

**Board of Selectmen  
Minutes of July 22, 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

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, Jeremy Fox - Boston Globe, and Asma Khalid - WBUR/NPR, George Brennan – Cape Cod Times and Ted Cooper - Fox 25

Pickard moved and seconded by Zuern to go into Executive Session to discuss pending litigation update. Roll call: Zuern – yes; Pickard – yes; Mealy – yes; Ellis – yes; Meier – yes

- Atty. General's Open Meeting Law Guide – 9 double-sided pages

7:00 – 7:10 (Items 1-3) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag

3. Public Comment – Non-Agenda Items

None requested.

4. Correspondence

Mealy read correspondence into the record. Hard copies of all correspondence is available at the Town Administrator's Office by request.

Pickard moved and seconded by Zuern to take 11c and 11d for Atty. Troy. Vote 5-0.

5. Bob Troy/Workshop Open Meeting Law

The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which the public policy is based. Atty. Troy briefly reviewed Public body, deliberation, in board's jurisdiction with exceptions (Page 5); Postings and Emergency Meetings (Page 7); Purposes of Executive Session (Pages 8-11); Meeting materials (Pages 11-13); The Chairman controls how the public to contribute to open sessions (Page 13); Records of public meetings (Page 13); Open

Session meeting records (Page 14); Existing minutes made available within 10 days 2 exceptions listed (Page 14); Open meeting law complaint procedure (Page 16).  
No board discussion. No public comment.

6. Richard Hayden – Stratford Capital Group regarding Coady School  
Tabled.

7. Parking concerns Monument Avenue – Mr. Joseph Agrillo  
Tabled.

8. Municipal  
Ellis moved and seconded by Zuern to close all town offices for non-essential employees and not to create practice for others to be given special dissertation on Tuesday, 7/29/14 at 12:00 Noon and does not create any instance of past practice and the Selectmen have agreed to this only as it relates to public safety concerns. Vote 5-0.

9. Licenses and Appointments:  
a. MMA One Day Liquor 8.9.14  
Chm. Meier abstained from discussion and vote at this time.

Mealy moved and seconded by Zuern to approve MMA at 101 Academy Drive, Buzzards Bay/ABS Library Information Commons for One Day Liquor License – All Alcoholic on 8/9/14 from 5:00 pm – 7:00 pm per routing slip. Vote 4-0-1 (abstention from Chm. Meier).

b. Pan Mass Challenge – One Day Liquor – Town Roads  
Chm. Meier stated no town roads will not be closed.

Ellis moved and seconded by Pickard to approve Dana Farber Cancer Institute through the Jimmy Fund 35<sup>th</sup> Pan Mass Challenge on 8/2/14 from 7:00 am – 9:00 pm for One Day All Alcoholic Liquor License per routing slip (DWP, PD) and the roads will not be closed and PD to police traffic issues. Vote 5-0.

10. Town Administrator's Report  
Hiring and vacancies  
Police dispatch and secretarial positions recommendations made by Chief Woodside funded through a grant. The secretarial was a replacement position of administrative support who resigned. Two truck driver replacement positions have been vacant at DPW and recommendations from DPW will come to his desk tomorrow.

Fire Chief Recruitment process  
In January 2015, Chief Greene will retire. There will be a State-wide exam and expects 5-12 candidates with an assessment between \$55,000 - \$70,000. Recommendations will take place the 3<sup>rd</sup> week in September. Chm. Meier would like a turnover as soon as Chief Greene retires.

Pickard requested a budget, process of the civil service and timeline to the board members from TA Guerino. He would like the applicant to train with Chief Greene before he retires.

Mealy echoed Pickard and would appreciate the assistance of the Town Administrator.

TA Guerino stated on 7/29/14 the trash will be picked up normally and to please have trash out on the curb by 7:00 AM. Crews won't be back to pick up trash later in the day. Zuern suggested a Reverse 911 call.

#### 11. Selectmen's Business

##### a. Signing 2014 State Primary Warrant

Pickard moved and seconded by Mealy to sign the 2014 State Primary Warrant as presented tonight. Vote 5-0.

##### b. Discussion and Disposition of non-documented unaccompanied children at Camp Edwards Cape Cod

Pickard heard an announcement of unaccompanied children at Cape Edwards Cape Cod on the news and wanted to put on the Selectmen agenda. The local issue is that it may have an adverse affect on our budget.

Zuern feels this invasion is against the Constitution Article 4, Section 4. She is upset and this is not the place for them.

Chm. Meier is looking to protect the fiduciary responsibility for Bourne and services. If said children are put on JBCC, he will make sure there will be communication between this board, the State and Federal agencies. He stated we wouldn't have know about this had it not been for Representatives Viera and Hunt.

Kurt Schwartz, Director of Homeland Security and Director of Emergency Management Facility, responding to rumors about unaccompanied children housed on Joint Cape Cod Base (JBCC). There are no undocumented illegal aliens on JBCC. There will be no housing or hiding of unaccompanied children on JBCC. The costs related to the said children will be no cost to the towns. The average stay in residential shelters is 35 days. This is not new. Unaccompanied minors were handled the same way in 2014, but what has changed is the number of children. The Federal government will house minors at the time the system is trying to figure out what to do with them. The secure shelter system does not house children under the age of 6; the ages are above age 6 - 17. The National Guard identified JBCC to house up to 1,000 children at one time. The government hasn't assessed the property at this time. The federal government will have to go through a process before accepting said children. They will identify a piece of real estate, put fencing around the area and turn into secure residential shelter. This is nothing like Katrina incident with an open campus. This will be a secure facility. Children have no ability to come and go. The costs to the towns are as close to zero as can be. Federal government has

been doing this for number of years. Schooling, social services, mental health services and medical services will be provided within the walls. There is potential for EMS services.

The small percentage of foster care needs are paid by the government. There is no connection between State services and the care for those children. 770 children ended in MA where their families were. This has nothing to do with a shelter location. Up to 20% of children end up in an asylum in a Federal program.

Mr. Schwartz said the Federal government provided a response as of today; two facilities in MA. One is owned by the government and the decision about the suitability of Westover will happen in a different way. JBCC will be a multi-phase process. A telephone assessment (National Guard owner) would be first. If decide base is still of interest, an assessment team would conduct a ground assessment checking on code compliance. If interested after ground assessment, there will be local engagement and negotiation. The Federal government is obligated to meet with local and State bodies for an informal process. A child cannot be put on JBCC with entering into an MOU with the landlord (the State). The MOU will allow the State to set conditions if needed; this is additional medial screening over and above what has already been done. Time restrictions, population, security restrictions all go into the MOU.

Zuern read that 65% of the kids are sent out into the community and the Federal government knew years ago. Mr. Swartz said that is not true on unaccompanied children. Zuern said there are 220,000 illegals living in this State and half are on welfare. She feels money for unaccompanied children could be better spent. Mr. Schwartz agrees and will make it clear to Governor Patrick only weighing in how we as a country house children for 35 day period.

Mr. Schwartz said the Governor will not commit an MOA any longer than 120 days. There will be full reimbursement on any EMS services provided and will only negotiate for 100% of costs covered.

Ellis believes Westover would be the easier chose made versus going through all steps at JBCC and would hope the Governor would take into consideration. He asked for the statistics for unaccompanied minors of criminal activity. Mr. Schwartz said this was not secured information on those 770 children released to families in MA. Ellis said this would be an important item to bring before the people in dealing with this. Ellis asked Mr. Schwartz to tell the Governor to not lose sight of the families on Otis; they are a part of our community and we as Selectmen protect them. Mr. Schwartz supports wholeheartedly.

Zuern asked if Christians being persecuted and us reaching out to them. Mr. Schwartz does not address the issue.

Representative David Viera thanked Secretary Schwartz and governor to have representatives here tonight. He stressed the important of constant local contact on the process as it is a Federal issue that has a local impact.

Representative Randy Hunt has taken the position that JBCC is not the right place for this activity. Another issue is the story that changes for unaccompanied alien children. They will require food, shelter, clothing and education. He questioned why education if they will be here for 35 days in the summer. He also questions the policy decisions. Mr. Schwartz cannot speak for the Federal government, as he is a State official and reports to the Governor. He will take back comments back to the Governor's office the concerns both Representatives raised tonight.

Chm. Meier, before allowing public comment, advised the audience to ask questions that haven't been addressed.

Mr. Agrillo, Monument Beach will stand up for children.

Mr. Micheal, Sagamore raised concern for the safety of our children.

Ms. Hickey, Wareham commented on taking care of the people who are here now.

Mr. Fraiser, Sagamore opposes to the care of the unaccompanied children.

Rev. Murphy, Cataumet requested to include religious communities in the MOU process.

Mr. Mulvey, Buzzards Bay said this is an opportunity that this base should not be closed.

Ms. Woodrith, Buzzards Bay suggested speaking to mayor about crowded schools. She is opposed to the project.

Ms. Keene, Sagamore Beach agrees with Mr. Mulvey. Part of her interest was how this will affect our schools and taxes. She asked if children are quarantined making sure they are not carrying diseases. Schwartz said a child is held up to 72 hours. Within 72 hours they are turned over to Health and Human Services. Then they are moved to a process center before they are moved to secure shelters. There is physical and mental health screening. There is a full physical evaluation and immunizations. Any child with diseases will be held but he has not seen that to be the case. Ms. Keene commented on the need for more money in health insurance plans and asked Mr. Schwartz to present to President Obama.

Ms. Dupuis, Buzzards Bay opposes to sheltering.

Pickard moved and seconded by Ellis to take vote to send correspondence to the Governor of the Board's position of temporary housing on Camp Edwards based on potential impact it may have on the financial and public safety reasons status of the Town of Bourne.

Zuern wanted to amend violates the Constitution. Amendment doesn't pass.

Pickard moved and seconded by Ellis to oppose the settlement of the children on Joint Base Cape Cod. Our vote was made due to our assessment that we do not have the resources and for public safety reason. Vote 5-0.

Pickard amended the main motion and seconded by Ellis for TA Guerino to draft letter based on what Board mentioned by close of business for tomorrow. Vote 5-0.

TA Guerino had two documents presented to expediate, closing dates scheduled within the next 30 days. TA Guerino said also release renewal for the Bourne Historical Society to be signed at the same time.

c. Execution of Purchase and Sales Agreements for Thom Avenue and Plymouth Lane

Pickard moved and seconded by Mealy to approve the execution of Purchase and Sales Agreements for Thom Avenue and Plymouth Lane as submitted tonight. Vote 5-0.

d. Execution of Lease with Bourne Historical Society, Inc.- "Jonathan Bourne Public Library Building" – Keene Street

Mealy moved and seconded by Pickard to approve the execution of Lease with Bourne Historical Society, Inc. "Jonathan Bourne Public Library Building" – Keene Street for a 5-year term as submitted tonight. Vote 4-0-1 (Zuern abstained).

e. Selectmen's Reports

Zuern discussed the parking lots Army Corps of Engineers. TA Guerino will talk with Chief Woodside about parking. TA Guerino doesn't recommend lifting the parking restriction.

Chm. Meier invited the public for an 8:30 am ceremony to commemorate the 100<sup>th</sup> Anniversary of Town Hall.

12. Adjourn

Pickard moved and seconded by Zuern to adjourn. Meeting adjourned at 9:50 pm. Vote 5-0.

Respectfully submitted – Lisa Groezinger, sec.