

**Board of Selectmen
Minutes of Tuesday, February 14, 2017
Bourne Community Building
Bourne, MA 02532**

.....

TA Tom Guerino

Selectmen

Don Pickard, Chairman
Peter Meier, Vice-Chairman
George Slade, Clerk
Stephen Mealy
Michael Blanton

RECEIVED
2017 APR 12 PM 2:55
TOWN CLERK BOURNE

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.

All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Selectmen.

Documents

5:45 p.m. Call to order in open session

1. **Executive Session:** Regarding non-union contract negotiations with the Town Administrator. The Board will reconvene in open-session following the Executive Session.

Roll call Vote to convene in Executive Session for the purpose stated. The Board will reconvene in open session following the Executive Session at approximately 7:00 PM.

Roll call Vote to reconvene in open session.

Meeting Called to Order

Chm. Pickard called the meeting to order.

Board to report action taken in Executive session, if any.

Don Pickard said the Board of Selectmen meet in Executive Session relevant to the non-union contract negotiations of the Town Administrator; at this time there is nothing to report. There was no action taken in Executive Session. We will take another meeting in Executive session to iron the contract out.

Moment of Silence for our Troops and our public safety personnel /Salute the Flag

Public Comment - Non-Agenda Items

None requested.

5) Minutes from Meeting(s) dates: 1-31-17

Voted Peter Meier moved and seconded by Michael Blanton to approve the minutes from January 31, 2017 as presented. Vote 5-0.

6) Correspondence

George Slade brought the committee up to date on the correspondence.

- A. Eversource Energy intends to selectively apply herbicides in 2017 along the power line right-of-way and the plans for this are on file at the Town Administrator's office.
- B. Letter from Stephen Scannel regarding bay scallops.
- C. Letter regarding the playground at the railroad station park from Brownie Troop 62911. Mr. Slade read the letter.

Tom Guerino said about letter A it is his intent to send the letter that we have sent in the past again this year in opposition to the spraying.

Don Pickard said if you want a vote from the Board you can add it as an agenda item to the next meeting.

7) 7:15 Agriculture Grant - Expansion of existing up-weller operation - Wolstenholme

Voted Peter Meier moved and seconded by Michael Blanton to open a hearing relevant to an aquaculture application by Thomas Wolstenholme.

Roll call vote: Mr. Blanton - Yes, Mr. Meier - Yes, Mr. Slade - Yes, Mr. Mealy - Yes, Chair - Yes. 5-0

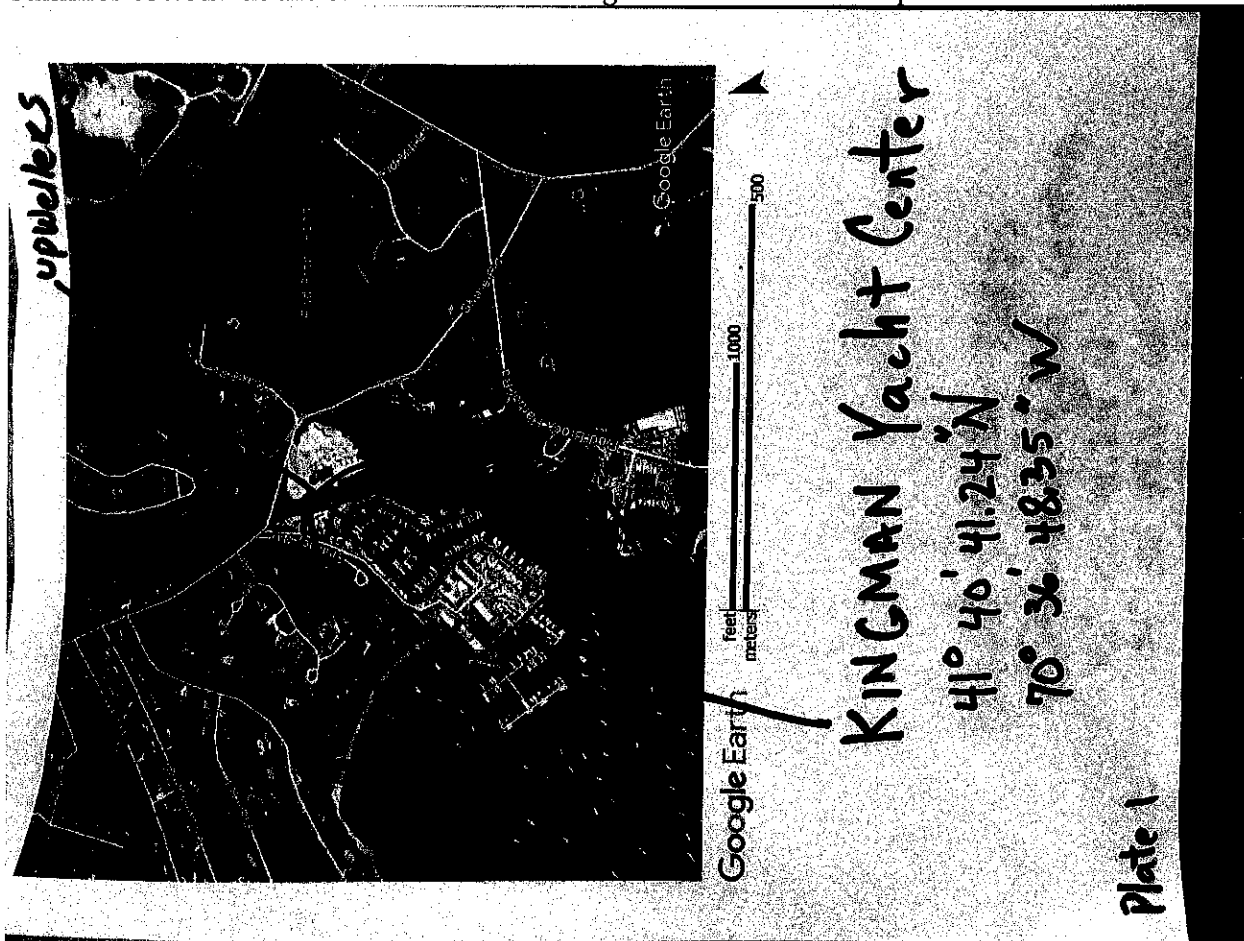
Mr. Pickard read the Public Hearing Notice

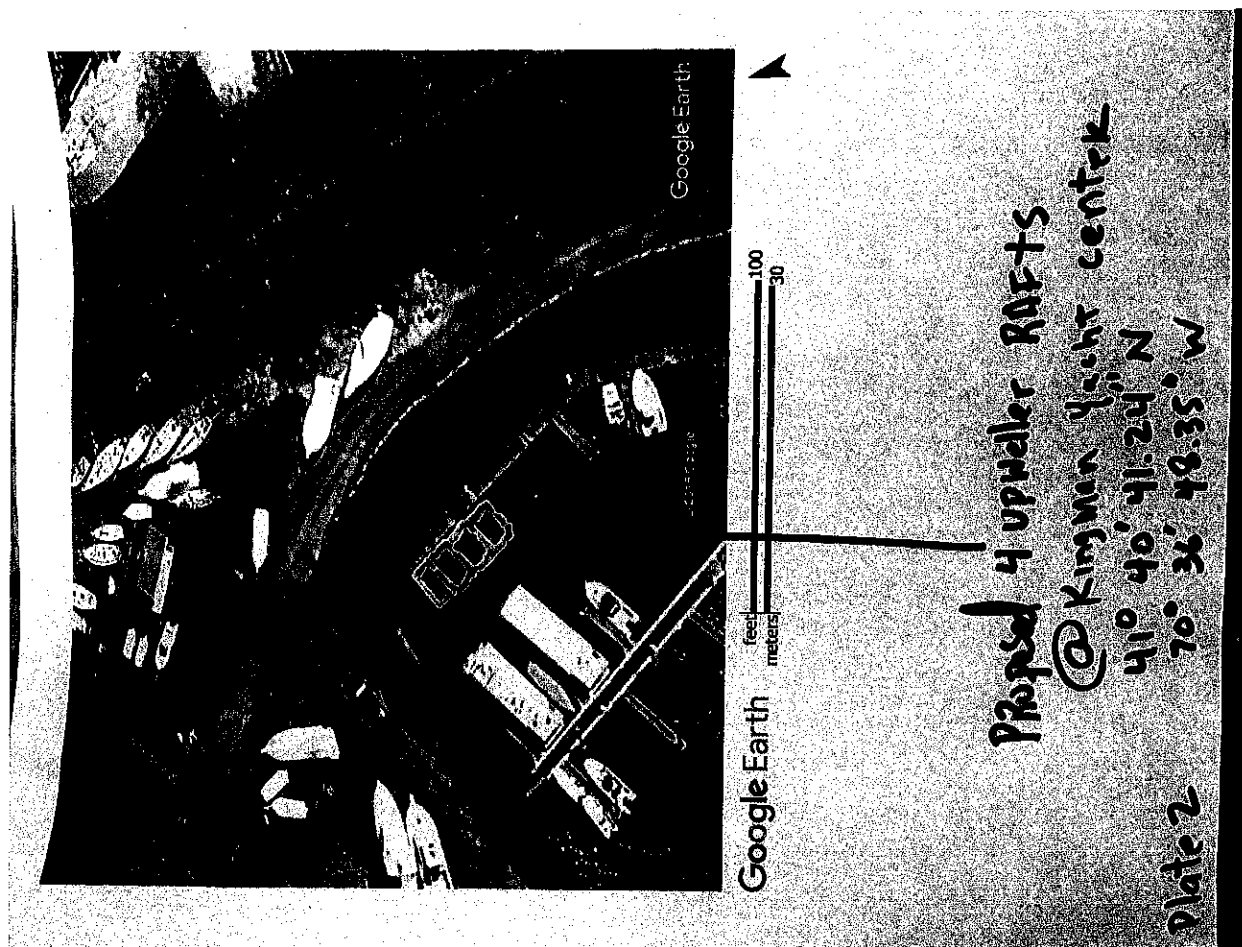
Public Hearing Notice

Notice is hereby given in accordance with provisions of Chapter 130, Section 60 of MGL as amended and Rules and Regulation and Application Requirements promulgated by the Board of Selectmen that Thomas H. Wolstenholme, 343 Shore Road, Monument Beach, MA 02553 filed an application on January 12, 2017 to expand an establish aquaculture site within the municipal waters of the Town of Bourne within Buzzards Bay. The applicant is proposing to the addition of two floating shellfish up-wellers for a total of four that will be located in boat slips at Kingman Yacht Center located at 1 Shipyard Lane Cataumet, MA 02534. The application including a plan showing the specific location of the proposed up-wellers can be viewed at Town Hall. A public hearing will be held on February 14, 2017 at 7:15 P.M. in the Bourne Veterans Memorial Community Center 239 Main Street, Buzzards Bay, MA 02532. It is signed by the members of the Board Donald J. Pickard, Peter J. Meier, George G. Slade, Michael A. Blanton, and Stephen F Mealy.

Mr. Pickard said the abutters have been notified according to the receipts. Mr. Pickard noted that if the Board does not vote in the positive on your behalf you have a right to appeal to Superior Court.

Tom Wolstenholme spoke about his request last May for the aquaculture permit for the purpose of growing juvenile oysters in two floating up-weller rafts at Kingman Yacht Center and the oyster's performance. He is requesting a renewal of the two up-weller permit and also request a permit for an additional two up-wellers to try to meet the growing demand. In addition to oysters they would like to grow juvenile quahogs in the up-wellers for fishery restorations. Mr. Wolstenholme also spoke about the reasons he is requesting the additional up-wellers. The owner of Kingman Yacht Center is happy to oblige all of these requests. He and others noticed the improved water quality in the boat basin last summer because of the millions of oyster juveniles that are filtering the fighter plankton. It is a small operation and since they are so far down in the boat basin it doesn't conflict with boat use. Mr. Wolstenholme explained the handouts. Would like to request an aquaculture permit from the Town of Bourne to operate four up-weller rafts during the summer of 2017 at the same location at Kingman Yacht Center slips 201 to 203.





Don Pickard said Tim Mullen, DNR Director reviewed this and supports the expansion of the operation. Don Pickard questioned if the applicant is going to get two permits or will it be combined under one permit. Mr. Mullen said it will be combined under one permit, which will cover the four up-wellers. They will fill a need the municipalities have. Mr. Mullen said the management of Kingman Yacht Center told him the water quality during the summer has improved since they have had the two up-wellers there.

Mr. Mealy questioned does the town take any water quality testing. It would be good opportunity to qualify what happens when we expand this type of operation. Mr. Mullen said we don't but State Division of Marine Fisheries does. We can enquire to see if they can take samples.

Voted Peter Meier moved and seconded by Michael Blanton to close the public hearing.
 Roll call vote: Mr. Blanton - Yes, Mr. Meier - Yes, Mr. Slade - Yes, Mr. Mealy - Yes, Chair - Yes. 5-0

Voted Stephen Mealy moved and seconded by Michael Blanton to approve the aquaculture application received this evening from Thomas Wolstenholme of Monument Beach for an up-weller to be extended in the Kingman Marina Yacht Center as depicted on the application.

Roll call vote: Mr. Blanton - Yes, Mr. Meier - Yes, Mr. Slade - Yes, Mr. Mealy - Yes, Chair Yes. 5-0

8) Statement of Interest - Accelerated Repair Program - Bourne High School Roofs - Ed Donoghue School Department

Mr. Lamarche spoke about the weather event and praised the DPW for the work they have done with clearing the roads.

Mr. Lamarche spoke about the request for the accelerated repair with the Mass School Building Authority regarding the Bourne High School roofs. He spoke about the minutes from January 28, 2014. At that time we had Chairman Earl Baldwin, Vice Chair Linda Zuern, Clerk Peter Meier, Don Pickard, and Don Ellis, It was presented to you at that time in 2014 and it received a 5-0 vote in favor. There are roofs on the High School that we are not planning on replacing, we are only looking at the ones that have been there since the building opened in 1961 that we are having leak problems with in wings A, C, and B. Mr. Lamarche spoke about the cost and what the MSBA would reimburse. At that time the estimated cost was \$780,000 of which MSBA would reimburse \$380,000. This is the second step. The first step was for School Committee to approve. The second step is for the Selectmen to approve this. Your approval is not to approve the project, it is for us to submit the statement of interest to see if MSBA would come out evaluate our roof and pick us up as a client for reimbursement for this project. This is a preventative maintenance project for Bourne High School. We have no intent on replacing the building, that building is structurally sound. About 1/3 of the school needs roof replacement.

Voted Peter Meier moved and seconded by Michael Blanton to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 1, 2017 for the Bourne High School located at 75 Waterhouse Road, Bourne, MA 02532 which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future. Submitted Statement of Interest - Priority 5- the Bourne High School was constructed in 1961, the building roof structure shows signs of failure and leaks in many areas. This situation and the environment it creates presents many challenges in delivering the best education possible for the students of Bourne; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Bourne School District to filing an application for funding with the Massachusetts School Building Authority.

Mr. Guerino read the document from Mr. Donohue:

Resolved: Having convened in an open meeting on February 14, 2017, the Board of Selectmen of the Town of Bourne, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 1, 2017 for the Bourne High School located at 75 Waterhouse Road, Bourne, MA 02532 which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future. Submitted Statement of Interest – Priority 5- the Bourne High School was constructed in 1961, the building roof structure shows signs of failure and leaks in many areas. This situation and the environment it creates presents many challenges in delivering the best education possible for the students of Bourne; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

Mr. Lamarche said we are estimating around 1.3 million at this point. We are expecting the reimbursement of around 44%.

Mr. Guerino said the balance is something that could be in our regular debt schedule; there is no need to go outside our budgetary debt schedule moving forward.

Vote: 5-0

9) Presented by Littoral Power - David Duquette, John Ashburne - regarding Seaport Council grant application re: Tidal energy and Bourne's possible participation

Don Pickard gave a little background on the initial meeting with the folks from Littoral Power Systems regarding a grant application that we would be endorsing or participating in as a municipality for a Tidal Energy Systems.

John Ashburne, Vice President Business Development for Littoral Power Systems Inc., gave a little background on Littoral Power Systems, Inc., and what they do. Our modular technology is based around the size of a standard shipping container. Our modular power systems can be shipped anywhere in the world by truck, rail, or commercial vessel. We believe there is a large global market potential for continuing the development for tidal power. Tidal power has been under development for the past 15 years. Mr. Ashburne spoke about what it takes to run tidal power systems and the costs associated with them; also about the team they have working for them.

Seaport Economical Counsel was established to provide money to seaport towns in Massachusetts also to promote economic development as well as to establish different types of grants.

They are proposing working together with the Town of Bourne to apply for a grant from the Seaport Economic Counsel. The purpose of the grant is to enhance the marine infrastructure here at the Bourne Tidal Test Site. By installing a test power module we would be able to gather data and research that would not only benefit the ability to generate power from the tides and be able to establish cost parameter, it would also be able to foster economic development and educational research opportunities in the region. We are hoping to increase the amount of renewable energy. If we apply for a grant together we would be able to establish a module there that would be a permanent installation to use for research by a variety of institutions. We would be in a position to enhance or improve the infrastructure in those schools. The plan is we would build a small modular title power system and it would be installed at the Bourne Tidal Test Center. It would start to generate power, be able to be measured and evaluated to make sure the materials we selected are durable enough, the accessibility of service is what we expect, and to be able to be a benchmark for other title test systems.

Peter Meier questioned if it will affect the recreational fisherman on the canal. Mr. Ashburne said you would want to investigate any particular site location if there are concerns of fisherman's lines getting snagged. Tests have shown there has been no significant mortality of fish.

Mr. Ashburne said the way the project would be organized is it would consist of the Town of Bourne as the primary applicant. Littoral Power Systems would act as the Project Manager. We would be the principal authors of the grant application. On a grant like this typically we would have other participants and those are to be determined. We are anticipating the total project budget for this installation would be around 1 million dollars. That is what we would apply for from the grant. When there is a grant awarded by the SEC there is a cost obligation of 20% that has to come from non SEC grant sources. We would arrange to cover that ourselves or have our partners cover that. We would make sure there is no obligation for the Town of Bourne to have to fund into that cost obligation. Mr. Ashburn spoke about how the allocation of the grant funds would be distributed. The next grant application deadline is May 1st. We are looking to receive your support on this. Then we would work with the Mass Tech Collaborative to make sure technical feasibility has a reasonable possibility of success. By the end of March we are hoping to gather support from state and local representatives and state and town legislatures. Mr. Ashburn also spoke about the process of the grant application and the timetable. This is an excellent opportunity for Bourne to introduce marine hydrokinetic power as well as clean renewable energy to the local schools. The hope is that employment opportunities would be increased.

George Slade question with the Town of Bourne being the primary applicant are we responsible for monitoring/auditing the project. Mr. Ashburne said it is to monitor the project to make sure the money is being disbursed properly and built in accordance to what our plans are.

Don Pickard said he understands the town would get the money and the Finance Department would disburse the money. Littoral Power would be the project manager who would have to approve and indicate the work was completed.

Tom Guerino questioned why Bourne. If you're a New Bedford company why not solicit assistance from the city of New Bedford. On the oversight, who would be responsible? If you receive the Seaport Counsel grant, it comes to the town do we, under the bid laws, have to send out RFPs and RFQs. That would determine on how we manage this project. Mr. Ashburne said in regards to the RFPs and RFQs he doesn't think that would apply. Building the prototype, the specifications are adhered to, we have a proper budget and proper controls on that, we would control that.

Mr. Guerino said if this project goes forward I would suggest you set up a meeting with the Finance Director. Mr. Ashburn said as part of the application there would be a fairly detailed budget. Mr. Ashburne said in regards to why Bourne, clearly the location of the Tidal Test Site here is a very natural spot for us. We thought this would be an ideal location.

Don Pickard questioned does the Seaport Economic Counsel, that is chaired by the Lieutenant Governor, just hand out the money or do they provide guidance as well on projects similar to this. Mr. Ashburne questioned are you asking do they also monitor it as well throughout the prosecution of the project or do they provide guidance during the application process but before the decision is made. Don Pickard questioned since a municipality is applying for the grant and administering the grant is your experience with the Seaport Economic Counsel that they will provide guidance. Mr. Ashburne said they retain the Mass Technology Collaborative their purpose is to provide the technical advice particularly on the innovation grants. They do have some advice but they don't really provide guidance.

Stephen Mealy asked if they worked out the details with the Corp of Engineers of putting something this large in that space. John Miller said the whole point is this would be probably the first tenant to come into that test site. They would be constrained to the seven meters, 21 ft. span of the test site. Whatever they develop they have to fit it in that space. Looking at the actual placement, we moved it about 20 meters away from the bridge so it is even further into the Corp. of Engineers area, so the fisherman should not be able to get their lines in there.

Stephen Mealy questioned Bourne's allocation for expenses. Mr. Ashburne said they wanted to have a more detailed meeting and be able to start to put some specifications together. Mr. Mealy said it stated the total budget cost is 1 million dollars and Bourne's allocation TBD covers its costs.

Tom Guerino said this is due on May 1st. Mr. Guerino questioned Mr. Ashburne would it put you off if the Board deferred this until the 28th of the month so you, the Finance Director and myself can sit down and see if it will work. Mr. Ashburne said that would be fine, because part of my goal is to describe what we are trying to do to be able to get enough of an approval so that we can sit down together and start to put some numbers together and put some definition on what we are planning. Tom Guerino said I could come back to the Board with a five-minute summary of our meeting. I don't think the Board would have to be present at that meeting.

Don Pickard said he will take a motion to defer a vote on the decision to participate with Littoral Power for a final vote on the 28th.

Voted Peter Meier moved and seconded by Stephen Mealy to defer this for a final vote on the 28th

Michael Blanton questioned if loosing two weeks of productivity time will negatively impact your schedule. Mr. Ashburne said it is entirely workable from their prospective.

Mr. Guerino said he wants to make sure we can follow the procurement laws and have the capacity to undertake this.

Vote: 5-0

10) Review of proposed Barlow's Landing Ramp Bylaw - Chief Woodside, DNR Director Mullen

Stephen Mealy questioned if the vote of the bylaw committee is sufficient enough to place this on the warrant article within the Town Meeting. The hearing tonight is giving the opportunity to the Board members and the public to ask additional questions of the final bylaw which has already been approved by the Bylaw Committee.

Don Pickard said so this is going on the May Town Meeting.

Tom Guerino said the Board of Selectmen requested when this came that a report be given back to the Board of Selectmen. Under the Charter if the Bylaw Committee wanted to put this on the Town Meeting they have the authority under the Charter as a Committee of the Town to do that. That vote was taken to put it on the Town Meeting.

Chief Woodside said the vote was taken by the Bylaw Committee to approve it, so it is automatically on the Town Meeting. The intent was to come before the Board before that happened. I sent the document to the Town Administrator prior to the Bylaw Committee meeting. After the meeting in October you received a presentation from Pocasset Village; Tim Mullen and I drafted a bylaw to try to mitigate some of the problems that have been going on at Barlow's Landing beach. We also met with the commercial boat users that we could and had meetings with them to talk about the concerns they would have and we also narrowed down the scope of the problem. In my opinion it was more of an access issue, so how can we improve those conditions at Barlow's Landing Beach, especially during the summer time. We drafted the bylaw; I presented it in my name to the Bylaw Committee so I am the sponsor of it. The language was very specific in our conversations. If the bylaw passes at Town Meeting how would it affect commercial boat haulers? We felt it wouldn't affect them very much. I also met with two members of the Pocasset Village Association and we talked about the change. I sent this up to the Attorney General's Office for a courtesy review. The person in charge of all the bylaws in the state gave this a high level review and had no issues with it. The bylaw that was approved at the Bylaw meeting 4-0 is

what is here. This is a potential possible solution to mitigate some of the problems that were presented to the Board in October.

Chief Woodside briefly summarized the purpose and intent of the bylaw then briefly went over the bylaw. For the period between June 1st and Labor Day, Purpose and Intent, Boat Launching Equipment definition, The Regulations, Not Leaving the Waste, The area the bylaw covers, Specific to the Barlow's Landing area Penalties, and Fines Per Person. It does not affect any person with a standard trailer.

Peter Meier said this has to go to Town Meeting to let the people decide because it affects everybody.

Michael Blanton questioned the support from the commercial haulers.

Chief Woodside said we got general support from the commercial boat haulers. We tried to speak to as many of them as we could to get their input and how it would affect them. If it doesn't pass at Town Meeting we have at least generated awareness about this issue.

John Woodley, Barlow's Landing area, wanted to say how it was stated in the Enterprise is incorrect.

A member of the public requested it be put on the Town website. Tom Guerino said since it has been approved by the Bylaw Committee and it will go to Town Meeting we can put it up as a pending warrant.

11) Selectmen's Business -

- a. Budget**
- b. Economic Development**
- c. Goals**

Peter Meier passed out an informational sheet that came out of the Finance Committee meeting from last night. If everything is approved at Town Meeting in May, Budget, Capital Articles, OPEB, Special Education Reserve Fund, and the Cody School sale, we will be roughly 1.6 million over the 5% of the general operating budget per policy, and we can use 50% of that. We are looking at a proposed override for the GRANT firefighters, which will cost roughly \$550,000. If we start looking at some of the new positions being created plus other things we may have money, for this year at least, to use towards these. As part of our discussion this may be another revenue strand.

Tom Guerino said his only concern is this has to be sustainable. Cody money is one-time money. The policy says one-time money isn't to be used in the operating budget. You would have to vote to amend the policy or place the policy aside. Want to caution the Selectmen on using one-time money going into the next years.

Don Pickard said there will be a vote on that on March 7th whether it goes to Town Meeting or not.

Stephen Mealy said in the past when we added public safety personnel we went to a dedicated override question to the public. If it is the desire of the leadership of the town to do such an impact to the budget, that trying to manipulate reserve funds, any additional personnel would have to be added with the same type of a request from the public to fund that on a permanent basis. Hopes that if the Board decides to do that, that would be the approach that we would take as we have in the past.

Peter Meier said the grant that is out there, that we missed, may be changing. We may be able to apply for a grant in the fall. Maybe we should think of a stopgap before asking people for an override.

Tom Guerino said as I noted to the Chairman, any decision relative to the SAFER grant application or maintenance of that staffing is a policy decision of the Board of Selectmen.

Stephen Mealy said I had withheld the Town Administrators budget within the approval of the main budget. I met with Tom to talk because I wanted to be sure that the assistant town administrator should be included and we should go forward with that. If we want to finish and approve the Town Administrators budget as submitted for his department, to allow the Finance Committee take action that we could entertain a motion this evening.

Voted Stephen Mealy moved and seconded by Michael Blanton to approve the Town Administrators budget as submitted for his department so that it may be passed on to the Finance Committee. Vote 5-0.

Stephen Mealy suggested having a workshop on the goals. Don Pickard requested Tom Guerino to put that together for late March.

12) Town Administrator's Report

Tom Guerino spoke on Economic Development. The meeting that was going to happen with the Commission late March is now scheduled for March 3rd. Hope if we do the SWOT with the Community Compact funds that we received. That will give us the opportunity to apply for some of the Commissioners DLTA grant funding to take that to the next step.

13) Selectmen's Reports

Peter Meier said tomorrow he will be at the Wastewater Advisory Committee Meeting at 4:30 in the Community Building

Stephen Mealy said he attended the single stream meeting of the Recycling Committee this morning and they asked me to bring up a couple points. Mr. Mealy read from his notes. In the last two storms the recycling containers were left at the curb and became frozen in place. This prevented the towns ability to empty the bins. The DPW is asking residents to ensure the containers are in place away from the curb when not on the day of the pickup

When putting them out making sure they are able to be moved. Remind you to help your neighbor, if you have an elderly neighbor or someone who has trouble with the binds. Residents are still continuing, on a small degree, mixing up trash with recyclables. Reminder that plastic bags, food, and garden hoses are not recyclable. Trash does not include such items as automotive parts and those should be recycled at the landfill. Extra bags of trash that are left beside the containers will not be picked up those should be brought to the residential transfer station landfill area. Residents are reminded to have the containers at the curb by 7:00 a.m. The container can be left out the evening before. The DPW will not come back and pick up missed containers if you do not have your container out at the scheduled time. Regarding snow and ice storms, public safety and road clearing will take precedents over trash and recycling pickup. The DPW team preforms both of those tasks, if a storm threatens and the road plows are out then no pickup will be made. Notice will be given on the town website also by a reverse 911 call. If you have not registered your house or cell phone with the reverse 911 system, please do so. The single stream recycling program continues to being in about 30% by weight agreeing with both the DPW and ISWM forecast when we started the program and agreeing with the national averages and residents are asked to keep up the good work. For more information about recycling please go to recycling site on the Bourne's homepage website.

Mr. Mealy said had an opportunity on Thursday night to ride around with George Sala to see first hand what it is like from a different perspective, from a plow truck. The amount of intercommunication between the DPW, the dispatch, the Police Department, and the Fire Department as well as all the individual drivers was phenomenal. Mr. Mealy spoke about a couple of incidents that he witnessed.

The next Bourne Selectmen meeting will be on Tuesday, February 21st at 7:00 P.M.

14) Adjourn

Voted Peter Meier moved and seconded by Michael Blanton to adjourn. Meeting adjourned. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.
From Thumb Drive