

**Board of Selectmen
Minutes of Tuesday, May 9, 2017
Bourne Community Building
Bourne, MA 02532**

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TOWN CLERK BOURNE

TA Tom Guerino

Selectmen

Don Pickard, Chairman
Peter Meier, Vice-Chairman
George Slade, Clerk
Stephen Mealy
Michael Blanton

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.

All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Selectmen.

Documents

6:30 p.m. Call to order in open session

1. **Executive Session:** Contract Negotiations for Non-Union personnel: Town Administrator. The Chair has declared that an open discussion may have a detrimental effect on the negotiating position of the public body with respect to the discussion concerning negotiations. The Board will reconvene in open session following the Executive Session

Roll call Vote to convene in Executive Session for the purpose stated. The Board will reconvene in open session following the Executive Session at approximately 7:00 PM.

Voted Peter Meier moved and seconded by Stephen Mealy by roll call vote to go into Executive Session.

Mr. Mealy - Yes; Mr. Meier - Yes; Mr. Pickard - Yes; Mr. Slade - Yes; Mr. Blanton - Yes.
Vote 5-0.

Roll call Vote to reconvene in open session.

Meeting Called to Order

Chm. Pickard called the meeting to order at 7:17 pm.

Board to report on votes taken in executive session, if any.

Don Pickard said the Board met in executive session relative to contract negotiations on union personnel with Counsel.

Moment of Silence for our Troops and our public safety personnel /Salute the Flag

Public Comment - Non-Agenda Items

None requested.

5) Minutes from Meeting(s) dates: 8-30-16; 3-21-17; 4-4-17; 4-11-17; 4-18-17

Voted Peter Meier moved and seconded by Michael Blanton to approve the regular session minutes from August 30, 2016 as presented. Vote 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to approve the minutes from March 21, 2017 as presented. Vote 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to approve the minutes from April 4, 2017 as presented. Vote 5-0.

Voted Michael Blanton moved and seconded by George Slade to approve the minutes from April 11, 2017 as presented. Vote 4-0-1. Don Pickard abstained.

Voted Peter Meier moved and seconded by Michael Blanton to approve the minutes from April 18, 2017 as presented. Vote 3-0-2. George Slade and Stephen Mealy abstained.

6) Correspondence

George Slade brought the committee up to date on the correspondence.

- A. Invitation to Volunteer Luncheon to be held on May 19, 2017
- B. Friends of the Jonathan Bourne Public Library - Spring Newsletter 2017
- C. Letter from the Friends of the Bourne Rail Trail regarding the future use of the Upper Cape Regional Transfer Station
- D. Vietnam Veterans' Memorial Wall will be in Wareham from August 17, 2017 - August 21, 2017 on the Anderson Track behind Wareham Town Hall
- E. General Manager Dan Barrett sent letter to DEP regarding Bourne ISWM Facility Quarterly Groundwater and Landfill Gas Monitoring Results
- F. Richard Clifford sent letter regarding traffic conditions on Ocean Pines Drive, Sagamore Beach
- G. Bourne Historic Commission - Public Hearing Notice for 605A County Road, Bourne
- H. Conservation Commission - notice to abutters for work being done at 821 Shore Road, Pocasset
- I. Division of Marine Fisheries - Status: Shellfish Transplant Closure - Closed to Shellfishing - Buttermilk Way
- J. Division of Marine Fisheries - Status: Seasonal Status Change - Closed to Shellfishing - Back River

- K. Division of Marine Fisheries - Special Permit for transplanting contaminated shellfish - Quahogs
- L. Division of Marine Fisheries - Special Permit for transplanting contaminated shellfish - Oysters
- M. Tobey Island Association gives permission to individuals with valid Town of Bourne Shellfish licenses to cross the bridge onto Tobey Island
- N. Christina Stevens is notifying the town per agreement that there will be an event at 1 Lighthouse Lane, Pocasset on May 28, 2017

Peter Meier spoke about Ocean Pine Sagamore Beach, would it be prudent to ask the police chief his recommendation on a speed limit sign. Tom Guerino said if it isn't a town road they will have to go into a chapter 90 traffic control for us to be able to monitor and put speed limit sign. Mr. Guerino will speak to the Police Chief.

Peter Meier spoke about Tobey Island and giving residents who have shellfishing licenses to walk over and go shellfishing; but to say we have to fix any damages, is this something that the Town Counsel will have to look at? Tom Guerino said this has been an annual letter from them; we can have Bob Troy look at it. Peter Meier said if we have to fix something on private property we can't use public funds.

Michael Blanton spoke about item C Friends of the Bourne Rail Trail. The Board of Managers met last week and they awarded the contract to the Cavossa companies. That takes the rail to trail option away. Tom Guerino read an email from Mr. Barrett; As negotiations progress I will keep you informed. There was talk of awarding the contract after negotiations. Mr. Barrett indicated absolutely not. It was not a decision the Board of Managers can make without first seeking approval from member towns boards of selectmen. He will be coming back to the Selectmen on this issue.

7) 7:30 p.m. (Advertised Hearing) Aquaculture up-weller expansion - Thomas Wolstenholme - Kingman Yacht Center

Don Pickard spoke about item number seven. The hearing has been postponed to a future meeting because of a mistype in the agenda.

8) Licenses/Appointments:

a. Common Victualer License - Talk of the Town

Peter Meier spoke about the Talk of the Town Diner. New England Culinary Traditions Group, LLC, d/b/a The Talk of the Town Diner, 808 MacArthur Blvd, Pocasset

Kazar Keuchkarian introduced himself.

Michael Blanton question Mr. Keuchkarian about the other restaurants he owns. Mr. Keuchkarian spoke about the three other restaurants he owns.

Don Pickard said the Fire Department requires an inspection prior to opening.

Mr. Keuchkarian said he spent the past three weeks completing everything.

Peter Meier said the Board of Health said seating cannot exceed 55.

Mr. Keuchkarian said they are not looking to change the seating.

Peter Meier said the tax issues will be done administratively. Tom Guerino spoke about the tax issues on the property.

Claire Bergeron spoke about the diner and that she has been at that location since 1979, she briefly spoke about the problems that occurred. Will pay the taxes owed this week.

Voted Peter Meier moved and seconded by Michael Blanton to approve the Common Victualer Food License for the Talk of the Town Diner located at 808 MacArthur Blvd, Pocasset subject to the conditions listed on the routing slip. Vote 5-0.

9) Selectmen's Business -

a. Summary of Town Administrator's Evaluation (Via the Chairman)

Don Pickard went over the Town Administrators evaluation and read:

**CHAIRMAN'S NARRATIVE OF THE TOWN ADMINISTRATOR'S
2016-2017 PERFORMANCE EVALUATION
DONALD J. PICKARD, CHAIRMAN**

The Town Administrator is evaluated annually in May for his performance from the prior May's election to the present. The evaluation is a combination of numerical scoring and narratives provided by Board members. The evaluation covers five areas of performance. Those areas are Relationship with the Board, Financial Management, Town Management, Community and Public Relations, and Accomplishment of Goals. At the end of the review each member is asked to answer three questions. Those questions are as follows. What has the Town Administrator done well? What could the Town Administrator do better? What steps could the Town Administrator take to improve his performance?

Relationship with the Board

Several members feel that the administrator needs to better communicate with the Board on matters before the Board. One member feels that the administrator is dismissive of that member's participation. There is the feeling that the administrator is disorganized. There is also the opinion that documents are lost, misplaced or not properly tracked specifically in the area of legal counsel correspondence. The administrator sporadically produces his written report to the board as well as other documents.

Several members feel that the administrator gets high marks in the area of institutional knowledge.

Financial Management

Members varied on their assessment in this area. The majority gave the administrator satisfactory performance in this area. One member gave him strong performance in both numerical grades and in the narrative. There is consensus among the Board that budget information received from the administrator is not complete or the answers are not readily available to the Board. The Board recognizes that the town's bond rating is extremely favorable. Several members feel this in part is due to the administrator's leadership. The town is lucky to have sound financial policies established by previous boards of selectmen. The administrator's job is to see that these financial policies are adhered to. Fiscal planning and forecasting needs to improve.

Town Management

In this area of concentration several members cited the administrator's greatest strength in the area of leading the collective bargaining efforts of the town. Several long term talented employees have departed the town's employ over the last year and all members of the Board have indicated that the administrator needs to do a better job in instituting succession planning. With the lack of predictable succession planning, despite several requests from this Board, there is doubt as to how the town would transition if there were a mass exodus of long-term employees.

A majority of members feel that the administrator favors certain department heads and does not use others effectively. Morale and job satisfaction appear to be compromised. Inefficiencies and unclear leadership by the administrator is contributing to a less than positive or encouraging environment. One Board member identified that some departments enjoy a certain level of protection by the administrator. The comment on favoritism has been noted in a number of the administrator's previous evaluations and those comments have not changed. A number of employees feel that the administrator retaliates if challenged by any specific employee.

The administrator maintains an open door policy, which at the very least takes up a number of hours weekly and distracts him from more pertinent town matters. Time management is not a strength identified in this evaluation. The administrator needs to assure and demonstrate that all staff receive fair treatment on a consistent basis.

The administrator hires for vacancies and not for need and an analysis of open positions has not been presented to the Board. Planning continues to be done with minimal lead-time generating more difficulties and less time available for significant analysis.

Community and Public Relations

The administrator is perceived as dealing effectively with our legislative delegation and received a satisfactory performance in dealing with the citizens in the community.

Accomplishment or Progress on Annual Goals

The majority of the Board indicated in their evaluation that of the five areas the two lowest areas were in Community Engagement and Organizational. These areas of concentration were either Needs Improvement or Unacceptable Budget/Finance section was averaged as Satisfactory. In the Economic Development area the administrator was generally rated satisfactory or Strong in performance.

The area of Environmental, was rated the highest in the Goals section generally because the Plastic Bag By-Law was passed and progress has been shown in the 208 Planning.

General Comments

The Board is asked to provide General Comments in the next section of the Evaluation. Some of the comments are identified below:

This year again has been a very difficult period for the town leadership, both for the Board of Selectmen and the Town Administrator.

The FY17 budgeting process failed to follow the Financial Calendar; the Calendar was not reviewed by either the Board or the TA.

Frequent executive sessions have been held throughout the year to accommodate both legal cases before the town as well as other legal challenges. These I believe have become too frequent and have become a distraction to the Board's workload. Keeping the Board informed and to allow communications with Town Counsel could be accomplished I believe with fewer such sessions.

I am left this year with many questions about the fitness of town hall and operations, and despite some significant successes made mostly at the end of the year, I have concerns about the future progress of Bourne under this TA's management. I value the longevity and operational successes that the Town Administrator has brought to the town over the years, and appreciate that he is also working with a 'lean' municipal staff in several departments. I strongly believe that the TA would benefit greatly from the addition of an assistant town administrator, but I am concerned that discussion of such a position has been first met consistently with lack of support, then lackluster and last minute efforts to comply with an organizational chart and position job description. I hope to see more support for this position moving forward, and should we continue to maintain a contractual relationship with the Town Administrator as the Bourne TA, I believe both he and the town hall, and ultimately the town of Bourne, will be the beneficiaries.

For the rating of (2=satisfactory), that indicates to me that, in general, the requirements of the topic area have been met.

I have factored into the appraisal the fact that our town administrator is unique in that he is manager, acting alone, over a town of a population of 20,000 with many unique

challenges. This prompted me to set the bar slightly lower than I would have preferred, but it is a reality of our present situation.

Selectmen Narration Sheet

In this section Board members are asked to answer three questions

What has the Town Administrator done well?

What could the Town Administrator do better?

What steps could the Town Administrator take to improve his performance?

Of the members that answered the questions several feel that he has successfully supported the wastewater treatment plant project and Buzzards Bay Park. Additionally members feel the financial status of the town is in good shape.

Members feel the administrator needs to address his time management issues and use his administrative staff to undertake routine functions with a check and balance system being implemented. Agendas, minutes, documentation must be completed in a timely fashion and per mandated requirements.

In order to improve his performance, the administrator could better utilize and delegate to his support staff. He should use his department heads for establishing baseline succession planning, operations, systems development (documentation handling). He should be flexible to change his mind or adjust course. The administrator should make an effort to create milestones to analyze events during the budget process.

Town of Bourne

Chairman's Summary, Town Administrator Evaluation May 2016 through May 2017

Chairman's Summary Composite of Numerical Ratings

This is the Average of the five Selectmen's ratings in each Area.

The Chairman will average the five Selectmen's rating for each evaluation item in each major area on a separate sheet.

Summary Composite Rating Scale

4 to 3.5	= Outstanding	3.4 to 2.5	= Strong Performance
2.4 to 1.5	= Satisfactory	1.4 to 0.5	= Needs Improvement
0.4 to 0	= Unacceptable		

A. Relationship with the Board. (6 items)

Average of 1.97 Rating of Satisfactory

- B. Financial Management. (7 items)
Average of 1.83 Rating of Satisfactory
- C. Town Management. (12 items)
Average of 1.57 Rating of Satisfactory
- D. Community and Public Relations. (5 items)
Average of 2.16 Rating of Satisfactory
- E. Accomplishment or Progress on Goals. (5 items)
Average of 1.88 Rating of Satisfactory

Average Overall Rating

OVERALL RATING for Town Administrator Guerino is

Numerical Rating 1.80 Rating of Satisfactory

Tom Guerino said number 3 on the Town Administrators requirement is each of the Board members shall meet with the Town Administrator to go over the review, so we have a chance to discuss it. I had a brief meeting with Mr. Meier and I had a lengthy meeting with Mr. Slade. Would have appreciated the opportunity to sit down with the other members of the Board as the review requires. Hope to still have an opportunity to meet with the Board Members even though it is after the evaluation.

Stephen Mealy spoke about the Town Administrators Evaluation

George Slade spoke about the narrative of the Town Administrators Evaluation.

Tom Guerino said the comments also reflect there is very different opinions among the Board members in each of the areas. Will strive to work with the Board to improve where necessary and to maintain where we are doing well.

11) Town Administrator's Report

a. Town Meeting wrap up

b. Concerts in the "park" relocation for July and August

Tom Guerino gave a brief wrap-up of the Town Meeting. The Board should feel good about bring forward some of the items.

Priority Base Budgeting is set for the 24th and 25th of this month. The 24th will be an evening meeting. There are a couple of new members since we started this. On the 25th there will be a 4-5 hour session with the department heads as it relates to costs and putting things in priority. Hope to have that done by the end of the summer.

The memorandum of understanding has been signed and sent to the county for their affirmation. The timetable will be over the course of the summer and fall. Moving into the SWAT, as time permits we will move into the larger strategic plan initiative.

The request for service for the Clerk of the Works is out, relative to chapter 30 B for the park. Have received three responses back. They have until next Thursday at 1:00 to submit those to me.

The Owners Project Manager service for the waste water facility is drafted and ready to go. I am meeting with the engineering company on dates, because I need specific dates on milestones, on Thursday morning at 9:00. When we are done we will put it into the goods and services as required by the commonwealth and the statute and print it out.

Peter Meier questioned the scope of service for the Buzzards Bay Park project. Tom Guerino said that came to me and has been printed and signed.

Peter Meier spoke about the problems at Clark Field.

Tom Guerino spoke about the problems at Clark Field and other fields. There should not be dogs running around on those fields whose owners don't pick up after their animal. It is unhealthy for the kids playing in the fields. Parents are complaining about the waste left on the field from the animals. We will start to do some additional enforcement and will start making a more conscious effort to take a look at the fields more often.

Tom Guerino spoke about the concerts in the Buzzards Bay Park. They will be here at the community center Thursday evenings for the months of July and August. We can have them outside here for the season.

Michael Blanton said he had a conversation with Allyson Bizer Knox, she wanted to make aware if there was a necessity to use other properties for the concerts in the park she would offer up the Hoxie Center.

12) Selectmen's Reports

a. Goals

b. Economic Development

Stephen Mealy jotted down a few thoughts that the Selectmen might want to keep on their to-do-list.

Policies to be Reviewed, Prepared

- Policy Addressing Easements for Town Meeting, Policy on Town Owned Property and its Disposition
- Board of Sewer Commissioners look at Sewerage Regulations Review
- Marijuana Law Review
 - Opt Out, Zoning Changes, Board of Health Regulations, Other
- Public Records Law Implementation
- Tracking of Documentation, Legal Correspondence at Town Hall
- Sewerage Capacity Allocation, BOS involvement, BOS member to Wastewater Advisory Committee
- Review the Charter

- Review the LCP, the Local Comprehensive Plan Assistance to Residents

- Private Ways Improvements with Betterments

Possible Review of Services

- Ambulance Services

On-Going Projects, Goals

- Priority Based Budgeting Implementation
- Financial and Meeting Calendar: Update and Adherence to Scheduling
 - Include Contract Renewal Dates
- Town Organizational Chart
- 208 Clean Water Act enforcement; Participation by Board Member
 - Cape Cod Water Protection Collaborative
- Periodic Review of Economic Development SWOT and strategic planning
- Stormwater Management
- Using local Bourne TV for TA/Selectmen Access Discussions
- Shining Sea Bikeway Development
- Financial Software Review and Implementation
- Updating Payroll Systems

Financial

- Consider adding Monthly Agenda Items to review Sources and Uses, Budget Status, Long Term Planning, Calendar
- Consider re-starting/maintaining g the Financial Project Working Group

Other

- BOS Organization: Consider utilizing Sub-committees as done before to review Budget, prepare for Town Meeting
 - Utilize teams of 2 members to simplify the meeting/review process
- Attend Training and Seminars, such as those by MMA, i.e., the Capital Financing and Revenue and Expenditure Forecasting workshop on May 18.
- As previously discussed, elimination of BOS paper Packets and utilize paperless
- Review the needs for Executive Sessions

Tracking Major Capital Projects

- Hold monthly reviews of the following projects
 - New Elementary Building
 - New Police Department
 - Wastewater Engineering and Design
 - Buzzards Bay Park
 - The Hoxie Group
- Request the Community Preservation Committee provide periodic updates of funded projects.
- Periodic updates on the MBTA and status of service; Transportation Advisory Committee
- Periodic updates of the Cape Cod Canal Transportation Study (i.e., the Third Bridge)

Committees and Boards currently represented by Stephen Mealy for the Board of Selectmen

- Cape Cod Water Protection Collaborative
 - Meets monthly on second Wednesday at Barnstable County Complex at 9AM
- Bourne Main Street Steering Committee
 - Typically meets monthly, Monday, 10:30 AM
- Wastewater Advisory Committee
 - Meets monthly, Wednesdays, 4:30 PM
- MMA Liaison
 - With one other Selectman, acting as a liaison to the Academy
- Community Building Trustee
 - Monthly, typically last Tuesday, 4:30 PM
- Attend Recycling Committee meeting
 - Monthly, 10AM Tuesday

Don Pickard said this is Mr. Mealy's last public meeting.

May 16 is election, there will be no meeting.

May 23rd is the next Board of Selectmen Meeting

May 30th there will be no meeting.

Don Pickard will work with the Town Administrator on the Agenda for the 23rd

The Board will reorganize. Please notify the TA if you would like to serve in any capacity and what leadership you would like.

1st reading for the Public Records Law Policy for adoption and vote

Peter Meier suggested the Charter Review Committee discussion

Peter Meier spoke about Mr. Mealy's last meeting and respect what he has done for this town with all the committees that he has served on.

Michael Blanton spoke about Mr. Mealy's service to the town and thanked him for his service to the town.

George Slade spoke about Mr. Mealy's service to the town. Appreciate what he has done for the town.

Tom Guerino spoke about Mr. Mealy's service and the committees he has served on.

The next Bourne Selectmen meeting will be on Tuesday, May 23rd at 7:00 P.M.

13) Adjourn

Voted Stephen Mealy moved and seconded by Peter Meier to adjourn. Meeting adjourned at 8:20 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.