

**Board of Selectmen
Minutes of September 9, 2014
Bourne Community Building
Bourne, MA 02532**

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TA Guerino

Peter Meier, Chairman
Don Pickard, Vice-Chairman
Stephen Mealy, Clerk
Don Ellis
Linda Zuern

Mr. Michael Rausch from the Bourne Enterprise acknowledged recording meeting at this time.

Documents

- Holmes & McGrath, Inc. revised plans to modify drainage easement off of Jonathan Bourne Drive dated 8/1/14 – 3 pages (11x17)

Call to order

7:07 pm by Chm. Meier.

Moment of Silence for our Troops/Salute the Flag

Public Comment – Non-Agenda Items

Mr. Earl Baldwin suggested to request a “free will donation” to help maintain property used when an applicant requests the waiving of fees.

Mr. Judith Conron letter into the public record condemning the actions of the Selectmen dated on 7/22/14 with regard to Joint Base Cape Cod.

Mr. Robert Schofield, Cape Light Compact (CLC) briefly discussed a new program launched called Creating Awareness for Power Efficiency. Requirements include must be a full-time resident using electricity for at least 6 months. Contact Mr. Schofield at (508)-563-2012 for more information.

Correspondence

Mealy read correspondence into the record. Hard copies are available upon request in the Town Administrator’s office.

TA Guerino explained the State provided a small amount of money for a task force guided locally to try to put litigation measures together to stem the flow of the Opiate addiction

problem. There is no cost to the town, but it will open additional funding sources after the first round of assessment.

Pickard moved and seconded by Zuern to take Items 10 a-f out of order. Vote 5-0.

Pickard moved and seconded by Zuern to take Items 11-13 out of order. Vote 5-0.

Charles Noyes – EMD on new Code Red notification system

Bourne has implemented the CodeRED system, a high-speed emergency notification service provided by Ormond Beach, FL- based Emergency Communications Network.

The CodeRED system will serve as the foundation for Bourne's emergency planning and communications outreach to both citizens and Town personnel by using the system's capabilities to send telephone calls, text messages, emails and social media alerts in an effort to effectively inform residents to protect life and property. CodeRED was selected for its unrivaled reliability and accuracy as well as the stems' global use.

CodeRED's robust and progressive system will supply Town officials with a reliable, authoritative, easy-to-use platform to quickly disseminate critical information to the citizens of the Bourne during emergencies. Bourne anticipates using the system to notify residents in specific geographic locations of severe weather, public safety emergencies, missing children notices and drinking water emergencies.

Bourne has been provided an initial database of residential and business telephone numbers, however all residents living within Bourne limits are encouraged to visit www.townofbourne.com and click on the CodeRED logo to enroll additional contact information including cell phone numbers, text and email addresses. A test of telephone numbers currently in the database will be conducted on 9/10/14 between the hours of 10 am and 4 pm. You will know when you have received a CodeRED alert when the number 866-419-5000 or 955-969-4636 appears on your caller ID.

Mr. Robert Brown asked how this is managed. Mr. Noyes replied Emergency Management manages the system along with the Board of Health, the Town Administrator's office, the Fire Department, the Police Department, the School System and the Highway Department.

TA Guerino added if there was a road construction and traffic needed to be diverted it is not always an emergency but occasionally a convenience.

Ms. Leona Bombaci asked how this is different from what we have and is concerned about elders in the community. Mr. Noyes said there is a 95% chance that a residence will receive a call if there is a phone in it. For the other 5% who don't receive the call, please call or go on line or sign up on your own. The previous vendor had a complicated way of using social media and the town will save some money.

Open Meeting Law Violation

Pickard said the board received two Open Meeting Law complaints where the first cites the entire board and the other cites board member Zuern. Mr. Richard Conron sent a letter of how he would like to see how this will be resolved. There are three sections to review.

Page 15: Open Meeting Law 11b. Open Meeting Law document distributed to the board members. The board has 15 days to notify complainant. In this case, Mr. Conron allowed response beyond the 15 days as a courtesy. Atty. Troy asked the board to review the complaints and decide on a response to be forwarded to the Atty. General's Office.

Complaint #1 is directed to the whole board. Atty. Troy said Mr. Conron felt the agenda notice didn't accurately summarize what the board actually did, focusing on the vote. Page 7, "What information must meeting notice contain?" The board determines whether it comports with the requirements of the law, make a decision and then inform the public to report to the Attorney General's office.

Pickard moved and seconded by Zuern the Town of Bourne Board of Selectmen did comply with the Open Meeting Law under 11b regarding discussion of non-accompanied children. Vote 5-0.

Complaint #2 is directed at Selectmen Zuern identifying the Selectmen's Reports mentioned to the TV audience. Mr. Conron suggested this is unrelated to the Town of Bourne and has no linkage to the town - only personal beliefs and interests - and is in violation of the Open Meeting Law. Page 5: "What matters are within the jurisdiction of the public body." Atty. Troy explained if things are said at a public meeting, which is not outside the Open Meeting Law and therefore not subject to the Open Meeting Law.

Pickard moved and seconded by Ellis the Town of Bourne Board of Selectmen take the position if didn't violate the Open Meeting Law. Vote 4-0-1 (Zuern abstained).

Complaint #3 is about the agenda items and report to the board those procedures be implemented on the 9/30/14 agenda to incorporate into the agenda. Atty. Troy said at this point it is separate from the Open Meeting Law complaints. The board is not offering any remedial actions with regard to the two complaints. Atty. Troy will prepare the appropriate responses reflecting what the board voted tonight.

Pickard moved and seconded by Mealy a 5 minute recess. Vote 5-0.

Pickard moved and seconded by Zuern to take Item 14 out of order. Vote 5-0.

Harvest Power – notice of award, lease agreement – Atty. Kalpin

The copy of the lease is identical to the one provided in 6/2014 with the following changes: The date was changed from 6/2014 to 9/2014; Change was in Exhibit H – a monthly report to the town will be used to address any changes to the project schedule.

Highlights of the Lease

The lease includes the property located at the ISWM to Harvest Power and states that Harvest Power will still be required to get all applicable permits.

The Town of Bourne will receive, a variety of payments (host fee payments, site lease payments, payments for the town for landfill gas collection system), including other contributions over the duration of the lease. The lease sets forth minimum standards with respect to environmental protection in coordination with the Board of Health (BOH) consultant. There will be a performance bond and a removal bond, detailed reporting requirements.

To move the process forward, The Board of Selectmen must determine if they want to vote on lease – either approve or disapprove the lease. There will be a follow up for the Town Administrator acting to the RFP and Procurement Office issue notice of award to proceed to Harvest Power.

TA Guerino thanked Atty. Troy, Atty. Kaplin, Mr. Dan Barrett, the ISWM working group, the Board of Health and all who put the RFP together. This has been a well-studied process and the outcome by the team is a very positive result to date.

Atty. Kaplin explained this facility is an anaerobic digestive system which is consistent with the State's solid waste management system.

Ms. Leona Bombaci asked who would be held accountable should something go wrong. Pickard said the Board of Health is the initial jurisdiction, then the State DEP. TA Guerino said the timeline is pretty tight relative to compliance measures, penalties for assurance public health is concise on how addressed. The dynamics addressed by the Board of Health. This allows to move the process to the BOH.

Mealy briefly explained that the town is leasing the property. Under the lease, the town can control requirements to meet the town's site assignment as Harvest Power is working under our permits.

SELECTMEN MOTION: Pickard moved and seconded by Zuern to approve and sign the lease and development agreement with Harvest Power as presented by Town Counsel to the Board of Selectmen on 9/12/14.

Mealy summarized that Harvest Power compliances were very good and he emphasized many individuals have done due diligence and in identifying a company to undertake for Bourne this process.

Mr. James Mulvey said the proposal is a good deal will be done on good faith. He commented the word 'lease' is misleading. Mealy said the document is a lease for a parcel of property. Nothing can go forward unless permits are obtained by Harvest Power.

Atty. Kalpin said this is but the first step. All the agencies will conduct detailed, technical reviews on technology and establish standards. Construction cannot start prior to compliances.

Mr. Mulvey said the Selectmen are approving: the process, the material. TA Guerino said this has not been a 'leap of faith' as there has been three (3) plus years of hard work and hard negotiations to make this the very best lease the town could get from the said acres.

SELECTMEN ROLL CALL: Zuern –yes; Pickard – yes; Mealy – yes; Ellis – yes; Meier – yes.
Unanimous vote.

Hoxie School Purchase and Sale Agreement

Atty. Troy explained this is standard agreement which is subject to execution where the Hoxie Center and the Board of Selectmen must agree to conditions of a revert clause, Historic restrictions and lastly the execution of Hoxie and the Community Preservation Act (CPA) funds in a form approved by agreement of CPA funds. The Chm. of the Community Preservation Committee (CPC) informed Atty. Troy they approved this as well as Atty. Troy.

Pickard moved and seconded by Zuern approval of the presented document, the Hoxie School Purchase and Sale Agreement on 9/9/14. Vote 5-0.

Licenses/Appointments:

a. Request from the Bourne Friends of the Council on Aging for Annual Psychic Fair fee waiver at BVMCC

Pickard moved and seconded by Mealy to waive Bourne Friends of the Council on Aging or Psychic Fair fee waiver at the Community Building per routing slip. Vote 5-0.

b. Mad Mike's Class II License – increase car sales from 2-10

Pickard moved and seconded by Zuern to approve Madmikes Used Car Sales at 74 Cranberry Highway to amend current license to increase vehicles stored from two to ten per routing slip. Vote 5-0.

c. Associate member to Board of Appeals: Timothy Sawyer

Mr. Sawyer commented on reading Chm. Berger's letter in the newspaper seeking members. He was a former member of the ZBA and wishes to join again.

Pickard moved and seconded by Zuern to appoint Mr. Timothy Sawyer as an Associate Member to the Board of Appeals for a term to expire 06/30/15. Vote 5-0.

d. Recreation Committee – Kelli Orava

Pickard moved and seconded by Mealy to appoint Ms. Kelli Orava to the Recreation Committee for a term to expire 06/30/15. Vote 4-0.

e. Gray Gables Market – Common Victualer (food) License

Pickard moved and seconded by Zuern to approve Gray Gables Market at 181-183 Shore Road for Common Victualers (food) license per routing slip. Vote 5-0.

f. Appointment to the Storm Water Committee – Christine Kane

Pickard moved and seconded by Ellis to appoint Christine Kane as member to both the Selectmen's Task Force on Local Pollution and to the Local Phase II Oversight Committee for a term to expire 6/30/15. Vote 5-0.

Cape Cod Commission (CCC) Representative Michael Blanton

The solar project's next hearing before the subcommittee is on 10/2/14. The subcommittee will then go to a full committee for recommendation. The decision of the solar project to go to the CCC was because of the energy generation qualities.

The wastewater 5-year review of a RFP regional policy plan includes the CCC put together a task force and stake holders to begin hearing sessions for improvements, additions as to modify the regional policy plan. There will be a meeting in Mashpee at the end of October.

There has been some movement in the CCC for recording of standing committees. The staff's decision with the Executive Director was to incorporate a consignment of duties to rename the committee as the Planning & Regulatory Committee.

Don Bracken – Temporary Easement Circuit Avenue

Mr. Bracken for the applicant. Anne Tallie, owner of the property, present tonight. TA Guerino informed the board this will come before the Special Town Meeting in October.

The house has been there since 1930 in Hen's Cove and is in need of a lot of repairs; it needs to be brought into flood compliance. The applicant proposes to both raze and re-build the house. The septic will be upgraded, providing innovative alternative systems for affluent, which will be less impact to Hen's Cove.

Pickard moved and seconded by Zuern to approve Temporary Easement for Circuit Avenue as presented by Mr. Donald Bracken and recommended by Bourne Conservation Agent Brendan Mullaney and Ms. Cynthia Coffin, Board of Health. Vote 5-0.

Holmes & McGrath, Inc. – Temporary Easement – Jonathan Bourne Drive

Hydroid is the leading manufacturer of underwater vehicles in the world and is seeking to purchase property for an Administrative Building. Applicant is seeking the board sponsor an Article at the Special Town Meeting.

Mr. Michael McGrath distributed some graphics to the board members. The plan depicted existing draining easement to be abandoned and proposed drainage easement.

Pickard moved and seconded by Mealy that the Board of Selectmen sponsor an Article at the Special Town Meeting Warrant in October for Jonathan Bourne Drive as presented by Holmes & McGrath, Inc. Vote 5-0.

Town Administrator's Report

a. Bourne's Big FIX

The Housing Assistance Corporation (HAC) reaching out to the Town of Bourne regarding the fourth annual Big Fix event. This is a community service event tentatively scheduled for 09/28/14 in West Yarmouth to make home and landscaping improvements for seniors, disabled and veterans on Cape Cod and the Islands. For more information call (508) 778-7507 x200 or www.HAConCapecod.org. Chm. Meier will be attending.

b. Bourne's inclusion of an Opiate Abuse reduction grant program with Barnstable, Dennis, Yarmouth, administered by the County

At the 08/07/14 meeting of the Regional Substance Abuse Council, the Council unanimously voted to approve that Barnstable County submit a response to the MOAPC RFR on behalf of the Regional Collaborative Substance Abuse Council. The Collaborative will be organized as a committee of the SAC. Three documents related to the Opioid Abuse Prevention Collaborative RFR that requires attention/submission: 1) Highlights of the RFR; 2) Letter of Intent to Participate – due by 08/27/14; 3) Municipal Participation Form – due by 08/27/14; and Municipal Organizational Chart – due by 08/27/14.

c. Bourne's Solar Initiative progress

Bourne originally signed with Sun Edison to contract 3 megawatts of power under Federal cost offsets. Sun Edison will take all 3 megawatts from the Holliston, MA site and will be up and running in October at 9 cents/kilowatt hour. 80% of town's and school's electrical generation is behind the meter.

d. Budget preliminaries

TA Guerino will be meeting with the Department heads soon.

e. Personnel Reviews

Personnel reviews are completed. All staff Dept. Heads did a wonderful job.

f. Current vacancies/hiring

Two truck driver positions are being filled and he just finished up interviewing for the second truck position. There is the current vacancy for an Equipment Operator which will need to be discussed in Executive Session.

The Library and Planning Board have vacancies. There will have to be Joint Sessions with the Selectmen to consider new members.

Selectmen's Business

a. Selectmen Special Town Meeting article possibilities

Chm. Meier said Selectmen who wish to submit any articles for the warrant, inform TA Guerino so a placeholder can be added by the deadline of next Tuesday. Zuern may have a Planning/Zoning article. Chm. Meier said he will have an article for a full size basketball court behind the Community Building and possibly lights through CPA funds.

b. Selectmen Liaison with Maritime Academy

Mealy said he feels the Maritime Academy did not play a significant role as far as the town is concerned. He suggested a Selectmen liaison to exchange ideas to improve and broaden the relationship between Bourne and the Mass. Maritime Academy for more interaction.

Zuern said Mr. Noyes has worked with some cadets on emergency planning and done well connecting us to Facebook. We have used the cadets.

Pickard moved and seconded by Zuern to endorse Stephen Mealy as liaison between Mass. Maritime Academy and Bourne. Vote 5-0.

Chm. Meier asked Mealy if it is possible to get a tall ship dock at MMA during the Sail Boston 2017 event.

Adjourn

Pickard moved and seconded by Zuern to adjourn the Selectmen meeting. Meeting adjourned at 9:10 pm. Vote 5-0.

Respectfully submitted – Lisa Groezinger, sec.