31/13 as amended.
VOTE 5-0.

Meier MOVED and SECONDED by Ellis to approve Minutes of 11/5/13 as amended. VOTE 5-0.

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

Items 7 and 10 – Ellis recommended other letters in opposition or in support to be sent to the Selectmen/Town Administrator's office.

Zuern commented on Item with regard to the Clean Water Collaboration. The total cost of building a wastewater treatment plant is between $5.2B – $7.6B and the project will be hooked up to 133,000 properties. For each household it will cost $38,900 – $46,000 even if they do not hook up to the system. Ellis said he would be opposed to the capital costs of $38,000 - $46,000. After the initial connection to system was paid for, it would cost $1,800 per year per household.

Item 11 – TA Guerino said the $5,000 deposit was from the $115,000 property auctioned by the town. The two (2) properties were located in Cataumet.

Town Administrator's Report
TA Guerino attended the National League of Cities and it was an excellent conference. He would like to add the Buzzards Bay Coalition to the 12/17/13 Selectmen's agenda as it relates to the single haul tankers coming through the canal. Also, NSTAR has received approval rights of way for herbicide spraying which the Selectmen are on record opposing this act. TA Guerino will ask the board if it wants to follow up with NStar discussions relative to the herbicide.

TA Guerino said most Department Budgets are in and he will begin moving forward the budget process.

Classification hearing
Chief Assessor Donna Barakauskas was present and recommended the town retain one single tax rate.
Meier MOVED and SECONDED by Ellis to approve and retain one tax rate in the amount of $9.68/$1,000 for all classes of property for FY14. VOTE 5-0.

BAN
TA Guerino said the low bid was from Century Bank came in at a ½ percent of 1 percent.

Ellis MOVED and SECONDED Meier to approve Century Bank's bid in the amount of $575,000 at the rate of .50%. VOTE 5-0.

Kurt Felix, Wellfleet – shellfish
V. Chm. Zuern said this will be put on the Selectmen's 12/17/13 meeting agenda.

Approval of 2014 Shellfish Regulations
Mr. Mullen responded that the regulations were endorsed by him when asked by Ellis. Ellis also asked the overall health of the shellfish beds. Mr. Mullen responded that in some areas they are better than other areas, but overall there are a lot of areas that propagate themselves.

Meier MOVED and SECONDED by Ellis that the Board of Selectmen adopt the 2014 Shellfish Rules and Regulations on 11/26/13 as presented by the Harbormaster Mr. Tim Mullen.
VOTE 5-0.

80 Clubhouse Drive
TA Guerino said the Executor of the Estate is seeking the board's consideration to allow paying the taxes owned and taking back for the family. If the town were to keep the house, there would be some $10,000-12,000 of work needed to be done. This has been done in the past and he recommends the board allow this to happen. His concern is that there is a definitive date this must be concluded and recommends 12/20/13. The total bill and fees accrued is $34,000 which includes the 1st and 2nd quarters of estimated 2014 taxes.

Meier MOVED and SECONDED by Ellis to approve request Ellis last day can be redeemed is 12/20/13. VOTE 5-0.

Second Reading – Selectmen Policies TA Guerino said the policies go out to the boards that have influence with the Clerk's and Selectmen's office. After the board reviews, they can indicate either to accept any and or all of the proposed changes by other boards, committees, and elected officials. He recommends incorporating into the final draft. He said the board can consider the Final policy amendment at their 12/17/13 meeting. The consensus of the board is to forward the amended copy by email.

Meier MOVED and SECONDED by Ellis to accept changes as proposed by the Town Clerk as submitted and move to the Third Reading. VOTE 5-0.

TA Guerino clarified that both the Town Clerk's amendments and the amendments presented by V. Chm. Zuern are to be incorporate into the Selectmen's policy and procedures.

Council on Aging (COA)
Town By-laws Article 21, 1969 Annual Town Meeting
V. Chm. Zuern and TA reviewed met with Felice Monteiro, COA Director and Estelle Blake, Chair COA Board to draw up a revised COA Town Bylaw. TA Guerino said this document will identify that the COA board is responsible to the Board of Selectmen and makes it clear who reports to whom. TA Guerino said Ms. Monteiro and Ms. Blake were helpful in making this document and is a good piece to bring to the Bylaw Committee.

Meier MOVED and SECONDED by Ellis that TA Guerino bring the COA Town Bylaw document and if approved, the Board of Selectmen forward said document to the Bylaw Committee. VOTE 5-0.

Licenses/Appointments
TA Guerino notes any restrictions that are with the licenses today that have been placed on in the past, will carry onto the new licenses. There was no waiving of restrictions.

Meier reminded the board and the public that all licensed renewed will not be issued until all taxes are paid in full.

a. 2014 or License Renewal Signing

Meier MOVED and SECONDED by Ellis to approve the following requests for Club – All Alcoholic: Aptucxet Post #5988 at 180 Shore Road, Bourne, Manager Warren Silvia for a Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses; Buzzards Bay Eagles at 39 Cohasset Avenue, Buzzards Bay, Manager Matthew Gilbert for a Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Devise licenses; Marconi Club at 7 Commonwealth Avenue, Sagamore, Manager Archie Rovatti for a Liquor and Common Victualer licenses; Monument Beach Sportsman's Club, Inc. at Dump Road, Off MacArthur Blvd, Monument Beach, Manager Henry Donovan for Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses; Otis Fish and Game Club, Inc. at Otis National Guard, Camp Edward, President Michael Veloza for Liquor and Common Victualer licenses; Pocasset Golf Club, Inc. at 77 Valley Bars Road, Manager David Robinson for Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 5-0.

Ellis MOVED and SECONDED by Meier to approve Common Victualer – All Alcoholic for: The Brookside Club at 11 Brigadoon Road, Bourne, Manager Frank Falcone for Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses; Buzzards Bay Tavern at 145 Main Street, Buzzards Bay, Manager James Carter for Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses; Courtyard Restaurant at 1337 County Road, Cataumet, Manager Paul Perini-Miller for Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses; Cranberry's Restaurant and Pub the Bog at 618 MacArthur Boulevard, Pocasset, Manager Semantha Burger for Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses; Flynn's at 119 Cranberry Highway, Sagamore for Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses; Leo's Seafood Restaurant, Inc. at 249 Main Street, Buzzards Bay, Manager Anthony Cubellis for Liquor and Common Victualer licenses; The Lobster Trap Fish Market and Restaurant at 290 Shore Road, Bourne, Manager David Delancey for Liquor, Common Victualer, Weekday Amusement and Sunday Amusement; Lost Dog Canal Café at 71 Cranberry Highway, Sagamore, Manager Kevin Shea for Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device; Mezza Luna Restaurant, Inc. at 253 Main Street, Buzzards Bay, Manager RoseMary Cubellis for Liquor, Common Victualer and Weekday Amusement; The Parrot Bar & Grille at 1356 Route 28A, Cataumet, Manager Brian Crocker for Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device; Port O'Call, Inc. at 57-59 Main Street, Buzzards Bay, Manager Steven Harunk for Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device; Sandy's Famous Seafood Restaurant at 7 Bourne Bridge Approach, Buzzards Bay, Manager Judith Ann Tubbs for Liquor and Common Victualer; Stir Crazy at 570 MacArthur Blvd, Pocasset, Manager Bopha Samms for Liquor and Common Victualer; T.J.'s Grill & Bar, LLC at 4 Bourne Bridge Approach, Buzzards Bay, Manager Judith Ann Tubbs for Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device; Trading Post Lounge, Inc. at 12 Trowbridge Road, Bourne, Manager Kristine Leitzel for Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device; Trowbridge Tavern & Ale

House at 100 Trowbridge Road, Bourne, Manager Mary Ellen McCarthy for Liquor, Common Victualer, Weekday Amusement and Sunday Amusement; Wayho Grill, Inc. at 4 Old Bridge Road, Buzzards Bay, Manager Benny Chu for Liquor, Common Victualer and Weekday Amusement; Wayho Restaurant at 300 Main Street, Buzzards Bay, Manager Siuman Chu for Liquor and Common Victualer; and Whaleback Restaurant at 1052 Sandwich Road, Sagamore, Manager Robert Lacey for Liquor, Common Victualer and Weekday Amusement. VOTE 5-0.

Meier MOVED and SECONDED by Ellis to approve Common Victualer – Wine & Malt for: Buzzards Bay House of Pizza at 270 Main Street, Buzzards Bay, Manager Olga Kalkanis for Liquor and Common Victualer; Golden Place Restaurant at 4 Barlow's Landing Road, Unit 2A, Pocasset, Manager Ze Min Chen for Liquor and Common Victualer; Graziella's at 375 Barlow's Landing Road, Manager Thomas Ruta for Liquor and Common Victualer; Hoagies Diner at 808 MacArthur Blvd., Manager John Hogan for Liquor and Common Victualer; Pizza by Evan at 170E Clay Pond Road, Monument Beach, Manager Peristera Gavrilidis for Liquor and Common Victualer; and Sweet Caroline's Café, LLC at 240 Main Street, Manager Elena Bevilacqua for Liquor, Common Victualer, Weekday Amusement and Sunday Amusement. VOTE 5-0.

Meier MOVED and SECONDED by Ellis to approve General on Premise – Wine & Malt for: Ryan Family Amusement at 200 Main Street, Buzzards Bay, Manager Robert Nichols for Liquor, Common Victualer, Sunday Amusement and Operated Amusement Device. VOTE 5-0.

Meier MOVED and SECONDED by Ellis to approve Package Store – All Alcoholic for: Bourne Bridge Liquors at 310 Main Street, Buzzards Bay, Manager Douglas Beecy for Liquor; Grey Gables Market at 181-183 Shore Road, Bourne, Manager Michael Hallam for Liquor; Liberty Warehouse Liquors at 21 St. Margarets Street, Buzzards Bay, Manager Richard Rymsha for Liquor; The Liquor Barn at 150 Main Street, Buzzards Bay, Manager Norman White, Jr. for Liquor; Luke's Liquor 'N More at 170 Clay Pond Road, Monument Beach, Manager Michael Patterson for Liquor; Portside Liquors, Inc. at 590A MacArthur Blvd., Pocasset, Manager Zeina Metri for Liquor; One Stop Convenience Store at 227 Route 6A, Sagamore, Manager Shakeel Mohammed Farooq for Liquor; Sea Side Wine and Spirit at 4 Barlow's Landing Road, Unit 1, Bldg. 2, Pocasset, Manager Paresh Patel for Liquor; and Ye Olde Spirit Shoppe at 41 Meetinghouse Lane, Sagamore Beach, Manager Muhammad Shadid Hamid for Liquor and $50.00 Food Vendor. VOTE 5-0.

Selectmen's Business

Request to Town Counsel from Mr. Ellis with regard to Zone Section 3300 parking requirements 3310 – A-b-1-2-3. Ellis asks do the provisions of this Section that addresses the exception of a 350' FT distance from a main entrance and allows only 8 off street parking spaces within the building entrance via sidewalk apply to this locus. So that only 8 spaces should be provided. He said the plan shows 57 spaces and feels it is far and excessive.

Ellis MOVED and SECONDED by Meier to seek Town Counsel opinion with regard to 1 Trowbridge Road and 9 Sandwich Road relative to eight (8) off-street parking spaces.

Pickard asked for clarification as the Planning Board already has issued permits and the Cape Cod Commission have refused the discretionary DRI.

Ms. Kathleen Donovan agrees with Mr. Ellis about the parking lot and has safety concerns. Mr. Chris Farrell agrees with Mr. Pickard. The only way can appeal is to go to court. He feels it is a waste of the town's money if the board approves to go to Town Counsel. The permits have been issued and construction has commenced.

TA Guerino spoke with Town Counsel and the Selectmen are still within the 30-day period to appeal the building permit issued by the Building Inspector to the ZBA. The timeframe is up to 12/8/13 for the Selectmen to appeal and the next ZBA meeting is 12/4/13.

Zuern requested to put item on the agenda for the 12/3/13 meeting for discussion and vote. TA Guerino will follow up and let the ZBA know to put on the agenda.

Ellis said he has the best interest of the town in mind and requests this goes forward to Town Counsel.

VOTE: MOVED 4-1 (Pickard opposed).

Pickard said members of this Board made direct contact and directives with regard to 1 Trowbridge Road and 9 Sandwich Road addresses to town Departments. He feels this is a conflict of the Home Rule of the Charter.

Pickard MOVED and SECONDED by Meier that TA Guerino interview the staff of Conservation Department, the Building Department and the Engineering Departments of possible Charter by members of the Board of Selectmen violations and to report on his findings by 12/17/13. VOTE 1-2-1 (Meier and Ellis opposed; Zuern abstained).

Zuern attended the Veteran's Day parade. Mr. Bob White would like Bourne to work with Wareham next year. She attended the UCT ribbon cutting ceremony.

TA Guerino said the Buzzards Bay Park Tree Lighting will be held December 5, 2013. The Library Tree Lighting is on 12/6/13 at 5:30 pm.

Adjourn
Meier MOVED and SECONDED by Ellis to adjourn. Meeting adjourned at 8:07 pm. VOTE 5-0.

Respectfully submitted,
Lisa A. Groezinger, sec.