Board of Selectmen
Minutes of October 15, 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 7:00 pm.

Moment of Silence for our Troops /Salute the Flag

Public Comment – Non-Agenda Items

Minutes: 10/1/13
Zuern MOVED and SECONDED by Baldwin to approve Minutes of 10/1/13 as amended.
VOTE 5-0.

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

Item G – TA Guerino said this is under the purview of any town and that there are specific provisions in the IMA between the four towns. The town has been cognizant that if something should happen, the town would want discussion for future activities. Zuern said Selectmen from Mashpee would be interested in using the Transfer Station. TA Guerino said all the remaining communities will have to meet and discuss specifically and that Bourne would have to consider Sandwich and Bourne's interest as Falmouth appears to be fading away.

Mr. Joseph Agrillo commented on two members of the board with regard to the "watchful eye". He also commented on the trash behind the hotel after coming off the bridge and the parking on Elizabeth Avenue.

Joint Meeting with Housing Authority to fill vacancy

Housing Authority members Paula McConnell, Larry Olsen, Al Huff and Frederic Bartholomew present. Chm. Baldwin called meeting to order. TA Guerino recommends the board to move forward.

Meier MOVED and SECONDED by Zuern to appoint Ann Geary Roche to the Housing Authority to fill a vacancy through the Annual Town Meeting. Roll call: Pickard – yes; Zuern – yes; Ellis – yes; Meier – yes; and Baldwin – yes.

Olsen MOVED and SECONDED by Bartholomew to appoint Ms. Ann Geary Roche to the Housing Authority to fill a vacancy through the Annual Town Meeting. Roll call: Paula McConnell – yes; Larry Olsen – yes; Al Huff – yes; and Frederic Bartholomew – yes.

Meier MOVED and SECONDED by Zuern to take Item #12 out of order. Unanimous vote.

Marie Oliva – Scallop Festival Update

Ms. Oliva thanked the town for hosting the Scallop Festival in the past. Unfortunately, the Directors have approved to move the Scallop Festival out of Bourne and to the Cape Cod Fairgrounds for next year. This is due to the regulation in the overall cost with regard to the weather as well as having outgrown the space puts the Chamber on liability.

Meier asked if there would be an increase in cost by changing the venue. Ms. Oliva anticipates an increase.

Zuern thanked Ms. Oliva for always including the board with regard to the Scallop Festival.

Mr. Christopher Farrell said this was a major event and will be a great loss to Bourne. The other major event is PanMASS Challenge in which he commented on the board turning down a sign for PanMASS. He also asked what the name will be if the Festival is moved out of Bourne.

Gately asked what it costs to rent fairgrounds in Falmouth. Ms. Oliva said she is in process of negotiating the price, but it will be far less than the tent and electricity. The change of venue is not just about the money. The tent is a public safety issue. The new name will be The Scallop Festival.

Private Dirt Road/Winter Maintenance – George Sala

There are 91 dirt roads in the Town of Bourne. He is here tonight to discuss 12 roads that are a major issue.

1. Wallace Point
2. Arlington Drive

3. Bradford Road – gas lines are still open as of last Friday
4. Pocasset Road
5. Pilgrim Road
6. Naumkeag Avenue
7. Penobscot Avenue – overhead wires hit recycling trucks
8. Lantern Lane
9. Dollins Road – calls for maintenance all year round
10. Rock Avenue
11. Maple Street
12. Arlene Road

There are road where the town would need to get in touch with property owners with regard to the roads. TA Guerino is recommending Mr. Sala notify homeowners in writing by certified mail that if they do not get the roads up to speed, the town will not plow them. On the longer term piece, he would like to recommend he and the Selectmen utilize a senior van for a bus ride to view the roads where there are concerns for first hand views before the winter weather. TA Guerino recommends the first week in November (11/4/13, 11/6/13 or 11/8/13). He will get back to the board on a date.

Ellis MOVED and SECONDED by Meier to approve TA Guerino's and Mr. Sala's request to take action on behalf of the town with regard to the roads : Wallace Point, Arlington Road, Bradford Road, Pocasset Road, Pilgrim Road, Naumkeag Avenue, Penobscot Avenue, Lantern Lane, Dollins Road, Rock Avenue, Maple Street and Arlene Road. VOTE 5-0.

Licenses/Appointments

a. Bourne Human Services Appointment – William Cook-Warren

Meier MOVED and SECONDED by Zuern to appoint William Cook-Warren to the Bourne Human Services Committee for a term to expire 6/30/16. VOTE 5-0.

b. One Day Liquor License – MMA @ Beachmoor

Meier MOVED and SECONDED by Zuern to approve MMA at the Beachmoor request for One Day Liquor License on 10/20/13 from 11:30 am – 4:00 pm at 11 Buttermilk Way, Buzzards Bay. VOTE 5-0.

Selectmen's business

a. Discussion regarding Directed DRI for CCC – 9 Sandwich Road/1 Trowbridge Road

Ellis MOVED and SECONDED by Zuern to requested "directed" be changed to "discretionary". VOTE 5-0.

Ellis requested discretionary request be put on tonight's agenda in relation to the 8,000 SF addition at 1 Trowbridge Road and the proposed parking lot on the property at 9 Sandwich Road. The owner wants to donate the home to a historic group. The developer has not produced a written, legal document of his promises before moving forward so. He asks the board's support to send the proposed plan to the Cape Cod Commission (CCC) for DRI Review.

If it is accepted, the CCC will use their staff to examine the plans for suggestions and send to our Planning Board. This is an opportunity to get what the town puts into the CCC money wise.

Among reasons for DRI review by CCC are the following (condensed):

1. SAFETY. Dangerous location of this private parking lot servicing a retail/office complex across a busy state road. Issue of crosswalk - who will install and maintain? No permission has yet been obtained from the State. The question of liability (state? town? developer?) for accidents occurring in the crosswalk has not been firmly determined. There is no permission yet from the town regarding access/egress (easement) through town property. The plan has been hastily approved without full consideration of all factors. Too many questions remain for it to proceed without further review by a professional, impartial entity: the Cape Cod Commission.

2. UNRESTRICTED PUBLIC PARKING SPACES. The developer has not offered in a firm legal agreement any number of dedicated unrestricted parking spaces for public use. The plan should not go forward until the developer has formally incorporated the promise into his plan.

3. TECHNICAL LOCATION OF PARKING SPACES. There is confusion regarding the measurement points used by the Town Planner in regard to the legality of creating this off-site parking lot across the street in a residentially zoned area to accommodate his retail/office establishment located in a business zoned area. The plan should not go forward until this 350 foot measurement has been accurately confirmed and the points of reference made clear.

4. HISTORIC CHARACTER. Our Local Comprehensive Plan demands that we consider village character as we expand business use. This plan as proposed would impose a huge corporate presence on a tiny village in a conspicuous location that is the former historic center of town and currently the gateway to the largest part of town. As has been asked:"Where will it end?"

5. ECONOMIC VIABILTY/HISTORIC CHARACTER. No assurance has been offered by the developer in the presentation of a long-term lease with Cape Cod Healthcare or the presence of any representative of that organization that this entity intends to remain here - with or without the addition requested in the plan. So the public interest in wanting a medical presence in Bourne at this location has not been established. If this entity moves its components elsewhere, as it has already done in the case of the walk-in clinic, this historic part of town could become an area of blight.

6. HISTORIC HOUSE. One of the town's oldest homes, and the most recoverable one, sits on the site of the proposed parking lot. The developer has given lip service to saving it but has made no bona fide offer to any historic or preservation group. The plan accepted by the Planning Board shows the house sectioned off with 7 feet on one side

and 10 feet on the other. As such, it would not be acceptable by anyone wishing to restore and use it. Adequate space for parking and installation of a septic system should be assured before such a "gift" is considered a viable offer.

A plan of this magnitude with such a permanent impact in a crucial part of town should not be rushed through. Too much guesswork is flying around. The plan needs more scrutiny and an unbiased review by the professional staff at the Cape Cod Commission. This is a plan with permanent impact and should not be rushed.

Ellis MOVED and SECONDED by Meier that the Selectmen send to the Cape Cod Commission for Discretionary DRI Review the plan for the 8,000 SF addition at 1 Trowbridge Road and the proposed parking lot on the property at 9 Sandwich Road.

Discussion

Pickard said if the board approves to send to the CCC, he feels that it steps over the Town Planner and the Conservation Commission, sending the wrong message to the town. Mr. Ellis is not a supporter of the Cape Cod Commission and personally sees this as motivation to delay a developer by position on this board by Mr. Ellis. If it wasn't Mr. Michienzi, this discussion would not happen.

Ellis said his concern is with the health and safety of the citizens of the Town of Bourne and it doesn't matter who the contractor is. He has no political gain.

Zuern has concerns about the property. She raised issue of a stone wall. There is also the issue of pump out tanks late at night and questions if there is a septic issue where maybe the Board of Health can review. She would be in favor of sending this to the CCC.

TA Guerino said to be clear this is separate from the Town Meeting action on 10/21/13. This is to authorize negotiation to an easement relative to a parking lot only. As it relates to the parking lot, Town Meeting can set conditions to the easement only. We can ask for some benefit from Perry Avenue but is not required by the proponent. We are negotiating the best we can, but we are not in full control/access to that property.

Mr. Farrell said a discretionary review by the CCC is a mistake. The Town Planner reviewed as did the Conservation Commission. The property owner is in control, not the town. If the town wants some benefit, he suggests working with the property owner and not against him. The Planning Board followed the rules with regard to the zoning.

Mr. Farrell addressed the proposed wall raised by Zuern. It would have been over 13 FT and was eliminated due to a safety issue. With regard to the pumping out of the system it would have been brought before the Board of Health already. In summary, we are sending the wrong message to the Planning Board, Town Planner, Conservation Commission and the Board of Health.

Mr. Elmer Klegg said he serves on the Planning Board. The Planning Board voted 6-2. He went into a lengthy discussion of why he voted against this vote. He is in support of the board sending to the CCC.

Mr. Farrell commented on issues raised by Mr. Klegg with regard to the stone wall, the business entrance door way and the healthcare. Zuern said this is not undermining the work of Ms. Moore and other boards and commissions. She also said this has nothing to do with one particular developer.

VOTE 2-3 (Zuern, Meier, Ellis in favor). TA Guerino will research the rules for sending to the CCC.

Zuern attended the Friends COA Open House, LEPC meeting with regard to transportation of generators. She also attended a workshop on estuaries and a saw a report called Climate Change Part II. She attended the Cape Cod Water Protective Collaborative and there was a summary of how much a household would pay is what they are proposing. She attended a meeting in Natick on police officers and thought may be a good thing to offer on the Cape.

Ellis asked TA Guerino to write a letter on behalf of the board to recognize Billy Wright's work for the town.

Meier attended some DPW workshops as well as Capital Outlay meetings with regard to the Bourne Police Station and said the station is something the board should not lose sight of. TA Guerino said at the Capital Outlay there will be "Chapter 2" discussions. Their top three items are the DPW, Police and Pocasset Station with the understanding that the Peebles Station would have to be addressed if it was put on a list.

Town Administrator's Report

a. Finance Committee & Special Town Meeting

The FinCom is not concurrent with the board as it relates to the medical marijuana moratorium. They voted to IP the article. Pickard may change his position due to the FinCom discussions.

b. Financial position

The Finance Director will be here on 11/5/13 to close out the books and give a report. TA Guerino said we have certified Free Cash in the amount of $5.7M and will be down to $5.3M after the Special Town Meeting. Last year the town spent $1M and this year it will be $400,000. With Stabilization and the DPW funding, we are well beyond our 12% overall and it is a tribute to a couple of one-time deposits (auction based on other towns) and the town department heads were very responsible with their budgets. The town is in good fiscal shape.

c. Personnel update

An internal candidate Ashley Dennen has been chosen for the Assistant Treasurer/Collector position which leaves an Account Clerk II position to fill. The Facilities electrician/maintenance position has been funded and three candidates will be interviewed. The vacancy at ISWM is

due to a termination and is looking to add a Crew Leader at the DPW under the existing budget. The Finance Director's contract is up for renewal and it will move the Finance Director to a contractor position of 40 hours. All senior management positions are under contract and not union positions are 40 hours.

d. FY15 Budget Preparation

There will be a Department Head meeting within the next two weeks. There are again in uncertain times in the Federal level.

TA Guerino was not able to attend the Friends COA Open House.

Request Permission to Traverse and pass over town property to install a coastal bank on Phillips Road

Netco is doing work at #39 and #45 Phillips Road.

Mr. Don Perry, Pinnacle, is doing work at #21, #25 and #12 Phillips Road and is looking to access through the beach access at the bottom of Standish Road. This is similar to the access to Sagamore Road. Pinnacle would take same precautions as other properties. TA Guerino said the work with the other company will be less cumbersome than Pinnacle. Pinnacle has had good relationships with the town. TA Guerin is asking to negotiate and get them ready

Ellis MOVED and SECONDED by Meier to approve request for Netco and Pinnacle permission to traverse and pass over town property to install a coastal bank on Phillips Road per Netco letter dated 9/30/13. VOTE 5-0.

Adjourn

Meier MOVED and SECONDED by Zuern to adjourn. Meeting adjourned at 9:15 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa A. Groezinger, sec.