

**Board of Selectmen
Executive Session Minutes of July 22, 2014
Bourne Veteran's Memorial Community Building
Bourne, MA 02532**

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TOWN CLERK BOURNE

Mr. Pickard made A motion in public session to go into executive Session for the purpose of discussion related to pending litigation updates, and to return to Open Session. The motion was seconded by Ms. Zuern and upon roll call vote was unanimously agreed to by the Board.

Mr. Pickard – YES, Mr. Mealy – YES, Ms. Zuern – YES, Mr. Ellis – YES, Chairman Meier – YES.

Town Counsel Robert Troy and Town Administrator Guerino were also present.

1,. Duce case regarding moorings appeal. Missed inspections. DEP upheld the Town's decision to not grant mooring. DEP erred in the purpose for the town had not to grant mooring stating lack of fee paid (not so) as opposed to the lack of inspection. The Judge granted one mooring of the two taken.

2. Harvest Power lease – Bob, Mark Kalpin and The Town Administrator are extremely frustrated with the Attorney for the Board of Health as allowed. After what was thought to be a constructive and conciliatory meeting in Boston of the parties, it still appears that the BOH has a conspiracy thought process as it related to the negotiations with Harvest. That being that the BOS is negotiating directly and knows much more about the lease arrangement and has negotiated directly with Harvest Power. Which is not nor has been the case. Attorney Troy informed the Board of the great job Mark Kalpin has done in the Harvest Power negotiations and that the Selectmen had made an excellent choice is retaining Mr. Kalpin's firm (Wilmer Hale). Additionally, there is a sense of urgency to bring this lease arrangement to conclusion due to legislation filed in the MA House that would place landfill sites at a disadvantage in siting a facility as envisioned by the Town and Harvest Power.

3. Assessors ATB case related to the former Grand Union Plaza. The ATB granted a partial abatement to the owners of the Plaza. Comparable real-estate was difficult to ascertain as Bob and the Town Administrator had been brought into the process late. Attorney Troy noted that Town Planner Coreen Moore had done an outstanding job on behalf the Town and that Janet Black in the Assessor's Office had also done a commendable job. He noted that winning on any appeal of the ATB's decision was very doubtful.

4. Pilgrim Pines and the Hebb's – The Town maintains that there was no constructive grant in allowing the development w/o the required affordable homes occurred and the issue will continue to move forward with the ZBA and BOS.

Mr. Pickard made a motion to adjourn the Exec. Session and return to open session. The motion was seconded by Ms. Zuern and unanimously agreed to by the Board by a roll call vote.

Mr. Pickard – YES, Mr. Mealy – YES, Ms. Zuern – YES, Mr. Ellis – YES, Chairman Meier – YES.

Meeting adjourned at 7:30 P.M.

Respectfully submitted,

Thomas M. Guerino