

# Board of Selectmen Meeting Notice AGENDA



Date  
Tuesday  
February 27, 2018

Time  
6:00 P.M.

Location  
Bourne High School Library/  
Media Center  
75 Waterhouse Road  
Bourne

Note this meeting is being televised and recorded. If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.

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

6:00 P.M. Call public session to order in Open Session

## EXECUTIVE SESSION 6:00 P.M.

Executive Session. To conduct strategy session with respect to litigation for Cumberland Farms, Inc. v. Daniel Doucette et al and Pinnacle Site Contractors LLC v. Bourne Conservation Commission as an open meeting may have a detrimental effect on the litigation position of the public body. The Chairman declares that such open discussion will have a detrimental effect to the litigating position of the public body.

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 P.M.

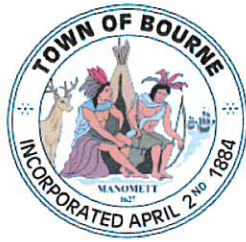
Roll call Vote to reconvene in open session

Moment of Silence for our Troops and our public safety personnel

1. Salute to our Flag
2. Public Comment on Non-Agenda Items
3. Approval of minutes: 01.30.2018
4. Correspondence
5. **Selectmen's Business**
  - a. Board to consider calling a Special Town Meeting. The purpose of the meeting would be related to the imminent implementation of provisions of the new cannabis (recreational marijuana) law and the determination of the Board regarding the importance of the Town to **act prior to the April 1, 2018 provision of the Act to allow license application at the Cannabis Control Commission.** The Board will submit a proposed zoning article to the Planning Board, pursuant to General Law Chapter 40A, Section 5. This requires a 4/5 vote of the Board of Selectmen.
  - b. Review and update Private Road Acceptance Committee

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2018 FEB 23 AM 11:36  
TOWN CLERK BOURNE

6. **Selectmen's Reports**
  - a. Events attended past week
  - b. Events anticipated to attend current week
7. **Town Administrator Report**
  - a. ATA Recruitment
8. **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. Board of Selectmen discussion on term limits
  - d. Cable TV Contract – opt out and renewal preliminary discussion
  - e. A member of the legislative delegation to give BOS an update on situation regarding Comcast (this would most likely be Representative Hunt)
  - f. Appoint Election Workers
  - g. Seasonal Liquor Renewals
9. **Adjourn**



Selectmen's Correspondence  
February 27, 2018

- A. Letter from the Trading Post Lounge that they will be closed for general maintenance and repairs from February 17, 2018 through February 25, 2018.
- B. Michael Leitzel submitted a letter of resignation as Planning Board Alternate effective immediately.
- C. Cape Light Compact submitted summary of activity for December 2017.
- D. Massachusetts Office of Disabilities will hold ADA Coordinator meeting on Monday, May 14, 2018

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TOWN OF BOURNE  
BOARD OF SELECTMEN

February 16, 2018

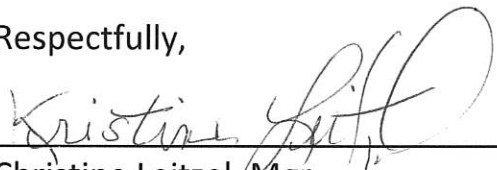
Board of Selectmen  
24 Perry Avenue  
Buzzards Bay, MA 02532

Dear Chairman Slade,

The Trading Post Lounge will be closed for general maintenance and repairs from Saturday, February 17 through February 25, 2018.

If you have any questions, please call me 508.759.9584.

Respectfully,

  
\_\_\_\_\_  
Christine Leitzel, Mgr.

B

2/7/18

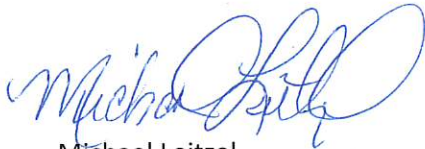
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TOWN OF BOURNE  
BOARD OF SELECTMEN

Board of Selectmen  
24 Perry Ave  
Buzzards Bay MA 02532

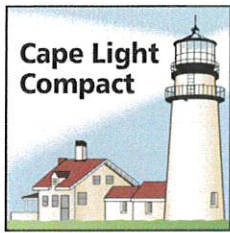
Dear Chairman,

I, Michael Leitzel, hereby resign my position as Planning Board alternate effective immediately.

Thank you,



Michael Leitzel



Cape Light Compact JPE  
261 Whites Path, Unit 4, South Yarmouth, MA 02664  
Energy Efficiency 1.800.797.6699 | Power Supply 1.800.381.9192  
Fax: 774.330.3018 | capelightcompact.org



RECEIVED  
FEB 20 2018  
TOWN OF BOURNE  
BOARD OF SELECTMEN

February 15, 2018

Mr. Thomas Guerino  
Town Administrator  
24 Perry Avenue  
Buzzards Bay, MA 02532

Dear Mr. Guerino,

Attached for your information and dissemination to your Board of Selectmen/Town Council is the Cape Light Compact's monthly Energy Efficiency Report. The Report reflects the program activity for all of Cape Cod & Martha's Vineyard and breaks out the detail on a town-by-town basis.

Below is a summary of the activity in your town for the month of December, 2017. To view each of your monthly reports, please visit our website at [www.capelightcompact.org/reports](http://www.capelightcompact.org/reports).

- 7718 residents and/or businesses in Bourne participated in the program.
- 1524893.25 in incentive dollars were distributed to the 7718 participants.
- 3223357 kWh was saved through implementation of these energy efficiency measures.

If you have any questions on the attached report, please contact me at (508) 375-6636.

Sincerely,

Margaret T. Downey  
Administrator

Enclosure

cc: Robert Schofield

**Working Together Toward A Smarter Energy Future**

Aquinnah | Barnstable | Bourne | Brewster | Chatham | Chilmark | Dennis | Dukes County | Eastham | Edgartown | Falmouth  
Harwich | Mashpee | Oak Bluffs | Orleans | Provincetown | Sandwich | Tisbury | Truro | Wellfleet | West Tisbury | Yarmouth

## Energy Efficiency Program Activity by Town

Town Name: BOURNE  
 Program Period: 2017  
 Current Dates: 12/1/2017 - 12/31/2017  
 Cumulative Dates: 1/1/2017 - 12/31/2017

Program Initiative	Current Period			Cumulative Period			Actual % of Budget	
	Annual kWh Savings	Actual Expenditures	Participants	Annual kWh Savings	Actual Expenditures	Participants		Budget
Residential New Construction	8,538.59	\$1,428.98	7	35,558.92	\$7,561.38	45	\$0.00	0.00%
Residential New Construction (Low-Income)	0.00	\$0.00	0	0.00	\$0.00	0	\$0.00	0.00%
Residential Multi-Family Retrofit	8,049.00	\$2,709.56	12	35,118.60	\$11,789.94	52	\$0.00	0.00%
Residential Home Energy Services - Measures	27,334.00	\$46,546.16	45	504,495.20	\$516,490.02	406	\$1,053,907.01	49.01%
Residential Home Energy Services - RCS	0.00	\$10,505.00	47	0.00	\$68,295.00	240	\$134,839.16	50.65%
Residential Behavior/Feedback Program	0.00	\$0.00	0	0.00	\$0.00	0	\$0.00	0.00%
Residential Heating & Cooling Equipment	5,397.60	\$3,633.00	9	88,382.20	\$58,051.00	113	\$0.00	0.00%
Residential Consumer Products	9,653.00	\$2,265.00	20	88,498.40	\$16,097.07	199	\$0.00	0.00%
Residential Lighting	316.20	\$13.07	1	1,352,746.70	\$123,167.93	6,346	\$0.00	0.00%
Residential HEAT Loan	0.00	\$2,481.33	9	0.00	\$42,403.13	56	\$0.00	0.00%
<b>Res Subtotal</b>	<b>59,288.39</b>	<b>\$69,582.10</b>	<b>150.00</b>	<b>2,104,800.02</b>	<b>\$843,855.47</b>	<b>7,457</b>	<b>\$1,188,746.17</b>	
<b>Res % of Total</b>	<b>24.43%</b>	<b>33.69%</b>	<b>83.33%</b>	<b>65.30%</b>	<b>55.34%</b>	<b>96.62%</b>	<b>56.96%</b>	
Low-Income Single Family Retrofit	5,810.40	\$3,829.94	6	54,595.90	\$56,059.95	48	\$293,824.87	19.08%
Low-Income Multi-Family Retrofit	1,036.40	\$368.60	1	53,263.70	\$23,269.94	111	\$0.00	0.00%
<b>LI Subtotal</b>	<b>6,846.80</b>	<b>\$4,198.54</b>	<b>7.00</b>	<b>107,859.60</b>	<b>\$79,329.89</b>	<b>159</b>	<b>\$293,824.87</b>	
<b>LI % of Total</b>	<b>2.82%</b>	<b>2.03%</b>	<b>3.89%</b>	<b>3.35%</b>	<b>5.20%</b>	<b>2.06%</b>	<b>14.08%</b>	
C&I New Buildings & Major Renovations	0.00	\$0.00	0	96,448.00	\$66,030.00	3	\$0.00	0.00%
C&I New Buildings & Major Renovations - Municipal	0.00	\$3,491.50	1	14,454.00	\$11,048.75	2	\$0.00	0.00%
C&I Initial Purchase & End of Useful Life	0.00	\$0.00	0	0.00	\$400.00	1	\$0.00	0.00%
C&I Upstream Food Services	0.00	\$0.00	0	0.00	\$0.00	0	\$0.00	0.00%
C&I Upstream HVAC	0.00	\$0.00	0	92,544.68	\$15,755.85	7	\$0.00	0.00%
C&I Existing Building Retrofit - LARGE	106,652.00	\$26,663.00	1	154,032.72	\$47,015.35	7	\$0.00	0.00%
C&I Existing Building Retrofit - MEDIUM	0.00	\$0.00	0	64,155.26	\$23,351.65	2	\$322,824.07	7.23%
C&I Existing Building Retrofit - Municipal	0.00	\$90,859.00	1	167,025.59	\$256,290.52	4	\$0.00	0.00%
C&I Small Business	2,858.96	\$2,529.42	1	249,552.11	\$157,113.77	22	\$281,590.01	55.80%
C&I Multifamily Retrofit	0.00	\$0.00	0	2,293.00	\$1,935.00	1	\$0.00	0.00%
C&I Multifamily - Municipal	0.00	\$0.00	0	0.00	\$0.00	0	\$0.00	0.00%
C&I Upstream Lighting	67,050.33	\$9,214.00	19	170,191.76	\$22,767.00	53	\$0.00	0.00%
<b>C&amp;I Subtotal</b>	<b>176,561.29</b>	<b>\$132,756.92</b>	<b>23.00</b>	<b>1,010,697.12</b>	<b>\$601,707.89</b>	<b>102</b>	<b>\$604,414.07</b>	
<b>C&amp;I % of Total</b>	<b>72.75%</b>	<b>64.28%</b>	<b>12.78%</b>	<b>31.36%</b>	<b>39.46%</b>	<b>1.32%</b>	<b>28.96%</b>	
<b>Total</b>	<b>242,696.48</b>	<b>\$206,537.56</b>	<b>180</b>	<b>3,223,356.74</b>	<b>\$1,524,893.25</b>	<b>7,718</b>	<b>\$2,086,985.11</b>	

\*Costs include those costs that has been recorded through this period and are not necessarily representative of all activity through this month  
 \*\*All information presented is preliminary and subject to change.



# Massachusetts Office on Disability

One Ashburton Place, Room 1305  
Boston, MA 02108

D

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FEB 14 2018

617-727-7440 voice & TTY  
800-322-2020 voice & TTY  
617-727-0965 FAX  
Web: <http://www.mass.gov/mod>  
Jeff.Dougan@state.ma.us

Charles D. Baker, Governor  
Karyn E. Polito, Lt. Governor  
David D'Arcangelo, Director

TOWN OF BOURNE  
BOARD OF SELECTMEN

February 12, 2018

Dear Municipal Americans with Disabilities Act (ADA) Coordinator:

The Massachusetts Office on Disability (MOD) would like to invite you to our inaugural Statewide ADA Coordinator Meeting that will be held on **Monday, May 14, 2018 from 10am to 2pm. The meeting will take place in the Inspector General's Conference Room located at One Ashburton Place, Room 1306 in Boston.**

The purpose of the meeting is to open a dialogue and offer information and resources that will assist ADA Coordinators in successfully performing their duties in that role. Attendees will hear from the Director of MOD, David D'Arcangelo and have the chance to network with other ADA Coordinators from around the Commonwealth. This is also an excellent professional development opportunity.

Topics covered will include:

- **Employment**
  - Reasonable accommodation requests
  - Who is a qualified individual with a disability
  - Essential job functions
  
- **Government Services**
  - Programmatic access
  - Reasonable modifications of policies, practices, and procedures
  - Effective communication
  - Administrative requirements
  - Holding accessible meetings and events
  - Service animals
  - And more

We look forward to you joining us for this meeting and are confident your participation will benefit you and your municipality. **If you are interested in attending, please contact me by May 8, 2018 at the above number or email.** Please advise me no later than May 7, 2018 if you need an accommodation.

Sincerely,

Jeffrey L. Dougan  
Assistant Director for Community Services



SA

**Part I** ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40A** ZONING**Section 5** ADOPTION OR CHANGE OF ZONING ORDINANCES OR BY-LAWS; PROCEDURE

Section 5. Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. **The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.**

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public

hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town. The department of housing and community development, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall

be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

Prior to the adoption of any zoning ordinance or by-law or amendment thereto which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural and aquacultural practices, the city or town clerk shall, no later than seven days prior to the city council's or town meeting's public hearing relative to the adoption of said new or amended zoning ordinances or by-laws, give notice of the said proposed zoning ordinances or by-laws to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

No zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-thirds vote of a town meeting; provided, however, that if in a city or town with a council of fewer than twenty-five members there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending three hundred feet therefrom, no such change of any such ordinance shall be adopted except by a three-fourths vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty.

If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote. In a municipality which is not required to submit zoning ordinances to the attorney general for approval pursuant to section thirty-two of chapter forty, the effective date of such ordinance or amendment shall be the date passed by the city council and signed by the mayor or, as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the city clerk to the office of the attorney general.

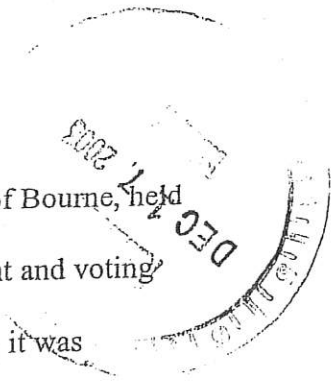
A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.

5B

CERTIFICATE OF VOTE

At a public hearing of the Board of Selectmen of the Town of Bourne, held  
on December 2, 2003 at 7:00 P.M., a quorum being present and voting  
throughout, upon a motion duly made and seconded, it was



**VOTED:** to accept the suggestions as proposed by the Town Administrator for Private Road Acceptance:

1. Forward this report to the Planning Board and Town Counsel for its comment and suggestions;
2. Begin preparation of Road Acceptance & Reconstruction Bylaw for consideration by the 2004 Annual Town Meeting;
3. Begin preparation of a Betterment Bylaw for consideration by the 2004 Annual Town Meeting;
4. Consider the appropriation of a sum of money at the 2004 Annual Town Meeting to be used for engineering and survey services for those roads selected for possible acceptance at the 2005 Annual Town Meeting;
5. Create a special committee composed of representatives of the Board of Selectmen, Planning Board, Planning Department, Department of Public Works and Engineering Department to develop specific recommendations on the issues identified in this report, especially the selection criteria to prioritize roads for acceptance.

Respectfully,

BOARD OF SELECTMEN

Mark A. Tirrell  
Mark A. Tirrell

Linda M. Zuern  
Linda M. Zuern

Richard LaFarge  
Richard LaFarge

James T. Grady  
James T. Grady

W. Thomas Barlow  
W. Thomas Barlow

There were roads built 2 years ago that will require very limited on-site surveying and very little work to reconstruct the roads to roads built 80 years ago with no plan and will require surveying, bounds, drainage and reconstruction. Town will have equal responsibility to address these roads.

Questions raised whether their road will be taken and how much the betterment charge would be? Situation of the road will have to be determined. Individuals are collecting signatures with not having answers to questions. Portion of process is when information is estimated the petitioners will have an opportunity to back. This will require a public hearing detailing the estimated cost for the entire project is a certain amount.

For a private way to be accepted as a public way, at least 75% of the abutters must sign petition. If someone on street didn't sign petition and they have frontage they will be paying a betterment. Encourage petitioners to get their petition in by the end of the year.

Selectman W. T. Barlow made a **MOTION** and **SECONDED** by Selectman LaFarge to establish a Road Acceptance Advisory Committee by Executive Order by the Board of Selectmen 2004-01 with the set up of the 2 members at large as recommended by the Town Administrator (5 members + 2 at large). **UNANIMOUS VOTE**

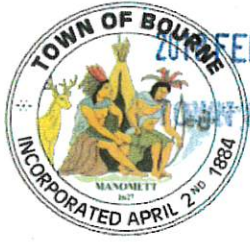
The 2 members at large can't have an interest in a road being proposed either through family or directly.

Selectman LaFarge made a **MOTION** and **SECONDED** by Selectman W. T. Barlow that once the estimated costs and betterment assessment are known, will notify all those who will be paying the betterment assessment will have a 30 day window which they can lock-out with written notice to the Board no later than the 30<sup>th</sup> day after notification of the estimate. **UNANIMOUS VOTE**

Chairman Zuern thanked Administrator Griffin for all his work.

1/11/05

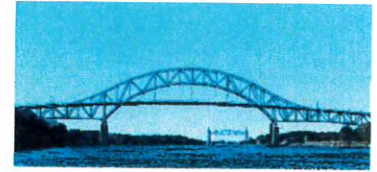
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CLERK BOURNE

# Board of Selectmen Meeting Notice



## AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Monday February 26, 2018	7:00 P.M.	Bourne High School/ Media Center 75 Waterhouse Road Bourne

**NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.**

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

**7:00 P.M. Call public session to order in Open Session**

**Joint Session with the Finance Committee for FY19 Budget Review  
(approximately 7:02 pm)**

- Updates – Department Budgets – Sources and Uses
- Planning & Inspections
- Engineering
- Conservation
- Health Department
- ISWM
- Capital Outlay
- Debt Service

***Adjourn Joint Session  
Adjourn***