

**Board of Selectmen  
Minutes of May 22, 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  
Linda Zuern

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

List of documents

- Donald Pickard memo dated 5/22/12 to the BOS – 7 pages

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.

**Meeting called to order**

Chm. Pickard at 6:00 pm. Meier MOVED and SECONDED by Baldwin to go into Executive Session to discuss LIUNA – BEA contracts and to reconvene in Joint Session with the Bourne School Committee to fill vacancy on the CCRT School Committee left by resignation of Joseph Agrillo. Roll call: Ford – yes; Meier – yes; Baldwin – yes; Zuern – yes; and Pickard – yes.

Joint meeting with Board of Selectmen and Bourne School Committee to fill the unexpired term on the UCRT School Committee left by resignation of Joseph Agrillo until the next election.

Kevin Farr, UCRT School, thanked the town of Bourne for its support of the UCRT, for his 30 administrative years and for the last six (6) years as Superintendent of UCRT. He respectfully requested the committee and board support Ms. Mary Crook as Bourne’s Representative to the UCRT School Committee.

Chm. Pickard acknowledged a quorum of both the Board of Selectmen and the Bourne School Committee.

Three candidates applied for the UCRT Bourne’s Representative position vacancy. Ms. Mary Crook, Mr. Steven Strojny and Mr. David Sampson. Ms. Crook and Mr. Sampson present tonight.

Ms. Crook - introduced herself to the board and committee. Ms. Crook's position as an advocate for Bourne, her position is to be fiscally responsible – for both equality and equity – which includes children, tools and staff, professional development.

Mr. Agrillo – he is not in support of Ms. Crook.

Mr. Sampson – introduced himself to the board and committee. He was a former president and superintendent of UCRT. He is interested in the best education of the students within the school's fiscal scope; it is important to have facilities and equipment available; personal and professional development as Bourne Representative. When asked about his 11 years absence how does he anticipate to get back into the school committee – he has been actively in contact with administrator of the schools, the community and keeping up with what is current. He was also asked about the position in November – he responded he would likely be a candidate for the position expiration in November.

Mr. Agrillo – is in support of Mr. Sampson.

No public comment.

School Committee:

Siroonian MOVED and SECONDED by O'Hara to appoint Ms. Mary Crook as interim Bourne Representative on the UCRT School committee. VOTE 6-0; AND

**Board of Selectmen:**

**Zuern & Meier voted in favor of Ms. Crook with opposition from Ford, Baldwin and Pickard.  
VOTE 3-2**

FINAL JOINT SESSION VOTE is 8-3.

Meier MOVED and SECONDED by Siroonian to close Joint Session meeting. UNANIMOUS VOTE.

### **Moment of Silence/Salute the Flag**

Chm. Pickard congratulated Ms. Linda Zuern.

### **Public Comment**

Ms. Dwyer will wait until TA report.

### **Approval of minutes –regular meeting minutes of 4/17/12**

Meier MOVED and SECONDED by Ford to approve minutes of 5/1/12 as amended.  
VOTE 4-0-1 (Zuern).

Meier MOVED and SECONDED by Ford to approve minutes of 5/11/12 as submitted.

VOTE 4-0-1 (Zuern).

Ford MOVED and SECONDED by Meier to approve Executive Session minutes and to unencumber of 6/23/08, 11/2/09, 3/23/10, 5/19/10, 5/25/12, 8/24/10, 11/16/10, 12/14/10, 3/1/11, 3/8/11, 3/15/11, 9/27/11, 2/21/12 and 3/6/12. VOTE 4-0-1 (Zuern).

Mr. Agrillo – commented on the length of time to approve the Executive Session minutes. Chm. Pickard explained minutes were under review and sealed with regards to TA Guerino's contract negotiations before making public. He took responsibility, as he is the Chairman.

**7:15 Pole Hearing: Scraggy Neck Road – Nstar Electric**

TA Guerino - Board was handed an amended petition and plan which can be acted upon tonight. NStar requesting permission to locate and relocate pole, wires, cables and fixtures to a new pole on Scraggy Neck Road in Bourne. In order to do so, it is necessary to secure existing pole line on Scraggy Neck Road.

Meier MOVED and SECONDED Ford to approve placement of the pole on Scraggy Neck Road as described in the application by NStar. VOTE 5-0.

**Correspondence**

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

Item L – Ford commented on phone calls against on extending the parade route. Police and Fire Chief will be in before the Board to discuss at a later date.

Item F – Pickard communicated to Miss Wilson by e-mail with regards to the Ella F. Hoxie Elementary School before the 2012 Town Meeting.

Item Q – Zuern inquired about the board's decision with regards to Mr. Seaver's Goose Busters Program. TA Guerino said board didn't endorse, but based on his discussions with the Harbormaster, there are no laws that are being broken with Mr. Seaver's Program, and he can continue his Program. The Program is not a town sanction.

Item K – ABCC hearing and if there a need for a member of the board to attend. Town and T.J.'s will be asking for an extension.

Item P – Cape Cod Commission GIZ decision. TA Guerino recognized Town Planner Coreen Moore who worked the last 4 years on the GIZ.

Item R – Fire Service Commission. TA Guerino recognized Chief Green who participated in a Fire Chief Credentialing Program.

**Licenses/Appointments/Easements**

**a. Sweet Caroline's Café – Common Victualer**

Ford MOVED and SECONDED by Zuern to approve request for Common Victualer license at 240 Main Street (formerly Flip Flops) subject to the Board of Health comments for outside grilling for the summer; VOTE 5-0.

Zuern MOVED and SECONDED by Baldwin to approve request for Entertainment License at 240 Main Street Monday – Sunday 11:00 am – 4:30 pm, per routing slip. VOTE 5-0.

**b. Pocasset Subway – Common Victualer transfer**

Ford MOVED and SECONDED by Meier to approve request for Common Victualer license at 626 MacArthur Blvd., Pocasset, per routing slip. VOTE 5-0.

**c. Arts Foundation of Cape Cod – One Day Liquor**

Ford MOVED and SECONDED by Meier to approve request at 101 Academy Drive, Buzzards Bay for the Unveiling of Pops by the Sea original Commissioned Painting; awards go to winners of Comcast Art Scholarship T-Shirt Design Contest for One Day Beer & Wine Liquor license on 5/29/12 from 5:30 am – 7:30 pm, per routing slip. VOTE 5-0.

**d. Marconi Club – One Day Liquor**

Ford MOVED and SECONDED by Meier to approve request at 90 Adams Street, Sagamore for the Boosters Club One Day All Alcoholic license on 7/15/12 from 11:00 am – 5:00 pm, per routing slip. VOTE 5-0.

**e. Mass Maritime Academy (MMA) @ Beachmoor – One Day Liquor**

Ford MOVED and SECONDED by Meier to approve request at 101 Academy Road, Buzzards Bay, for One Day Liquor license at the Beachmoor at MMA, per routing slip. VOTE 5-0.

**f. St. Peter's Fun Day – Entertainment License**

Ford MOVED and SECONDED by Meier to approve request at 165 Main Street, Buzzards Bay for Entertainment license on 7/7/12 (rain date of 7/8/12) from 10:00 am – 4:00 pm, for St. Peter's Fun Day, per routing slip. VOTE 5-0.

**Recommendation of Special Counsel for ISWM negotiations by Dan Barret.**

Chm. Pickard said Town Counsel will need more time to review.

Ford MOVED and SECONDED by Meier to table discussion. VOTE 5-0.

**COA Director Vacancy**

**a. Policy discussion how to proceed effectively with the new search**

Pickard read into record his memo to the board on 5/22/12. In conclusion, he believes that contrary to the statements of the Town Administrator and HR Director, two members of the Hiring Committee did not know about the firing of their choice for the COA Director by the Town of Fairhaven until an article was forwarded to them by him on 4/22/12.

TA Guerino – for the record, go back to the DVD, on Page 1, Paragraph 4 citing his discussion prior to the selection, he said he was told by Fairhaven that Ms. Nadeau had a number of positive qualifications. In addition, he continues to maintain the candidate stated she was invited to leave Fairhaven.

Ford – disagrees with TA Guerino due to the paper trail and that there wasn't a diligent background check done. In making sure this does not happen again, he would like a process set up. He recommended applicants be notified when their resumes are received; and a letter thanking them for participating if they aren't selected. Committees should have resumes in a timely manner. He would like a policy set up with regard to the screening process to include the Friends, a member of the Council on Aging, a Council on Aging from another community, and a member-at-large.

TA Guerino – he takes responsibility for not notifying the board of his appointment prior to making public. In his tenure, there has never been a veto on an appointment and waiver of time. Moving forward, he wants to follow a similar pattern for the new COA Director as when hiring the Finance Director. There shall be a five (5) person committee to include: Financial Director, COA Director from another community, TA from another community, Chairman and President of the COA (Ms. Blake), HR Director, and the Town Administrator. Applications are due in by 5/8/12. HR Director will go through initial review looking for criteria of position. Resumes will be forwarded to the rest of the committee; who will then determine who will be interviewed. Then follow a process that was not followed as tight previously: Meet Executive Session with the board before making appointment public. This is the process moving forward and welcomes recommendations by the board.

Chm. Pickard – he would like to see a committee made up of five (5) members, provided they are given all applications to see who they like and the HR Director sit in on the interviews. He disagrees on how TA Guerino suggested to proceed; the committee should include member of the Friends, the COA, but recognizes TA Guerino as the hiring manager be given a group of five (5) to fit criteria that has been set.

Ford – takes exception that TA said it was the first time of a veto on an appointment. He thought the HR Director's responsibility was to guide the group through the process ahead of time. He feels the committee should have all this information in a timely manner.

Zuern – agrees with Pickard and Ford. Doesn't see why the town would need a TA from another town, but suggests the Director of the Community Bldg, the Trustees and their Director, the COA, Friends and another additional person. She sees Financial Director Marzelli as a resource and not as a member on the hiring committee. She feels the committee should include people working closely with the COA Director.

Baldwin – would like to have received Chm. Pickard's memo sooner than tonight for review. He would have preferred going to **the Board of Selectmen before** Ms. Marzelli for e-mails, the board should have been in Executive Session to review of said e-mails and not just the Chm. He

feels the last statement in the memo "...whether anyone forthcoming ..." is an opinion and should not be included in the memo. To him, this comes close to interfering with the town's daily operations.

Pickard – disagrees on interfering with the town's daily operations as there is a credibility issue.

Baldwin – is concerned about what took place at the last meeting. There were accusations made by two (2) members of the hiring committee. The issue is not just the hiring process; the whole thing has been a problem. If an elected official goes to a town employee requesting paperwork, he feels a request should be filed.

Ford – disagrees with the filing for information. Pickard went to Town Counsel. There was an issue in the past where Mr. Ford, as Chairman of the Board, consulted Town Counsel through e-mails. There were some failings found and it was recommended training be conducted. This is something the board has to take up moving forward. He agrees with Baldwin where there should be an Executive Session to address emails and review. He discussed process with TA Guerino this past Friday.

TA Guerino – has no problems with the Board looking at his e-mails as they are public record. His biggest concern was, if the board wanted to see his e-mails, they only had to ask for them. He regrets the whole board was not made aware of e-mail paper trail. Relative to Zuern comments, he does see reasons where he would ask Financial Director as a member of the committee as there is information in filing grants in dealing with the senior population. Ms. Marzelli is a credible, well-respectable individual. At the board's recommendation, he will bring on a member of the Friends on this search moving forward. He will take recommendations of the board into serious consideration as he respects the board with the majority of the highlights the board has brought forward. With regard to the Executive Session, put on the agenda before the board 6/05/12 meeting, as the May 29, 2012 meeting is extremely full.

Ford MOVED and SECONDED by Meier to hold Executive Session on 6/5/12 with regards to the Town Administrator role and the appointment of the COA Director to review timelines and responsibilities. VOTE 5-0.

**b. Assessment of what happened and discussion of how to address the first recruitment**

Mr. Agrillo – suggested the board use a hiring company.

Mr. Mulvey – he would like to see a properly constituted committee with proper members appointed to it with a proper Executive Order which defines what the committee is to do. The TA hires and fires subject to possible veto by the Selectmen. The TA's obligation is to properly constitute and charge a search committee. He suggested a seven (7) member committee be considered to design and ask for suggestions before TA Guerino implements.

Mr. Paul Gately – asked the salary of the COA Director. TA Guerino responded around \$70,000, being on the high end.

Meier – asked when the board can expect to have the COA Director position filled. TA Guerino responded by the 3<sup>rd</sup> week of July; latest by the first week of August. All applicants are subject to a CORI check.

Chm. Pickard – he would like to see more of a verification check on educational achievement.

TA Guerino – there were some failings in the hiring selection previously, but will follow a similar check.

Ford – for the record, he feels the process in which he used as a board Chairman and what the current board Chairman used was the best system to follow.

### **Selectmen's business**

#### **a. Discussion on preparing municipal buildings for Canal Centennial Celebration**

Meier – asked to be put on the agenda to be pro active. Ford had asked the Logistics committee how much money they would need for security, medical, etc. They will come before the board in the near future. TA Guerino would also like to deal with making sure the town's own facilities appearance is in good shape (some capital expense – paper, paint, signage).

#### **b. Pan Mass Challenge Discussion**

Meier discussed issues last year and will defer to the Police and Fire Chief as they went to the Cape & Islands GMS and will support with what the Police and Fire Chief have to say.

Ford – with about 7,000 cyclists, the town historically has had “No Parking” Signs posted at Taylor's Point prior to the Challenge.

Meier – there will be a 6/9/12 Taylor's Point Association meeting to discuss issue. A PR will take out the conflict out of the discussion.

Police Chief suggested looking at the parking in the future and suggested a ticket and tow system. Pan Mass should be paying for the services they demand the town provides. There will be police coverage from 10:00 am – 6:00 pm.

Ford – is in favor of posting signs on the property at Taylor's Point towed at owner's expense (on town property) and would like the Taylor's Point Association take a vote on action. TA Guerino will relay to Pan Mass the town's concerns. Police and Fire Chief will ask for a Declaration prior to the Challenge.

Zuern – agrees that Pan Mass should go through the proper channels for functions.

TA Guerino will follow up on discussion with Pan Mass.

**c. Board Re-organization**

TA Guerino suggested the Board refer to the Board's policy and procedures with regards to re-organization. Any board member interested in any of the positions open (Chairman, Vice Chairman and Clerk) should send requests to TA Guerino's office per policy. Ford said to save time, send notification to the board and cc TA Guerino. TA Guerino suggested taking care of the Board of Sewer Commission's re-organization as well. Chm. Pickard is not interested in re-seeking the Chairman position.

**TA Administrator report**

**a. Personnel Policies and Procedures (intro to Board) – provided in hard copy**

Town Counsel recommended some changes which have been incorporated into the document, and requests the board review. He would like to put on agenda for 6/19/12. Three readings will be required.

**b. Water safety funding from Town Meeting – uses – Recreation Director**

Best utilization of additional \$25,000 discussion. TA Guerino said to lifeguard a beach, it would be approximately \$14,000 and \$16,000 per beach; two beaches could not be manned with \$25,000. He is recommending one beach at 40 hours (4 beaches total) and to add a full additional session of swimming lessons in town (1 instructor @ 35 hours, \$6,800 for approximately \$16,000 for the 4<sup>th</sup> beach). Beaches currently recommended are Sagamore Beach, Electric Avenue, Monument Beach and Hen Cove.

Ford – asked where the swimming lessons will be. Recreation Director Ms. Caron – said the intent is to have where the town would have a lifeguard.

Zuern – she is in favor of taking a lifeguard out and put at an extra beach.

Ms. Caron – try to align lessons and offer different sessions (in July at Electric Ave and in August at Sagamore Beach). Zuern feels a lifeguard is more important than the lessons. Ms. Caron – disagrees as swimming in the ocean and pool is different. Zuern - heard there aren't as many swimmers at Electric Avenue vs. Gray Gables.

TA Guerino – looking at the money available, with the additional \$25,000, has tried to offer the broadest possible services to the broadest number of people.

Zuern – suggested charging parents for swimming lessons. Ms. Caron – the town does, but in order to make it affordable, the town has to subsidize some of the money. TA Guerino – the town will turn no child away who cannot pay for the lessons.

Ms. Dwyer – there is documentation that says it is the Selectmen's decision to name the three beaches. She based the \$25,000 number on discussions of lower numbers in guards at each beach. She would have asked for more money as she feels the numbers are being changed to leave out certain beaches.

TA Guerino – clarified that the townspeople voted to provide lifeguards. Looked and numbers and the budget. Selectmen said it is their goal to provide lifeguards for this fiscal year. It is up to the TA to name the beaches. If the board has concerns of where he is placing guards, the board would have recommendations. Location is based on population bases, etc. When looking at the lower numbers, he is looking at the record the beach had previously. There were some errors on how some beaches were covered and is concerned with having one (1) lifeguard at any particular time as he doesn't want an occurrence like what happened with Molly Bish occurrence.

Ms. Dwyer – she raised issue that back in February 2012, she was told to have lifeguards at one beach, it would cost between \$9,900 - \$12,000; this is how she came up with the additional \$25,000. Ms. Caron – she remembers giving the numbers to Ms. Dwyer, but when including those numbers, it didn't include workmen's comp and liabilities; the numbers were also based on the increasing the cost of lifeguards. Also, the beaches were previously understaffed and moving forward the town will need the increase of guards for safety. Ms. Dwyer is concerned about no swimming lessons at Gray Gables. Ms. Caron – the town's lifeguard rate is relative to the standard of the employee the town wants; she has a concern about staffing four (4) beaches with well-qualified lifeguards.

Zuern – she is concerned about hearing more requests for lifeguards and not swimming. She would like to see a lifeguard at Gray Gables. Ms. Caron – three (3) lifeguards at each beach equates to hiring a total of five (5) lifeguards.

Ford – demographics is why the named beaches were named.

TA Guerino – discussed lifeguard salaries and believes as a Town Administrator and a former lifeguard beach administrator, the guards are important but teaching to swim where there are guards is more important. Ms. Zuern's points are well taken, but with the money available, a lot of work has gone into selecting beaches to be covered and is the best the town can do.

Ms. Dwyer – asked Ms. Caron if she had any numbers from 2010 of the swimming lessons and how many took the lessons. Ms. Caron said the files were empty and could not find all the swim lessons and doesn't have a lot of information for 2010; she wasn't in charge of the lifeguards at that time. Ms. Dwyer said the person who was previously in charge of lifeguards, Ms. Cox, said she gave Ms. Caron all that information and doesn't know why Ms. Caron cannot find it.

Zuern MOVED the board direct TA Guerino to find a way to put a lifeguard at Gray Gables by cutting swimming lessons at another beach or to cut a lifeguard from a beach that is not as populated. No second to Ms. Zuern's motion.

**c. Point of personal privilege**

TA Guerino will waive discussion tonight.

### **Other Discussion**

Board's goal session – Chm. Pickard suggested putting on the agenda after the board re-organization.

Ford –asked about pothole money. TA Guerino said looking at last year's numbers, it could be in the upper \$700,000 range; it will be a 80/20 split and all will go to educational issues. There will be an upcoming MMA Leadership conference in Sutton, MA.

TA Guerino informed the board by e-mail, but said he will be at training on 5/31/12 and 6/1/12.

Meier – responding to Paul Gately's e-mail. ***(Peter to provide prepared written response on Monday)*** He commented on phone calls he made to Fairhaven and a letter to the editor he wrote (which happened 4 years ago). He explained his reasoning for both incidences and said he was never once asked for clarification of his actions. While out walking on a Sunday, he was shouted at and discriminated against in front of his 6 year old daughter. There are limits and his daughter is off limits.

### **Adjournment**

Ford MOVED and SECONDED by Zuern to adjourn meeting. Meeting adjourned at 9:40 pm. UNANIMOUS VOTE.

Respectfully submitted,  
Lisa Groezinger, sec.