

**Board of Selectmen
Minutes of June 5, 2012
Bourne Community Building
Bourne, MA 02532**

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TA Guerino

John Ford, Chairman
Don Pickard, 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

- Hoxie Center For Art, Science and Culture proposals of Option A and Option B dated 6/5/12 – 4 pages

Pickard MOVED and SECONDED by Zuern at 6:00 pm to go into Executive Session to consider discipline of and to her complaints or charges brought against the Town Administrator, with respect to representations made to the Board regarding the hiring process for the Council on Aging Director and Pending Litigation – Fire Fighter Doherty and to reconvene in public session at 7:00 pm. Roll Call – Pickard – yes; Baldwin – yes; Zuern – yes and Pickard - yes. *Meier recused himself from discussion and vote.*

Meeting called to order

7:10 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

TA Guerino requested the board and the members of the public to recognize the Springfield police officer that was recently killed in the line of duty.

Public Comment

Mr. Agrillo requested a copy of the approved board minutes with regard to the School Committee Bourne Representative vote. TA Guerino will give copy.

Approval of minutes

Meier MOVED and SECONDED by Baldwin to approve minutes of 5/22/12 as amended.
VOTE 5-0.

Meier MOVED and SECONDED by Pickard to approve minutes of 5/29/12 as amended.
VOTE 5-0.

Correspondence

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

Licenses/Appointments/Easements**a. Committee Renewals**

Pickard MOVED and SECONDED by Meier to re-appoint Lee M. Berger to the Board of Appeals for a term to expire 6/30/17. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to re-appoint Associate Members: Thomas Armstrong, Harold Kalick and John O'Brien for terms to expire 6/30/13. VOTE 5-0.

Pickard MOVED and SECONDED by Melvin to re-appoint Robert Gray, Melvin Peter Holmes and Susan Weston to the Conservation Commission for terms to expire 6/30/15. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to re-appoint Associate members Michael Gratis, Michael Leutze and Thomas Liger for terms to expire 6/30/13. VOTE 5-0.

At this time, Pickard recused himself for discussion and vote on Constables re-appointment.

Meier MOVED and SECONDED by Zuern to re-appoint Charles Devlin, Lee Gresh, Russell McAllister, Donald Pickard and Dennis Woodside to the Constables for terms to expire 6/30/13.
VOTE 4-0.

Meier MOVED and SECONDED by Zuern to re-appoint Adelaide Carrara to the Register of Voters for a term to expire 6/30/15. VOTE 5-0.

Meier MOVED and SECONDED by Zuern to re-appoint Paul Bushueff, Irving Salley and David Wiggin to the Shore & Harbor Committee for terms to expire 6/30/15. VOTE 5-0.

Meier MOVED and SECONDED by Zuern to re-appoint John Ford to the Trustees of Bourne Veterans' Memorial Community Center term for duration of Chairman of the Selectmen. VOTE 5-0.

TA Guerino said moving forward, more re-appointments/appointments will be coming before the board. He added there are a lot of openings and encouraged interested parties to contact his office for what is available.

b. MMA at Beachmoor – One Day Liquor

Pickard MOVED and SECONDED by Zuern to approve MMA request for One Day Liquor License at 101 Academy Drive Buzzards Bay for a wedding at 11 Buttermilk Way, Buzzards Bay on 7/21/12 from 11:30 am – 4:00 pm per routing slip. VOTE 5-0.

c. Common Victualer License

a. DeMoulas Supermarkets, Inc. (Market Basket)

Pickard MOVED and SECONDED by Zuern to approve Market Basket at 1 Factory Outlet Way, Factory Outlet Mall request for Common Victualer License per routing slip. VOTE 5-0.

b. Shawn Patrick's Ice Cream – Change of Address

Pickard MOVED and SECONDED by Zuern to approve Shawn Patrick's Ice Cream at 89 Main Street, Buzzards Bay request for Change of Address to 71-73 Main Street, Buzzards Bay per routing slip. VOTE 5-0. *TA Guerino said bylaws haven't been approved et by the AG at this time. Pickard recommended to approve upon routing notes. Meier explained issue of a sign being an over sized boat sail which was a distraction; the Building Inspector (BI) asked signs to be taken down. TA Guerino to notify BI of approval.*

c. Mezza Luna – Entertainment License

E.J. Cubellis requesting indoor entertainment using one person from 9:00 pm – 12:00 am. Mr. Agrillo spoke in favor of request.

Pickard MOVED and SECONDED by Meier to approve Mezza Luna at 253 Main Street, Buzzards Bay request for Entertainment License for weekday/Sunday, per routing slip. VOTE 5-0.

Friends of the Hoxie School Presentation and Proposal

TA Guerino introduced the Friends' proposal to present to the board. Ms. Alyson Bizer-Knox handed out "Option A" and "Option B" documents on behalf of the Friends for the board's consideration. She then introduced Mr. Robert Narsh from the Cultural Center of Cape Cod who gave a brief presentation. Mr. Nash believes the Hoxie School could be a mirror image of the Center and would like to see in Sagamore Beach.

Options A & B will be discussed at a future meeting for time to be reviewed by the board. TA Guerino suggested to the Friends considering a center in New Bedford as a possibility.

Shore & Harbor Committee – Harbor Master – Commercial Mooring update and report

Report given to the board is the work of the Shore & Harbor Committee (SHC) with the Harbormaster (HM) Tim Mullen. Mr. Libin, Chm of SHC, explained the committee was charged with looking at commercial mooring and recommendations. SHC did feel commercial moorings were important not only to the town but to the businesses. Commercial moorings bring in

more revenue than non-commercial moorings. Mr. Libin said limits weren't reviewed at this time, but believes there is a handful on the waiting list for commercial; all others are non-commercial waiting.

Mr. Libin explained non-commercial mooring is for one boat, one owner and cannot be used any other purpose. Commercial is assigned to an owner and limited; can be rented, leased or bartered.

Pickard – relative to the passing of moorings, only amendment looking for is the definitions. Mr. Libin explained a commercial mooring can be sold as part of a business with permission of the HM. Pickard said there is nothing in the definition that mentions the passing of moorings; however the summary does.

TA Guerino – to summarize Town Counsel's report to the board with regard to moorings, he suggested the board continue to bring policy on Waterway Regulations into the document as proposed by HM or the board as a guide for HM to use; it is important the board continues to take this role. A conflict arose under Chapter 91, in which the HM has final discretion, if necessary. Guerino asked if the board if they would consider looking at commercial moorings that are leased and re-cooping a heftier profit per year, looking at fees for commercial moorings and make more in line of getting a healthier fee for the town.

Chm. Ford – Chapter 91 on moorings makes no distinctions between commercial and non-commercial and brought up Chatham issue. He would like to hear HM concurrence of the SHC report prior to Town Counsel review and putting into regulations.

Mr. Mullen – looked at the definitions, believes they are appropriate and concurs with the SHC report.

Chm. Ford – would like to bring SHC report to Town Counsel to include into the Waterways Rules and Regulations for next year.

Chm. Ford – asked about people on waiting list for commercial moorings. Mr. Mullen – no marinas are on the list; only a boat yard, and a boat builder.

TA Guerino – asked if boatyards wanting to add moorings would have to go on the waiting list. Mr. Mullen responded yes.

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

Mr. Mulvey – reminded the board that all mooring permit owners own is the anchor, mooring and the chain and have a permit to put their own private tackle on a position in the water.

TA Guerino to send Town Counsel the SHC report for forming, content and legality and to bring before the board in a future hearing.

Disposition of surplus property (DNR boat, motor and trailer)

Tim Mullen requesting to declare as surplus equipment:

- 1990 Carolina Skiff
- 50 HP Mercury 4 stroke Outboard Motor
- Caravan Trailer – 22 yr old work boat

Pickard MOVED and SECONDED by Meier to declare 19-foot 1990 Carolina Skiff; 50 HP Mercury Outboard Motor; and Caravan Trailer to be deemed surplus property. VOTE 5-0.

TA Guerino will request advertisement done by Cheryl Campbell.

Set final date for joint session regarding Wastewater Advisory Committee report (7/10/12)

TA Guerino asked the school and is awaiting final approval and expects. Once confirmation he will notified all parties.

Set Goals date – (6/12/12)

Meeting on 6/12/12 at 6:30 pm in the smaller room adjacent to this the board's regular meeting room.

Town Administrator's business

Gray Gables - Lifeguards

TA Guerino's discussed his earlier recommendations of lifeguards at various beaches in town and explained up until two years ago, monies derived from swimming lessons went into the General Fund and were utilized towards the general revenue at setting the town's tax rate. These monies couldn't be set into a revolving account. Last year the town didn't have swimming lessons and therefore there was a break in that service of income and expense and the town wasn't using the fee base for setting taxes. TA Guerino said he is planning to utilize swimming lesson money to be put into the revolving account which is new money and not budgeted. Based on last time of swimming lessons, the swimming lessons generated about \$8,000. TA Guerino reviewed numbers and looked at a number of different ways to try to respect what was done at Town Meeting (TM). He believes that utilizing \$3,000 to \$5,000 for this year only, the town would be able to fund five (5) beaches and to preclude two sets of swimming lessons. Based on numbers and parking since the last board meeting, he believes it is prudent and in consort with TM vote, to guard the 3 beaches previously discussed and to include Hen Cove; putting in a lifeguard full-time provided the town receives sufficient qualified applications for lifeguards at Gray Gables. Looking at all the information, this is in consort with the vote taken at Town Meeting. For the record, currently there are not enough guards for four (4) beaches. He is confident the town will have the number of guards needed to do so, but if the town does not have enough qualified applicants, it will be 3 originally beaches with lifeguards with Hens Cove and Gray Gables in that order. He spoke with some of the board members prior to tonight's meeting and would like the board's concurrence for TA Guerino to do so.

Zuern – yes; Pickard – yes; Meier – yes; Baldwin – yes; Ford – yes.

Ms. Dwyer – thanked TA Guerino and the board for helping out Gray Gables.

a. Dedication – Three Mile Look – in memorandum of Roland Dupont

Dedication of a Compass Rose in honor of Roland Dupont on 6/14/12 from 11:00 am – 12:00 pm at Perry Avenue, Buzzards Bay. Speakers and ceremony will honor Roland Dupont for his vision and dedication to community service.

TA was at Mass Managers Spring meeting in Lennox last week. Representation from over 100 managers and administrators. Will be asked to host 2013 international and city county manager in Boston and asked to participate.

Selectmen's business

Zuern – attended BHS graduation ceremony; attended ceremony at the Fire Station – has water mark from Hurricane of 1938.

Chm. Ford – attended Community Building Senior Center Volunteer of the Year with Zuern, Pickard and Meier; attended the Kevin Farr's retirement party; requested a joint meeting with the board and FinCom with regard to the town audit. TA Guerino will set up.

Meier – there will be a meeting on 6/9/12 at the Mass Maritime at 11:00 am with regard to parking issues.

Adjournment

Meier MOVED and SECONDED by Baldwin to adjourn meeting. Meeting adjourned at 8:35 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.