

**Board of Selectmen
Minutes of Tuesday, April 24, 2018
Bourne High School Library/Media Center
Bourne, MA 02532**

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2018 MAY 30 AM 10:55

TA Tom Guerino

TOWN CLERK BOURNE

Selectmen

George Slade, Chairman

Peter Meier, Vice-Chairman - Was attending another meeting - Arrived at 7:42

Judith Froman, Clerk

Don Pickard

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

6:00 p.m. Chairman call public session to order in open session

George Slade reported that on Wednesday April 18, the Board met in executive session. A vote was taken to discipline a public official for violating the charter. A letter will be placed in the personnel file describing the action taken. The vote was unanimous, 4 to 0.

Motion to enter executive session in respect to discussing strategy regarding Status of Fire Department Civil Service litigation. The Chairman declares that such open discussion will have a detrimental effect to the litigation position of the public body.

Meeting Called to Order

Chm. Slade called the meeting to order at 7:00 pm.

George Slade said regarding status of fire department civil service litigation no votes were taken in Executive Session.

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

Public Comment – Non-Agenda Items

None requested.

3) Approval of Minutes:

No minutes to approve tonight.

4) Correspondence

Judy Froman brought the Board up to date on the correspondence

- A. Bourne Conservation Trust - Donors 2017 [Copy on file in the Town Administrator's Office]
- B. Letter from Gary Maloney Jr. regarding Conduct, Location and Televising of Public Meeting
- C. Baker-Polito Administration announcing the annual Sustainable Materials Recovery Program Municipal Grant Application
- D. Board of Appeals agenda for April 18, 2018
- E. Sharing Housing Workshop to be held on May 10, 2018 at the Yarmouth Senior Center

5) Cape & Island Shellfish Constables - Presentation of Assistant Shellfish Constable of the Year award

Paul Bagnall, Shellfish Constable for Edgar Town, serves as the President of the Mass Shellfish Offices Association, awarded Dan Warncke the 2017 Deputy Shellfish Constable of the Year Award. Dan Warncke briefly spoke about what he does.

6) Selectmen's Business

- a. **Rules of Procedure**
- b. **Members to establish time to meet with TA regarding annual review**
- c. **Establish date to report out TA review composite (May 9 possible date)**
- d. **Establish date to hold executive session to review and update executive session minutes**
- e. **Board to report out on Committee Activities - School Building, Police Building, Waste Water Design and Construction**

6.a. Rules of Procedure.

Judy Froman said they are continuing the process reviewing the Rules of Procedure and went over the suggestions/changes. Ms. Froman handed out a draft of the Rules of Procedure. The discussion was about the Procedural Matters and the Meeting Procedures. It was suggested to add the Town Administrators contract to the Rules of Procedure under Procedural Matters. The parts within the contract that refer to specific sections of the Charter and are related to how the Board of Selectmen and the Town Administrator carry on municipal business as it relates to the Rules of Procedure. Ms. Froman wants to make sure the Selectmen are in agreement to include the Town Administrators contract. The updated Charter is to be posted to the Town website.

Ms. Froman said another suggested change is, and the wording was suggested by Town Counsel, the Town Administrator and the Assistant Town Administrator shall attend all meetings of the Board of Selectmen unless excused by the Chair. Mr. Guerino said he doesn't feel the Assistant Town Administrator should be required to attend all the Board of Selectmen meetings. We could encourage him to attend but maybe it should not be mandatory.

Don Pickard said it would be good practice for the Assistant Town Administrator to attend the meetings. Suggested to check with other towns to see what their practices are for the Assistant Town Administrator attending Selectmen meetings.

Ms. Froman said the next area that we will be discussing is the Timing and Availability of Supporting Materials for Board of Selectmen meetings, due for discussion on May 1st.

BOARD OF SELECTMEN
Rules of Procedure
(Review session April 24, 2018)

Background:

Charter Section 3-8 Rules of Procedure

The board of selectmen shall adopt, make public and abide by its own rules of procedure to govern the conduct of its meetings. An agenda shall be posted with each notice of public meeting. A period of public comment shall be scheduled before the beginning of agenda items. In addition, a public comment period shall be provided before any vote on a policy issue. The board of selectmen may deviate from its agenda only for sudden, generally unexpected occurrences or for circumstances demanding immediate action.

I. PROCEDURAL MATTERS

In procedural matters not specifically covered by the Charter*, Open Meeting Law, Town Bylaws, Roberts Rules of Order, or Massachusetts General Law, the Board of Selectmen (further referenced as "Board") will be guided by the Rules of Procedure, as most recently revised.**

*The Charter on the website needs to be updated as the most recently updated document.

**Town Counsel has been asked to weigh in on the list of guiding rules and documents that influence the Rules of Procedure and has been asked for the weight of each set of guidelines should there be any contradiction.

VIII. MEETING PROCEDURES

Board meetings shall be conducted in accordance with generally accepted rules noted in Section I, Procedural Matters ~~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, the meeting will identify any action involving the Town regarding ~~action on~~ critical or environmental matters, the adoption of policy, or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions by motion and decisions shall be ~~by motion~~, seconded, discussed, and voted. Split votes will be identified by name in the meeting minutes. Equal yes/no votes result in a lost motion.

The Town Administrator, or his/her designate (and/or ATA)*, shall attend, unless excused by the Chair of the Board, ~~is expected to be in attendance at~~ all meetings of the Board. 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 as indicated in the Charter.

*Under advisement from Town Counsel.

References*

Bourne Charter

https://www.townofbourne.com/sites/bournema/files/file/file/2014_charter.pdf

Bourne ByLaws

https://www.townofbourne.com/sites/bournema/files/uploads/17_town_bylaw_thru_2017_atm.pdf

Massachusetts General Law

[https://malegislature.gov/Laws/GeneralLaws/PartI Title VII](https://malegislature.gov/Laws/GeneralLaws/PartI_Title_VII)

Open Meeting Law

<https://www.mass.gov/service-details/new-open-meeting-law-regulations-effective-october-6-2017>.

Roberts Rules of Order

<https://robertsrules.org>

*Under advisement of Town Counsel for applicable reference documents as well as the priority order.

Board of Selectmen Rules of Procedure

Current Document/Rules of Procedures

- I. Procedural Matters**
- II. Nature of Policies and Procedures
- III. Procedure for Establishing Policies and Procedures
- IV. Authority and Role of the Board of Selectmen
- V. Organization of the Board and Election of Officers
- VI. Responsibilities of the Officers of the Board
- VII. Meetings of the Board
- VIII. Meeting Procedures**
 - a. Quorum**
 - b. Town Administrator's Role**
- IX. Board Meetings: Executive Sessions
- X. Agenda Procedures
 - a. Agendas
 - b. Timing of availability of supporting materials
 - c. Public posting of agendas
 - d. Correspondences
- XI. Meeting Minutes
- XII. Board Appointments
- XIII. Voting Process for Multi Member Boards
- XIV. Board of Selectmen New Committee Procedures
- XV. Special Permit Rules and Procedures

	Topic	Date assigned	Action	Assigned to	Due	Completed date
	Meeting Procedures	4/10/18	Review current Section of Rules of Procedure, Procedural Matters , Meeting Procedures, Quorum and Town Administrator's Role . Bring to next meeting any feedback, edits, questions, topics for discussion.	All select board members, town administrator	4/17/18	4/17/18
		4/17/18	Cross reference with Bourne Charter	All select board members, town administrator	4/24/18	
		4/17/18	Cross reference with Town ByLaws	All select board members, town administrator	4/24/18	
		4/17/18	Cross reference with Open Meeting Law	All select board members, town administrator	4/24/18	
		4/17/18	Cross reference with Roberts Rules	All select board members, town administrator	4/24/18	
		4/24/18	Discuss edits		4/24/18	
		4/24/18	Draft	Judy Froman	5/1/18	
		5/1/18	Review current Section of Rules of Procedure, Meeting Procedures, Timing and Availability of supporting Materials for BoS meetings . Bring to next meeting any feedback, edits, questions, topics for discussion.		5/8/18	
		5/1/18	Cross reference with Bourne Charter		5/8/18	
		5/1/18	Cross reference with Town ByLaws		5/8/18	
		5/1/18	Cross reference with Open Meeting Law		5/8/18	
		5/1/18	Draft	Judy Froman	5/8/18	
		5/8/18	Review current Section of Rules of Procedure, Meeting Procedures, agendas and their public postings . Bring to next meeting any feedback, edits, questions, topics for discussion.		5/15/18	

	5/8/18	Cross reference with Bourne Charter		5/15/18	
	5/8/18	Cross reference with Town ByLaws		5/15/18	
	5/8/18	Cross reference with Open Meeting Law		5/15/18	
	5/8/18	Draft	Judy Froman	5/15/18	
	5/15/18	Review current Section of Rules of Procedure, Meeting Procedures, correspondences . Bring to next meeting any feedback, edits, questions, topics for discussion.		5/22/18	
	5/15/18	Cross reference with Bourne Charter		5/22/18	
	5/15/18	Cross reference with Town ByLaws		5/22/18	
	5/15/18	Cross reference with Open Meeting Law		5/22/18	
	5/15/18	Draft	Judy From	5/22/18	
	5/22/18	Review process. Consider additional areas of the current procedures to see if they belong in this document.			

b. Members to establish time to meet with TA regarding annual review

George Slade spoke briefly about the Selectmen setting a time to meet with the Town Administrator regarding his annual review. The review calls for a one-on-one with each Select Board Member to meet with the Town Administrator. Mr. Slade requested to have review documents back to himself by next Tuesday, May 1st.

c. Establish date to report out TA review composite (May 9 possible date)

George Slade said we need to establish a date to report out the Town Administrators evaluation. Suggested to read that on Wednesday, May 9th.

d. Establish date to hold executive session to review and update executive session minutes.

George Slade spoke about setting a date to review and update the Executive Session minutes. We need to decide if they can be unencumbered and refer them to the Records Access Officer. We are supposed to do this every 6 months.

Judy Froman and Don Pickard will go over the Executive Session minutes list.

e. Board to report out on Committee Activities - School Building, Police Building, Waste Water Design and Construction

Voted Don Pickard moved and seconded by Judy Froman to defer 6.e. to the next scheduled meeting. Vote 3-0.

7) Selectmen's Reports

a. Events attended past week

b. Events anticipated to attend current week

Judy Froman spoke about the Cape Cod Metropolitan Planning Organization meeting and the types of projects they are discussing. The Cape Cod 2019-2023 regionally prioritized projects highway list is out for 21-day public comment. Ms. Froman went over the types of projects. The link is on the Cape Cod Commission website under the Cape Cod Metropolitan Planning Organization.

George Slade said he attended the initial Cannabis Working Group meeting on the 19th and on Monday morning attended the group assembled to look at the Host Community Agreement.

8) Town Administrator Report

a. Dog Park update

b. Update on progress of Cannabis Working Group Committee

c. Update of internal staff working group on Host Community Agreement

d. ATA activity update

Tom Guerino gave an update on the Dog Park. Expect there will be a meeting next week, and hope to bring a recommendation to the Board of Selectmen on one or two preferred sites.

Mr. Guerino spoke briefly about the initial meeting of the Cannabis Working Group Committee. Looking to bring in people that are more expert in the process. Looking to allow a forum for the public to be able to bring their concerns pro, con, or otherwise to the table for this committee to review and bring recommendation on a number things to the Board of Selectmen.

Peter Meier arrived at 7:42

Bill Grant, Panning Board member of the Cannabis Working Group, urged the Selectmen to include the Host Community Agreement in the Charge to the Working Group. The purpose is to educate people on the cannabis issues presented to the town, all aspects. The Host Community Agreement is just one aspect of it. This is just one step along the way. Would like to get the community involved more during the process. Urge the Board to modify the Charge to the Working Group to include participation in the Host Community Agreement. The Selectmen will make the ultimate decisions.

Don Pickard said he can see there is merit to Mr. Grant's request. Mr. Pickard questioned could we have a motion brought forward tonight to address Mr. Grant's request.

Mr. Guerino said the Board could ask the Administrator to amend the work plan of the Cannabis Working Group Committee to include discussion related to the proposed Host Community Agreement to be negotiated between the town and any proponent of an adult use marijuana facility.

Voted Don Pickard moved and seconded by Judy Froman that the Board of Selectmen instruct the Town Administrator to modify the Charge of the Cannabis Working Group Committee to include working on the Host Community Agreement that was previously in the committee of the Internal Staff Working Group.

Bill Grant said he hopes that they would be provided host agreements from other communities and the general outline of what is included in the Host Community Agreement. If they have questions they can meet with Mr. Troy. We wouldn't make any decisions that would come back to the Board. Mr. Grant doesn't see why the proposal isn't made public, so people can comment on the proposal. **Vote 3-0.**

Mr. Froman questioned if the expectations of the Cannabis Working Group be put on the website.

Jim Mulvey said he is amazed at the number of people that are involved in the town's committees that don't understand the difference between medical marijuana and recreational marijuana, the processing, the growing and the agriculture, the sighting, the taxation, and the designs of the building. Education of the public will be a major charge.

Peter Meier said this Board, through different groups, will have an open discussion from all sides of this issue.

Next Cannabis Working Group Meeting is on May 2nd at 6:00 P.M. location to be announced.

Bill Grant said the Planning Board is working on the Bylaws; one section is going to define the various areas of manufacture, retail, and cultivation. After we devise what we think is a reasonable approach, with the definitions we will have public hearings where people will be able to address those issues.

8.d Assistant Town Administrator

Tom Guerino briefly spoke about what the Assistant Town Administrator has been working on. He will be meeting with the departments under his charge. He has been looking at the union contracts. He has signed up for the training on the MCPPO. He will hopefully be accepted into the Suffolk program with MMA. He will be working toward putting the Project Notification Form together, which is the next step for the Pedestrian and Bicycle Pathway.

Mr. Guerino gave a brief update on the Community Building. The Community Building will still be used for voting. We will check with the Clerk which end of the building is going to be used. Elections will occur in the normal precinct location on the 15th.

Ms. Froman requested the Priority Based Budget timeline be posted on the website.

Peter Meier requested to go back to item 7.b. Mr. Meier said he just attended a meeting, the Buzzards Bay Water District had their annual meeting. Mr. Meier spoke about that meeting.

Judy Froman spoke briefly about the monthly meeting with Mass Maritime Academy. Freshmen student will not have parking on campus.

9) Future Agenda

- a. Massachusetts Maritime Academy to give formal update to the Board of Selectmen meeting and to answer questions**
- b. Stop and Shop Rotary and Clay Pond Road update**
- c. Cable TV Contract - opt out and renewal preliminary discussion**
- d. Cape Cod Commission update from Director Kristi Senatori TBD June 2018**

10) Adjourn

Voted Don Pickard moved and seconded by Peter Meier to adjourn. Meeting adjourned at 8:15 pm. **Vote 5-0.**

Respectfully submitted – Carole Ellis, secretary.