

**Board of Selectmen
Minutes of Tuesday, July 17, 2018
Bourne Veterans' Memorial Community Center
Buzzards Bay, MA**

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TOWN CLERK BOURNE

TA Tom Guerino
ATA Glenn Cannon

Selectmen

Peter Meier, Chairman
Judy Froman, Vice Chair
James Potter, Clerk
George Slade
Jared MacDonald

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 – Beth Treffeisen Cape Cod Times.

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

Documents

Executive Session: Strategy sessions in preparation for contract negotiations related to a Host Community Agreement with the Haven Center inasmuch as the Chair has declared that an open meeting will have a detrimental effect on the negotiation position of the Town; Strategy session with respect to litigation regarding Appeal of Public Records Request; inasmuch as the Chair has declared that an Open Meeting will have a detrimental effect on the litigation position of the Town.

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 P.M.
Roll call vote to reconvene in open session.

I. Public vote regarding the Host Community Agreement with the Haven Center
deliberation if needed.

7:00 p.m. Chairman called public session to order in open session

Meeting Called to Order

Chm. Meier called the meeting to order at 7:30 pm.

Moment of Silence for our Troops and our public safety personnel

Peter Meier stated there were no motions made in executive session.

Public Comment – Non-Agenda Items

Erin Perry, Cape Cod Commission, wanted to invite to the annual One Cape Summit. The Summit will be held on August 16th & 17th, 2018 at the Wequassett Resort in Harwich. Mrs. Perry also wanted to invite the Town Administrator, Assistant Town Administrator and the Select Board to the breakfast meeting hosted by the Cape Cod Selectmen and Counselors Association on the morning of the 17th, from 7:30-8:30.

1) License/Appointments

a. Selectmen Committee Appointments

b. Hearing on Transfer of Year Round Retail Package Goods Store License from Patriot Spirits, Inc., d/b/a Liquor 'N More to SZSA Spirits, Inc., d/b/a Spirits 'N More

c. ISWM Business Model Working Group - Board of Health Representative

d. ISWM Business Model Working Group - Finance Committee Representative

Voted Jared MacDonald moved and seconded by George Slade to appoint Dominique Rapoza to the Human Rights Commission, Term to expire June 30, 2019. Vote 4-0. Ms. Froman wasn't present during the vote.

1.b.

Peter Meier went over the license transfer request. Transfer of Year Round Package Goods store License from Patriot Spirits, Inc. d/b/a Liquor 'N More to ZASA Spirits, Inc., d/b/a Spirits 'N More. Mr. Meier read the Hearing Notice.

Town of Bourne Liquor Hearing Notice

Notice is hereby given in accordance with Massachusetts General Law Chapter 138 Section 15 that application has been received from Patriot Spirits, Inc., d/b/a/ Liquor 'N More, Leon R. Kinkow, Mgr., 170 Clay Pond Road, Monument Beach, Massachusetts to transfer the year round Retail Package Goods Store license for the sale of all kinds of alcoholic beverages to ZASA Spirits, Inc., d/b/a Spirits 'N More, Mohammad Zaheer, Mgr., 170 Clay Pond Road Monument Beach. Description of premises 4,850 sq. ft. unit; 6 rooms; 1 sales area, 2 restrooms, 1 storage area, 10' x 16' walk-in-cooler; 1 office. One main entrance and exit door and a rear door for deliveries. A public hearing will be held in the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, MA on Tuesday, July 17, 2018 at 7:15 p.m.

Board of Selectmen Peter J. Meier, Judith M. Froman, James L. Potter, George G. Slade Jr. Jared P. MacDonald

Voted George Slade moved and seconded by Jared MacDonald to go into the public hearing. Roll Call Vote: George Slade - Yes; James Potter - Yes; Judy Froman - Yes; Jared MacDonald - Yes; Peter Meier - Yes.

Attorney Tom Souza, representing ZASA Inc., spoke briefly about the transfer of the liquor license and Mr. Zaheer.

Voted Judy Froman moved and seconded by Jared MacDonald to close deliberation on the public hearing. Roll Call Vote: Jared MacDonald - Yes; Judy Froman - Yes; James Potter - Yes, George Slade - Yes; Peter Meier - Yes.

Voted Judy Froman moved and seconded by Jared MacDonald to approve the transfer of Year Round Package Goods License to ZASA Spirits, Inc. d/b/a Spirits 'N More as submitted subject to the condition on the routing slip.

Roll Call Vote: Jared MacDonald - Yes; Judy Froman - Yes; James Potter - Yes, George Slade - Yes; Peter Meier - Yes.

1.c. & d.

Peter Meier went over the appointments. Mr. Meier said Judy Froman is the Board of Selectmen representative to the ISWM Business Model Working Group.

Voted Jared MacDonald moved and seconded by Judy Froman to appoint Stanley Andrews - BOH Member and Amanda Bongiovanni - Finance Committee, Term to expire June 30, 2019. Vote 5-0.

2) Goals/Workshop

a. Consideration and approval of Rules of procedure

b. Continuation of goals discussion

Judy Froman briefly went over the background of how the Rules of Procedure got to the point they are today. The Charter is why we have the Rules of Procedure and the Rules of Procedure are very specific, they are about the conduct of the meetings, agenda posting, public comment, and agenda deviations or unexpected occurrences. There are a number of items in the Rules of Procedure that aren't procedures but are policies and maybe they should be separated out as separate policies.

Suggested to

- Delete II NATURE OF POLICIES AND PROCEDURES
- Under III last paragraph change to 75% or more vote.
- Delete IV. AUTHORITY AND ROLE OF THE BOARD OF SELECTMEN from the Rules of Procedure and have it as a separate policy.
- Delete V. ORGANIZATION OF THE BOARD AND ELECTION OF OFFICERS from the Rules of Procedure and have it as a separate policy
- Under VII 2nd paragraph delete This requirement does not apply to budget preparation and review. Add The Board, at least 14 day before a Town Meeting, shall meet to review the Warrant
- Under VIII last paragraph add In the absence of the Town Administrator the Town Administrator will instruct the Assistant Town Administrator and in ATA absence the Town Administrator will instruct another designee to attend the meeting.

- Change roman numeral VIII to IX, On IX the first paragraph add Draft to the beginning of the paragraph, change 10 days to 14 days, decide which to use release or unencumber, change If the minutes are encumbered they will be kept in a confidential file in the Selectmen's Office to the Town Clerk's Office, and add Unencumbered minutes will be referred to the Records Access Officer for their review.
- Change language throughout from Chairman to Chair, change spokesman to spokesperson.

Other subjects the Board talked about are:

- Selectmen should take more of a leadership role at Town Meetings
- If possible the Selectmen should meet for a brief time before a Town meeting to prepare for Town meeting
- Would like it clarified if Board of Selectmen members, enough for a quorum, attend other meetings and one of them wants to speak, is it against the Open Meeting Law
- Have articles clarified at Town Meeting, on the screen, if you vote for this scenario this is what will happen, if you vote for the other scenario this is what will happen
- Who should be on stage during Town Meetings
- Have the Moderator attend the Selectmen's workshop so the Board can discuss with the Moderator suggests on how to run Town Meeting

BOARD OF SELECTMEN
Rules of Procedure

I. PROCEDURAL MATTERS

In procedural matters not covered by the Rules or any provisions of the Charter or Town Bylaws, or statute, the Board of Selectmen shall be guided by Roberts Rules of Order, as most recently revised.

~~II. NATURE OF POLICIES AND PROCEDURES~~

~~These rules of procedure may from time to time be amended or revised by vote of the Board of Selectmen provided the amendment or revision has been placed on the agenda for the meeting wherein it is to be voted upon by the Board of Selectmen provided further that the amendment or revision is approved by at least three (3) members of the Board of Selectmen.~~

III. PROCEDURE FOR ESTABLISHING POLICIES AND PROCEDURES

Adoption of new policies or changing existing policies regarding general town government is a responsibility of the Board of Selectmen. Policies will be adopted/amended only by the affirmative vote of a majority of members of the Board of Selectmen when such action has been scheduled on the agenda of a regular or special meeting.

To permit time for study of all policies or amendments to policies and to provide an opportunity for interested parties to react to proposed policies and to provide amendments will be presented as an agenda item to the Board in the following sequence:

1. Information item -- distributed with agenda
2. Discussion item -- first reading of proposed policy or policies
3. Response from the Town Administrator; report from any committee with responsibility in the area addressed by the proposed policy; public discussion; Board discussion and directions for any redrafting
4. Action, which may include further discussion, adoption, rejection, may be taken at the discussion at the second reading, or at a subsequent meeting.

Amendments to the policy at the action stage will not require repetition of the sequence, unless the Board so directs.

The Board of Selectmen may dispense with the above sequence to meet emergency conditions.

Policies will be effective upon the date set by the Board of Selectmen. This date will ensure that affected persons have an opportunity to become familiar with the requirements of the new policy prior to its implementation. The Board may divert from policy by a 75% or more vote.

IV. AUTHORITY AND ROLE OF THE BOARD OF SELECTMEN

~~The Board is responsible for executive Town policy development and review. The Board works with the Town Administrator on policy development, and oversees the Town Administrator in his role as supervisor of town departments, as stipulated in the Charter.~~

~~No actions representing the Board shall be taken by a member or members of the Board without the prior consent of a majority of the Board made at an open meeting. This shall be modified in the event of an emergency should immediate action be required in which case, the Chair, Vice Chair, or any Board members shall call an emergency session of the Board prior to the emergency action.~~

~~A Board member wishing an in-depth inquiry into a department's policies, procedures, or operations must make such a request during a regular Board meeting in open session and receive approval by Board vote.~~

~~Requests by Board members for written legal opinions must be channeled through the Town Administrator or the Chair, in the Town Administrator's absence.~~

Separate Policy

V. ORGANIZATION OF THE BOARD AND ELECTION OF OFFICERS

Officers of the Board (Chair, Vice Chair, and Clerk) shall be elected annually at a meeting of the board to be scheduled for the first regular meeting following the Annual Town Elections. The election of officers is by majority vote. If a vacancy occurs among any of the officers of the Board, the Board shall elect successor at its next regular meeting. Nominations of officers shall require both a nomination and a second. The Chair shall preside at all meetings and shall have the same privileges as other board members to offer and second motions, to debate motions and vote on them.

The Board may at any time by majority vote remove the Chair or any of the officers. The Chair may not serve in the capacity for more than two consecutive years in a given term. In the event that the Chair is not re-elected, the Vice Chair shall serve as Chair Pro Tem until the new officers of the Board are elected. In the Absence of both Chair and Vice Chair, the Clerk shall act as Chair Pro Tem.

Separate Policy

VI. RESPONSIBILITIES OF THE OFFICERS OF THE BOARD

The Chair shall:

- Preside at all meetings of the Board at which he/she is present. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes, and preside over the discussion of agenda items;
- Sign official documents that require the signature of the Chair, following a vote of the board;
- Call special meetings of the Board in accordance with the Open Meeting Law;
- Prepare meetings agendas with the Town Administrator;
- Represent the Board at meetings, conferences, and other gatherings unless otherwise determined by the Board or delegated by the Chair;
- Serve as **spokesperson** of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair;
- Arrange for the orientation of new members, unless otherwise noted;

The Chair shall have the same rights as other members to offer and second motions and resolutions, to discuss questions, and to vote thereon.

The Vice Chair shall act in the place of the Chair during his/her absence at Board meetings. Should the Chair leave office, the Vice Chair shall assume the duties of Chair until the Board elects a new Chair.

Clerk shall sign all official documents requiring the signature of the Clerk, with the authorization of the Board, and shall be responsible for recording minutes of any portion of meetings held in executive session for which the Town Administrator is not present.

VII. MEETINGS OF THE BOARD

A meeting called for any time other than the regular meetings shall be known as "special meetings". The same rules as those established for regular meetings shall apply, unless an

unforeseen emergency requires a special meeting to be scheduled on a legal holiday. Special meetings shall be called by the Chair, in consultation with the Town Administrator, and with the informal consent of a majority of Board members, or whenever at least three (3) members of the Board make such a request in writing to the Chair or the Town Administrator, either whom shall give notice of such meeting.

The Board shall conduct working sessions as it deems necessary. ~~This requirement does not apply to budget preparation and review.~~ Such meetings will be posted in accordance with Open Meeting Law. A synopsis of transactions of informal meetings shall be made a part of the record of meeting minutes.

The Board, at least 14 day before a Town Meeting, shall meet to review the Warrant.

VIII. MEETING PROCEDURES

Board meetings shall be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of said procedure may be on a relatively informal basis.

A quorum shall consist of three members of the Board. As a practical courtesy, action on critical or environmental matters, the adoption of policy, or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second, and vote. Split votes will be identified by name in the meeting minutes.

The Town Administrator is expected to be in attendance at all meetings of the Board. In the absence of the Town Administrator the TA will instruct the Assistant Town Administrator and in ATA absence the TA will instruct another designee to attend the meeting. The Town Administrator shall attend in order to keep the Board informed and advised, and to recommend in all matters that fall within the jurisdiction of his/her office. He/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction.

IX. BOARD MEETINGS: EXECUTIVE SESSIONS

Where practicable, executive sessions shall be scheduled at the beginning of the open meeting of the Board. Should an executive session be required, it may commence prior to the regularly scheduled meeting time of 7:00 P.M. as previously described. Only items clearly allowed under the Open Meeting Law shall be included in executive session. Prior to calling for a motion to adjourn into executive sessions, the Chair shall state the reasons for which an executive session is sought.

The Chair shall also state whether or not the Board will reconvene in open session. A majority of the members present and voting must vote to enter executive session by roll call vote.

Draft minutes of Executive Sessions shall be available to the Board in written form within 14 days of the session. Unlike the case with open session, there is no right to tape record or videotape executive sessions. These minutes will then be voted on to approve their content at the next Board of Selectmen Open meeting. The Board will then vote to release/unencumber or encumber the minutes depending on whether or not the reason for them being kept secret still exists. If they are released they will be filed in the Town Clerk's office. If the minutes are encumbered they will be kept in a confidential file in the Town Clerk's Office entitled "Encumbered Board of Selectmen Executive Minutes." Unencumbered minutes will be referred to the Records Access Officer for their review. The Clerk of the Board of Selectmen is responsible for this file and to bring all encumbered minutes before the Board of Selectmen for review once in every six months to determine if any of the encumbered minutes should be released. This policy will help insure that closed session minutes are kept secret only as long as needed.

3) Adjourn

The next regular Selectmen meeting is going to be on July 24th at 7:00 p.m.

The next workshop meeting will be on July 31st at 7:00 p.m.

Voted Judy Froman moved and seconded by Jared MacDonald to adjourn. Meeting adjourned at 8:56 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.