

Board of Selectmen Meeting Notice AGENDA



Date

Tuesday
January 16, 2018

Time

6:45 P.M.

Location

Bourne Veterans' Memorial
Community Center
239 Main Street, Buzzards Bay

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.

6:45 P.M.. Call public session to order in Open Session

1. Moment of Silence for our Troops and our public safety personnel
2. Salute to our Flag
3. Public Comment on Non-Agenda Items
4. **Licenses/Permits**
 - a. One Day Wine & Malt Beverages License for the National MS Society at the MMA on June 30, 2018 from 12 Noon – 5:00 p.m. at the Softball Field and Deck of Mess Hall
 - b. Common Victualer license – transfer from Corner Café to Wurtzburger, LLC, d/b/a Corner Cafe

5. **Enter into Joint Session with Bourne Finance Committee.**

Motion to enter into Executive Session with Bourne Finance Committee to discuss strategy with respect to pending litigation pursuant to MGL Chapter 30A, Section 21 (a) (3): The Chair has declared that an open meeting may 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 conclusion of the Executive Session. Roll call Vote to Reconvene in open session.

6. **Adjourn Joint session with Finance Committee**

7. **Selectmen's business**

- a. Use of Town Counsel – Town Administrator Policy Discussion

8. **Adjourn**

TOWN OF BOURNE

2018 JAN 11 PM 12:29

RECEIVED



**Town of Bourne
Interdepartmental Advisory Form**



4A

Start Date:	1/8/2018
Owner/Applicant:	National MS Society c/o Promote Line, Inc., Bill Sykes
Project Location:	MMA, 101 Academy Drive, Buzzards Bay, Softball Field and Deck of Mess Hall
Nature of Request:	One Day Wine & Malt Beverages License for 06.30.2018 from 12 noon to 5:00 p.m., for the 34 th Annual MS Cape Cod Gateway
Liability Insurance Naming Town of Bourne as Additional Insured	Has applicant provided insurance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Map:		Parcel:		District:	
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☐ **Engineering:**

Date of Recording:		Lot Area:		Frontage:		Zone:	
Resource District:		Town Road:		Paved:		Contiguous Lots:	
Flood Zone:		Within 100' of Wetland:					

Owner:
Remarks:

1/8/2018 Timothy P. Lydon
Date Department Head

☐ **Planning Department:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

1/9/2018 Coreen V. Moore
Date Town Planner

☐ **Planning Board:** ☒ **Concurs** ☐ **Does Not Concur**

Remarks:

10/1/2018 Elmer C Legg/ag
Date Board Member

☐ **Conservation Commission:** ☐ **Must File** ☐ **Determination** ☐ **Notice of Intent**
 ☒ **Need not File**

Remarks:

1/8/2018

Date

Samuel Haines

Conservation Agent

☐ Board of Health:

☒ Concur

☐ Does Not Concur

Remarks: Chartwells will be serving the food under their Food Permit.

1/10/2018

Date

Zackary Seabury

Health Agent

☐ Building Inspector:

☒ Concur

☐ Does Not Concur

Remarks:

1/11/2018

Date

RL(njs) per Roger

Building Inspector

☐ Sewer Commissioners: ☐ Concur

☐ Does Not Concur

Remarks: N/A

1/8/2018

Date

George M. Sala [dj]

Department Head

☐ Town Collector:

☐ Outstanding Taxes

☒ Taxes Paid In Full

FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00

Remarks:

1/9/2018

Date

A Dastous

Town Collector

☐ Town Clerk:

If not corporation has business certificate been issued? ☐ Yes ☐ No

Remarks:

1/11/2018

Date

N/A

Clerk's Office

☐ Assessors:

This individual has (have) completed the Form of List? ☐ Yes ☐ No

Remarks: N/A

01/11/18 12:08 PM

P:\Routing Slips\National MS Society.docx

1/9/2018

Date

Karen Trudeau

Assessors Office

☐ Department of Public Works: ☐ Approved ☐ Disapproved ☒ Not Under DPW Jurisdiction

Remarks:

1/9/2018

Date

George M. Sala

Department Head

☐ Department of Natural Resources: ☐ Approved ☐ Disapproved ☒ Not Under DNR Jurisdiction

Remarks:

1/10/2018

Date

Tim Mullen

Department Head

☐ Police Department: ☒ Concur ☐ Does Not Concur

Remarks: All liquor laws must be followed.

1/9/2018

Date

Chief Dennis R. Woodside

Department Head

☐ Fire Department: ☒ Concur ☐ Does Not Concur

Remarks:

1/9/2018

Date

Chief Sylvester

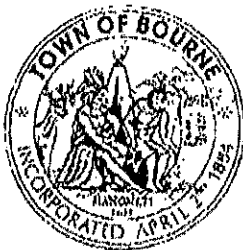
Department Head

☒ Board of Selectmen: ☐ Concur ☐ Does Not Concur

Remarks:

Date

Chairman



TOWN OF BOURNE
Town Offices
24 Perry Avenue
Buzzards Bay, MA 02534
(508-759-0600 x503) Phone
(508) 759-0620 Fax

SPECIAL ONE-DAY LICENSE APPLICATION

FEE _____

The undersigned hereby applies for a Special One-Day License in accordance with the provisions of the Statutes relating thereto:

PREMISES TO BE LICENSED: Mass Maritime AcademyNAME: Bill SykesCOMPANY: National MS Society c/o Promote Line, Inc

ADDRESS _____

TELEPHONE: _____

EMAIL: bill@promoterline.comDATE(S) OF EVENT: June 30, 2018HOURS OF OPERATION: 12PM - 5PM

DESCRIPTION OF EVENT - include floor plan with estimated number of guests and plans for parking:
This is the overnight for the MS Cape Cod Getaway, see attached

License is for the Sale of:

All Alcoholic Beverages

Wine & Malt Beverages Only

Wine Only

Malt Beverages Only

The Licensed Activity

or Enterprise is:

for profit

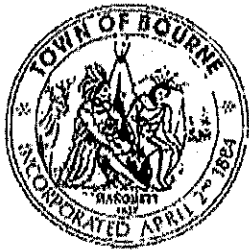
non profit

☒ Yes, I have contacted the Fire Chief or the Building Inspector to begin the process of obtaining a "304 Certificate of Inspection", if it is determined that one is necessary.

☒ Yes, I have obtained a one-day \$1 million liability insurance policy naming the Town of Bourne as an additional insured

FOR OFFICE USE ONLY -

Board of Selectmen



TOWN OF BOURNE
Town Offices
24 Perry Avenue
Buzzards Bay, MA 02534
(508-759-0600 x503) Phone
(508) 759-0620 Fax

TOWN OF BOURNE
LIABILITY DISCLAIMER
FOR SPECIAL ONE-DAY LICENSE

By exercising the privileges of this Special One-Day License in serving persons with alcoholic beverages, the Licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this Special One-Day License will be deemed to be acknowledgment that you are aware of this potential liability.

You are encouraged to discuss the risks associated with exercising your privileges of this Special One-Day License and the appropriate precautions to avoid injuries, damage and liability to others with your legal advisor.

The Town of Bourne and the Board of Selectmen acting as the Local License Authority shall not be liable to the Licensee or to others if injury or damage shall result from the exercise of this Special One-Day License.

Signature of Applicant

11/27/17

Date

1/11/2018

Date

Samuel Haines/tl

Conservation Agent

☐ Board of Health:

☒ Concur

☐ Does Not Concur

Remarks:

1/10/2018

Date

ZAckary Seabury

Health Agent

☐ Building Inspector:

☒ Concur

☐ Does Not Concur

Remarks:

1/10/2018

Date

Roger Laporte/ag

Building Inspector

☐ Sewer Commissioners: ☐ Concur

☐ Does Not Concur

Remarks: N/A

1/10/2018

Date

George M. Sala [dj]

Department Head

☐ Town Collector:

☐ Outstanding Taxes

☒ Taxes Paid In Full

FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00
FY	RE	\$0.00	FY	RE	\$0.00	FY	RE	\$0.00

Remarks:

1/11/2018

Date

Shelly Murphy

Town Collector

☐ Town Clerk:

If not corporation has business certificate been issued? ☒ Yes ☐ No

Remarks:

1/11/2018

Date

Mary Fernandes

Clerk's Office

☐ Assessors:

This individual has (have) completed the Form of List? ☒ Yes ☐ No

Remarks:

1/10/2018

Date

Karen Trudreau

Assessors Office

☒ Department of Public Works: ☐ Approved ☐ Disapproved ☒ Not Under DPW Jurisdiction

Remarks:

1/11/2018

Date

GS (njs)

Department Head

☐ Department of Natural Resources: ☐ Approved ☐ Disapproved ☒ Not Under DNR Jurisdiction

Remarks:

1/11/2018

Date

Tim Mullen

Department Head

☐ Police Department: ☒ Concur ☐ Does Not Concur

Remarks:

1/10/2018

Date

Lt. Silvestro

Department Head

☐ Fire Department: ☒ Concur ☐ Does Not Concur

Remarks:

1/11/2018

Date

Chief Norman Sylvester Jr.

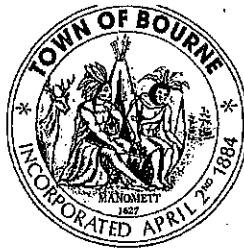
Department Head

☒ Board of Selectmen: ☐ Concur ☐ Does Not Concur

Remarks:

Date

Chairman



TO THE LICENSING AUTHORITY OF THE TOWN OF BOURNE:

The Undersigned hereby makes application for a

COMMON VICTUALER'S LICENSE ☒

Under MGL Chapter 140

FOOD VENDOR'S LICENSE ☐

Under Town of Bourne Bylaws

Article 3.5

Location:	369 Barlows Landing Rd
Corporate Name:	Wurtzburger Creations LLC
Individual/Partnership:	Individual
Business Name:	Corn & Cafe
Manager:	Brian Wurtzburger
Date:	1-10-18

We/I hereby agree to conform in all respects to the conditions governing such license as printed in the Bylaws of the Town, and such other rules and regulations as the Selectmen may establish.

With the signing of this application the applicant acknowledges that:

- (a) It is understood that the Board is not required to grant the license;
- (b) In event of a proposed sale of a business requiring a *Common Victualer and/or Food Vendor's* License, an application for a transfer of said license will be deemed to be an application for a new license (subject to the rules and regulations herein contained), and the owner of such business shall be required to file with the Board of Selectmen a thirty-day notice of his intention to sell same before such application will be acted upon by the Selectmen;
- (c) That the license is subject to revocation if the holder of the license does not comply with state law, town bylaws or the Rules and Regulations of the Board of Selectmen.

Signature Name:	Brian Wurtzburger
Signature Name:	
Business Address:	369 Barlows Landing Rd Pocasset MA 02559
Home Address:	

7A

POLICY FOR CONSULTATION WITH **TOWN COUNSEL**

This Policy is issued in accordance with the provisions of the Town of Bourne Home Rule Charter.

Pursuant to Sections 3-3 and 4-2, the Town Administrator is responsible for the day to day administration of the affairs of the Town. Accordingly, the following Rules and Regulations shall be observed with respect to the utilization of legal services from Town Counsel or Special Counsel.

1) Request for Legal Opinions or Legal Services

Any and all inquiries to any elected or appointed Town Official that pertain to legal issues relating to the Town shall be referred to the Town Administrator, immediately upon receipt.

Any such request shall be in writing, unless the requirement of a written submission of the request is waived by the Town Administrator.

The Town Administrator shall maintain a record of any requests in the Town Administrator's Office.

After reviewing a request for Legal Opinion or a request for Legal Services, the Town Administrator shall approve or deny the request. The Town Administrator's decision shall be in writing. For purposes of this requirement, an email transmission shall satisfy the requirement of writing.

The Town Administrator shall communicate his decision, in writing, to Town Counsel.

Town Counsel may request a review of the Town Administrator's decision and any communications relating to this review shall be in writing and maintained as a record in the Office of Town Counsel.

The Town Administrator shall issue a form for Request for Legal Opinions or Legal Services.

Utilization of the form for Request for Legal Opinions or Legal Services is mandatory, unless waived by the Town Administrator.

Any request for Legal Opinions or Legal Services shall include all relevant documents and they shall be attached to the Request forwarded to Town Counsel.

2) Eligibility to Request Legal Opinions or Legal Services

It is critical to the administration of the day to day affairs of the Town that all individuals who provide services to the Town be eligible to request Legal Opinions or Legal Services in the course of providing services to the Town.

The Town Administrator shall be responsible for reviewing any such requests and determining whether to provide access to Town Counsel for an individual who seeks legal guidance about the appropriate course of action to take.

Additionally, any Town Official who is elected to a position in the Town may seek a Legal Opinion or Legal Services from Town Counsel after notifying the Town Administrator that he or she needs consultation with Town Counsel.

The Town Administrator, may, by a written directive, authorize any appointed Town Officer, regardless of method of appointment, to seek a Legal Opinion or Legal Services from Town Counsel, without prior authorization of the Town Administrator, subject to that Town Officer notifying the Town Administrator that he or she has sought the

services of Town Counsel. Said notification shall be in writing. For purposes of this requirement, an email transmission shall satisfy the requirement of writing.

3) Response of Town Counsel

Town Counsel shall respond to any request for Legal Opinions, in writing, to the individual making the request, to the Town Administrator, the Town Clerk and the Board of Selectmen. The Town Administrator and the Town Clerk shall maintain records of Opinions of Town Counsel. Beginning on January 1, 2018, the Town Administrator and Town Clerk shall maintain an Index of all Opinions received from Town Counsel and create a data base for such Opinions. The data base shall be protected by the Doctrine of Attorney-Client Privilege and the Doctrine of Attorney Work Product. Any request for information in the data base shall be processed in accordance with the Massachusetts Public Records Law. Town Counsel may advise that a document is confidential until the document is reviewed by the Record Access Officer of the Town.

Town Counsel shall provide an itemized list of any requests for Legal Opinions on a monthly basis.

4) Statutory Right to Notify Town Counsel

The Town recognizes that certain provisions of state and federal law authorize a municipal employee to seek legal advice from government counsel with certain issues, including Requests for Opinions as to Conflict of Interest; Whistleblower claims; discrimination claims; and Public Records Request to the Records Access Officer. These requests shall be documented in accordance with this Policy but do not require approval from the Town Administrator.

5) **Limitation of Policy**

This policy shall apply to all requests for legal opinions and legal services, and all responses from Town Counsel, unless Town Counsel determines that a deviation from the policy is required by the Town Charter, the General or Special Laws of the Commonwealth, or the Rules of Professional Conduct.

DATED: December 12, 2017

By: 

Thomas M. Guerino,
Town Administrator