

**Board of Selectmen  
Minutes of Tuesday, December 20, 2016  
Bourne Community Building  
Bourne, MA 02532**

**RECEIVED**

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TOWN CLERK BOURNE

TA Tom Guerino

**Selectmen**

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

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 - Michael Rausch Bourne Enterprise.

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

**Documents**

1. 6:45 p.m. Call to order in open session
2. **Motion to enter Executive Session regarding ongoing litigation to conduct strategy session with respect to Christopoulos Investment and Realty v Town of Bourne. The Board will reconvene in open session at the conclusion of the Executive Session.**

The Chairman declares that such open discussion will have a detrimental effect to the litigating and negotiating position of the public body.

**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.

**Voted** Michael Blanton moved and seconded by George Slade by roll call vote to go into Executive Session. Mr. Blanton - Yes; Mr. Slade - Yes; Mr. Pickard - Yes.  
Vote 3-0.

**Roll call Vote** to reconvene in open session.

**Voted** George Slade moved and seconded by Michael Blanton by roll call vote to adjourn executive session and reconvene in open session.  
Roll Call Vote: Mr. Meier - Yes; Mr. Slade - Yes; Mr. Blanton - Yes; Mr. Pickard - Yes.  
Vote 4-0.

**Meeting Called to Order**

Chm. Pickard called the open session back to order at 7:15 pm.

Board to report on votes taken in Executive session, if any.

Mr. Pickard said the Board was in executive session regarding ongoing litigation to conduct strategy session with respect to Christopulos Investment Realty v Town of Bourne

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

**Public Comment – Non-Agenda Items**

None requested.

**6) Minutes: Discussion and vote to unencumber 15 sets of Executive Session minutes between 8.2.10 and 6.14.16 as attached to the December 20, 2016 Selectmen's Agenda**

Mr. Pickard said we have a list of 15 executive session minutes from August 2, 2010 through June 14, 2016. We will unencumber executive session minutes for the following dates 8/2/10, 3/16/12; 4/3/12; 5/22/12; 7/22/12; 9/9/14; 9/16/14; 9/19/14; 11/9/14; 4/17/15; 4/30/15; 9/16/15; 6/2/16; and 6/14/16.

**Voted** Michael Blanton moved and seconded by George Slade to unencumber 15 sets of executive session minutes between the dates of August 2, 1010 and June 14, 2016 attached to the December 20, 2016 Selectmen's agenda.

Vote 3-0.

**7) Correspondence**

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

- A. Cape Light Compact activity report for the month of September 2016
- B. Bruce Weeman appealed Harbormaster's denial of mooring permit to DEP
- C. Department of Natural Resource sent a letter to Steven Galipeau regarding his dog "Thor"
- D. Letter from DEP upholding the Harbormaster's decision on a denial of a mooring permit for Robert Lawton

Michael Blanton said on item C he spoke with the Town Administrator with regard to the emotional distress for the folks. Town Administrator, Tom was considering hearing more detail with regard to the euthanizing of Thor, but Thor had attacked and bitten someone else.

Don Pickard said he was not sure the euthanizing has gone forward; the owner of the dog had indicated an appeal is going to be made with the Falmouth District Court.

**8) Selectmen's Business -**

- A. Board to discuss remedy to meeting posting complaint under the Open Meeting Law as filed with the Town by Mr. Beaty.**
- B. Board to discuss remedy to Open Meeting Law Violation as described by the office of the Attorney General**
- C. Town Administrator's Police Facility Building Committee Membership and Charge**

**8a.**

Don Pickard spoke about the open meeting law violation complaints. Complaints were made to the Attorney General by several individuals. One complaint was for the meeting on November 29<sup>th</sup>, the Board improperly posted an amendment to the agenda. We did not have a time stamp on that from the Town Clerks office on our website. The Board's remedy to that is to acknowledge the complaint and vote to remedy it. The Town Clerk, Town Administrator, and Town Counsel have all collaborated and there is a new policy in place adopted by the professional staff that indicates before any posting on the town website the Town Clerks office will stamp the date and time of the amendment.

**Voted** Michael Blanton moved and seconded by George Slade to acknowledge the complaint and indicate the remedy that was accepted by the Attorney General as well as developed by the Town Clerk, Town Administrator in collaboration with Town Counsel. Vote 3-0.

**8b.**

Don Pickard said we have had several open meeting law complaints that were sent to the Attorney General's Office. I believe there were three from Attorney Kathleen Connolly relevant to the Sagamore Revetment.

Attorney Connolly on behalf of her clients filed three open meeting law complaints against the Board of Selectmen, the Conservation Commission, and again the Board of Selectmen. They filed in Land Court and also Barnstable Superior Court.

The one complaint that I consulted Attorney Troy on was the one the Attorney General stated that the Board violated the open meeting law by posting an insufficiently detailed meeting notice and they are ordering the Board immediate compliance to the open meeting law and also caution similar violation in the future could be considered evidence of intent to violate the law. They do consider the complaint has been addressed.

**Voted** Michael Blanton moved and seconded by George Slade to acknowledge the finding of the Attorney General with regard to the complaint from Attorney Kathleen Connolly, the Board will in the future post a sufficient detailed meeting notice. Vote 3-0.

**8c.**

Don Pickard stated the Police Building Committee had a charge that took it up through the Town meeting and a ballot vote. The Administrator has developed a charge that takes the

town and their Administrator's Building Committee through the end of the project. Mr. Pickard asked the Clerk of the Board to read the Committee Membership and Committee Charge and we will vote to accept.

George Slade read the Town Administrator's Police Facility Building Committee Membership and Charge.

#### Committee Membership

The Town Administrator's Police Facility Building Committee shall be composed of 8 members, who possess knowledge, experience or interest in engineering, construction, finance and modern law enforcement management. Included in the Committee membership shall be one member of the Board of Selectmen, one member of the Finance Committee, one member of the Capital Outlay Committee, and five members appointed at-large by the Town Administrator. The Town Administrator, the Chief of Police, and two members of the Police Department staff shall serve as ex-officio members. They shall attend meetings of the Committee as required and requested by the full committee.

#### Committee Charge

The Committee shall assist the Town Administrator on the construction of a modern Police Facility which will serve the Law Enforcement and Administrative needs of the Town. The Committee's work shall include, but not be limited to the following:

1. Assist town officials with the research and evaluation of siting, guidance of actual construction of a municipal use Police Facility;
2. Assist with the preparation of a financial analysis on proposed Police facility, including identification of current town needs to be served by the project, the long-term needs of said department, the design, engineering, construction and annual maintenance;
3. Shall work with the Energy Advisor Committee to assure the cost of energy and potential for alternative energy savings is researched and implemented or selling of excess energy. All plans are to be forwarded to the Cape Light Compact for review.

The Committee will report to the Town Administrator on a monthly basis or as requested by the Town Administrator and to the Board of Selectmen at least semi-annually. The Committee shall complete the charge as described above on or before December 2019, and shall provide a final report upon the completion of the construction of the Police Facility.

Don Pickard said the charge will be available at Town Hall.

Michael Blanton questioned regarding to the Cape Light Compact review is that something that we could support or amend as we needed. Mr. Pickard said that could be amended.

Mr. Blanton also stated in the Charge it states on or before December 2019, if work is completed before that date would the committee automatically dissolve?

Jim Mulvey said a construction oversight group is a long term and highly important involved operation. What I was wondering about is providing funding for them for secretarial services, at least. I don't recall anything in the Executive Order that would give them a certain amount or have access to some financial aid particularly for a professional note taker rather than trying to rely on the committee itself. There may be other expenses involved in the long term.

Don Pickard said I believe the committee has been taking their own notes. It is important we pass this tonight. They have a scheduled meeting tomorrow afternoon to discuss the Charge and move forward. If there are things that we need to review and added we can do that.

Michael Blanton said Mr. Mulvey raised an important point with regard to process down the road examining the decisions that were made as we go forward on the building. Maybe there is a mechanism that we need to look into or that Tom Guerino needs to look into with regard to recording those notes and recording those sessions.

Don Pickard said we can ask the Chairman of the Committee, Charles Noyes, and see what he thinks.

**Voted** Michael Blanton moved and seconded by George Slade to extend the charge of the Town Administrators Police Facility Building Committee as notated here in the exhibit before us on this meeting on December 20, 2016 and extend that charge out to the date recommended December 2019 on or before.

Vote 3-0.

**9) Keeper of the records. Appointments. The Board will be updated on the new Record Access Officers appointments and an upcoming seminar on the requirements of the new Public Records Law for Boards and Committees**

Don Pickard said this was going to be done by the Town Administrator. It will be put off until January 3<sup>rd</sup>.

**10) Town Administrator's Report - FY 18 budget update**

Mr. Pickard said the Administrators report we will not have until our next meeting on January 3<sup>rd</sup>.

On January 3<sup>rd</sup> we will be voting our broad based policies for the budget. Mr. Guerino will turn that over to us by the 15<sup>th</sup> after he gets our broad based policies for the budget, we will keep that for about two weeks and then turn that over to the Finance Committee all in accordance with the Charter or various Town Bylaws.

### **11) Selectmen's Reports**

Mr. Blanton wanted to wish the people of Bourne a Happy Holiday Season and Merry Christmas.

George Slade wanted to say Merry Christmas and also spoke about the Bourne Food Pantry. Donations are coming in. The donors and the volunteers are to be congratulated.

Don Pickard wanted to say Merry Christmas and enjoy your Holiday.

The next Bourne Selectmen meeting will be on Tuesday, January 3<sup>rd</sup> at 7:00 P.M.

### **12) Adjourn**

**Voted** Michael Blanton moved and seconded by George Slade to adjourn. Meeting adjourned at 7:40 pm. Vote 3-0.

Respectfully submitted – Carole Ellis, secretary.