

# Board of Selectmen Meeting Notice AGENDA



Date

September 27, 2022

Time

6:00 PM

Location

Bourne Veterans' Community Building – Rm 2  
239 Main St., Buzzards Bay  
Or virtually (see information below)

Note this meeting is being televised, streamed or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time.

**Zoom Meeting ID: 869 5775 5505**

**Password: 529740**

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

## 6:00 PM Call Public Session to Order in Open Session

RECEIVED  
2022 SEP 23 AM 9:45  
TOWN CLERK BOURNE

1. Moment of Silence to recognize our Troops and our public safety personnel
2. Salute to the Flag
3. Vision: Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.
4. Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.
5. Public Comment on Non-Agenda Items - Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.
6. Selectmen's Business
  - a. Presentations & Discussions – Articles for Fall Town Meeting
    - Article 6 – Capital
      - Police Vehicle
      - Con Com / Engineering Truck
      - Queen Sewell Lighting
      - Sign Machine
      - Flail Arm
      - Storm water Infrastructure Design
      - Sagamore Beach Access Ramp Design
    - Article 7 – Shore at Barlow's Landing Road intersection reconstruction
    - Article 9 – ISWM container truck

Article 10 – ISWM fuel tank project

Article 13 – Long-term lease with TRANE for an ESCO plan

7. Minutes: 9/13/22
8. Correspondence
9. Committee Reports
10. Other Business
11. Upcoming meetings
12. Adjourn

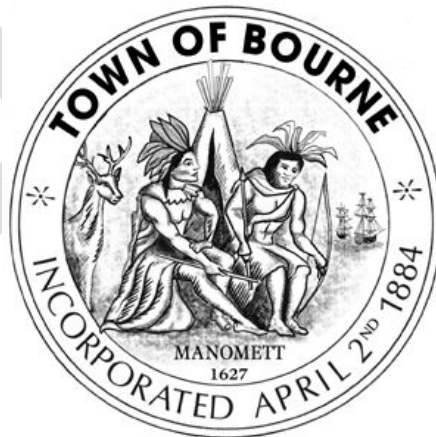
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TOWN CLERK BOURNE

Article	Description	Capital Outlay	Bylaw Committee	Fin Com	BOS
1	<u>Committee Reports</u>			19-Sep	20-Sep
2	GF Budget Amendments electronic voting (BJ & MM) move Police Station R&M to facilities (BE, SF, MM) Fire OT (DC) Fire Inspector Postion (DC) Department adjustments (EF) Liability Insurance - 111F (EF) Contractural Reserve (EF) DPW - laborer to mechanic (SP) DPW - 4 truck drivers (SP)			19-Sep	20-Sep
3	<u>Sewer Budget Amendments</u> Electricity (ME, EF, MM) EQ basins (ME, EF, MM)			26-Sep	27-Sep
4	<u>OPEB Liability</u> (EF)			19-Sep	20-Sep
5	<u>Compensated Absences</u> (EF, MM)			19-Sep	20-Sep
6	<u>Capital</u> Police Vehicle (BE) Con Com/Eng truck (SF, TL) Queen Sewell Lighting (SP, KC, BE) Sign Machine (SP) Flail Arm (SP) Storm water Infrastructure (TL) Sagamore Beach Access Ramp (TL)	19-Sep		26-Sep	27-Sep
7	<u>Intersection Rebuild - Shore @ Barlow's Landing</u> (SP)	26-Sep		26-Sep	27-Sep
8	<u>Leachate Pilot</u> (DB)	19-Sep		19-Sep	20-Sep
9	<u>ISWM container truck</u> (DB)	26-Sep		26-Sep	27-Sep
10	<u>ISWM fuel tank</u> (DB)	26-Sep		26-Sep	27-Sep
11	<u>Capital Stabilization Fund</u> (EF)	19-Sep		19-Sep	20-Sep
12	<u>Community Preservation Fund</u> Housing Production Plan Joseph Jefferson Windmill	n/a 26-Sep		3-Oct	4-Oct
13	<u>Long-term Lease with TRANE for ESCO</u> (MM)	19-Sep		26-Sep	27-Sep
14	<u>Accept Sanderling, Whimbrel &amp; Pintail as public</u> (SP)			19-Sep	20-Sep
15	<u>Amend Bylaw 3.1.43</u> (KM)			3-Oct	4-Oct
16	<u>Amend Bylaw 3.1.29 (a) &amp; (f)</u> (BJ & CS)			3-Oct	4-Oct
17	<u>Amend Zoning - Signs</u> (JC)			3-Oct	4-Oct
18	<u>Amend Zoning - Parking</u> (JC)			3-Oct	4-Oct
19	<u>Petition - Zoning</u> (Calamar)			3-Oct	4-Oct

Articles of the Warrant  
For the Bourne  
Special Town Meeting  
Monday, October 24, 2022  
7:00 P.M.  
Bourne High School Auditorium



## **SPECIAL TOWN MEETING**

**ARTICLE 1**<sup>[MM1]</sup> To see if the Town will vote to hear Reports and Recommendations of Committees and Town Officers, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**ARTICLE 2**<sup>[MM2]</sup>: To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money for the purpose of supplementing and/or reducing the FY2023 Regular Annual Expenses of the departmental expenses as voted under Article 2 (Fiscal Year 2023 Budget) of the 2022 Annual Town Meeting, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**ARTICLE 3**<sup>[MM3]</sup> To see if the Town will vote to appropriate, borrow or transfer from available funds, as sum of money for the purpose of supplementing and/or reducing the FY 2023 Sewer Department Budget as voted under Article 3 (Sewer Department) of the 2022 Annual Town Meeting, or take any other action in relation thereto.

***Sponsor – Board of Sewer Commissioners***

**ARTICLE 4**: To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money for the purpose of funding the Town's Other Post-Employment Benefits (OPEB) Liability, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**ARTICLE 5**: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund costs related to payments of accrued contractual compensated absences, or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**ARTICLE**<sup>[MM4]</sup>**6**: To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money for the purpose of funding the Fiscal Year 2023 Capital Budget, or take any other action in relation thereto.

***Sponsor – Board of Selectmen/Capital Outlay Committee***

**ARTICLE 7**: To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money for the purpose of funding the design, reconstruction and improvement of the intersection of Shore Road at Barlow Landing's Road, including all related costs, expenses or fees, or take any other action in relation thereto.

***Sponsor – Board of Selectmen/Capital Outlay Committee***

**ARTICLE 8**: To see if the Town will vote to appropriate or transfer from available funds including but not limited to Integrated Solid Waste Management (ISWM) Enterprise Fund Retained Earnings, a sum of money for the purpose of funding an Amendment to Article 6 voted at the November 16, 2020 Special Town Meeting for the purpose of funding design, development, installation and operational costs associated with a Pilot Leachate Treatment System to be installed at the ISWM Facility, including all related costs, expenses or fees, or take any other action in relation thereto.

***Sponsor – Board of Selectmen/Capital Outlay Committee***

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**ARTICLE 9:** To see if the Town will vote to appropriate or transfer from available funds including but not limited to Integrated Solid Waste Management (ISWM) Enterprise Fund Retained Earnings, a sum of money for the purpose of funding an Amendment to Article V, voted at the May 3, 2021 Annual Town Meeting, for the purpose of adding additional funding to the ISWM FY' 2022 Capital Budget Request, 1-ton Container Truck Line Item, or take any other action in relation thereto.

***Sponsor – Board of Selectmen/Capital Outlay Committee***

**ARTICLE 10:** To see if the Town will vote to appropriate or transfer from available funds including but not limited to Integrated Solid Waste Management (ISWM) Enterprise Fund Retained Earnings, a sum of money for the purpose of funding relocation and installation of a fuel storage tank at the ISWM Facility, including site preparation, installation of all necessary structures and associated appurtenances, and all related costs, expenses or fees, or take any other action in relation thereto.

***Sponsor – Board of Selectmen/Capital Outlay Committee***

**ARTICLE 11:** To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to the **Capital Stabilization Fund**, or take any other action in relation thereto.

***Sponsor – Board of Selectmen/Capital Outlay Committee***

**ARTICLE 12:** To see if the Town will vote, upon recommendation of the Community Preservation Committee, to appropriate a sum of money for **Community Preservation Fund purposes**, and to meet said appropriation, to transfer from available funds or reserves from the FY2023 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action in relation thereto.

***Sponsor - Community Preservation Committee***

**ARTICLE 13:** To see if the Town will vote to appropriate a sum of money to pay costs of energy efficiency improvements to be made pursuant to an energy services contract (ESCO) between the Town and TRANE; to determine whether this appropriation shall be raised by taxation, transfer from available funds, borrowing, including the use of a lease-purchase financing agreement, or otherwise, or to take any other action relative thereto.

***Sponsor – Board of Selectmen***

**ARTICLE 14:** To see if the Town will vote to amend Section 3.1.43 of the General Bylaw by striking Section 3.1.43 in its entirety and in place thereof inserting the following text:

**Property Maintenance**

- a. Purpose and Intent: The Town of Bourne and its residents have a strong interest in the continued maintenance of property within the Town's borders to (i) ensure the health, safety, and welfare of residents, (ii) correct and prevent unsanitary conditions, (iii) control rodents, vermin, and other pests, (iv) prevent adverse impacts to abutting and

surrounding properties, (v) maintain property values, (vi) maintain neighborhood and community character, (vii) protect the quality of the natural environment; and (viii) protect the enjoyment and normal use of public and private property and the normal conduct of business on the same. This bylaw sets forth standards to correct conditions that adversely impact these interests and to ensure the continued maintenance of such property—including all structures and other objects located on such property—in furtherance of these interests.

- b. Applicability: This section’s provisions apply to all parcels of land located within the Town’s borders, including any structures or other physical objects of any kind or nature that are located on such land.
- c. Definitions: As used in this section, the following words shall have the following meanings:
  - 1. “Abandoned or vacant building” means any building that is not legally occupied, is vacant, is abandoned, or is otherwise not in use for a period of at least 45 consecutive days.
  - 2. “Accumulation means a buildup, growth, or collection, scattered, amassed, or piled, existing at the time of inspection.
  - 3. “Building” means a combination of any materials fixed to the ground and having a roof, enclosed within exterior walls, built to form a structure for the shelter of persons, animals or property.
  - 4. “Container” means a dumpster, garbage can, garbage bin, or other receptacle designed, intended, or used to hold refuse.
  - 5. “Derelict motor vehicle” means an inoperative motor vehicle or may not legally be operated on a public way in the Commonwealth because it is unregistered or for any other reason.
  - 6. “Inoperative motor vehicle” means a motor vehicle having missing bodywork, components, or parts, deteriorated, or removed adjuncts, or such other conditions that: (a) prevents its mechanical function; (b) prevents its safe storage on a property; (c) would cause or contribute to an unsanitary condition; or (d) would have an adverse effect on neighborhood or community character or on abutting or surrounding property values.
  - 7. “Inspector of Buildings” means the Inspector of Buildings for the Town of Bourne, or that person’s designee.
  - 8. “Legally occupied” means a building occupied in accordance with the provisions of the Massachusetts State Building Code, the Town of Bourne General Bylaws and Zoning Bylaws, and the Massachusetts State Sanitary Code.

9. “Owner” means a person or entity who, alone or joint and severally with any other person or entity, owns or has legal possession, custody, or control of property.
10. “Property” means a parcel of land located within the Town’s borders, including any building, structure, or other physical object of any kind or nature located on that land. This term shall mean the same as “parcel” or “land” unless context dictates otherwise.
11. “Motor vehicle” means any form of equipment used for the transport of one or more individuals that utilizes a combustion engine or electric motor.
12. “Nuisance” means any condition that annoys, irritates, disturbs, or interferes with a person’s use or enjoyment of private or public property, whether located on the property containing the nuisance or on abutting or surrounding properties, or otherwise causes a condition that is detrimental to the interests set forth in the Purpose and Intent subsection of this bylaw.
13. “Refuse” means: (a) debris, junk, or effluent; (b) unused or unusable material that by reason of its state, condition, or excessive accumulation, would cause an unsafe or unsanitary condition on a property or would otherwise have an adverse impact on neighborhood or community character or on abutting or surrounding property values; (c) garbage, special collection materials, recyclable materials, yard waste, or other similar forms of organic or inorganic material. For the avoidance of doubt, this term may mean and include but not be limited to the following items, if such an item satisfies one of the three requirements for refuse set forth above: food wastes, market wastes, litter, combustibles such as paper, cardboard, yard trimmings, leaves and brush, plastics, and leather, non-combustibles such as metal, cans, glass and glass containers, crockery, dirt, ashes from fireplaces, street sweepings, bulky wastes such as furniture, appliances, tires, stumps, recycling, construction, trade and demolition waste, unlicensed, unused or stripped automobiles, trucks, trailers, boats, vessels, machinery, or mechanical or metal parts. This term shall be construed broadly in furtherance of the purpose and intent of this section.
14. “Structure” means a combination of materials, whether wholly or partially level with, above or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter, or enclosure such as a building, framework, retaining wall, platform, bin, fence, parking area, sign, flagpole, or mast for antenna or the like.
15. “Turf grass” means blue grass, fescues, perennial ryes and tall fescues, ryegrasses, bent grasses, and all other grasses used to create a manicured or maintained lawn.

d. General Requirements: The following requirements shall apply to all property:



1. All property shall be used and kept free of refuse. Refuse shall be removed from any property no later than 48 hours after its placement on such property, unless such refuse is (a) stored in a container; or (b) stored, in a structure or in another manner, approved by the Inspector of Buildings. Properties are limited to no more than 4 containers unless more containers are approved by the Inspector of Buildings.
2. All property shall be used and kept free from any nuisance. Should a nuisance arise on a property, that nuisance shall be promptly repaired or corrected.
3. No more than one derelict motor vehicle shall be stored on any property in a location visible to the public. No more than two derelict motor vehicles may be stored on any property in any location.
4. No person shall throw, place, dump, deposit or permit to be thrown, placed dumped or deposited any refuse on any property without the consent of the owner and at no time shall refuse be deposited in ponds, rivers, and watercourses.
5. Turf grass shall not exceed 8 inches in height.
6. Property shall be maintained in accordance with all applicable requirements of federal, state, and local laws, including but not limited to the provisions of the Town of Bourne General Bylaws and Zoning Bylaws and the Massachusetts State Building, Fire, and Sanitation Codes.
7. All exterior components of every building and structure including but not limited to walls, roofs, chimneys, cornices, gutters, downspouts, drains, porches, canopies, awnings, steps, landings, fire escapes, exterior stairs, windows, shutters, and doors, shall be kept in sound condition and good repair, substantially free of deterioration, including but not limited to loose or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling or deteriorated paint.
8. Overhanging structures, including canopies, awnings, exterior stairways, fire escapes, and other overhanging extensions shall be maintained in sound condition, good repair and be securely anchored.
9. All steps, fences, retaining walls, and landscape features shall be firmly anchored and maintained in good structural repair.
10. All property shall be maintained substantially free from overgrowth of vegetation that constitutes a suitable habitat for vermin, rodents, or other pests, or otherwise poses a hazard to the health, safety, or welfare of any person in the vicinity of the property, or is so overgrown as to have a clear adverse effect on abutting or surrounding properties.

11. Water shall not be permitted to continuously stagnate outside of any building or structure for more than 10 days except under natural conditions. Property shall be maintained to prevent such stagnation and to prevent: (a) recurrent or excessive accumulation of water; (b) the flow of water into any building or structure on the property or on any abutting or surrounding properties; or (c) instability or erosion of soil.
  12. Property shall be kept free of rodents, birds, insects, vermin, or other pests that cause or may cause a nuisance to the use of abutting or surrounding properties or would otherwise be detrimental to the public health, safety, or welfare.
  13. All areas used by motor vehicles, such as driveways or parking pads, shall have a surface suitable for that purpose, kept in good repair.
  14. All areas on the property used for pedestrian traffic shall be maintained at all times so as to provide safe passage under normal use and weather conditions.
  15. All lighting used to illuminate a parking area, driveway, walkway, or the exterior of a building shall be maintained in a safe, structurally-sound condition and in working order. All fixtures shall be installed to deflect the light away from adjacent properties.
  16. Property shall be maintained free from objects or conditions, such as holes, or excavations, that cause or may cause a substantial danger to public safety.
  17. Property damaged by fire, explosion, weather, or other cause shall be made safe promptly following such an event, and shall otherwise be repaired and returned to their former condition or in compliance with this section or be razed within six (6) months unless granted an extension by the Inspector of Buildings.
- e. Abandoned or Vacant Buildings: The following requirements shall apply to all abandoned or vacant buildings in addition to those requirements imposed by the General Requirements subsection of this bylaw:
1. Not more than 7 days after a building is abandoned, foreclosed, or becomes vacant, the owner shall register the building with the Inspector of Buildings on a form or forms prescribed by the Inspector.
  2. Each registration shall certify that the property has been inspected by the owner and shall identify whether the property is abandoned, and if abandoned, the condition of the property and the status of maintenance thereof. Each registration shall designate a local individual or local property management company responsible for the maintenance and security of the property. This designation

shall state the individual or company's name, direct telephone number, and local mailing address; the mailing addresses shall not be a post office box.

3. Once the building is no longer abandoned, foreclosed, or vacant, or is sold, the owner shall provide proof of sale or written notice and proof of lawful occupancy to the Inspector of Buildings.
  4. Any owner that has registered a property under this section shall report any material change in information contained in the registration within 10 days of the change.
  5. All property registrations pursuant to this section are valid for one calendar year from the date when the registration is received by the Inspector. An annual registration fee of \$25 must accompany the registration form. Subsequent registrations and fees are due within 30 days after the date of the expiration of the previous registration. Subsequent registrations must certify whether the property remains abandoned and/or remains in foreclosure, and shall restate the current condition of such property as required above.
  6. The owner shall be responsible for continued maintenance of the property in conformance with the requirements of this section. The owner shall be so responsible even if the owner identifies a different person or entity for such responsibility pursuant to subsection d.2. of this section.
- f. Investigation: The Inspector of Buildings may undertake an investigation of any potential violation of this section pursuant to a complaint by any person or upon the Inspector's own initiative.
- g. Penalties and Enforcement: The Inspector of Buildings shall be responsible for the enforcement of this section, subject to the following requirements:
1. Any owner determined by the Inspector of Buildings after an investigation to have violated any provision of this section shall be notified in writing of the violation or violations.
  2. If a violation is an owner's first violation of this section, then the Inspector Buildings shall issue a warning to the owner with an order to correct the violations no later than 7 days from delivery of the order. The Inspector of Buildings may extend the time to correct violations within his sole discretion.
  3. If a violation is not an owner's first violation of this section, then the Inspector of Buildings may issue additional warnings or may impose a fine for each day the violation continues and is not corrected pursuant to the following schedule:

First 30 days:	\$50.00 per day
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31 to and including 60 days: \$100.00 per day

61 days and after: \$200.00 per day

Fines for noncompliance may be assessed as a noncriminal disposition under G.L. c.40, §21D.

4. If a violation is not an owner's first violation of this section, then the Inspector of Buildings may, in addition to issuing additional warnings or imposing fines, bring a civil action in a court of competent jurisdiction seeking equitable relief for the enforcement of this section.
5. Any enforcement action taken under this section shall not bar or waive any separate action initiated by the Town, pursuant to any applicable federal, state, or local law, based on or related to any actual or alleged violation of the provisions of this section.
- h. **Preexisting Conditions:** Conditions existing at the date of this section's enactment that would constitute violations of one or more of this section's provisions shall be brought into compliance with this section within 90 days of the date of approval of this bylaw or within such other time as the Inspector of Buildings may approve.
- i. **Relationship to Other Laws and Obligations:** The provisions of this section prescribe minimum standards for maintenance of property to achieve this section's purpose and intent. This section is not intended and shall not be interpreted to preempt any other more stringent standards found in any other applicable Town bylaws, regulations, or policies, or any other Federal or State law or regulation. Compliance with this section shall not relieve an owner of any applicable obligations set forth in any other laws, codes, regulations, covenant conditions or restrictions, or homeowner or condominium association rules and regulations.
- j. **Severability:** Provisions of this section are severable and if any provision shall be held invalid under any circumstances, such invalidity shall not affect any other provisions of circumstances.

or take any other action in relation thereto.

***Sponsor – Board of Selectmen***

**ARTICLE 15:** To see if the Town will vote to amend the Town of Bourne Bylaws, Article 3.1 Public Safety and Good Order, Section 3.1.29 – Licensing and Control of Dogs, Paragraphs (a) and (f) as follows:

- a. **Licensing Provisions.** Except as may otherwise be provided by bylaw, all owners or keepers of dogs over six (6) months of age within the Town of Bourne must obtain from the Town Clerk ~~between January 1<sup>st</sup> and June 30<sup>th</sup> for each year~~ **by March 31 of each year**, an annual dog license and pay an annual license fee to the Town as required by bylaw...

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f. Dog Licensing Fees.

...~~On or before June 15 of each year, the Town Clerk shall notify the owner or keeper of record of any unlicensed dog of the requirements to license the dog.~~

or take any other action in relation thereto.

***Sponsor – Town Clerk and Department of Natural Resources***

**ARTICLE 16:** To see if the Town will vote to amend Section 3210 of the Bourne Zoning Bylaws as follows:

Amend Section 3210 General Sign Regulations and Section 2888 Downtown District - Signs Not Permitted, by adding the following language:

**Flag signs or fabric devices attached to curved plastic or fiberglass poles intended to move or swing in a breeze – commonly called “feather signs” - are prohibited. Similarly, signs or devices that consist of an inflatable stick figure created from fabric tubing attached to a fan that causes the figure to move in a rhythmic, flailing motion – commonly called “sky dancers” or “tube men” – are prohibited.**

or to take any other action in relation thereto.

***Sponsor – Planning Board***

**ARTICLE 17:** To see if the Town will vote to amend Section 2854, subsection b) of the Bourne Zoning Bylaws, relative to the Downtown Parking Regulations, as follows:

**SECTION 2854. Parking Reduction Methods**

b) Off-Site Parking Credit - Parking requirements may be reduced by up to fifty percent (50%) with a Special Permit by the Planning Board if an off-street public parking lot of 20 spaces or more exists within ~~300~~ **1000** feet of the principal land use, and the public parking lot has ample spaces available to serve the immediate area as determined by a survey of peak hour occupancy and usage. If this rule cannot be met, the applicant can secure private off-site parking within ~~500~~ **1000** feet of the site by ownership or lease with another landowner with the following conditions:

1. The off-site parking will be shared by more than one landowner; and
2. The greater distance is justified because of pedestrian traffic patterns and the vitality of the area that would be part of the walk.

or take any other action relative thereto.

***Sponsor – Planning Board***

**ARTICLE 18:** To see if the Town will vote to amend the Bourne Zoning Bylaw Section 2842, Performance Standards for Residential Uses, by clarifying subparagraphs (3)(a) and (b) by adding those words identified in red and indicated herein:

- a) General Residential Use Performance Standards

3) Affordable Housing

a. Residential developments whether new construction, alteration or expansion that results in a net increase of 10 (ten) or more dwelling units shall include a minimum of 10% of the total number of units available to low and moderate-income residents in accordance with the Commonwealth of Massachusetts Department of Housing and Community Development (*DHCD*) standards for affordable housing *except where inclusion of affordable housing units is prohibited by DHCD.*

b. Residential of mixed-use developments (rental or ownership) with 55 or more total units are required to meet all standards set forth by the Department of Housing and Community Development (DHCD) to ensure all affordable units are placed on the Commonwealths Subsidized Housing Inventory (*CSHI*) *unless otherwise prohibited for inclusion in the CSHI.* The Developer is responsible for incurring all costs and is also responsible for administering the process associated with attaining the affordable units on the Commonwealths Subsidized Housing Inventory, or take any action in relation thereto.

***Sponsor – Barbara Johnston, et al***

Approved:

BOARD OF SELECTMEN

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Barnstable, ss.

Bourne, Massachusetts

By virtue of the Authority vested in me, I have this day posted a true and attested copy of this warrant in the Bourne Veterans' Memorial Community Center, Bourne Town Hall and in all the post offices in the Town of Bourne viz: Buzzards Bay Post Office, Bourne Post Office, Monument Beach Post Office, Pocasset Post Office, Cataumet

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Post Office, Sagamore Post Office, and the Sagamore Beach Post Office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Constable

Received in the Town Clerk's Office \_\_\_\_\_

\_\_\_\_\_  
Barry H. Johnson, Town Clerk

**Board of Selectmen  
Minutes of Tuesday, September 13, 2022  
Bourne Veterans' Community Center – Rm 2  
Buzzards Bay, MA**

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**TA Marlene McCollem**

**Board of Selectmen**

Peter Meier, Chair  
Jared MacDonald, Vice Chair  
Melissa Ferretti, Clerk  
Judith Froman  
Mary Jane Mastrangelo

Others: Michel Rausch (virtual), Alexandra Rubin (virtual), Mark (virtual), Larry Palmer (virtual), Lauren DeGregorio, Donna McCormack, Jim McCormack, Debbie Oliviere, Tim Lydon, Al Hanscom, Mark Dennen, Billy Macuch, and Joe Gordon.

Note this Zoom videoconference meeting is being televised, streamed, or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time.

**Zoom Meeting ID: 869 5775 5505    Password: 529740**

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

**7:00 PM Call Public Session to Order in Open Session**

- 1. Moment of Silence to recognize our Troops and our public safety personnel.**
- 2. Salute to the Flag.**

Chair Meier said that regarding Executive Session, due to client/attorney privilege, they will not be disclosing any decisions made this evening.

- 3. Vision:** Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.
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- 5. Public Comment on Non-Agenda Items** – Public Comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for



comment. Based on past practice, members of the Board are not allowed to comment or respond.

**6. Appointments and Licenses - None**

**7. Selectmen's Business**

- a. Discussion and possible vote to approve the request of L. Palmer of the Penaltybox Foundation to host a 5K run/walk at Buzzards Bay Park on 10.16.22.**
- b. Discussion and possible vote to approve the request of L. DeGregorio to host a flash dance and trick or treating at Buzzards Bay Park and Main Street on 10.22.22.**
- c. Discussion and possible vote to approve the request of D. McCormack of the Buzzards Bay Eagles to hold their annual canal walk and fundraiser at Buzzards Bay Park on 05.23.23.**
- d. Discussion and possible vote to reduce the size of the Human Services Committee.**
- e. Update by Jerry Hill re: Calamar status.**
- f. Update & Discussion – preexisting soil contamination at the Community Building and recommended mitigation.**
- g. Bourne Basketball Association's correspondence of August 19, 2022.**
- h. Selectmen's letter re: discharge of radioactive water from Pilgrim Nuclear Power Station.**
- i. Discussion of the 1<sup>st</sup> draft of the October 24, 2022, Town Meeting Warrant.**
- j. Vote to declare an unused diesel generator located at Town Hall, and the decommissioned fuel tanks at the old Police Station as surplus property, and transfer custody from general government to ISWM.**

**7.a. Discussion and possible vote to approve the request of L. Palmer of the Penaltybox Foundation to host a 5K run/walk at Buzzards Bay Park on 10.16.22.**

Larry Palmer said that Penaltybox Foundation is a charitable foundation that is currently battling youth suicide and trying to make mental health awareness a priority. He said they are requesting to use the canal and Buzzards Bay Park for a 5K run/walk and they will be respectful of the spaces and leave everything in the same condition that they started with.

Ms. McCollem said that everything is in order.

**Voted:** Mary Jane Mastrangelo moved, and Judith Froman seconded to approve the application of the Penaltybox Foundation, Lawrence Palmer, organizer, for a 5K run/walk on October 16, 2022, from 6 am to noon at the Buzzards Bay Park, as conditioned by the DPW and Recreation Department comments.

**Vote:** 5-0-0.

**7.b. Discussion and possible vote to approve the request of L. DeGregorio to host a flash dance and trick or treating at Buzzards Bay Park and Main Street on 10.22.22.**

Lauren DeGregorio, a resident of Bourne, said that she is a retired Pre-K teacher and a local artist, and she would like to continue working with youth and wants to give back to the community, mostly free of charge. She said that Studio 721 and Center Stage Dance Academy will practice this dance and would like to release the video online. She said they will have 1 month to practice. She reached out to local businesses, and they are interested.

Ms. McCollem said that everything is in order

**Voted:** Jared MacDonald moved, and Mary Jane Mastrangelo seconded to approve the application of Oplaysis Designs, Lauren DeGregorio, organizer, for a flash dance and trick-or-treat event on October 22, 2022, from 10 to 11:30 am at the Buzzards Bay Park, as conditioned by the Police Department and DPW.

**Vote:** 5-0-0.

**7.c. Discussion and possible vote to approve the request of D. McCormack of the Buzzards Bay Eagles to hold their annual canal walk and fundraiser at Buzzards Bay Park on 05.23.23.**

Donna McCormack first thanked the Board for their support of their annual canal walk last May for the Joe Andruzzi Foundation. They raised \$19,000.00 for the foundation, and together with their other clubs in Massachusetts, they presented a check to his foundation in the amount of \$85,000.00. This year they will be partnering with Ron Hoffman and Compassionate Care, ALS, to do another walk and they would like to reserve the date of May 20, 2023.

**Voted:** Melissa Ferretti moved, and Judith Froman seconded to approve the application of the Buzzards Bay Eagles, Donna McCormack, organizer, for a canal walk fundraiser on May 20, 2023, at the Buzzards Bay Park, as conditioned by the Health Department, Recreation Department, and Fire Department comments.

**Vote:** 5-0-0.

**7.d. Discussion and possible vote to reduce the size of the Human Services Committee.**

Debbie Oliviere, Co-Chair of the Human Services Committee, said that in 2019 it was voted to increase the members at large of the committee from 4 to 6. She said that they have a difficult time getting a quorum.

**Voted:** Mary Jane Mastrangelo moved, and Jared MacDonald seconded to approve the request of the Council on Aging to reduce the size of the Human Services Committee from 6 at-large members to 4 at-large members.

**Vote:** 5-0-0.

**7.e. Update by Jerry Hill re: Calamar status.**

Chair Meier said that a letter was received earlier in the day stating that he is unable to attend this meeting.

**7.f. Update & Discussion – preexisting soil contamination at the Community Building and recommended mitigation.**

Town Administrator Marlene McCollem said that they went to Special Town Meeting in May for some funding to conduct some analysis of the situation. She said that the consultants, Pare Corporation are here, and Town Counsel is on the meeting by Zoom.

Al Hanscom, Vice President of Pare Corporation, set up a board with a drawing of the building and gave out handouts of it as well. He said that he is a licensed site professional, and went through a licensing process through Mass DEP. He said he is responsible, as DEP employees are, for the implementation of environmental regulations in Massachusetts, specifically the Massachusetts Contingency plan which governs releases of oil and hazardous materials to the subsurface.

Mr. Hanscom said that earlier this year, Bourne received a downgrade in property status notice from Mass DEP that the Town owned property that was responsible for the migration of gasoline to the Coastal Motors property. He explained what was done to prevent vapors and other hazardous materials to infiltrate the building when the Community Center was built in 2005. He talked about their findings and what their solutions are to mitigate risk.

Mr. Hanscom recommends that the Town allow him to do some soil gas readings at two locations in each of two neighboring buildings. Chair Meier said permission will be needed to do the readings by the property owners, and Ms. McCollem said that if the Board approves tonight, they will reach out to the property owners for their permission and access agreements to go on their property. Mr. Hanscom said that they previously received permission from the owner of Coastal Motors, and they will be sharing the results of their testing there with the Town tomorrow.

Mr. Hanscom also said that they feel that they would be better off using chemical oxidation to oxidize the contamination of the groundwater underneath the ground. He said that they have developed a schedule and some cost estimates. Chair Meier asked if it would satisfy DEP. Mr. Hanscom said that yes, it will address the DEP issues.

Mark Denin of Monument Beach asked some questions regarding the ownership of Coastal Motors and wanted to know how the issues at Coastal Motors were brought to the attention of the Town and to DEP. He inquired about how long the contamination has been there. Mr. Hanscom told him that other consultants and Pare Corporation have done significant research around the area and on other sources of contamination that might be leading to this. He said they have all concluded that that is the likely source of ongoing contamination. He said that there were two 1500-gallon underground storage tanks removed when the Community Center was built, and both tanks were confirmed to be leaking. He said that it is a significant smoking gun that was found here.

**Voted:** Judith Froman moved, and Jared MacDonald seconded to continue with the described plan of action to clean up the soil contamination at the Bourne Community Building and to further utilize ARPA funds for the project costs.

**Vote:** 5-0-0.

**7.g. Bourne Basketball Association's correspondence of August 19, 2022.**

Chair Meier said that there was a letter emailed to the Board on a Friday afternoon and the normal protocol for correspondence is that they are read into the record at Board of Selectmen meetings and this email was written about in the newspaper before it was read at a Board meeting. The reason for this is during a conversation that Chair Meier had with an individual from one of the print media, he was asked if anything interesting was going on, and Chair Meier said this just came across, and he emailed him a copy of the letter, and then it was made into an article. He said that while he does not regret sending the letter, he does have some concerns about what was in the letter.

Billy Macuch said he is a member of a 5-member board of the Bourne Basketball Association. He said that regarding the newspaper, they did get a call and said that they had no comment, and it was not their intention to have it play out in the newspaper as it did. He said that since the article came out, they have talked to Krissanne Caron, the Recreation Director, about talking about working together and doing what is best for youth sports in the Town, specifically basketball.

Mr. Macuch said that they are a nonprofit organization, and they are looking to get more athletes playing basketball in the Town. They started during the pandemic when the Town was not able to run as many programs as they usually do. They put the program together quickly, focusing on skills and drills, and had 126 participants last year for a 10-week program. Due to their success, they would like to expand the program, and part of the expansion is to separate boys and girls. He said they have started to bring in the varsity basketball players from both high schools in Town to help.

Mr. Macuch said that their biggest issue is the lack of resources, and they are hoping to reduce costs as much as possible for the athletes by utilizing the gymnasiums in Town. They are predicting that there may be around 300 athletes in their league. He said he is hoping to induce more of a sense of pride in Bourne for the young athletes and open the door for young girls to be able to play sports as young boys already can.

Chair Meier said that he thinks this should be directed to the Recreation Committee. He thinks that this program could be good for the Town and could be a start for other sports in Town. Judith Froman asked that the correspondence gets on the agenda for the Board of Selectmen. She said that they are working on a process and will be getting the information out there as they solidify the process. She said that they should go to the Recreation Committee and then they can bring the proposal before the Select Board.

Chair Meier asked Ms. McCollem if there is a way to set the policy that preferential treatment is given to Town programs first. She said that is something that the Select Board should ask the Recreation Committee to look at and advise. Ms. McCollem also said that the request is to have the Recreation Center forego its SWISH program which is a program that is budgeted, funded, staffed, and scheduled by the Town of Bourne. She said that foregoing this program is outsourcing union work. This program has been run by Town Staff for 10 years. She said that there is room for cooperation and things cannot be immediate as bargaining is a process and can take time.

Mr. Macuch said he understand what Ms. McCollem said and he said that they just want to run their league, and they just do not want to have 2 leagues in Town and to have to run against the Town's league and they want to do the best for the people in Town. There was some discussion about budgeting and registration fees and policies.

Ms. Froman said that the Community Engagement Committee may have some resources to help pay some costs through a grant process that is in place. She said they are meeting next week. Mary Jane Mastrangelo said that she was not sure what the Recreation Committee would do other than making a recommendation on the SWISH program, as this program has nothing to do with them. Ms. McCollem said that if there was going to be any policy regarding who gets first preference of courts, then it would go to the Recreation Committee and she said that part of their request was that the Town stop running their program, which also needs discussion with the Recreation Committee.

Joe Gordon, Chairman of the Trustees to the Veteran's Memorial Community Building, asked that when the discussions regarding policy regarding prioritization of the building that the Trustees be notified and they request to have a seat at the table. There was more discussion about the SWISH program and what the Town should focus on.

**Voted:** Mary Jane Mastrangelo moved, and Jared MacDonald seconded that the Board of Selectmen request that the Recreation Committee review the SWISH program as well as other recreation programs and determine if these are the priority programs for the Recreation Department or if they suggest that other programs should be our priorities.

**Vote:** 5-0-0.

**7.h. Selectmen's letter re: discharge of radioactive water from Pilgrim Nuclear Power Station.**

Chair Meier said that a draft letter is in the packet and asked for feedback on the letter. Ms. McCollem said that this letter is drafted strictly on the non-binding vote from the last Town election in May and it is pulled word by word from the ballot, and she said that if there are to be any changes, she wants them to come from the Board.

Melissa Ferretti said that she thought that indigenous or native people could be added to the section where it says, "whereas Cape Cod Bay provides a vital livelihood for the fishermen and the tourist industry". Ms. Mastrangelo said that this letter talks about the vote, and it isn't in the vote, so the Board has an obligation to stick to the ballot. There was some discussion on how indigenous people could be added to the letter. Ms. McCollem said she will change the introductory paragraph to add indigenous people.

**7.i. Discussion of the 1<sup>st</sup> draft of October 24, 2022, Town Meeting Warrant.**

Chair Meier said there are 20 articles on the warrant for Town Meeting. Ms. McCollem said it is the first draft and it has been shared with the Finance Committee and they are working with Capital for capital requests. She wants to know if there is any strong feedback on any of the articles. Chair Meier said that the private petition, article 20, is about the Calamar project and

Town residents have signed a petition. Ms. McCollem said it will be a hearing before the Planning Board.

- 7.j. Vote to declare an unused diesel generator located at Town Hall, and the decommissioned fuel tanks at the old Police Station as surplus property, and transfer custody from general government to ISWM.**

Ms. McCollem said that there are a couple of items that are not being used currently and ISWM can use them.

**Voted:** Mary Jane Mastrangelo moved, and Judith Froman seconded to surplus the unused diesel generator at Town Hall and the decommissioned fuel tanks at the former Police Station as general government property, and transfer custody to ISWM.

**Vote:** 5-0-0.

**8. Town Administrator Report**

- a. Appointment of Brandon Esip as Police Chief, effective September 15, 2022.**  
**b. Hoxie School RFP.**

**8.a. Appointment of Brandon Esip as Police Chief, effective September 15, 2022.**

Ms. McCollem said that they have been through an extensive process with a lot of discussion and negotiations, and she is pleased to report that they have reached terms, and she has provided notice that effective Monday, September 15<sup>th</sup>, Brandon Esip will be appointed as the Police Chief. There will be a swearing-in at 2:15 on that day with the Town Clerk, Barry Johnson at the Police Station.

**8.b. Hoxie School RFP.**

Ms. McCollem said that the RFP has been finalized. She asked if anyone on the Board would like to serve on the review team, and Chair Meier said that he would.

Ms. McCollem also wanted to thank the Finance Department for their work on getting the certified Free Cash numbers so early, well in advance of the Town Meeting, which is very helpful. She said that General Fund Free Cash has been certified at \$9,493,947.00.

Ms. McCollem also said that the Fire Station RFQ for Designers, Architects, and Engineers has been developed, and will be posted in the Central Register tomorrow. The same process that was used for the OPM will be used for this RFQ.

Ms. McCollem also said that she will be asking for some agenda time, sometime in the next 2 weeks, for a plan for Facilities. She would like to talk to them about organizing Facilities under an Assistant Town Administrator and be supported by the administrative clerical staff in the Town Administrator's office.

**9. Minutes: 08/02/21; 07/05/22; 07/19/22; 07/26/22; 08/16/22; 08/30/22.**

Ms. McCollem asked that they hold off on voting on the minutes from 7/19/22.

**Voted:** Jared MacDonald moved, and Judith Froman seconded to approve the minutes of August 2<sup>nd</sup>, 2021.

**Vote:** 4-0-1. Melissa Ferretti abstained.

**Voted:** Jared MacDonald moved, and Melissa Ferretti seconded to approve the minutes of July 5<sup>th</sup>, 2022.

**Vote:** 4-0-1. Judith Froman abstained.

**Voted:** Judith Froman moved, and Jared MacDonald seconded to approve the minutes of July 26<sup>th</sup>, 2022.

**Vote:** 5-0-0.

**Voted:** Judith Froman moved, and Jared MacDonald seconded to approve the minutes of August 16<sup>th</sup>, 2022.

**Vote:** 5-0-0.

**Voted:** Judith Froman moved, and Jared MacDonald seconded to approve the minutes of August 30<sup>th</sup>, 2022.

**Vote:** 5-0-0.

## **10. Correspondence**

Clerk Melissa Ferretti read aloud the correspondence:

- 2 Letters from DEP.
- Talent Bank Form from J. Detale for COA.
- Letter of resignation from the Energy Advisory Committee from J. Marks.
- Email from P. Blooman regarding 416 Barlows Landing Road.
- Mass Maritime Academy property purchases.

These are all on the Town's website.

## **11. Committee Reports**

Chair Meier said that last Wednesday the Affordable Housing Trust met with Vinny Michienzi. Mr. Michienzi is looking to do 2 40b's – one at 9 Sandwich Road and the other is on Shore Road, just past the VFW on the right-hand side. He said there would be about 40 affordable units potentially between both locations.

Ms. Froman said that she has the Roadway Safety meeting tomorrow and the Community Engagements meeting next week.

There was a brief discussion about the traffic light at the rotary near CVS. Also, Ms. Ferretti said she has been attending the Joint Base Cape Cod meetings with George Slade as she is the alternate.

**12. Other Business – None.**

**13. Upcoming Meetings – September 20, October 4.**

**14. Adjourn**

**Voted:** Melissa Ferretti moved, and Mary Jane Mastrangelo seconded to adjourn.

**Vote:** 5-0-0.

This meeting of the Bourne Board of Selectmen was adjourned at 9:03 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary