

Town of Bourne Board of Selectmen
Executive Session
Meeting Minutes

September 16, 2015

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Members Present: Selectman Mealy, Selectman Zuern, Selectman Ellis, Chairman Meier, Selectman Pickard

Also Present: Town Administrator Guerino, Attorney Troy

In Open Session, **Mr. Pickard made a motion** to enter into Executive Session for the purpose to discuss pending litigation updates and return to Open Session. **The motion was seconded by Ms. Zuern.** Roll Call Vote 5-0. **Mr. Pickard – Yes, Mr. Mealy – Yes, Ms. Zuern – Yes, Mr. Ellis – Yes, Mr. Meier – Yes**

- **Duce Case**

Attorney Troy provided an update to the board regarding the Duce case as it relates to moorings. This case was brought to DEP to appeal the Harbormaster's decision concerning missed inspections, Duce not responding to several pieces of correspondence resulting in the permit being pulled and the failure of the fee payment as required.

Attorney Troy explained that through negotiations, Mr. Duce would receive one of two moorings returned. Although the Town was not pleased with this outcome, both Attorney Troy and the Harbormaster felt this was a positive outcome. The board agreed.

- **Harvest Power**

The Board of Health expressed concerns that the Town wasn't going to be sure that its policies would be fully adhered to. The selectmen were very clear that the Board of Health would in fact have full authority as provided by law and regulation.

There was some discussion regarding "Condition 10" as it relates to a bill filed in the House that would alter the method for citing a facility like Harvest Power. The thought is to move on this as quickly as we can adhering to all aspects of the law so that we are assured that Harvest Power's interest in the facility being placed in Bourne would remain high. Attorney Troy indicated that he was very pleased with the work that WilmerHale was doing on behalf of the Town as well as that of the Town

Administrator and the negotiating team. This was moving forward well and having it negotiated with a team as opposed to multiple boards created a favorable outcome.

- **Grand Union**

Attorney Troy updated the board on the Grand Union case. The outcome appears that it will be a partial abatement which is a win for the Town in as much as the comparables were hard to come by, they came in a little late. Attorney Troy recommended that we do not appeal the Appellate Tax Board ruling, that our chances of winning on appeal would be slim. The board agreed with his recommendation.

- **Pilgrim Pines**

Attorney Troy briefly updated the board stating that Mr. Hebb is maintaining there is a constructive grant because of action or inaction by the ZBA, according to Town Counsel, that is not the case.

Mr. Pickard motioned to adjourn Executive Session and return to Open Session.

Ms. Zuern seconded. Roll Call vote 5-0. **Mr. Pickard – Yes, Ms. Zuern – Yes, Mr. Mealy – Yes, Mr. Ellis – Yes, Chairman Meier Yes.**

Respectfully Submitted,

Thomas M. Guerino

Town Administrator