

**Board of Selectmen
Minutes of April 3, 2012
Bourne Community Building
Bourne, MA 02532**

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TA Guerino

Don Pickard, Chairman
John Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin

Guests: Phil Goddard and Dan Barrett of ISWM

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- None

Ford MOVED and SECONDED by Baldwin to go into Executive Session to discuss Fire, Police Patrol Officers, LIUNA "Unit A", Town Administrator Contracts and Litigation update and reconvene into public session. Roll Call – Ford – yes; Baldwin – yes; Pickard – yes.

Meeting called to order

7:30 pm by Chm. Pickard

Note this meeting is being televised and recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time

Moment of Silence/Salute the Flag

Public Comment

None.

Approval of minutes – 3/13/12; 3/20/12; 3/27/12

Meier MOVED and SECONDED by Ford to approve minutes of 3/13/12 as amended. VOTE 4-0.

Meier MOVED and SECONDED by Baldwin to approve minutes of 3/20/12 as submitted.
VOTE 4-0.

Meier MOVED and SECONDED by Baldwin to approve minutes of 3/27/12 as amended.
VOTE 4-0.

Correspondence

Meier read correspondence into record. Copies of correspondence are available at the Town Administrator's office.

Item – ABC action. Atty. Troy said it is his understanding is that applicant is going to come back to the Board (not ABCC appeal) and ask for transfer and not pursuing the expansion.

Item Z - Atty. Troy doesn't know the reason with regard to an appeal, but can get back to the Board.

Item G - Allegation of violation by establishment. Lt. Silvestro requested a hearing on alleged violation. TA Guerino said hearing notices will be set up and will be at an upcoming meeting.

Discussion and Public Details of the TA Contract

Meier recused himself as a family member is a town employee.

Ford MOVED and SECONDED by Baldwin to accept the modification of change in language in the Town Administrator contract. VOTE 3-0.

Ford said he didn't vote for the TA contract last year. The last three years have not been easy for the TA or the BOS; there have been a number of executive sessions in that period of time, involving the TA's contract or contract items. Results a one-year contract last year and now this 2-year contract 2013-201. It is an excellent worded contract and has new sections that were needed.

1. Supersedes any provision under the Town Charter
2. Review performance of the TA by the last day in December and determine if any improvement and or training required
3. Performance expectations section funding up to \$5,000 annually for the ICMA credentialed manager certification program
4. Corrective action process which is basically a progressive disciplinary section.
5. Agrees this an excellent contract needed for this TA, he did not vote for the contract because in his opinion if the TA needs a progressive disciplinary clause in his contract, he should not be granted a contract. Agrees this is an excellent contract that was needed because in his opinion, if town needs TA disciplinary action the TA does not need a contract.

Baldwin – believes the TA contract is fair.

Pickard – voted last year against the contract. Wording has improved and he can look forward to getting on doing business of the town.

Atty. Troy – added the process of doing this contract also accounts for a troubling provision of the Charter the town needs to look at. TA is appointed for indefinite term. Interpreted to say

once appointed, can't be removed except for cause. Looked at the term and contract and took out of the terms of the Charter (TA agreed). Allows flexibility in appointing and renewing contracts of TA. In the future, the town intends to keep the contract outside of the provisions of the Charter. Towns need flexibility to deal with TA's and this is a step in the right direction. Thanked Mr. Guerino for his acceptance.

ISWM Long Term Disposal Contract

Highlights of each contract:

Ash – 10-year contract accept for disposal and cover. MSW pricing of \$73/ton beginning 2015. Bourne will retain 24,000/yr to market to respond to fluctuations. Landfill business model est. of \$110M. Bourne will retain control of the site and the landfill.

MSW – 15-year contract to accept trash after landfill closes. Extend to 20 yrs option. STM asking for TA authority to sign 20-year solid waste agreement through 12/31/41. Tipping fees \$17.92 in 2022 escalated at fixed 2 ½%. This contract does not conflict with recycling and diversion goals. GET COPY FROM DAN BARRETT.

Ford – asked if Board of Health (BOH) has reviewed both contracts. They weren't aware of how much ash Bourne was going to take. Price is a substantial component, but the biggest concern of the BOH is the environmental concerns.

TA Guerino – components that would be included is not exceeding average daily tonnage and weekly tonnage if materials to be deposited in the landfill, within the permit. Dan Barrett is going to the BOH with details of the contract. Recommends the Board go ahead with the vote tonight.

Chm. Pickard – every process that has been addressed, the BOH has been brought up to speed. This provides Bourne with a revenue stream that is predictable and has a lot of potential for the town.

Ford – will vote to authorize TA Guerino to sign agreements as BOH have been brought up-to-date.

Ford MOVED and SECONDED by Meier to authorize the Town Administrator to sign Ash Disposal Agreement and MSW contract with Covanta-SeaMass on behalf of the Board of Selectmen. VOTE 4-0.

Mr. Phil Goddard gave copies of the contracts for Selectmen signature.

TA Guerino said responses to RFPs opened last week on Thursday @ 2pm. Received one proposal integrated for 3 RFPs; received 2 proposals on RFPs regarding leachate; 3 proposals are non-responsive and could not be acted upon. Mr. Aronson looking at submittals and 90-days to make a recommendation moving forward. Best way to proceed is voting will be done

by the Sub-committee which includes John Redman (FinCom), Bob Schofield (Energy Advisory Committee, and Mr. Ware.

Licenses/Appointments/Easements

a. Sandy's Famous Seafood Restaurant

The majority of the Board wishes to table vote once site plan review of 20'x73' outside patio for dining has been conducted.

Planters will be used and removed off season. Will have a person to watch and keep patrons in deck are.

Ford – there usually it is a hearing with regard to decks. TA Guerino said already had hearing, bit will speak with Ms. Sundman to make sure the town is in compliance moving forward.

Meier – would like to hold off on voted pending Planning Board opinion with regard to parking.

b. 4th of July Parade – 6th Annual request

Meier MOVED and SECONDED by Baldwin to approve request of the 4th of July Parade to be held on 7/4/12 from 9:00 am – 12:00 pm per routing slip. VOTE 4-0.

Shellfish Propagation Closures

Recommended closures from DNR Director Tim Mullen which include Tobey Island, North side, designated recreational area known as Little Bay, portion of the designated recreational area known as Winsor Cove and section or the North East corner of Little Buttermilk Bay adjacent to Old Head of the Bay Road. Closures will be effective 4/23/11 for about a year, TA Guerino believes.

Ford – the cost of bushels is likely to be \$15/\$17 which is cost effective. Propagation is funded by Shellfish Propagation Fund. The price is going up as last year it was \$12.

Meier MOVED and SECONDED by Ford to approve the Shellfish Propagation Closures as presented by DNR Director Tim Mullen. VOTE 4-0.

Town Administrator Report

a. Recreation Department part-time Program Director

Re-address after discussions to keep programs expanding and running in the Recreation Program. It is not a net \$19,000, but rather a net \$12,000. This is not a full salary and is an augmentation of about \$12,000. TA Guerino requested sum justification given to Board in writing. TA Guerino recommends. It is non-benefited and provides help to a one-person department.

Krissanne Caron explained one person cannot take on registration for 450 kids for basketball for example. The SWISH league is no longer running the basketball as they struggled to get

volunteers to run the program. If the Recreation Department doesn't step in, there won't be a recreation program.

TA Guerino said Ms. Caron looked at fee structures in the first year, the fees currently charges that are in place right now; they would go up exponentially and be hard for people to participate. Next year will be able to offset.

Ford suggested to put \$19,000 into the Revolving Account to make available for the first year only (not a permanent position) out of the Town budget.

Ms. Caron said the League recommended a fee on the high end. With not paying custodian fees as it was put into the budget, the fees should go down.

Chm. Pickard – the cutting a new position. TA Guerino said looking at positions and setting priorities, the Fire Department position is going to be put on hold at this time.

Meier MOVED and SECONDED by Ford to approve the position of the part-time Program Director as presented by Recreation Director. VOTE 4-0.

b. Liquor License denial appeal – Luke's Liquors 'N More

This item was discussed under correspondence.

Selectmen's business

Meier – Sandy's has 30 days to act or right to appeal under default. A decision will need to be made by 4/19/12.

Ford – attended Main Street Steering Committee meeting moving ahead in getting Cape Cod Commission approval – next week meeting with Executives with regard to security.

Meier – 100 year anniversary of the canal. It is also the 100 anniversary of Bourne Town Hall and suggested looking into recognizing with the canal anniversary. If the Historical Commission isn't the correct avenue, the Board may be able to.

Baldwin – will attend forum by Lt. Governor with regard to use of the base. Chm. Pickard will also attend.

Adjournment

Meier MOVED and SECONDED by Baldwin to adjourn meeting. Meeting adjourned at 8:30 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.