

Board of Selectmen Meeting Notice AGENDA



Date

Tuesday
May 22, 2018

Time

6:15 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.

6:15 P.M. Call public session to order in Open Session

- a. Motion to enter into Executive Session for the purpose of reviewing prior Executive Session Minutes of: 5/10/18 which includes the review and disposition of minutes of the following meetings 10.3.2017, 11.07.17, 11.14.17, 1.16.18, 2.27.18, 4.18.18, 4.24.18, of 09.06.2011, 08.30.2016, 11.22.2016, 11.29.2016, 12.20.2016, 1.24.2017. The Chair has declared that an open meeting may have a detrimental effect on the 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.

Moment of Silence for our Troops and our public safety personnel

1. Salute to the Flag
2. Public Comment on Non-Agenda Items
3. Approval of minutes: 2.20.2018, 4.03.2018, 4.10.18, 4.17.2018, 4.24.2018; 5.01.18
4. Correspondence
5. 7:00 p.m. Update from MMR – power point presentation
6. Licenses/Appointments
 - a. 7:30 p.m. Hearing on application for a Year Round Common Victualer License for the sale of all kinds of alcoholic beverages for Mahoney's on Main LLC, 57 Main Street, Buzzards Bay
 - b. Common Victualer [Food] for Mahoney's on Main LLC
7. Selectmen's Business
 - a. Open Space Committee has requested the name of "Canal Overlook"
 - b. Board to vote on support/non-support of Special Town Meeting Article regarding landfill.
 - c. Board to approve Town Administrator's extension with the Public Employee Committee agreement related to Health Insurances program design extension

2018 MAY 18 PM 3:36
TOWN CLERK BOURNE

RECEIVED

- d. 1st Reading – Bourne Recreation Outdoor Facility Reservation Policies
- e. 2nd Reading – Special Event Policy for Buzzards Bay Park
- f. 1st Reading – Sale of Town Owned Property Policy and Procedure Policy Review
- g. Goals schedule for 2018-2019
- h. Board reorganization
- i. Board of Selectmen schedule

8. **Selectmen's Reports**

- a. Events attended since last BOS meeting
- b. Upcoming events BOS members planning to attend

9. **Town Administrator Report**

- a. Buzzards Bay Park
- b. Community Building
- c. Priority Based Budgeting
- d. Private Roads Acceptance Committee
- e. Pedestrian and Bicycle Pathway
- f. Cannabis Working Group
- g. Dog Park update

10. **Future Agenda**

11. **Adjourn**

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**Board of Selectmen
Minutes of Tuesday, February 20, 2018
Bourne Community Building
Bourne, MA 02532**

TA Tom Guerino

Selectmen

George Slade, Chairman
Peter Meier, Vice-Chairman
Judith Froman, Clerk
Don Pickard
Michael Blanton

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

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

Meeting Called to Order

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

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

Public Comment – Non-Agenda Items

None requested.

George Slade said we are still at the Bourne High School Library Media Center and we will be meeting here for the next two months.

4) Correspondence

Judy Froman brought the Board up to date on the correspondence

- A. Thank you card from Carole Ellis
- B. Letter from Kraus & Hummel regarding Pocasset Community - manufacturing housing community
- C. Notice from Department of Agricultural Resources regarding MDAR Apiary Program
- D. Department of Agriculture Resources submitted notice for public hearing for Vegetation Management Plan

- E. Department of Environmental Protection received waterways application by Steven and Nancy Candela to amend License #13869 to expand the existing pier and ramp and relocate the existing float at 41 Harbor Drive, Pocasset
- F. Elder Services will be holding their 16th Annual March for Meals of Wednesday March 21, 2018 and will be honored if the Town Administrator or his designee could participate. RSVP by February 28, 2018
- G. Comcast submitted copy of Form 500 for 2017
- H. Buzzards Bay Coalition received the Draft Buzzards Bay Wastewater Treatment Facility Permit #974-0
- I. Buzzards Bay Coalition submitted letter regarding Wastewater Planning in the Town of Bourne
- J. Letter from the Nature Conservancy regarding letter requesting waiver of EIR for ENF filed on February 7, 2018. Town of Bourne/The Nature Conservancy, Little Buttermilk Bay Oyster Habitat Restoration [Copy on file in the Town Administrator's Office]

Regarding letter F, Peter Meier said he has been doing it since 2011. It is very rewarding. Don Pickard agreed it is very rewarding.

Michael Blanton spoke briefly about letter H. There is a potential for a discharge pipe into the Cape Cod Canal that is something we should be paying attention to as a community.

5) License/Appointments

a. Appointments - 3 applicants to fill 2 vacancies on the Private Road Acceptance Committee [Thomas Barns; Shawn Goulet and Paula McConnell]

George Slade briefly spoke about the town roads and the Private Road Acceptance Committee.

Shawn Goulet briefly stated why he wants to be on the committee. Paula McConnell briefly stated why she wants to be on the committee. Thomas Barns briefly stated why he wants to be on the committee.

The committee will be made up of two at large members, a member of the Planning Board, Superintendent of Public Works, Town Planner, Engineering Technician, and a member of the Board of Selectmen.

Michael Blanton suggested maybe amending the charge to have three at large members.

Thomas Barns went into more detail on why he wants to be on the committee

Voted Peter Meier moved and seconded by Michael Blanton to nominate Paula McConnell to be an at large member of the Private Roads Acceptance Committee. Vote 4-0-1. Don Pickard abstained.

Voted Peter Meier moved and seconded by George Slade to nominate Shawn Goulet to be an at large member of the Private Roads Acceptance Committee.

Don Pickard, Michael Blanton and Judy Froman abstained

Don Pickard withdrew his abstention and voted in favor

Vote 3-0-2.

Tom Guerino stated these appointments are good until June 30, 2018.

6) Selectmen's Business

a. FY 19 Budget Review and action

b. Scope for Rules of Procedure Review on 2/27/2018

c. Establish a committee to recommend options for the town addressing applications eligibility to be filed with the Cannabis Control Commission, beginning April 1, 2018. This is pursuant to the Marijuana establishment law, as amended by the Massachusetts Legislature.

d. Board of Selectmen Goals - as required

a. FY Budget Review and Action

Tom Guerino briefly went over some of the questions that he received from Mr. Slade and Ms. Froman.

Mr. Guerino said priorities for economic development, harassment training, HR items are within the employee services budget or the Town Administrator's other services budget. We are prepared to move on that. Increased the annual town report line item, the report is getting bigger. Mr. Guerino explained why that went up. Mr. Guerino explained why there is an increase in the Selectmen's Travel Budget

Don Pickard spoke about the memorandum from Mary Jane Mastrangelo, Chair of the Finance Committee that was sent to the Selectmen and the Town Administrator. We should look at those points and vote by the Board before the Selectmen transmits the budget to the Finance Committee. Mr. Pickard spoke about the Free Cash line item.

February 15, 2018

Board of Selectmen
Town of Bourne
24 Perry Avenue
Bourne, MA 02532

Dear Board of Selectmen:

I would like to clarify something about the Town of Bourne financial policy and to discuss certain line items in the FY19 budget.

The use of Free Cash for the budget this year is within the Financial policy limit of using up to 5% of Free Cash in excess of Policy as an operating revenue for the budget. However, our Financial policy also says that **“to the maximum extent possible we shall only appropriate reserves (including Free Cash) for one-time non-recurring expenses.”** While we may spend Free Cash for the budget (up to the limit set), we **should** not; and the long-term goal should be to **reduce** the use of Free Cash for the operating budget. This is also something the bonding review companies look at – the continued use of reserves for operating expenses.

The limit on the use of Free Cash is a recognition that we have been dependent on the use of Free Cash for the budget for many years and eliminating the use of Free Cash would not be practical. However, the use of Free Cash needs to be monitored and a trend of increasing use of Free Cash should be a warning signal.

The proposed budget is within our Free Cash policy limit; however, the budget shows a trend of increasing use of free cash that is not good and can lead to future problems. Sources and Uses shows that this year we are using 10% more free cash for the budget than the current Fiscal Year. That is not a good trend. The Free Cash for FY18 includes the Free Cash that was used at the Special Town Meeting in the Fall. If we compare the proposed use of \$1,100,000 Free Cash for the budget this Annual Town Meeting to the \$915,300 used for the budget at the Annual Town Meeting in 2017, we are using 17% more Free Cash than what was used at the ATM last year. We are also using \$300,000 more from the Ambulance Fund.

I bring this trend to the attention of the Board of Selectmen as it is important for the Board consider the trend, budget priorities and the long-term goal of reducing the use of Free Cash for the budget.

As a reminder, last Fall when the Finance Committee supported adding the Assistant Town Administrator and the Assistant Fire Chief to the budget the Finance Committee was quite clear and stated to the Town Meeting that we recommended no additional positions in the budget for FY19 due to the number of personnel that had been added in FY18.

I am concerned about some of the additions to the budget. During the budget process the Finance Committee will be looking at some of these to evaluate the need and to determine if reductions in these items would bring down the use of Free Cash to a level consistent with FY18 to help insure that the budget proposed to Town Meeting is sustainable.

Page Two

- The addition of two DPW workers. Last year a Supervisor, Laborer and Truck Driver were added to DPW. DPW has recently been involved in several projects to help reduce project costs. These projects include the Buzzards Bay Park Project and the Police Facility. It would be helpful to know if the additional hours spent on those projects has contributed to the need for the additional personnel and whether there is a long term need or a short-term need based on specific projects.
- Increase in Library hours – last year the Library budget was increased over the amount needed for certification. How does this request fit into the certification requirements for the Library and is this addition a priority for this year's budget? Is this a priority for the Board or can it be delayed and discussed during Priority Based Budgeting for FY20?
- Assessors Other Contracted Services – the budget line item proposes to enter into a five-year agreement for Outside Services with a valuation consultant instead of paying for the services needed on a yearly basis. Although the line shows a \$5,000 decrease – in the past it has gone down about \$35,000 after the revaluation year. In effect this year would be paying for future services. What is the actual amount needed for services for FY19?
- Increase in Snow and Ice – after funding Snow and Ice at \$92,500 the budget was increased to \$338,000 in FY17. That amount adequately covered the FY17 expenses. The proposed budget includes an additional \$52,000 for Snow and Ice bringing the budget to \$390,000. While an increase in the materials cost for sand might be warranted, the new policy of not picking up trash on snow days may reduce either the salaries in DPW or the amount of Overtime needed for Snow and Ice. Since this budget can never be reduced in the future after it has been appropriated at \$390,000 at the Annual Town Meeting there should be caution in raising this line item. It may make sense to level fund this budget line item for another year.

I also have a concern that the Fire Department Budget Line 5112 is underfunded. There is a decrease this year which should not be correct as this Line Item had the Assistant Fire Chief added in FY18 and the position does not seem to be included in the Line item for FY19.

A discussion of how these increases and the budget as a whole fits into the Budget Priorities of the Board of Selectmen would be helpful. A thoughtful discussion of the budget in terms of the Board of Selectmen's priorities is warranted before the Board votes to transmit their budget to the Finance Committee for review and recommendation to the Town Meeting. The usual process is for the Board of Selectmen to transmit the budget to the Finance Committee, the Finance Committee to review the budget, and then at the end of the review to communicate comments to the Board of Selectmen with any feedback for possible adjustment. The Finance Committee looks forward to working with the Board of Selectmen throughout the budget process.

Sincerely,



Mary Jane Mastrangelo
Finance Committee Chair
PO Box 41
Cataumet, MA 02534

Tom Guerino spoke about different department's staff and line items on the budget. 2 more DPW employees, custodial person, Assistant Town Administrator and the Assistant Fire Chief.

George Sala gave a brief breakdown on the DPW department. There are 30 FTEs.

Administrative 4; highway 5; municipal maintenance 1; vehicle maintenance 3; sanitation 10; recycling 7. Some of the duties of the highway and maintenance FTEs (6) are, mowing 63 town owned properties with two people, beach maintenance, signs, roadways, road maintenance, some dredging projects, repair and maintain ball fields, repair and maintain playground equipment, tennis courts, basketball courts, set up and break down election booths for town elections, catch basin, roadside mowing, and street sweeping. Mr. Sala went on to say things may not get done in a timely manner; we may have to sub out and go to contracts. Mr. Sala went over some the requests/questions about his department.

Don Pickard stated how last fall the Finance Committee supported adding an Assistant Town Administrator and an Assistant Fire Chief and it was clear that no other additional positions will be added, and questioned the two new employees for the DPW. The Board members continued to discuss the DPW trucks and a route analysis. Don Pickard said we should be looking at avenues of reducing our costs.

July Froman said this is a time we should be taking care of our infrastructure.

Mr. Guerino briefly spoke about police overtime and the shellfish propagation person.

Voted Don Pickard moved and seconded by Peter Meier to vote to endorse the Administrator and the DPW superintendent's request for two additional people.

Michael Blanton explained why he would vote against that motion. He wants to hear the rest of the department before we lock ourselves into specific options.

Vote 3-2. Michael Blanton and Judy Froman opposed.

Tom Guerino briefly went over the police department budget and spoke briefly about the snow and ice line item.

Linda Marzelli spoke briefly about the line item for the Assessors Contracting Services. We are trying to go on a five-year contract so it is level funded.

Mary Jane Mastrangelo said she is concerned with staying within a goal and keeping the use of Free Cash down and spoke about the Free Cash line item.

Voted Don Pickard moved to not support a 5-year contract based on the fact that we don't know what will happen 2 or 5 years down the road. Vote 5-0.

Tom Guerino said if there is not a motion to eliminate it there does not have to be a motion to support it because it is already in the budget.

Regarding the Snow and Ice line item Tom Guerino said he is going to bring the snow removal back down to FY 18 levels.

Regarding Library Hours Tom Guerino spoke about the library increase to open the library on a sixth day.

Patrick Marshall spoke about the request that was put in through the Board of Trustees. It would increase three positions at the library from 30 hours a week to 35 hours a week each. This would allow us to be open on Mondays, which would provide service to the community Monday through Saturday. Mr. Marshall spoke about the benefits of having the library open six days a week. This will not have an effect on our certification.

FY 2017 Value of the Library

Input Your Quantity of Use	Library Services	Retail Value	Value of Services
46663	Adult Books Borrowed	\$17.00	\$793,271
1979	Young Adult Books Borrowed	\$12.00	\$23,748
22606	Children's Books Borrowed	\$17.00	\$384,302
2205	Magazines Borrowed	\$5.00	\$11,025
29744	Movies Borrowed	\$4.00	\$118,976
9140	Audio (BoCD, Tape, CD's)	\$9.95	\$90,943
15515	Downloadable e-books and Audio	\$15.00	\$232,725
4103	Downloadable Music	\$1.00	\$4,103
22067	Interlibrary Loan	\$25.00	\$551,675
785	Museum Passes	\$20.00	\$15,700
1126	Meeting Room Use (per hour)	\$25.00	\$28,150
1638	Adult Programs Attended	\$15.00	\$24,570
275	Young Adult Programs Attended	\$12.00	\$3,300
5061	Children's Programs Attended	\$7.00	\$35,427
17992	Database Searches	\$19.95	\$358,940
6188	Hours of Computer Use (e.g. internet, MS Word)	\$12.00	\$74,256
	Total Value		\$2,751,111

FY2017 Library Budget \$618,698

Return on investment = 445%

For every dollar of the library budget,
\$4.45 was returned to the public in services and
materials

Jonathan Bourne Public Library
Your Library - When you want it- Where you want it.
Library at a Glance – FY 17 Stats and More

Mission

The JBPL stimulates people's imaginations, supports parents who want their children to become readers and provides access to the online world for everyone.

Circulation

FY17 – Total checkouts 132,520 (Books = 71,248, eBooks =11,128 downloadable audio/video = 8,490)

Net borrowing FY 17 - We borrowed 22,067 items from other libraries and lent 16,758 items

Library Attendance

In FY 17 – 88,428 entered the library. Average per month is 7,369. Average per day is 343 people

Biggest month for attendance was August with an average of 455 people per day

Lowest month for attendance was March with an average of 297 people per day

Budget/ Staffing

FY 19 library budget request= \$720,928 budget which is 34.35 per capita or 1.00% of the general town budget.

Staffing – Current staffing for FY 18 = 312 hours per week with FTE of 8.3

(Rank 37th out of 52 in our group) State average for library of our population category (15,000 – 24,999) is 449 hours FTE 11.97 (Sandwich 516 hrs. per week FTE 14.74)

Requested 15 hour increase of staff time (\$16,304) would make 327 hours per week with FTE of 8.7 and allow for a full day of library service on Mondays each week.

Volunteers (those willing to be counted) – 41 regular volunteers in FY 17 totaling 1,544 hours. The payroll equivalent for this work would be \$46,135 (2016 Bureau of Labor Statistics -Massachusetts)

Holdings – Library has 128,572 items – including 58,441 books, 52,842 eBooks, and 7,692 downloadable audio materials.

Card Holders – Library has 11,679 registered borrowers in FY 17.

Programs – Library held 321 children and YA programs in FY 17 with 5,336 attendees

Library held 83 adult programs in FY 17 with 1,638 attendees

PROGRAMS – WHAT WE DO

- Books in regular and large print format
- Movies in DVD and Downloadable formats
- Magazines and Newspapers in regular and downloadable formats
- EBooks and eReaders
- Computers for public use
- Museum Passes
- Technology assistance and instruction
- Reference assistance online and in person
- Fax machine
- Art shows/gallery
- Services to blind and physically challenged
- School project assistance and resources
- Audio-books in CD, Playaway, and Downloadable formats
- Children's board books, games and toys
- Access to 75 Online Databases
- Interlibrary Loan – (Delivery of requested library materials)
- Access to 33 public libraries with your CLAMS card
- Career resources
- free in library Wi-Fi
- Meeting room usage
- Community bulletin board
- STEAM resources
- Hot Spots Portable Wi-Fi Access
- Rotating Collections
- proctoring
- Telescope

Children's story times and programming including lap babies, pre-school and toddler programs, music and movement, parent talk, intergenerational stories and songs, hop skip read, book clubs, summer reading and seasonal programs.

Adult programs including author visits, workshops, concerts, book clubs and discussion groups.

Teens – Tech programs, book clubs, seasonal and summer reading programs

LIBRARY CERTIFICATION (Bourne currently in the 15,000 – 24,999 population group)

Open minimum 50 hours per week over 5 days including evenings and weekends

Open to all residents of Commonwealth, make no charges for normal library services, employ trained library personnel, lend to other certified libraries, and spend 15% of budget on materials.

Municipal Appropriation Requirement (For FY 19, Bourne needs \$661,488. Current FY 19 budget planned is \$720,928)

Future Thoughts/ Needs to Think About

Population growth within next 5 years puts us in next certification grouping (25,000 -49,999) where we will need to be open a minimum of 59 hours a week over 6 days.

Population changes within Bourne will have an older demographic – Need for more services for older adults

Physical plant no longer meets the needs of modern library for services, accessibility, ADA, etc.

Influence of technology will continue to increase. At the same time, books and traditional library services will continue to be in demand.

The library IS THE information place for the citizens of Bourne. Providing access for everyone, young, old, rich, poor, EVERYONE! The library is not just the physical building but also online, working with other groups and departments and providing programs around town. YOUR LIBRARY -WHEN YOU WANT IT AND WHERE.

Jonathan Bourne Public Library
FY 19 – Why Mondays and Other Questions Answered

Library Mission:

The JBPL stimulates people's imaginations, supports parents who want their children to become readers and provides access to the online world for everyone.

Board of Selectmen 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. Last line of the vision states: ...embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

REQUEST: \$16,304 to line item 5113 which would fund three employees currently at 30 hours a week for five additional hours each. This would allow the library to open a full day (roughly 9-5) on Mondays.

- Currently, Bourne is the only surrounding community NOT open 6 days a week. Falmouth, Mashpee, Barnstable, Plymouth and even Wareham are all open Monday – Saturday. Sandwich is not open Mondays but is open Sundays.
- Residents are currently required to go to other communities for library service on Mondays as the library in Bourne is closed.
- Surveys done in 2004, 2010 and 2015 for the library long range plans repeatedly have shown that respondents would like Monday hours.
- Currently, on Mondays, the library is doing 1 to 1.5 percent of the business for the entire CLAMS network. Mostly check in of library materials.
- Library meeting rooms being underutilized with closure of Mondays. Currently two groups from the Community Building are using it weekly with three other library and town groups requesting space.

CERTIFICATION: Does this request have anything to do with certification?

- Short answer is no: Library is required to be open 50 hours a week over 5 days with some evening and weekend hours. JBPL meets this goal as well as the other certification requirements.
- Long answer: Certification requirements are MINIMUM standards specified in M.G.L. Ch. 78, Sections 19A and 19B and in 605 CMR 4.00. Bourne falls in with communities between 15,000 and 24,999 in population. When met, certification allows a community to receive State Aid funding, apply for grants through the state and federal governments and, most importantly, allow residents to use public libraries across the Commonwealth. The important thing to remember is that these are minimum standards. **The request to be open Mondays is an attempt to provide the citizens of Bourne with library services common for communities of our size.**

BUDGET IMPACTS: How does this request impact the library budget?

- \$16,304 would increase hours for three 30 hour employees by 5 hours each.
- No new employees hired

- No change in benefits as these employees are already benefited positions
- **Library expense budget** requested increases is \$200 – **level funded** – so as to keep impact to overall town budget minimal. (Increase in water line item to support new gardens planted)
- Expense budget is \$17,150 off from the high of \$185,200 in FY 14.

Other Questions:

1. **Significance of hires pre and post July 1, 2012** – July 1, 2012 marks the changes in pay scales for Units A, B and BEA. Those hired before that date are under the old pay scales. Hired after and those employees are on the new pay scales. The three employees that would see their hours per week increase are all hired after July 1, 2012.
2. **What is differential pay – Line 5142?** – This is the night shift differential pay as covered in Union Contracts for Unit A and B. Current rate is \$4 per evening worked for library staff on second shift. (Library is open until 8:00 p.m. on Tuesday, Wednesday and Thursday.

Peter Meier spoke about why he is in favor of having the library open six days a week.

Voted Peter Meier moved and seconded by Michael Blanton to support the Town Administrators budget request for the new library hours. Vote 3-1-1.
Don Pickard opposed. Judy Froman abstained

Tom Guerino spoke about the budget for the police, fire, and DPW, and the Free Cash use and trying to stay within policy.

Mary Jane Mastrangelo spoke about the underfunding of the fire department budget for supervisors. When the Finance Committee looks at the budget we would like to have an accurate Sources and Uses and it includes the Assistant Fire Chief position. We have to watch the trend and try to stay within the use of Free Cash. The policy is we will not use reserves for ongoing expenses.

Judy Froman explained why she is abstaining during the voting. She supports sticking with the Free Cash policy. There should be more discussion on the budget.
We need to ask the Town Administrator to adjust the budget so it is within the policy.

Chief Sylvester spoke about Assistant Chief Cody, and the fire department budget.

Don Pickard spoke about the meeting he had with the Chief and the TA; the primary focus was figure out how to reduce the number of non-emergency calls to nursing homes, Dr. Offices, and living facilities.

Michael Blanton spoke about ambulance emergency transport and the change of services regarding the closest hospital.

Chief Sylvester spoke about emergency calls, the emergency care services, transportation and why the change was made.

Don Pickard spoke about the Administrators Salary line item and where the extra 2% comes from. Tom Guerino explained the 2% is if the Selectmen opt to pay a merit increase it is in the budget, because it has to be appropriated.

Tim Mullen spoke about the Shellfish Propagation Specialist person and explained why that person is needed. There is an economic benefit to having that person. Michael Blanton stated why he is in favor of Tim Mullen's request.

Judy Froman brought up the line item for IT and Data Processing. Would like to have a committee working on improving our Data Processing and doing research on what other towns are doing.

Jim Mulvey spoke about the 2½ cap; what is the present cap on the town on 2½ taking into consideration growth. What is the estimated list of revenue for income from all sources to the town for financial year 19; how will it relate on the property evaluations. What is the difference between an estimated total incomes from all sources for 19 vs. the 66 million dollar budget? Tom Guerino explained the Prop 2½ and the increase 2018 to 2019. Mr. Guerino went over the total revenues and the increase. The income and expenses are balanced; we don't have an excess levy capacity.

Voted Judy Froman moved and seconded by Michael Blanton for Board of Selectmen to pass the proposed operating budget onto the Finance Committee under a condition we look at making sure we don't exceed the 1.1 million on free cash. Vote 5-0.

Peter Meier stated that even though we have passed this document to the Finance Committee these numbers may still change.

6b Scope for Rules of Procedure Review on 2/27/2018

Peter Meier said he was focused on the budget and hasn't been able to work on the Rules of Procedure.

Voted Michael Blanton moved and seconded by Peter Meier to move the Rules of Procedures to a workshop session date to be determined.

Don Pickard questioned if it will be televised. Judy Froman recommended to have that workshop televised. Tom Guerino said it could be tape delayed. **Vote:** 5-0

6c. Establish a committee to recommend options for the town addressing applications eligibility to be filed with the Cannabis Control Commission, beginning April 1, 2018. This is pursuant to the Marijuana establishment law, as amended by the Massachusetts Legislature.

George Slade questioned would the Board consider seating a committee for this.
George Slade read:

The Board of Selectmen's study committee relative to recreation marijuana.
The Board of Selectmen hereby appoint the following Committee to research the issues related to recreational marijuana. This Committee's charge is specifically pertaining to the ramification of the work of the Cannabis Control Commission's regulation to commence of the issuance of recreational license on April 2, 2018. The Committee is to limit work to siting and licensing recreational facilities in Bourne. The Committee shall site attributes, if any and deterrents, if any of such licenses within the Town. Additionally, the committee will make a report of findings to the Special Town Meeting schedule for March 26, 2018. Membership of the committee shall include the Chief of Police, Fire Chief, Town Planner, Health Agent, the Superintendent of Schools or his designee, and two members at large.

Don Pickard spoke about the moratorium that was passed on recreation marijuana at Town Meeting; that moratorium gave the town until November 2018 to get its regulation in place. I believe there are three boards that have to address a variety of issues relative to recreational marijuana. The Board of Health - who has created their regulation; the Planning Board has zoning issues to address; the Board of Selectmen has responsibilities with regard to the number of dispensaries, cannabis cafés, setting the tax rate, and the host community fee. Mr. Pickard stated he is against a committee. I will not advocate my responsibilities as an elected member of this Board of Selectmen to a committee. It is our job to make these decisions. We as a Board are elected to make those decisions.

Peter Meier said he has no problem with the committee in concept, but that committee should report their finding back to this Board; let us speak at Town Meeting what we decide to do.

Michael Blanton said he is not opposed to the study committee, but the committee should not be making any decisions. It is a study committee, it is researching issues, looking at the pros and cons, and making a report of those finding. They are not enacting anything. Those finding should be reported to this Board, and we decide what to do for the town.

George Slade said this is strictly whether we would consider recreational outlets in this town.

Michael Blanton clarified the state moratorium extends until July 1, 2018. Bourne Fall Town Meeting we asked a moratorium that extended that from July until November 1,

2018. Town Counsel pointed out to us that the moratorium that we passed as a town in May might not actually cover all the scenarios.

Tom Guerino spoke about the moratorium. Last week the Chair, myself, Town Counsel, and the President of the Mass Municipals Lawyers Association met and discussed this issue. They are concerned the moratorium may not fully apply as it is only for zoning. Mr. Guerino stated effective April 2nd the Cannabis Control Commission is going to be able to start accepting application for recreational retailers. If the town does not have particular provisions in place and a license is granted on April 3rd, whatever laws of the town are at that time of the application being accepted is what we are bound to.

The town should consider a Special Town Meeting for March 26 that would provide two additional moratoriums. One would be a zoning bylaw prohibition; the second would be a general bylaw probation. That would allow us to go to the Annual Town Meeting with additional articles. So we are not caught with having other bylaws that we may have in place, those being the number of establishments, licenses, and being able to receive revenue to the municipality, and a tax on that. We need to start looking to establish a Special Town Meeting date to put in a prohibition to protect the town while it puts other things in place.

Don Pickard spoke about the moratorium not being sufficient and reiterated the Board has to make the decisions not the committee.

George Slade said we could have them report their finding back to this Board. Mr. Slade read part of the moratorium: Marijuana establishments and other related recreational marijuana uses. We also have to deal with transportation. We could vet this throughout the community during the month of March in advance of town meeting.

Tom Guerino said Coreen Moore drafted a bylaw, to prohibit, that will be informally before the Planning Board. Then there would be a general bylaw.

Don Pickard said we have two options. One is prohibit in its entirety by a zoning bylaw, which takes a 2/3rd vote, or have one warrant article or three warrant articles addressing where the sites can go, if cannabis cafes are allowed, if we can get the 3% on gross sales plus the 3% on gross sales of community fee. Would it be up to the Planning Board to determine where any applicable site would be in the event that prohibition is not passed? Tom Guerino said you would still need the two articles.

Don Pickard said we don't need a committee we should have Mr. Guerino's professional staff in the Planning Department create the proposed bylaw/warrant articles for the Special Town Meeting. One is to prohibit the sale or dispensary of recreational marijuana in Bourne and to go down the line with whatever else is necessary.

The Board members continued to discuss the bylaws/warrant articles, Special Town Meeting, the taxes the town can put forward, and whether the Board should create the committee, and what the advantage is to having the committee.

The committee would be made up of someone from the Police, Fire, Planner, Board of Health, Superintendent or his designee, and two members at large. Mr. Guerino said if it wasn't a committee, and it was just internal he wouldn't need the at large members.

Tom Guerino said he will assemble the designated folks on Thursday.

Voted Michael Blanton moved and seconded by Judy Froman to move item 8 in place of item 7 on the agenda then conclude the meeting after agenda item 8. Vote 5-0.

8) Town Administrator Report

a. Assistant Town Administrator Recruitment

Tom Guerino updated the Selectmen on the recruitment process of the Assistant Town Administrator. The committee has interviewed nine folks, they have unanimously agreed on five candidates to move forward. The interviews will be scheduled for Wednesday Feb. 28th. We should have a candidate within 14 days. George Slade spoke briefly about the candidate interviews.

Don Pickard questioned if the Board can vote not to accept the final candidate presented by the Administrator. Tom Guerino said he believes the Board can veto the final candidate.

7) Selectmen's Reports

a. Events attended past week

b. Events anticipated to attend current week

This item was disbanded

9) Future Agenda

a. Massachusetts Maritime Academy to give formal update to the Board of Selectmen meeting and to answer questions - February

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

This item was disbanded

10) Adjourn

Voted Peter Meier moved and seconded by Michael Blanton to adjourn. Meeting adjourned at 10:27 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.

3

**Board of Selectmen
Minutes of Tuesday, April 03, 2018
Bourne High School Library/Media Center
Bourne, MA 02532**

TA Tom Guerino

Selectmen

George Slade, Chairman
Peter Meier, Vice-Chairman
Judith Froman, Clerk - Excused
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

Meeting Called to Order

Executive Session 6:00 P.M.

a. Motion to enter Executive session to discuss the discipline of a public officer of the town to pursuant to GL Chapter 30A, Section 21 (a) (1). The Chair has declared that an open meeting may have a detrimental effect on the position of the public body.

b. 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, 40B Developments including Pilgrim Pines and Chase Estates, and Status of Fire Department Civil Service Hearings as an open meeting may have a detrimental effect on the litigation position of the public body. The Chair declares that such open discussion will have a detrimental effect to the litigation position of the public body.

Roll call vote to convene in Executive Session for the purposes stated. The Board will reconvene in open session following the Executive Session at approximately 7:00 p.m.

Meeting Called to Order

Chm. Slade called to reconvene the open meeting at 7:05 pm.

George Slade stated there were votes regarding Pilgrim Pines Chase Estates and Pinnacle Associates as well as Cumberland Farm; on the advice of Town Counsel the Board took a vote to follow the advice of Town Counsel on each one of those cases.

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

Public Comment – Non-Agenda Items

Phil Silverman, Atty. for the Haven Center. The Haven Center has previously received a letter of non-opposition to operate a medical marijuana dispensary in town. They are looking to further its operational process for a host agreement for the medical marijuana operation and adult use. They would like to appear before the Board on April 17th. Would like to move forward and come to an agreement with the town. Tom Guerino will look at the schedule for April 17th and speak to the Chairman about the agenda.

Liz Brown, Bourne Village wanted to know what the Town's plans are for the existing police station.

3) Approval of Minutes: 2/13/18; 2/27/18

Voted Peter Meier moved and seconded by Don Pickard to approve the minutes from February 13, 2018. Vote 3-0.

Voted Don Pickard moved and seconded by Peter Meier to approve the minutes from February 27, 2018. Vote 3-0.

Voted Peter Meier moved and seconded by Don Pickard to take 8A out of order as the next item on the agenda. Vote 3-0.

8) Selectmen's Business

a. Mr. Comoletti's request related to memorial naming on publicly owned property

George Slade gave a brief history on this request. There are guidelines now for the placement of memorial objects, but this request was received before the guidelines were in place.

Voted Don Pickard moved and seconded by Peter Meier to allow this request to be heard because this was brought to the attention of the Board before the policy was in place. Vote 3-0.

Don Pickard read the request from the Comoletti family, our family is respectfully requesting that the Bourne Board of Selectmen accept our request that the naming of the basketball court behind the Bourne Veterans Memorial Community Center in memory of our son Jason Commoletti be placed on the agenda and voted on.

Tom Guerino wanted to clarify that this is to honor the request as written to honor Jason Comoletti by naming the Basketball court. The instruction to the Town Administrator, the Department of Public Works Director, and the Recreation Director to work with the family to find a mutual agreeing way to do that.

Voted Don Pickard moved and seconded by Peter Meier to honor the request of the Comoletti family and name the basketball court behind the Bourne Veterans Community Center in the memory of Jason Comoletti. The planning and execution will be conducted by the Town Administrator, the town DPW Director, town Recreation Director in conjunction with the Comoletti family. Vote 3-0.

Voted Don Pickard moved and seconded by Peter Meier to take 5E out of order as the next item on the agenda. Vote 3-0.

5) Licenses/Appointments

e. Phinney's Harbor Days

- **Use of Town Property - Monument Beach Parking Lot**
- **One Day Beer & Wine License**
- **Entertainment - Live music**

Tom Guerino briefly spoke about the Annual request for the 4th of July parade from Jennifer Kennedy, This is about the 9th year this has taken place. Mr. Ceiver wanted to bring up an issue with respecting our military and getting our military here for the parade.

Mr. George Ceiver, Military Coordinator, spoke about the request to get military precipitation. Last year we only had about half the turn out we have had in the past. Requesting that the Board support them to see if they can get the attendance from the military back up again. He will send in the request the end of this week to the National Guard Headquarters and will send a copy to the Town Administrator.

Peter Meier went over the request for the 4th of July parade. Location Academy Drive and Main Street. Annual Bourne on the Fourth of July Parade July 4, 2018, 9:00 A.M. to 12:00 P.M. The Parade will begin at 10:00 A.M. and be approximately 90 minutes in length. Start at Academy Drive and Main Street, proceed down Main Street and finish at the Bourne Veteran's Memorial Community Building parking lot.

Voted Peter Meier moved and seconded by Don Pickard to approve the request subject to the conditions listed on the route slip. Vote 3-0.

4) Correspondence

George Slade read the correspondence

- A. Stanley Eldridge submitted a letter of resignation from the South Side Fire Station Feasibility and Design Building Committee
- B. Complaint filed by Margaret Stevens regarding 31 Wing Road, Pocasset
- C. Bean & O'Connor, Attorney at Law, submitted a letter regarding a Notice of Intent for property location at 165 Jefferson Road, Bourne
- D. Board of Health public hearing notice for 165 Jefferson Road, Bourne
- E. Letter from Buzzards Bay Coalition regarding Town of Bourne - Buzzards Bay Wastewater Treatment Facility Permit #974-0
- F. Letter from the U.S. Economic Development Administration Proposal Review Committee [PRC] reviewed proposal for expansion of a wastewater treatment facility. Based on initial review the PRC has determined that the proposal is responsive to the Federal Funding Opportunity [FFO]
- G. Cape Light Compact activity report for the month of January 2018
- H. Department of Environmental Protection submitted the following:
 - Buzzards Bay Wastewater Treatment Facility, Queen Sewell Park - completed review of engineering report
 - Buzzards Bay Wastewater Treatment Facility, Queen Sewell Park - response to application for permit to discharge
 - Individual Groundwater Discharge Permit - Fact Sheet
 - Individual Groundwater Discharge Permit
 - Groundwater Discharge Permit 974-0
- I. Upper Cape Cod Regional Technical School submitted FY2017 Audited Financial Statements, FY2017 Report to School Committee Report for the end of Year Report for FY2017. [Copy on file in the Town Administrator's Office]
- J. Haven Center, Community host agreement
- K. Letter from Marilyn A. Jackson requesting appointment to the Council on Aging

Tom Guerino said he has a response regarding item B from the Affordable Housing Trust relative to the concern on Wings Road. It was received today. They are trying to mitigate all of the issues that are being presented with the new house being build out there.

Mr. Guerino also spoke about the host community agreement from the Haven Center. It has been received and there is a lot of negotiations that will have to be done.

5) Licenses/Appointments

- a. **Appointment - Carl Georgeson - Historic Commission - Associate Member**
- b. **Appointments - Carl Georgeson & Patricia Parker - Education/Scholarship Committee**
- c. **Appointment - Kathleen Georgeson - Cultural Council**
- d. **Class II Dealers License - Pocasset Service Station**
- e. **4th of July Parade**
- f. **Phinney's Harbor Days**
 - **Use of Town Property - Monument Beach Parking Lot**
 - **One Day Beer & Wine License**

- **Entertainment - Live music**

Carl Georgeson spoke about why he wants to be a member of the Historic Commission and the Education/Scholarship Committee

Voted Peter Meier moved and seconded by Don Pickard to appoint Carl Georgeson to the Historic Commission as an Associate Member term to expire June 30, 2018. Vote 3-0.

Voted Peter Meier moved and seconded by Don Pickard to appoint Carl Georgeson to the Education/Scholarship Committee term to expire June 30, 2019. Vote 3-0.

Kathleen Georgeson spoke about why she wants to be a member of the Cultural Council

Voted Peter Meier moved and seconded by Don Pickard to appoint Kathleen Georgeson to the Cultural Council term to expire June 30, 2020. Vote 3-0.

Voted Peter Meier moved and seconded by Don Pickard to appoint Patricia Parker to the Education/Scholarship Committee term to expire June 30, 2020. Vote 3-0.

5.d. Class II Dealers License - Pocasset Service Station

Peter Meier went over the Class II Dealers License for Pocasset Service Station. 372 Barlow's Landing Road, Pocasset MA for a Class II Auto Dealers License.

Mr. Guerino said if the Board moves to approve this evening the bond is in process, we expect it in promptly. The Board can move to approve pending the bond being forwarded to the town.

Joseph Saad, Manager said he is looking to apply for a Dealer License.

Peter Meier said the routing slip states the Planning Board does concur but the plan needs to show the Handicap Space, Town Clerk states the DBA is in process, the Police Department states the entire operation must be contained on the property.

Voted Peter Meier moved and seconded by Don Pickard to approve the application as submitted subject to the conditions listed on the routing slip. Vote 3-0.

5.f. Phinney's Harbor Days

Amy Wright went over the 8th annual Phinney's Harbor Days fundraiser to happen on July 7th 7:30 A.M. to 6:00 P.M. Start the day at 8:30 A.M. with a 5K following that we will have a beach party; raffle and silent auction.

Peter Meier said the comment from the Department of Natural Resources is will parking permits be waived or will there be a designated parking location for vehicles without permits.

Voted Don Pickard moved and seconded by Peter Meier to approve the Bourne Committee Boating Phinney's Harbor Day for Saturday July 7th beginning at 7:30 A.M. through 6:00 P.M. and to waive the parking resident stickers for that day. Vote 3-0.

6) BAN & Bond Signing on various approved municipal projects

Peter Meier went over the General Obligation Bond Signing. On March 28, 2018 the Town of Bourne sold \$10,000,000.00 in General Obligation Bonds for the new Peebles School's Project. The authorization was voted at the October 17, 2016 Special Town's Meeting and December 6, 2016 ballot election.

The Town received 7 competitive bids on the March 28, 2018 sale and the notes were awarded to Janney Montgomery Scott, LLC. After reviewing our policies and financial data during our conference call, Standard & Poor's reaffirmed our AA +/Stable. The following is a summary of the results of the sale:

Bidder	TIC
Janney Mongomery Scott LLC	2.968253% ***
JP Morgan Securities	2.996040%
Morgan Stanley & Co. LLC	3.007512%
UBS Financial Services, Inc	3.011849%
Robert W Baird & Co. Inc	3.042922%
Bank of America Merrill Lynch	3.052142%
FTN Financial Capital Markets	3.107611%

***Includes a \$603,340.00 Premium that will be used to offset total borrowing for the Peebles School Project

Voted Don Pickard moved and seconded by Peter Meier

VOTE OF THE BOARD OF SELECTMEN

I, on behalf of the Clerk of the Board of Selectmen of the Town of Bourne, Massachusetts (the "Town"), certify that at a meeting of the board held April 3, 2018, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$10,000,000 General Obligation School Bonds of the Town dated April 12, 2018 (the "Bonds") to Janney Montgomery Scott LLC at the price of \$10,603,340.00 and accrued interest is hereby approved and confirmed. The Bonds

shall be payable on April 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2019	\$500,000	5.00%	2029	\$500,000	4.00%
2020	500,000	5.00	2030	500,000	4.00
2021	500,000	5.00	2031	500,000	3.00
2022	500,000	5.00	2032	500,000	3.00
2023	500,000	5.00	2033	500,000	3.00
2024	500,000	5.00	2034	500,000	3.125
2025	500,000	5.00	2035	500,000	3.125
2026	500,000	5.00	2036	500,000	3.25
2027	500,000	4.00	2037	500,000	3.25
2028	500,000	4.00	2038	500,000	3.25

Further Voted: to approve the sale of \$2,471,053 3.00 percent General Obligation Bond Anticipation Notes, Series A (the "Series A Notes") of the Town dated April 12, 2018 and payable November 15, 2018 to Eastern Bank at par and accrued interest plus a premium of \$18,458.76.

Further Voted: to approve the sale of \$1,350,000 General Obligation Bond Anticipation Notes, Series B (the "Series B Notes" and together with the Series A Notes, the "Notes") of the Town dated April 12, 2018 and payable April 12, 2019 to Eastern Bank at par and accrued interest plus the premium of \$16,038.00.

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement, as amended, dated March 22, 2018 and a final Official Statement dated March 28, 2018 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement, as amended, dated March 22, 2018 and a final Official Statement dated March 28, 2018, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by

reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds or the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: April 3, 2018

Clerk of the Board of Selectmen

Vote: 3-0.

7) Liquor Seasonal Population

Voted Peter Meier moved and seconded by Don Pickard to sign the 2018 Seasonal Population Increase Estimation Form to the ABCC that our population as of July 10, 2018 will be estimated at 40,000. Vote 3-0.

8) Selectmen's Business

- a. Mr. Comoletti's request related to memorial naming on publicly owned property**

b. Rules of Procedure working session

Voted Peter Meier moved and seconded by Don Pickard to defer agenda item 8B. Vote 3-0.

9) Selectmen's Reports

a. Events attended past week

b. Events anticipated to attend current week

Peter Meier spoke about the School Building Committee Construction meeting and the website monitoring of the construction of the new building. There will be a topping off ceremony on Wednesday, April 25th or Friday, April 27th. Mr. Meier also spoke about the ceremony at the Archives Building on Main Street for the 134th anniversary for the Town of Bourne.

George Slade said he attended the FinCom joint meeting last night.

Don Pickard said he will attend the promotional ceremony at the fire headquarters in Sagamore on Friday Morning. Will also be attending a charter complaint hearing.-

Peter Meier said he will also be at the Fire Station ceremony on Friday.

George Slade said he plans to attend the NYE Grant annual meeting; they will be reviewing the trust. Mr. Slade said he also plans on attending the Pedestrian and Bicycle Pathway Committee meeting tomorrow night.

10) Town Administrator Report

a. Cannabis working timeline

b. Priority Based Budget update from Webinar held on 3-29-19

c. Commonwealth - Opportunity Zone Application

d. Economic Development Administration Wastewater Grant Application update

e. Update on Dog Park

Tom Guerino spoke about the proposed timeline for the recreation cannabis issue. This is separate from the Host Community Agreement. The timeline is working back from the date of the Special Town Meeting on October 1st 2018. We will put together a multi-agency working group, which will have members from the Board of Selectmen, Board of Health, Health Department, Planning Department, Planning Board, Police, Chamber of Commerce, Town Administrator, Building Inspector, Finance Committee and 2 people At Large. There may be subcommittees established to help work on this and they could include a financial sub-committee, health regulation, public safety and Host Community Agreement. This will be a facilitated group. We will also try to bring in an expert to help with the complexity of the law.

10A

**Recreational Cannabis
Short Term 6 month** Work Plan**
Town Meeting Anticipated Town Meeting date of October 1, 2018

ACTIVITY	ACTIONS	BY WHEN
<p>1. Establish working group Bring together Community Boards, Staff and Business leaders – 9 person - facilitated</p> <p>Team: Partnership group – Reps. From BOS, Health Department, Planning Department, Planning Board, Police, Chamber of Commerce, Town Administrator, Building Inspector, Finance Committee</p> <p><i>Subcommittees may include: financial, health, HCA, public safety</i></p>	<p>1. Stakeholders roundtables in conjunction with Planning Board and Facilitator timetable s through May and June, 2018</p> <p>2. Determine recommendations for retail facility quotas</p> <p>3. Obtain recommended zoning limitations from Planning Board</p> <p>Determine what Types of Licensure to be recommended by Town/BOS Address impediments. (cultivation, Craft, lab, Research, Transport, etc.)</p> <p>4. Follow Process of Planning Board for Zoning Hearings</p> <p>5. Establish Special Town Meeting Date for October 1, 2018 – Close warrant August 14 requirements</p>	<p>April 30, 2018</p> <p>May 30, 2018</p> <p>May 15, 2018</p> <p>June 1 – June 15</p> <p>Dependent of Planning Board work outcomes</p> <p>July 24, 2018</p>

Elmer Clegg, Planning Board said it was his plan to officially appoint a Planning Board Committee to work on this. It would be a group of 4 members from the Planning Board that would work with Jennifer Copeland to start working on the zoning bylaw changes immediately.

Liz Brown, Planning Board, brought up the community information meeting that will be scheduled by the Haven Group.

Tom Guerino questioned if the Board will concur with this as a broad outline, with the edits, adding the Board of Health and making it an 11-member group, to move forward.

10. B. Tom Guerino briefly spoke about the Priority Based Budget Webinar.

10. C. Tom Guerino went over the Commonwealth of Massachusetts Opportunity Zones. The town of Bourne has some eligibility within this opportunity zone program. The census track that is primary within the town of Bourne is on Joint Base Cape Cod. Because the way this is set up an adjacent track can also be applied for. The adjacent census track brings us into Buzzards Bay. This is a way for people who want to invest in the community to be able to make an investment to an Economic Industrial Development Corporation or a similar entity. They can invest in a project and through this investment for a project have capital gains taxes deferred for up to 8 years.

Draft for Policy Discussion Only



Commonwealth of Massachusetts

Opportunity Zones
February 2018



Summary

- The **Tax Cut and Jobs Act of 2017** created the Opportunity Zone Program, designed to incentivize investment in low income areas by offering favorable federal tax treatment for investors.
- Under the program, Governors may designate up to 25% of low-income community census tracts within their state as **Opportunity Zones**.
- Investors may invest capital gains into these zones, and both defer and reduce their federal tax liability for those capital gains.
- These investments must be made through privately-created **Opportunity Funds**.
- **This program will have no impact on state tax policy.**



Benefits for Investors

- Investors who choose to invest in these funds defer and reduce their federal tax obligation:
 - Any **capital gains taxes owed on investments into an Opportunity Fund are deferred for up to 8 years**, depending on the duration of the investment.
 - When capital gains taxes are paid, the investor pays taxes on the lesser of the original Opportunity Zone investment, or the fair market value of the investment at the time of claim.
 - Thus, if the investor sees a loss on the investment into an Opportunity Fund, it reduces the amount of capital gains taxes they pay.
 - If the investment stays in the **Opportunity Fund for 5 years, federal capital gains taxes owed on the original investment are reduced by 10%**. If it stays in for **7 years, federal capital gains taxes are reduced by an additional 5%**.
 - **If the investment stays in the Opportunity Fund for 10 years, any profits from the fund's investments do not incur capital gains taxes.** If the original investment stays in the fund for less than 10 years, capital gains taxes are due on profits from the fund's activity.



Zone Designation

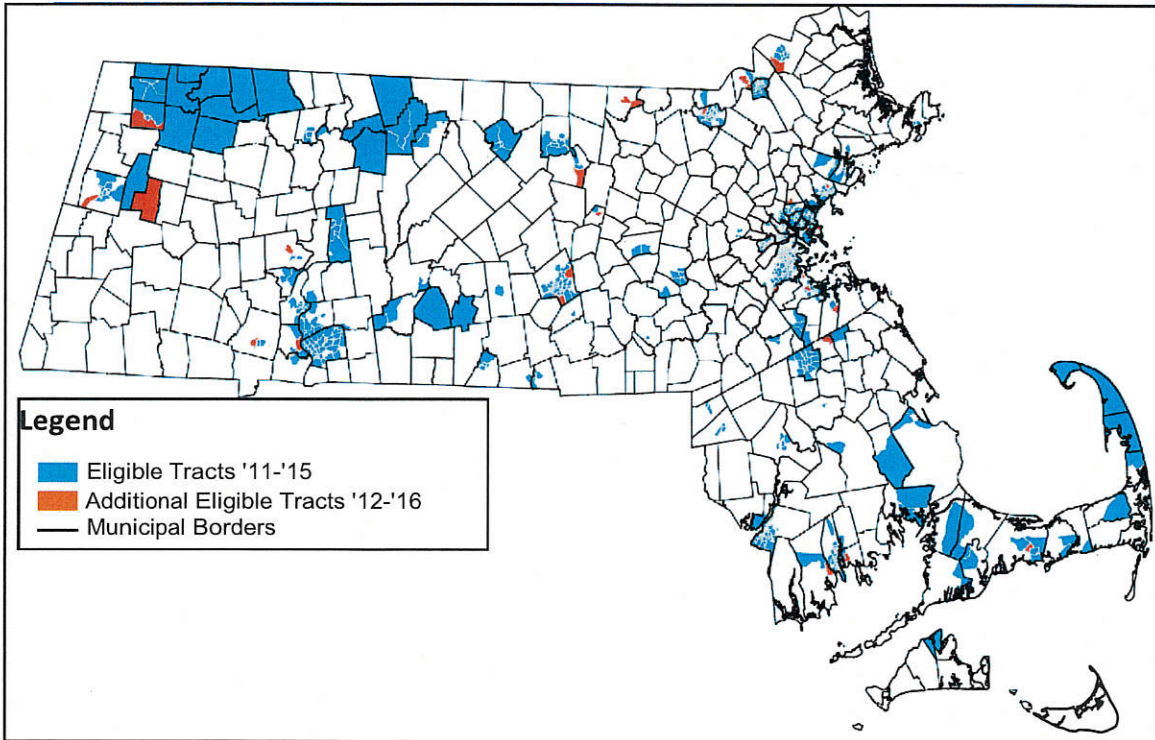
The Commonwealth's only formal role in the Opportunity Zone Program, as defined in the authorizing legislation, is to designate census tracts as Opportunity Zones.

- The Opportunity Zone legislation defines "**Low Income Community**" census tracts as those tracts with a **poverty rate above 20%, or a median family income (MFI) below 80% of the higher of the surrounding MSA MFI or State MFI.**
- Governors may designate a number of census tracts equal to 25% of the Low Income Community tracts in their state, as of the 2011-2015 census, as Opportunity Zones. This census data indicates that **Massachusetts has 547 Low Income Community tracts, and may therefore designate up to 137 census tracts as Opportunity Zones.**
 - Additionally, implementation guidance allows states to designate tracts that qualify as Low Income Community tracts under the 2016 census, but eligible tracts in this category do not add to the 25% cap. Massachusetts has an additional 31 tracts eligible due to this guidance.
- **At least 95% of designated tracts must be Low Income Community tracts.** The remaining may be tracts that are adjacent to Low Income Community Tracts, and which have an MFI under 125% of the qualifying, adjacent, Low Income Community tract.
- **Formal designation will be done by the Governor through the U.S. Department of the Treasury,** and the Treasury has delivered an online tool to Governors for designation. Once approved by the Treasury, Opportunity Zones will remain in place for 10 years.
- Designations will be due to Treasury on **March 22** (90 days after the signing of the bill), though it is possible to request a 30 day extension. Treasury will have 30 days to review the designations and finalize zones.



Opportunity Funds

- **In order for an investment to receive preferential federal tax treatment, it must be directed through an Opportunity Fund.**
- Opportunity Funds are investment corporations or partnerships designed to invest in Opportunity Zones (at least 90% of the fund's assets must be in designated zones).
- **There are no statutory restrictions on who can set up an Opportunity Fund, or on their internal structure.** The creation and monitoring of Funds will be supervised by Treasury and the IRS.
- **Funds may invest in businesses, partnerships, or business property,** subject to IRS restrictions.
 - The Opportunity Zone statute includes language that makes it more difficult to acquire, hold, and flip property without making a substantial investment in it.
 - Opportunity Funds cannot make qualified investments into property that was owned by the fund, or by the controller of a fund, before 12/31/17.



10. D. Tom Guerino spoke about the Economic Development Administration Wastewater Grant Application. We have had a conference call and a meeting with Leslie Richardson. We are working toward some Economic Development narratives and everything that needs to be done to get this grant up and ready. We expect to get everything ready by April 11th. We are applying for 2 million dollars. We should know by June or July whether we were successful.

10. E. Tom Guerino gave a brief update on the Dog Park. We are working on finding a location; put together a group which include the planning department, George Sala, Sam Haines, and myself to try to narrow it down. We are moving forward.

Tom Guerino said he signed off on a grant application with the Buzzards Bay Coalition relative to additional water testing over in Red Brook/Hens Cove area.

Mr. Guerino said on the 17th an Atty. Tom Marigan, from Falmouth and Boston will be in before the Board to discuss the National Opioid Litigation Consortium. Bob Troy is aware of this and has reviewed it. It will just be a presentation

ENGAGEMENT TO REPRESENT

RE: Town of Bourne, Massachusetts civil suit against those legally responsible for the wrongful distribution of prescription opiates and damages caused thereby.

TOWN OF BOURNE, Massachusetts (hereinafter "CLIENT"), by and through its Board of Selectmen, hereby retains the law firm LEVIN, PAPANTONIO, THOMAS, MITCHELL, RAFFERTY & PROCTOR, PA ("Firm") on a contingent fee basis, to pursue all civil remedies against those in the chain of distribution of prescription opiates responsible for the opioid epidemic which is plaguing the **TOWN** including, but not limited to, filing a claim for public nuisance to abate, enjoin, recover and prevent the damages caused thereby.

Peter J. Mougey of the Firm shall serve as LEAD COUNSEL. CLIENT authorizes lead counsel to employ and/or associate additional counsel, with consent of CLIENT, to assist LEAD COUNSEL in the just prosecution of the case. CLIENT consents to the participation of the following firms (collectively referred to, herein, as "Attorneys"), if no conflicts exist, including but not limited to conflicts pursuant to the Massachusetts Ethics laws and the Massachusetts Rules of Professional Conduct:

LEVIN, PAPANTONIO, THOMAS, MITCHELL, RAFFERTY & PROCTOR, PA
316 South Baylen Street
Pensacola, Florida

SWEENEY MERRIGAN LAW, LLP
268 Summer Street, LL
Boston, Massachusetts

RODMAN, RODMAN & SANDMAN, P.C.
442 Main Street, Suite 300
Malden, Massachusetts

GREENE, KETCHUM, FARRELL, BAILEY & TWEEL, LLP
419 11th Street
Huntington, West Virginia

BARON & BUDD, PC
3102 Oak Lawn Avenue #1100
Dallas, Texas

HILL PETERSON CARPER BEE & DEITZLER PLLC
500 Tracy Way
Charleston, West Virginia

POWELL & MAJESTRO, PLLC
405 Capitol Street, P-1200
Charleston, West Virginia

MCHUGH FULLER LAW GROUP
97 Elias Whiddon Road
Hattiesburg, Mississippi

KP LAW, P.C.
101 Arch Street, 12th
Floor
Boston, Massachusetts

CLIENT is retaining the Firm and Attorneys collectively and not as individuals, and attorney services to be provided to CLIENT hereunder will not necessarily be performed by any particular attorney.

In consideration, CLIENT agrees to pay twenty-five percent (25%) of the total recovery (gross) in favor of CLIENT as an attorney fee whether the claim is resolved by compromise, settlement, or trial and verdict (and appeal). The gross recovery shall be calculated on the amount obtained before the deduction of costs and expenses. CLIENT grants the Firm an interest in a fee based on the gross recovery. If a court awards attorneys' fees, the Firm shall receive the "greater of" the gross recovery-based contingent fee or the attorneys' fees awarded. **CLIENT shall not pay to the Firm and Attorneys a fee of any kind or nature if there is no recovery.**

The Firm and the Attorneys shall advance all necessary litigation expenses necessary to prosecute these claims. All such litigation expenses, including the reasonable internal costs of electronically stored information (ESI) and electronic discovery generally or the direct costs incurred from any outside contractor for those services, will be deducted from any recovery after the contingent fee is calculated and shall be paid to the Firm and Attorneys. **CLIENT shall not be required to reimburse the Firm and Attorneys for litigation expenses of any kind or nature if there is no recovery.**

CLIENT acknowledges this fee is reasonable given the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly, the likelihood this retention will preclude other retention by the Firm, the fee customarily charged in the locality for similar legal services, the anticipated (contingent) litigation expenses and the anticipated results obtained, the experience, reputation, and ability of the lawyer or lawyers performing the services and the fact that the fee is contingent upon a successful recovery.

Attorneys shall have the right to represent other municipalities, governmental agencies or governmental subdivisions in other opioid related actions or similar litigation, subject to the requirements of the Massachusetts Rules of Professional Conduct relating to conflicts of interest,

and CLIENT consents to such multiple representation. CLIENT has determined that it is in its own best interests to waive any and all potential or actual conflicts of interest which may occur as the result of Attorneys' current and continuing representation of other entities in similar litigation.

This litigation is intended to address a significant problem in the TOWN. The litigation focuses on the wholesale distributors and manufacturers of opioids and their role in the diversion of millions of prescription opiates into the illicit market which has resulted in opioid addiction, abuse, morbidity and mortality. There is no easy solution and no precedent for such an action against this sector of the industry. Many of the facts of the case are locked behind closed doors. The billion-dollar industry denies liability. The litigation will be very expensive and the litigation expenses will be advanced by the Firm with reimbursement contingent upon a successful recovery. The outcome is uncertain, as is all civil litigation, with compensation contingent upon a successful recovery.

The Firm intends to present a damage model designed to abate the public health and safety crisis. This damage model may take the form of money damages and/or equitable remedies (e.g., an abatement fund). The purpose of the lawsuit is to seek reimbursement of the costs incurred in the past fighting the opioid epidemic and/or recover the funds necessary to abate the health and safety crisis caused by the unlawful conduct of the wholesale distributors and manufacturers of opioids. CLIENT agrees to compensate the Firm, wholly contingent upon prevailing, by paying 25% of any settlement/resolution/judgment, in favor of CLIENT, whether it takes the form of monetary damages or equitable relief. For instance, if the remedy is in the form of monetary damages, CLIENT agrees to pay 25% of the gross amount to Firm as compensation and then reimburse the reasonable litigation expenses. If the remedy is in the form of equitable relief (e.g., abatement fund), CLIENT agrees to pay 25% of the gross value of the equitable relief to the Firm as compensation and then reimburse the reasonable litigation expenses, subject to appropriation of funds therefore and the applicable provisions of Massachusetts law. To the extent that the remedy includes both monetary damages and equitable relief, 25% of the monetary value of the equitable relief together with 25% of the monetary damages will be deducted from the total monetary damages as compensation for the Firm. If such compensation exceeds the total amount of the monetary damages awarded, payment of the additional compensation amount shall be subject to appropriation of funds therefor. To be clear, however, the Firm shall not be paid nor receive reimbursement from public funds unless required by law. However, any judgment arising from successful prosecution of the case, or any consideration arising from a settlement of the matter, whether monetary or equitable, shall not be considered public funds for purposes of calculating the contingent fee unless required by law. Under no circumstances shall CLIENT be obligated to pay any attorneys' fee or any litigation expenses except from moneys expended by defendant(s) pursuant to the resolution of CLIENT's claims. If the defendant(s) expend their own resources to abate the public health and safety crisis in exchange for a release of liability, then the Firm will be paid the designated contingent fee from the resources expended by the defendant(s). CLIENT acknowledges this is a necessary condition required by the Firm to dedicate their time and invest their resources on a contingent basis to this enormous project. If the defendant(s) negotiate a release of liability, then the Firm should be compensated based upon the consideration offered to induce the dismissal of the lawsuit.

The division of fees, expenses and labor between the Attorneys will be decided by private agreement between the law firms and subject to approval by CLIENT. Any division of fees will be governed by the Massachusetts Rules of Professional Conduct including: (1) the division of fees

is in proportion to the services performed by each lawyer or each lawyer assumes joint responsibility for the representation and agrees to be available for consultation with CLIENT; (2) CLIENT has given *written* consent after full disclosure of the identity of each lawyer, that the fees will be divided, and that the division of fees will be in proportion to the services to be performed by each lawyer or that each lawyer will assume joint responsibility for the representation; (3) except where court approval of the fee division is obtained, the *written* closing statement in a case involving a contingent fee shall be signed by CLIENT and each lawyer and shall comply with the terms of the Massachusetts Rules of Professional Conduct; and (4) the total fee is not clearly excessive.

The Firm and Attorneys will perform the legal services called for under this Agreement, keep CLIENT informed of progress and developments, and respond promptly to CLIENT's inquiries and communications. CLIENT will be truthful and cooperative with the Firm and Attorneys, disclose to the Firm and Attorneys all facts relevant to the claim, keep the Firm and Attorneys reasonably informed of developments, and be reasonably available to attend any necessary meetings, depositions, preparation sessions, hearings, and trial as reasonably necessary.

LEAD COUNSEL shall appoint a contact person to keep CLIENT reasonably informed about the status of the matter in a manner deemed appropriate by CLIENT. CLIENT at all times shall retain the authority to decide the disposition of the case and personally oversee and maintain absolute control of the litigation, including but not limited to whether to settle the litigation and on what terms.

CLIENT may discharge the Firm and Attorneys at any time by written notice effective when received by LEAD COUNSEL. Unless specifically agreed by the Firm and CLIENT, the Firm and Attorneys will provide no further services and advance no further costs on CLIENT's behalf with respect to the litigation after receipt of the notice. If the Firm is CLIENT's attorney of record in any proceeding, CLIENT will execute and return a substitution-of-attorney form immediately on its receipt from the Firm.

Upon conclusion of this matter, LEAD COUNSEL shall provide CLIENT with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination. The closing statement shall specify the manner in which the compensation was determined under the agreement, any costs and expenses deducted by the lawyer from the judgment or settlement involved, and, if applicable, the actual division of the lawyers' fees with a lawyer not in the same firm. The closing statement shall be signed by the CLIENT and each attorney among whom the fee is being divided.

At the conclusion or termination of services under this Agreement, the Firm and Attorneys will release promptly to CLIENT all of CLIENT's papers and property. "CLIENT's paper and property" includes correspondence, deposition transcripts, exhibits, experts' reports, legal documents, physical evidence, and other items reasonably necessary to CLIENT's representation, whether CLIENT has paid for them or not.

Nothing in this Agreement and nothing in the Firm and Attorneys' statement to CLIENT may be construed as a promise or guarantee about the outcome of this matter. The Firm and Attorneys

make no such promises or guarantees. The Firm and Attorneys' comments about the outcome of this matter are expressions of opinion only and the Firm and Attorneys make no guarantee as to the outcome of any litigation, settlement or trial proceedings.

The relationship to CLIENT of the Firm and Attorneys, and any associate counsel or paralegal provided through them, in the performance of services hereunder is that of independent contractor and not that of employee of CLIENT, and no other wording of this Agreement shall stand in derogation of this paragraph. The fees and costs paid to the Firm and Attorneys hereunder shall be deemed revenues of their law office practice and not as a remuneration for individual employment apart from the business of that law office.

This Agreement contains the entire agreement of the parties. No other agreement, statement, or promise made on or before the effective date of this Agreement will be binding on the parties. This Agreement may be modified by subsequent agreement of the parties only by an instrument in writing signed by both of them or an oral agreement to the extent that the parties carry it out.

If any provision of this Agreement is held in whole or in part to be unenforceable, void, or voidable for any reason, the remainder of that provision and of the entire Agreement will be severable and remain in effect.

This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the parties hereto submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

SIGNED, this _____ day of _____, 2018.

Town of Bourne, Massachusetts

George G. Slade, Chairman

Peter J. Meier, Vice Chair

Judith MacLeod-Froman

Donald J. Pickard

Michael A. Blanton

Accepted:

LEVIN, PAPANTONIO, THOMAS, MITCHELL, RAFFERTY & PROCTOR, PA
316 South Baylen Street

Pensacola, Florida

By _____ Peter J. Mougey
Date
Lead Counsel

Accepted:

SWEENEY MERRIGAN LAW, LLP
268 Summer Street, LL
Boston, Massachusetts

By _____ Peter M.
Merrigan Date
Massachusetts Counsel

Accepted:

RODMAN, RODMAN & SANDMAN, P.C.
442 Main Street, Suite 300
Malden, Massachusetts

By _____ Richard M.
Sandman Date
Massachusetts Counsel

Accepted:

KP LAW, P.C.
101 Arch Street
Boston, Massachusetts

By _____ Mark R. Reich
Date
Massachusetts Coordinating Counsel



SWEENEY MERRIGAN
LAW



KP LAW
The Leader in Public Sector Law

Your Massachusetts Legal Team Fighting the National Opioid Epidemic

Massachusetts Opioid Litigation Attorneys (MOLA) is a consortium of local and national law firms filing suit against the world's largest pharmaceutical manufacturers and distributors to hold them accountable for flooding our communities with opioids, resulting in massive economic damages to Massachusetts cities and towns.

The MOLA litigation, being brought on behalf of the taxpayers of Massachusetts municipalities, is aimed at recovering monetary damages from the pharmaceutical manufacturers and distributors for their role in the devastating opioid epidemic. The damages sought on behalf of individual cities and towns are for past costs including law enforcement, needle exchanges, Narcan, EMS, treatment services, etc., as well as future mitigation/abatement damages for the foreseeable expenditures of taxpayer dollars toward treatment, education, and prevention.

Some additional information about this litigation:

- **This is a Mass Tort litigation, *not* a Class Action.** A class action suit requires all participants to have essentially the same injuries. Here, the damages from one municipality to another are very different and thus this is not a class action. We are filing suit on behalf of individual municipalities; these lawsuits will be consolidated for pretrial and discovery purposes.
- **We are not suing individual doctors or pharmacies.** MOLA believes the most effective approach to this litigation is to focus on the primary sources of this epidemic.
- **Individual municipalities will not have to bear the cost of the litigation.** The attorneys working on your case will *only* get paid from the verdict or settlement. The attorneys will front all costs and will *only* be reimbursed if successful.

Working with the MOLA team benefits local Massachusetts municipalities because they will be represented by our consortium of lawyers that includes multiple national law firms as well as three local firms with extensive mass tort litigation experience and a deep understanding of municipal law: [Sweeney Merrigan Law](#), [Rodman, Rodman & Sandman](#), and [KP Law](#).



Our consortium is the national leader in this litigation, with more opioid cases on file than any competing firm or group in the country.

To learn more about how your municipality can get involved, contact us at massmola.com or (617) 391-9001.



SWEENEY MERRIGAN
LAW



KP LAW
The Leader in Public Sector Law

Frequently Asked Questions

1. Is this litigation a Class Action or a Mass Tort?

This is a mass tort litigation, not a class action. A *class action suit* requires all participants to have essentially the same injuries. Here, the damages from one municipality to another are very different and thus this is not a class action. We are filing suit on behalf of individual municipalities. Each individual municipality will have its own right to either accept or reject its specific settlement offer. Should a particular municipality decide to reject all offers and go to trial, these cases will be tried in Massachusetts by our team of local and national attorneys.

2. Isn't the Attorney General already pursuing the defendants?

The AG is investigating the defendants and considering bringing an action to recover damages on behalf of the Commonwealth. However, even if the Attorney General does bring suit on behalf of the Commonwealth, there is no guarantee that any funds recovered in that action would directly benefit municipalities. Pursuing individual lawsuits on behalf of individual cities and towns will ensure that recovery money will go directly to the municipalities impacted by this crisis. We feel that individual lawsuits by the municipalities will expand the scope of recovery throughout the Commonwealth and better the municipalities as a whole. Moreover, this will not interfere in any way with the Attorney General's efforts to seek recovery on behalf of the Commonwealth.

3. Where will these cases be filed?

Cases are being filed all over the country. In Massachusetts, we believe that cases should be filed in Federal Court and then consolidated into a Multidistrict Litigation (MDL) with other cases throughout the Commonwealth and the country to address pretrial and discovery issues. After these issues are resolved, the cases will likely be settled or sent back to Massachusetts for trial. We believe this is the most efficient, least burdensome, and most cost effective way to pursue these cases against some of world's most profitable companies. While every municipality has the right to choose how its case is pursued, most municipalities have expressed a greater comfort level participating in the national litigation effort.

4. We don't have a lot of resources to commit to this. How much time is required?

Because this litigation is centralized in a MDL in Ohio, most of the discovery will focus on the defendants while the cases are there. A few cases will be worked up and tried before the others ("bellwether trials"); these cases will serve as a barometer for the other cases in the MDL and may lead to settlement discussions. If settlement offers are obtained, each municipality will decide whether to accept or reject its specific offer. If the offer is rejected, the case will return to Massachusetts for trial. We have a comprehensive legal team with extensive municipal and trial experience to manage, oversee and facilitate any required involvement from the municipality, and there should be ample time to plan and manage any such participation by each municipality well in advance.

5. How do the legal expenses work?

Because our consortium has more clients throughout the country than any other group of attorneys, we can provide great economies of scale. The costs involved in this litigation are likely to be substantial. Instead of those costs being shouldered by a small handful of clients, our costs (assuming there is a successful recovery) will be spread among our many clients throughout the country, resulting in much lower costs being deducted from the awards to the local municipalities. No up-front payment of costs will be required from the municipalities.

**To learn more about how your municipality can get involved, contact us at
massmola.com or (617) 391-9001.**



Our National Opioid Litigation Consortium

In partnering locally with the Massachusetts Opioid Litigation Attorneys (MOLA), your municipality will be supported by a national powerhouse, including many of the top lawyers in Massachusetts and the country. We are initiating litigation against some of the largest and wealthiest pharmaceutical companies, and our consortium will bring to bear the financial and human resources necessary to be successful.

As the national leader in this litigation, our consortium of lawyers have more opioid cases on file than any competing firm or group in the country. For that reason, our consortium has been appointed to many key leadership positions spearheading the national litigation on behalf of hundreds of cities and towns across the country, as part of the MDL consolidation.

This specialized legal team has had the opportunity to retain some of the country's preeminent experts including former DEA agents who were recently featured on the program 60 Minutes. Those former agents have agreed to testify exclusively for our group. We have also retained experts in the fields of addiction recovery, urban and rural blight, the economics of addiction, and others.

The MOLA consortium extends beyond Sweeney Merrigan Law, Rodman, Rodman & Sandman, and KP Law, to include six other national law firms and several leaders of the national Plaintiff Steering Committee:

Paul T. Farrell, Jr., Greene Ketchum Farrell Bailey & Twell, LLP, Plaintiff Co-Lead Counsel **Troy Rafferty, Levin Papantonio, P.A., Plaintiff Co-Liaison Counsel**

Michael J. Fuller, McHugh Fuller Law Group, Plaintiff Executive Committee **Peter Mougey, Levin Papantonio, P.A., Plaintiff Executive Committee**

Roland Tellis, Baron & Budd, Plaintiff Executive Committee



To learn more about how your municipality can get involved, contact us at massmola.com or (617) 391-9001.

Mr. Guerino said today he attended a group called the Fix. It is a Fix Coalition Form to promote the canal area transportation plan relative to getting our federal and state representatives to pay attention while the bridges are under construction this summer and some of the issues we have. To try to get the federal and state agencies to do something long term relative to the bridges and rotaries. They will be meeting on a regular basis and I will be representing our area.

We received yesterday from the Haven Center their notice of community outreach meeting; it will be held on Thursday, April 12th from 2:30 to 4:00 pm at the Jonathan Bourne Public Library. To discuss the sighting of an adult use marijuana establishment in the town of Bourne pursuant to Chapter 94G and the Cannabis Control Commission's regulations 935 Commonwealth regulation 500. It will include the types of adult use establishments to be located at the proposed address. They are proposing plans for maintaining a secure facility, plant to prevent diversion to minors, plans to positively impact the community, and plans to ensure the establishment will not constitute a nuisance to the community. This will be published in a local newspaper pursuant to the regulation and filed with the Town Clerk, Planning Board, and Town Administrator. The Health Department noted it needed to be filed with the Board of Health.

Elmer Clegg questioned if the lead-time is in compliance with the regulations and what is the seating capacity for the library. Are they complying with everything they have to do? Mr. Guerino said he is assuming they are complying with the statute as required.

Tom Guerino said the Board will need to revote the budget. The Board will have to make a determination; there is a 24 thousand dollar difference between the Town Administrators recommendation and what the School Department is requesting for their budget for FY19.

11) 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. Linda Zuern - Update on Assembly of Delegates 4-10-18**
- h. Cape Cod Commission update from Director Kristi Senatori 4/17/18**

12) Adjourn

Voted Peter Meier moved and seconded by Don Pickard to adjourn. Meeting adjourned at 8:36 pm. Vote 3-0.

Respectfully submitted – Carole Ellis, secretary.

3

**Board of Selectmen
Minutes of Tuesday, April 10, 2018
Bourne High School Library/Media Center
Bourne, MA 02532**

TA Tom Guerino

Selectmen

George Slade, Chairman
Peter Meier, Vice-Chairman
Judith Froman, Clerk
Don Pickard

Note this meeting is being 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

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

Meeting Called to Order

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

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: 3/20/18

Voted Peter Meier moved and seconded by Judy Froman to approve the minutes with corrections. **Vote 4-0.**

4) Correspondence

Judy Froman brought the Board up to date on the correspondence

- A. Letter from Craig Poirier from Homeless for the Holidays thanking supporters for continued support with their annual fundraiser
- B. Buzzards Bay Water District submitted copy of the completed Consumer Confidence Report for calendar year 2017
- C. Dale Wesley submitted a letter of interest to serve on the Open Space Committee

5) Assembly of Delegates Update - Linda M. Zuern

Linda Zuern updated the Board on what the Assembly of Delegates has been doing. Topics Ms. Zuern spoke about included: the County Budget, thanked Commissioner Cakounes, Cape Light Compact, the services Barnstable County provides to the towns, dredging service, programs at the Fire Academy, County Lab - water sampling testing, The Assembly of Delegates moved out of the district court and into the old remodeled jail on the hills, Programs online and the information technology, corporative extension, registry of deeds. Health and Human Services provide many health related programs and offer vaccinations at a low cost; Children's Cove still provide services to children who have been sexually abused; Cape Cod Commission. Some of the votes I took were on Resolution 10, 287 G agreement, Charter Change from 3 Commissioners to 5, recall process for elected commissioners. Ms. Zuern spoke about the Budget process. The Commissioners and the Assembly of Delegates meeting can be watched by going to the website or YouTube (Barnstable County Commissioners & the Date). We had a vote for the growth incentive zone that passed. Services the Fire Academy offers.

6) Bourne Braves Season Kick-off Update

Deferred until May

7) Aquaculture License Renewals

- Patrick Ross
- Daniel Maurice
- John Ross
- Bruce Silverbrand
- Jeffery J. Pimentel
- Thomas Wolstenholme

Peter Meier went over the Aquaculture License Renewals.

We have applications for renewal of six aquaculture licenses in the town of Bourne, four shellfish grants and two shellfish upwellers' aquaculture locations. All applicants are properly permitted through the Division of Marine Fisheries and the applications are complete. Tim Mullen has recommended the Selectmen renew all six applications. The licenses are valid from January 1, 2018 to December 31, 2019. The applicants are: Patrick Ross, Daniel Maurice, John Ross, Bruce Silverbrand, Jeffery Pimental, and Thomas Wolstenholme.

Voted Peter Meier moved and seconded by Judy Froman to approve John Ross, 20A Dry Cedar Swamp Road, Bourne, MA for his shellfish grant, license to expire on December 31, 2019. **Vote 4-0.**

Voted Peter Meier moved and seconded by Don Pickard to approve the application from Thomas Wolstenholme, 343 Shore Road, Monument Beach, MA for an upweller, license to expire December 31, 2019. **Vote 4-0.**

Voted Peter Meier moved and seconded by Don Pickard to approve the application from Patrick Ross, 6 Benedict Road, Bourne, MA for a shellfish grant, license to expire December 31, 2019. **Vote 4-0.**

Voted Peter Meier moved and seconded by Don Pickard to approve the application from Jeff Pimentel, 2 Cedar Ave, Bourne, MA; license to expire December 31, 2019. **Vote 4-0.**

Voted Peter Meier moved and seconded by Don Pickard to approve the application from Bruce Silverbrand, 18 Bayberry Road, Bourne, MA; license to expire December 31, 2019. **Vote 4-0.**

Voted Peter Meier moved and seconded by Don Pickard to approve the application from Danny Maurice, 2 Evergreen Hill Road, Monument Beach, MA and James. Rossignol 26 Pocahontas Road, Pocasset, MA; license to expire December 31, 2019. **Vote 4-0.**

8) License/Appointments

a. Council on Aging - Marilyn A. Jackson

Voted Peter Meier moved and seconded by Don Pickard to appoint Marilyn Jackson to the Council on Aging, term to expire June 30, 2018. **Vote 4-0.**

9) Selectmen's Business

- a. Review Annual Town Meeting Warrant Articles**
- b. Rules of Procedure - review continuation**
- c. Town Administrator review timeline**
- d. Selectmen to appoint member to the Cannabis Working Group**
- e. Review and Vote Budget Recommendation for FY19**

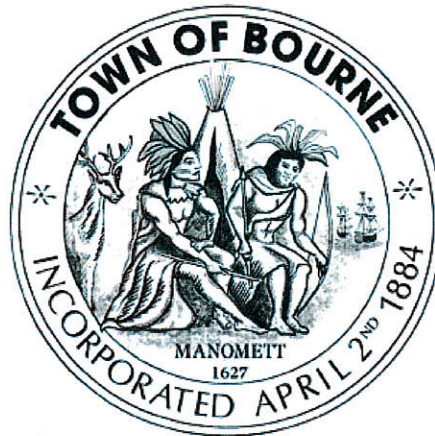
Peter Meier briefly went over the special warrant article. Mr. Meier read Article 1. To see if the Town will vote to appropriate a sum of money for the purpose of the payment of unpaid bills from a previous fiscal year that are legally unenforceable due to the insufficiency of appropriation or take any other in relation thereto.

Sponsored by the Board of Selectmen. Tecta America for \$673.00, and Cape and Vineyard Electric Cooperative for \$341.07, for a total of \$1,014,07.

Article 2: To see if the Town will vote to amend the Bourne Zoning Bylaws as follows, or take any other action in relation thereto. Section 2110 Types of Districts, 2140 District purposes, 4800, 4830-4839. Other Special Districts. Senior Care Overlay District, Zoning Map showing the overlay district. Sponsored by Greg Wirsén and others. By private petition.

There are 25 Articles for the Annual Town Meeting.
Don Pickard and Peter Meier went over the Articles for the Annual Town Meeting

Articles of the Warrant
For the Bourne
Special Town Meeting
Monday, May 7, 2018
7:30 p.m.
Bourne High School Auditorium



ARTICLE 1: To see if the Town will vote to appropriate a sum of money for the purpose of the payment of **unpaid bills** from a previous fiscal year that are legally unenforceable due to the insufficiency of appropriation or take any other in relation thereto.

Sponsor – Board of Selectmen

UNPAID BILLS		
Department	Vendor	Amount
Facilities	Tecta America	\$ 673.00
Energy	Cape & Vineyard Electric Cooperative	\$ 341.07
Finance	WB Mason	\$ 219.99
Total		<u>\$ 1,234.06</u>

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ARTICLE 2: To see if the Town will vote to amend the Bourne Zoning bylaws as follows, or take any other action in relation thereto.

Section 2110 Types of Districts, 2140 District purposes, 4800, 4830-4839. Other Special Districts. Senior Care Overlay District, Zoning Map showing the overlay district.

Sponsor – Greg Wirsen and others

APPROVED: April 17, 2018

BOARD OF SELECTMEN

George G. Slade, Jr.

Donald J. Pickard

Peter J. Meier

Judith MacLeod Froman

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

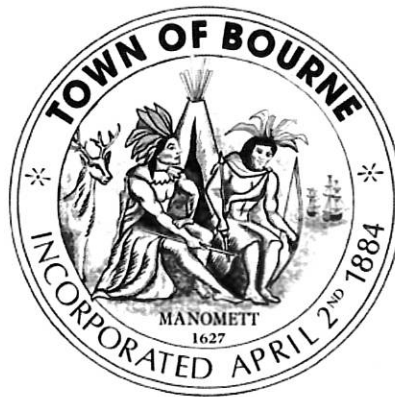
Dated this _____ day of _____, 2018

Constable

Received in the Town Clerk's Office _____

Barry H. Johnson, Town Clerk

**ARTICLES OF THE WARRANT
FOR THE
BOURNE ANNUAL TOWN MEETING
MONDAY, MAY 7, 2018
7:00 P.M.
BOURNE HIGH SCHOOL AUDITORIUM**



ANNUAL TOWN MEETING

ARTICLE 1: To see if the Town will vote the **following regularly required authorizations** or actions, or take any other action in relation thereto.

Sponsor – Board of Selectmen

- a. Assumption of liability in the manner provided by Section 29 and 29A of Chapter 91 of the General Laws, as most recently amended, for all damages that may be incurred by work performed by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, (including the Merrimack and Connecticut Rivers) in accordance with Section II of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth, and further to assume liability pursuant to Section 1 of Chapter 814 of the Acts of 1972.
- b. That the Selectmen may contract with the Massachusetts Department of Public Works and the County Commissioners for the construction and maintenance of public highways for the ensuing year.
- c. Authorize the Board of Selectmen from time to time to apply for, receive, and expend assistance funds under the Federal and State Small Cities Program of the Department of Housing and Urban Development as from time to time amended, to be used for such projects as the Selectmen in their discretion shall deem necessary, and proper, and to do such acts and enter into such contracts as may be necessary, proper or desirable to obtain such aid.
- d. Pursuant to the provisions of Section 12 of Chapter 30B of the Massachusetts General Laws, as amended and supplemented, to authorize the Town of Bourne to enter into contracts in excess of three years' duration for school bus transportation and for the lease or lease purchase of equipment, subject to appropriation and all other approvals as may be required by law with respect to any particular such contract.
- e. Authorize the Treasurer and the Town Collector, pursuant to Chapter 44, Section 53F, Massachusetts General Laws, as amended and supplemented, with the approval of the Board of Selectmen, to enter into agreements for

periods not to exceed three years with banking institutions to maintain deposits in exchange for banking services.

- f. Authorize the Board of Selectmen, pursuant to Chapter 44, Section 72, Massachusetts General Laws, as amended and supplemented, to allocate any funds received as part of the Medicaid Medical Services Program to the School Committee for use, without further appropriation, for the benefit of educational programs.

ARTICLE 2: To see if the Town will vote to fix the **salaries and compensation of all elected officials** of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws as amended, and raise and appropriate a sum of money therefore, or take any other action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to defray the **regular annual expenses** of the Town, or take any other action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to **operate the Sewer Department**, or take any other action in relation thereto.

Sponsor – Board of Sewer Commissioners

ARTICLE 5: To see if the Town will vote to appropriate a sum of money from funds received or to be received from the Commonwealth of Massachusetts for the construction, reconstruction and improvement on all approved public ways which qualify under the **State Aid Highway** (Chapter 90) guidelines adopted by the Public Works' Commission, said funds to be expended under the direction of the D.P.W. Superintendent, with the approval of the Board of Selectmen, or take any other action in relation thereto.

Sponsor - D.P.W. Superintendent

ARTICLE 6: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to establish a **Reserve Fund**, or take any other action in relation thereto.

Sponsor - Board of Selectmen

ARTICLE 7: To see if the Town will vote to raise and appropriate or transfer

from available funds a sum of money to operate the **Integrated Solid Waste Management Program**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 8: To see if the Town will vote under authority of M.G.L., Chapter 44, Section 53E ½ to establish **Revolving Funds** to be known as described below, or take any other action in relation thereto.

Sponsor – Board of Selectmen

#	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY 2019 Spending Limit
1	Recreation Programs Fund	Recreation Department with the approval of the Town Administrator	All fees charged for all programs run by the Recreation Department	Purchase & Acquire recreational equipment and materials and part-time seasonal staff to facilitate seasonal recreational programs	\$ 175,000.00
2	Shellfish Propagation Fund	Department of Natural Resources with the approval of the Town Administrator	Fees for commercial shellfish licenses	Part-time salaries & expenses related to the propagation, cultivation, protection & study of shellfish	\$ 75,000.00
3	Transportation Revolving Fund	School Department with the approval of the School Committee	Fees for transportation services	To pay for transportation fees	\$ 50,000.00
4	Public Library Book Fund	Library with the approval of the Town Administrator	Fines & Fees received from overdue, lost, damaged materials	To purchase additional library books and materials	\$ 20,000.00
#	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY 2019 Spending Limit

5	COA Supportive Day/Bridging the Years	COA with the approval of the Town Administrator	Fees from and for Clients for Program Services	To pay for services and expenses related to providing supportive day programs	\$ 100,000.00
6	COA Programs	COA with the approval of the Town Administrator	Fees & Charges from COA classes and programs	To pay the instructors and expenses of programs offered.	\$ 100,000.00
7	Community Building Rental Fund	Recreation Director with the approval of the Town Administrator	Fees from renting the building	To pay part time salaries and expenses related to the extra hours used for the rental of the building	\$ 10,000.00
8	Tax Title Collection Fund	Town Collector/Treasurer with the approval of the Town Administrator	Fees from tax takings, redemptions and foreclosures	To pay expenses related to tax takings, redemptions and foreclosures	\$ 60,000.00
Total spending					\$ 590,000.00

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding **Capital Improvements and Capital Projects**, or take any other action in relation thereto.
Sponsor – Capital Outlay Committee

CAPITAL OUTLAY REPORT FOR FY2019					
	DEPART.	PROJECT/DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
1	Police Dept	Cruisers	\$ 134,053.00	Ch 44, Sec 7(1)	Borrowing
2	Police Dept	MDT Computers / Tablets	\$ 20,600.00		Free Cash
3	Police Dept	Radio System Upgrade	\$ 25,000.00		Free Cash
CAPITAL OUTLAY REPORT FOR FY2019					
	DEPART.	PROJECT/DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE

4	Fire Dept	New Assistant Chief vehicle and replacement vehicle	\$ 95,000.00		Transfer \$47,500.00 from Free Cash & Transfer \$890.49 from Art 9-23 of ATM may 2017 Vehicle Pool, \$10,000.00 from Art 9-20 from Art 9-20 of ATM May 2015 Automark Voter Assist Terminal, \$362.72 from Art 9-3 of ATM May 2016 Police Portable Radios, \$401.68 from Art 9-3 of ATM May 2017 Police Computers, \$5.87 from Art 9-2 of ATM May 2017 Police finger Print Scanner, \$564.00 from Art 9-6 of ATM May 2017 Engine 123, \$11,822.87 from Art 9-13 of ATM May 2016 School soundproof BES & BHS, \$6,098.29 from Art 9-14 of ATM May 2016 School Install BHS Ac Library/Media, \$17,354.08 from Art 9-9 of ATM May 2013 Hens Cove Pier Dinghy Dock
5	DNR	Pave Pocasset River Marina	\$ 50,000.00		Waterways
6	Bourne Schools	Wastewater Treatment Plant Upgrades	\$ 50,000.00		Free Cash
7	Bourne Schools	BHS Replace A Wing Roof	\$ 400,000.00	Ch 44, Sec 7(1)	Borrowing
8	Bourne Schools	BHS Masonry Work [C Wing ramp, Brick Repointing]	\$ 40,000.00		Free Cash
9	Bourne Schools	BHS Paving Campus	\$ 90,000.00		Free Cash
10	DPW	DPW M-2	\$ 48,000.00		Transfer \$30,083.29 from Art 9-9 of ATM May 2013 Hens Cove Pier Dinghy Dock & \$17,916.71 from Premium Reserved for Capital Fund
11	DPW	DPW Chipper Morbark	\$ 82,000.00		Transfer \$26,693.34 from Free Cash & Transfer \$43,939.63 from Art 9-7 of ATM May 2015 Repave Taylors Point Marina, \$11,367.03 from Art 9-9 of ATM May 2013 Hens Cove Pier Dinghy Dock
12	DPW	Basin Vac Truck	\$ 390,000.00	Ch 44, Sec 7(1)	Borrow \$370,500.00 & Transfer \$19,500.00 from Sewer Retained Earnings
13	DPW	Plows	\$ 24,000.00		Free Cash
14	DPW	Lawn Mowing	\$ 40,000.00		Free Cash
15	Shore & Harbor	Annual Dredging	\$ 200,000.00		Waterways
16	Facilities	Town Hall Elevator Modernization	\$ 25,000.00		Transfer \$12,576.31 from Free Cash & Transfer \$12,423.69 from Premium Reserved for Capital
17	Facilities	Buzzards Bay Fire Station - add Air Conditioning in Offices and Upgrade Boiler System	\$ 50,000.00		Free Cash
CAPITAL OUTLAY REPORT FOR FY2019					
	DEPART.	PROJECT/DESCRIPTION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE

					Transfer \$9,430.95 from Art 9-25 of ATM May 2014 Police Ceiling Mounted HVAC Unit, 6.67 from Art 9-6 of ATM May 2016 DNR Replace Vehicle, 10.15 from Art 9-2 of ATM May 2016 Police Dispatch Console, 605.90 from Art 9-5 of ATM May 2017 Replace Fire Car 141, \$1,123.00 from Art 9-11 of ATM May 2016 School Mini Bus, \$351.66 from Art 9-16 of ATM May 2016 DPW Bucket Truck, \$553.12 from Art 10-25 of ATM May 2012 Clark Field Multi-Use, \$8.00 from Art 10-26 of ATM May 2012 Pocasset Playground \$8,413.26 from Art 9-1 of ATM May 2016 Police Cruisers & Transfer \$39,497.29 from Premium Reserved for Capital.
18	Facilities	Community Building - EMS Installation	\$ 60,000.00		
19	Facilities	Community Building - HVAC Upgrades Meeting and Office areas	\$ 60,000.00		Transfer \$60,000.00 from Premium Reserved for Capital
20	Facilities	Community Building - Improvement	\$ 50,000.00		Free Cash
21	Facilities	Bourne Archives - Flat Roof Replacement	\$ 35,000.00		Free Cash
22	Recreation	Replacement of Poles and Lights at Keith Field	\$ 205,000.00	Ch 44, Sec 7(1)	Borrowing
23	ISWM	3/4 Ton Crew Cab w/Utility Body [L1]	\$ 55,000.00		Transfer 55,000.00 from Premium Reserved for ISWM Capital
24	Sewer	Replace lights, waterline in wet well and replace grates	\$ 40,000.00	Ch 44, Sec 7(1)	Borrow \$34,250.00 & Transfer \$5,741.67 from Premium Reserved for Capital Sewer & \$8.33 from Sewer Retained Earnings.
			<u>\$ 2,268,653.00</u>		

ARTICLE 10: 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 11: To see if the Town will vote to transfer any sums of money received from the **ISWM Host Community Fees** in excess of \$600,000.00 in FY2019 to fund entitled “Capital Expenditure Stabilization Reserve Fund”, or take any other action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 12: 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 Liability (OPEB)**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 13: To see if the Town will vote to **close out and transfer available balances** in previous Town Meeting Articles whose purposes have been satisfied or take any other action in relation thereto.

Sponsor – Finance Director

	ARTICLE DESCRIPTION	Date of Vote	Balance	Free Cash	Waterway	Ambulance
	General Government					
1	Fire Negotiated Contract	Article 8 of STM Oct 2017	7,384.14	7,384.14		
2	Fire Ambulance	Article 10 of STM FEB 2016	10,328.70			10,328.70
3	Marina Renovations	Article 10-6 ATM May 2011	89,189.81		89,189.81	
4	Repower Carolina Skiff	Article 9-5 of ATM May 2015	6,625.72		6,625.72	
5	Repower Boston Whaler	Article 9-6 of ATM May 2015	203.29		203.29	
		Totals	113,731.66	<u>7,384.14</u>	<u>96,018.82</u>	<u>10,328.70</u>

ARTICLE 14: To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to fund the costs related to payments of accrued contractual compensated absences upon retirement, or take any other action in relation thereto.

Sponsor – Board of Selectmen

ARTICLE 15: To see if the Town will vote to accept the provisions of **MGL Chapter 59 Section 21A**, relative to establishing additional compensation for courses of study assessors, or take any other action in relation thereto.

Sponsor – Finance Director

ARTICLE 16: To see if the Town will vote, upon recommendation of the Community Preservation Committee, to appropriate a sum of money for the following **Community Preservation Fund purposes**, and to meet said appropriation, to transfer from available funds or reserve from the FY2019 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action relative thereto:

Sponsor - Community Preservation Committee

Item	Sponsor	Project Description	CPA Purpose	Community Preservation Committee Recommend	
A	Open Space Committee	Improvements to Canal Crossways Access	Open Space/Recreation	\$50,000	Open Space/Recreation Reserves
B	Open Space Committee	Inclusive Playground Additional Equipment	Open Space/Recreation	\$105,000	Open Space/Recreation Reserves
C	Open Space Committee	Trail map	Open Space/Recreation	\$30,000	Open Space/Recreation Revenues
D	Open Space Committee	Improvements to parcel next to Aptucxet Trading Post	Open Space/Recreation	\$50,000	Open Space/Recreation Reserves
E	Open Space Committee	Improvements to various parcels	Open Space/Recreation	\$75,000	Open Space/Recreation Revenues
F	Recreation Committee	Keith Field Lights	Recreation 205,000	\$47,970.69 from Community Preservation Capital Premium Reserve \$157,029.31 from Open Space/Recreation Reserves	
G	Open Space Com./Commission on Disabilities	ADA improvements to various locations	Open Space/Recreation	\$125,000	Open Space/Recreation Reserves
H	Bourne Archives	Upgrade website	Historic	\$26,350	Historic Revenues
I	Town Clerk	Record Preservation	Historic	\$50,000	Historic Revenues
J	Town Hall	Engineering/Architectural Services for Stairs/Ramp access to Town Hall	Historic	\$50,000	Historic Revenues
K	Bourne Housing Partnership	Affordable housing services and support	Community Housing	\$59,200	From Community Housing Revenues
			TOTAL REQUESTS	\$825,550.00	
	Community Preservation Committee	Reserve for Open Space	Open Space	\$530,770.00	2019 Open Space Estimated Revenues

	Community Preservation Committee	Reserve for Community Housing	Community Housing	\$0	2019 Housing Estimated Revenues
	Community Preservation Committee	Reserve for Historic Resources	Historic Resources	\$38,328.00	2019 Historic Estimated Revenues
			TOTAL REQUESTS & RESERVES	\$1,394,648.00	

ARTICLE 17: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the purposes of the **administrative and operating expenses of the Community Preservation Committee**, or take any other action in relation thereto.

Sponsor – Community Preservation Committee

ARTICLE 18: To see if the Town will vote to **rescind the authorization for unissued debt** that has been determined is no longer needed for the completion of various projects, or otherwise act thereon.

Sponsor – Finance Director

DEBT AUTHORIZED & UNISSUED		
TOWN MEETING	AUTHORIZATION DESCRIPTION	Amount
Article 9-26 of 2016 ATM	ISWM 20 Metric Ton Excavator	\$ 47,645.00
Article 9-27 of 2016 ATM	ISWM Phase V Liner Construction	\$ 392,880.00
Total		\$ 440,525.00

ARTICLE 19: To see if the Town will vote to appropriate a sum of money for the purpose of accepting **proceeds from insurance** for a loss at the Bourne Veterans' Memorial Community Building, or take any action in relation thereto.

Sponsor: Board of Selectmen

ARTICLE 20: To see if the Town will vote to accept the provisions of Chapter 40, Section 22G, authoring the allocation of all funds received from fines assessed for violations of **handicap parking** to the commission on disabilities.

Sponsor – Commission of Disabilities

ARTICLE 21: To see if the Town will vote to accept the provisions of M.G.L. Chapter 64N, Section 3 to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at a rate of **three percent (3%) of the total sales price received by the marijuana retailer** as consideration for the sale of marijuana or marijuana products. A marijuana retailer shall pay a local sales tax imposed under this section to the Commissioner of Revenue at the same time and in the same manner as the sales tax due to the Commonwealth, or take any action in relation thereto.

Sponsor – Town Administrator

ARTICLE 22: To see if the Town will vote to accept the provisions of **Massachusetts General Laws, Chapter 59, Section 5, paragraph 54** and establish a minimum fair cash value of \$1,000 for personal property accounts to be taxed beginning in Fiscal Year 2019 or take any action in relation thereto.

Sponsor – Finance Director

ARTICLE 23: To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to raise and appropriate, borrow, or transfer from available funds, a sum of money for the following Community Preservation Fund purpose(s): **to make certain improvements to existing multi-family accessible housing buildings 2 & 3 located at 89 Waterhouse Road that are owned by the Bourne Housing Authority** to assure the buildings integrity by installing new roofs, siding, insulation, windows, doors, trim, downspouts, and gutters including incidental costs related thereto; and, further, the Bourne Housing Authority and the Community Preservation Committee are hereby directed and authorized to take any and all actions necessary to implement this vote, or act anything in relation thereto.

Sponsor- Community Preservation Committee

ARTICLE 24: To see if the Town will vote to authorize the Board of Selectmen (the “Selectmen”) to petition the General Court, under the Home Rule Amendment to the Massachusetts Constitution, for certain **Amendments to Chapter 820 of the Acts of 1970 creating the Bourne Recreation Authority (the “Authority”)** as shown on an Exhibit on file at the Office of the Town Clerk or act anything in relation thereto.

Sponsor - Bourne Recreation Authority

ARTICLE 25: To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to the **Stabilization Fund**, or take any other action in relation thereto.

Sponsor – Board of Selectmen

APPROVED: April 17, 2018

BOARD OF SELECTMEN

George G. Slade, Jr.

Donald J. Pickard

Peter J. Meier

Judith MacLeod Froman

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

Dated this _____ day of _____, 2018

Constable

Received in the Town Clerk's Office _____

Barry H. Johnson, Town Clerk

Voted Peter Meier moved and seconded by Judy Froman to support the articles as presented for the Annual and Special Town Meeting. **Vote 4-0.**

Judy Froman said the last day to register to vote in preparation for the Annual Town Meeting is the 17th.

9.b.

Judy Froman went over the Rules of Procedure. The goal is to spend small segments of time going over the Rules of Procedures. We could have the Rules of Procedure align with the Charter. Judy Froman read the 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. Conduct of its meetings
- II. Agenda posting
- III. Public comment

- a. at beginning of meeting prior to agenda items
- b. before any vote on a policy issue
- IV. Agenda deviations for unexpected occurrences

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	Cross reference with Bourne Charter		4/24/18	
	4/17/18	Cross reference with Town ByLaws		4/24/18	
	4/17/18	Cross reference with Open Meeting Law		4/24/18	
	4/17/18	Cross reference with Roberts Rules		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.			

**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 ready, 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 4/5 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 Chairman, Vice Chairman, 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 Chairman, in the Town Administrator's absence.

V. ORGANIZATION OF THE BOARD AND ELECTION OF OFFICERS

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

VI. RESPONSIBILITIES OF THE OFFICERS OF THE BOARD

The Chairman 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 Chairman, 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 Chairman;
- Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chairman;
- Arrange for the orientation of new members, unless otherwise noted;

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

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

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 Chairman, 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 Chairman or the Town Administrator, either whom shall give notice of such meeting.

The Board shall conduct working sessions on a monthly basis or 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.

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. 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.

VIII. 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 Chairman shall state the reasons for which an executive session is sought.

The Chairman 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.

Minutes of Executive Sessions shall be available to the board in written form within 7 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 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 Selectmen's Office entitled "Encumbered Board of Selectmen Executive Minutes." 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.

X. AGENDA PROCEDURES

The Town Administrator bears primary responsibility for coordinating and planning the agenda for regular meetings of the Board. The Town Administrator, in consultation with the Chairman, shall approve the agenda and schedule a realistic time period for each appointment, interview, conference, or other scheduled item of business. In order for items to be considered for the agenda, they must be submitted to the Town Administrator by 12:00 noon on the Thursday preceding the meeting. Items added to the agenda after this time will be considered out of necessity or due to being routing in nature and exceptions may be made due to emergencies or other cause satisfactory to the Town Administrators and Chairman of the Board of Selectmen.

Agenda items may include:

- Call to Order
- Moment of Silence for Our Troops and Pledge of Allegiance
- Public Comment
- Acceptance of Meeting Minutes (as required)

- Correspondence
- Scheduled Appointments (as required)
- Hearings (as required)
- Committee Reports
- Report of the Town Administrator
- Other Selectmen Business (action as required)
- Reports of Members of the Board
- Adjournment

Each agenda item may state the action anticipated of the Board, as appropriate. Any member of the Board of Selectmen may request an item be put on the agenda for a future meeting. Requests are to be presented at a public Board of Selectmen's meeting or be presented in writing with copies to all Board of Selectmen members and the Town Administrator.

Members of the Board, staff, the Town Administrator, or others who prepare background materials for the meeting should have such material available for Board members by Friday evening. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting, which were not included in the Board's meeting packet, any Board member may request that the relevant item be tabled to allow Board members time for careful study of the material.

The agenda shall be available to the public and the press at the Selectmen's Office at the time of posting and shall be posted on the Town bulletin board inside Town Hall that same day. It shall also be posted on the Town-maintained World Wide Web page by close of business on Friday. Copies of the minutes of previous meetings and all-important correspondence, reports and other pertinent background materials shall be held in the Selectmen's Office for collection by or distribution to Board members.

All correspondence read by the Clerk must be submitted to the Town Administrator, and copies of the correspondence are to be distributed to all members of the Board before the meeting. Matters brought before the board by correspondence received at a meeting or during a public comment period shall be treated as information. Any required action of the board shall be taken up no earlier than the next scheduled meeting. It shall be the policy of the board to take no formal policy vote of the Board of Selectmen. Items of correspondence that are exempt from public disclosure pursuant to the Public Records Law (Chapter 4, Section 7 of the Massachusetts General Laws), or relate to subject matters that qualify for an executive session under the Open Meeting Laws (Chapter 39, Section 23B of the Massachusetts General Laws), will be marked as "Confidential Correspondence" and will not be subject to review in public session. Public comment shall be limited to non-agenda items and discussion be no longer than 2-3 minutes. Non-agenda items that require subsidiary discussion should be placed as a regular item at the request of the proponent.

XI. MEETING MINUTES

The Town Administrator shall ensure that open meetings of the Board are recorded. The Town Administrator shall ensure that minutes are drafted and made available to Board members in a timely manner, generally not to exceed 14 days.

XII. BOARD APPOINTMENTS

As part of the annual appointment process, the Town Administrator will ask incumbents whose terms will expire on June 30 about their availability for reappointment. The Town Administrator will ensure that the Selectmen receive by June 15 a list of appointment vacancies to be filled by the Board.

The Board of Selectmen shall request each appointed Committee Chairperson to submit a report and written record of attendance for each member of his or her Committee for the period of May 1 to April 30 of each year. Any absences excused by the Committee for good cause shall be noted in said record and report, along with any other information that might be helpful to the Board of Selectmen in making decisions concerning the appointment or reappointment of members to said Committee. The Board of Selectmen shall enforce Section 2.4.4 of the Town Bylaws concerning termination of membership due to absence at meetings.

When the bylaw states or when the Selectmen/Sewer Commissioners or Administrator requests a designee of another Board or Committee, the Board or Committee making the designation will vote the appointment of their representative and notify the Town Administrator of the vote including the name of their representative and the date of the vote. One or more names may be submitted. The Town Administrator will bring the names(s) of the representative(s) to the next available Board of Selectmen/Sewer Commissioner meeting for the appointment to be authorized by the Board of Selectmen/Sewer Commissioners or Administrator. The Selectmen/Sewer Commissioners or Administrator may appoint from the designated Committee any other Committee member, who submits a written request to the Board of Selectmen/Sewer Commissioners.

Upon an appointment to a board or committee, et.al, authorized by a vote of the Board of Selectmen/Sewer Commissioners or by the Town Administrator, as authorized by the Town of Bourne Charter, as amended, the appointee shall receive a Certificate of Appointment signed by a majority of the members of the Board of Selectmen or Town Administrator (for those committees authorized by the Town Administrator or Charter). Each appointee must present the signed appointment slip to the Town Clerk or his/her authorized designee to be sworn in. The appointee shall have the Town Clerk sign and date the appointment slip. The appointee shall then deliver a copy of said slip to the office of the Selectmen for filing. Further, this protocol must be completed before the appointee is authorized to cast a vote at a meeting of the board or committee **to which she/he is appointed.**

All appointments shall be staggered as provided by Section 2.4.3 of the Town Bylaws. Said appointments shall run from July 1 to June 30 of each year.

Committees in which members of the Board of Selectmen are seated either as Ex-Officio, committee as required by statute or as requested by outside governmental and non-governmental agencies shall not be greater than one (1) year and shall not extend beyond an individual's term of office unless otherwise specified.

XIII VOTING PROCESS FOR MULTI MEMBER BOARDS

All candidates' names are automatically placed in nomination. No formal nomination or second is required.

Each Board member may vote the number of times equal to the number of vacancies on the multi-member board. For example, if there is one vacancy, each member can only vote for one candidate. If there are three vacancies, each member can vote a maximum of three candidates.

When it's time for voting, the Chairman reads each Selectmen's name and Board members declare their vote.

After all Selectmen have voted, a count of votes is made.

Candidates who receive a majority of votes are appointed. If the vacancies are not all filled, the process is repeated with remaining candidates.

XIV BOARD OF SELECTMEN NEW COMMITTEE PROCEDURES

The Board of Selectmen will choose one of its members to attend the first meeting of a newly established committee.

At the first meeting the designated Selectman will read the charge by the Board of Selectmen and answer any questions by committee members so that each member is clear what the scope of the committee. Committee Meeting Procedures will also be given to each member and discussed. The members of the committee will establish a regular meeting schedule and determine the date of the next meeting.

The designated Selectman shall conduct the election of officers of the committee. The committee may decide to hold the election of officers at the beginning of their second meeting; however, at no time shall a committee created by the Selectmen be without officers after the conclusion of its third session. No substantive business will be conducted before the election of officers. By majority vote of the members who constitute the make-up of the committee, they shall elect a Chairman, Vice Chairman and Clerk. Officers of the committee shall be chosen at the committee's first meeting after the start of each fiscal year.

In all procedural matters, the committee shall conduct its meeting in accordance with the latest revised edition of Robert's Rules of Order. In the absence of the Chairman, the Vice Chairman shall conduct the meeting.

In accordance with the state Open Meeting Law, the Clerk of the committee or the recording secretary shall keep accurate minutes of the proceedings of the committee including Executive Session minutes. Per the Attorney General's Open Meeting Law Guide dated March 12, 2013. "The minutes must be created and approved in a timely manner, must state the date, time and place of the meeting, a list of members present or absent, and the decisions made and actions taken including a record of all votes. The law requires that existing minutes be made available to the public within 10 days upon request, whether they have been approved or remain in draft form. Materials or other exhibits used by the committee in an open meeting must also be made available to the public within 10 days upon request." Minutes should be approved at the next meeting of the committee and must be submitted to the Clerk's office no more than two (2) weeks after they have been approved. The minutes may also be included in the Selectmen's meeting packets so they may be apprised of the actions of the committee.

Any board, committee or commission appointed by the board of selectmen shall be responsible to the board of selectmen.

Upon request, the Committee shall send a written update of its actions/recommendations that were taken by a majority vote of the committee members to the Selectmen. The Selectmen also reserve the right to request that the committee present this report in person at a Selectmen's meeting. NOTE: per the Attorney General's Open Meeting Guide dated March 12, 2013: "Members of a public body may attend a meeting of another public body provided that they communicate only by open participation; however, they cannot deliberate at such gatherings."

Individual members of the committee may also ask that a member of the Board be present at a particular meeting as a member of the audience. A formal request for a selectman to attend a meeting must be made by a vote of the majority of the committee.

The Chairman shall prepare the agenda on behalf of the committee. Any committee member may insert an agenda item for any meeting. The Chairman or designee will post the agenda at Town Hall according to the state Open Meeting law.

SPECIAL PERMIT RULES AND PROCEDURES

These rules and procedures have been prepared and adopted by the Bourne Board of Selectmen in compliance with General Laws Chapter 40A, Section 9 as amended by Chapter 808 of the Acts of 1975. They may be amended or rescinded from time to time by majority vote of the Board. Said rules and procedures to become effective at such times as may be specified therein and upon filing a copy thereof with the Town Clerk.

Applications:

- A. All applications for special permits authorized by the Zoning Bylaw to be issued by the Board of Selectmen shall be made in writing on such form or forms adopted by the

Board of Selectmen and available at the offices of the Building Inspector, Board of Selectmen, Town Clerk or Engineering.

- B. Said form shall be filed in quadruplicate with the Board of Selectmen and a copy shall be filed with the Town Clerk. All of said copies shall bear the signature of the applicant or his duly authorized agent or attorney.
- C. The applicant shall attach to his application a list of all parties in interest and their addresses as appear on the most recent tax list. "Parties in interest" as defined in General Laws Chapter 40A, Section 11, as amended, shall mean the applicant, owner of land for which the permit is sought (if different than the applicant), abutters, owners of land directly opposite on any public or private street or way and abutters to abutters within 300 feet of the property line, the Bourne Planning Board, and the Planning Boards of Falmouth, Wareham, Sandwich and Plymouth.
- D. Applications shall state the section of the Zoning Bylaw for which the Special Permit is sought.
- E. All applications at the time of filing shall be accompanied by:
 - 1) FOUR (4) prints of the latest recorded plan of the land which will be affected, or in cases where no such plan exists, FIVE (5) prints of a plan of the land endorsed by a registered engineer or land surveyor.
 - 2) FOUR (4) prints of the plot showing the exact location of existing and proposed buildings, signs, and other structures.
 - 3) Such additional information and plans as may be required under the Site Plan Review provisions of the Zoning Bylaw, or any other applicable provisions of the Zoning Bylaw.
 - 4) A filing fee payable to the Town of Bourne in the amount of \$250.00 for advertising and mailing costs.

The Board, in its discretion, may dismiss (without prejudice) an application, which fails to comply with the foregoing requirements.

NOTICE OF HEARING

Notice of hearing will be given by the Board of Selectmen in accordance with General Laws Chapter 40A, Section 11, as amended, by mailing and publication.

HEARINGS

- A. An open public hearing will be held at the time and place specified in the notice of the hearing.
- B. The hearing will proceed as follows:
 - 1) The Chairman of the Board of Selectmen will call the meeting to order and read the notice of hearing as published.

- 2) The Chairman shall inform those present at the hearing of the time requirements under Chapter 40A, Section 17, as amended, for appealing of the decision of the Board.
- 3) The applicant or his representative shall present the case to the Board.
- 4) Parties of Interest at the hearing shall be heard.
- 5) Town representatives may be heard.
- 6) The hearing shall be closed and no further evidence shall be heard.

DECISIONS

- A. All decisions of the Board of Selectmen shall be made in writing and shall contain, but not limited to, the following:
 - 1) Date decision rendered.
 - 2) Number of Special Permit
 - 3) Name and address of applicant.
 - 4) The place, time and date of the public hearing.
 - 5) Findings of facts.
 - 6) Statement of applicable law.
 - 7) Decision of the Board of Selectmen
 - 8) Roll-call vote setting forth the vote of each member of the Board of Selectmen
 - 9) A statement of right of appeal pursuant to General Laws, Chapter 40A, Section 17, as amended.
- B. A copy of the decision shall be filed with the Town Clerk.
- C. A decision granting a special permit shall be effective after the appeal period has expired and an appropriate notice has been filed by the Town Clerk with the Registry of Deeds. A fee for the Registry of Deeds filing shall be paid to the Town Clerk by the applicant.
- D. Duplicate copies of the decision shall be mailed or delivered to the applicant or his agent or attorney, the owner of the property, the Building Inspector, Planning Board, Board of Health, and all parties in interest who at the time of the hearing request a copy.

RECORDS OR PROCEEDINGS

- A. The Board shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact.
- B. Original summary account shall be kept with the case record in the office of the Board of Selectmen, a copy to be filed with the Town Clerk.
- C. All summary accounts shall be signed by the Clerk of the Board of Selectmen who shall be the keeper of the records of said Board.

BOARD OF SELECTMEN

Peter J. Meier
Donald J. Pickard
Linda M. Zuern
Donald E. Ellis
Stephen F. Mealy

Adopted on August 28, 2001

Amended November 12, 2002 by adding section 2.4.2

Amended July 13, 2004 -Special Permit Rules & Procedure added

Revised: May 16, 2006

Revised: November 21, 2006

Revised: May 1, 2007

Revised: April 29, 2008

Revised: December 17, 2013

Revised: February 24, 2015

Judy Froman suggested the Board look at section I Procedural Matters and section VIII Meeting Procedures to discuss at the next meeting. Comments can be forwarded to Ms. Froman before the next meeting.

9.c.

George Slade briefly went over the Town Administrators evaluation review timeline.

- April 24th – Town Administrator to complete self-evaluation
- Copy of self-evaluation, plus any other documentation, to each Board member at time of one-on-one meeting
- April 24th - Board Chair to Schedule public reading of evaluation summary (probably May 9th)
- April 24 to April 30 – Board of Selectmen to complete evaluation and meet with TA personally one-on-one
- May 1st – Board Chair to collect evaluations from Board of Selectmen
- May 1st to May 7th - Board Chair will tabulate results in composite rating summary and compose narrative summary for a Wednesday, May 9th meeting
- May 7th – Annual Town Meeting
- May 8th – Annual Town Meeting (to allow for 2nd night)
- May 9th public evaluation meeting –
- Discussion of town administrator compensation
- Chair will ensure that each copy of TA Self-evaluation and Evaluation is available to each member
- May 15th – Town Elections

Don Pickard questioned doesn't this have to be done before Town Meeting
Tom Guerino said it could be amended downward at the Special Town Meeting in October.

9.d.

Tom Guerino explained the Town Administrator is putting together the Cannabis Working Group and asking a Selectmen to be on that group. The intent is to have this working group create draft policies that would come to the Board of Selectmen for approval. It will have members from Board of Health, Health Department, Planning Department, Planning Board, Police, Chamber of Commerce, Town Administrator, Building Inspector, Finance Committee, the Board of Selectmen, and 2 people At Large.

The Board agreed to have the Board of Selectmen member as an Ex Officio on the Cannabis Working Group.

Tom Guerino explained the first meeting of this group will be next week. It will be a facilitated meeting. We are trying to get an expert(s) to discuss what the procedure is the town needs to do.

Judy Froman said the medical marijuana should be added to the topics of the working group.

Stanley Andrews said medical marijuana is set and that cannot be regulated or changed.

Voted Judy Froman moved and seconded by Peter Meier to appoint George Slade as an Ex Officio member to the Cannabis Working Group. **Vote 4-0.**

Jim Mulvey questioned what is the difference between a working group and a committee. Tom Guerino explained the working group would be able to make recommendation but will not be able to take votes to move forward on its own, it will only make recommendations to the Selectmen. A committee can take votes on their own. This group is not for a long duration. Tom Guerino said we haven't created a Charge for this working group.

9.e.

The budget was amended and voted last night, no need to vote tonight.

10) Selectmen's Reports

a. Events attended past week

b. Events anticipated to attend current week

Peter Meier said he, Don Pickard and George Slade attended the formal swearing in at the fire station.

George Slade said he attended the Joint Base Cape Cod working session #2. It is a series of 3 working sessions. They are trying to get involved with wastewater issues, and public safety education. Mr. Slade spoke about the meeting.

Judy Froman spoke about the status on the presentation on the Cape Cod Canal transportation update, and the public hearing about the replacement bridges, the date has not been set yet.

Peter Meier spoke about having someone from the Board of Selectmen make a quick presentation on Bourne TV on Thursday about what the Selectmen discussed at the April 10th meeting since it wasn't televised. Peter Meier will meet with Jen from Bourne TV and briefly speak about what was discussed.

11) Town Administrator Report

a. Cannabis working group

b. Priority Based Budget

c. Buzzards Bay Park Update

Discussed the cannabis working group earlier

- b. The Departments are working to get the final costing in and the prioritization done. Working on having Chris come out in early May to finish up this piece then start the implementation for the next fiscal year. We should be starting formal implementation of this by August. Chris will do a presentation in May to the Board of Selectmen.
- c. Tom Guerino gave a brief update on the Buzzards Bay Park. The pavilion is up, concrete was poured for the splash pad, the sod should be brought in within the next two weeks, the pouring of the rubber is weather contingent, the park should be completed by or just after Memorial Day, we are at budget. The Buzzards Bay National Bank sign will be placed in a prominent location.

Tom Guerino spoke about the traffic issues and the work that is going to be done for the bridges. We will be meeting frequently to get updates. This group is also trying to get a focus on the need for the federal government, the state government, and regional governments to start working together and try to come up with a determination on how to get the bridge issues resolved.

Fire Department South Side Fire Committee will be meeting on Wednesday evening this week. The Pedestrian and Bike Path Committee had its inaugural get together last week and will be meeting again on the 18th.

George Slade questioned what groups/committees Mr. Pickard is on. Mr. Pickard said he is on the ISWM Business Model Working Group and Police Building Committee,

Jim Mulvey said someone should get serious about the bridges; you can't keep patching the bridges.

12) 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. Appoint Election Workers**
- e. Cape Cod Commission update from Director Kristi Senatori 4/17/18**

13) Adjourn

Voted Peter Meier moved and seconded by Judy Froman to adjourn. Meeting adjourned at 9:01 pm. Vote 4-0.

Respectfully submitted – Carole Ellis, secretary.

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**Board of Selectmen
Minutes of Tuesday, April 17, 2018
Bourne High School Library/Media Center
Bourne, MA 02532**

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TA Tom Guerino

Selectmen

George Slade, Chairman
Peter Meier, Vice-Chairman
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

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

Meeting Called to Order

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

Moment of Silence for our Troops and our public safety personnel & Officer Sean Gannon & Yarmouth Police Department /Salute the Flag

Public Comment – Non-Agenda Items

Member of the public questioned why the Host Agreement was removed from the agenda for tonight's meeting.

Don Pickard stated it was removed by Town Counsel.

Tom Guerino said the Atty. for the Haven Center requested to be put on a future agenda at the April 3rd meeting. It was suggested for this meeting but it wasn't definite. The Atty. was notified the town wasn't ready to have him on for this meeting. The town has put together a Working Group that relates to the adult use of cannabis that consists of 11 members including 2 from the general public. There is a smaller group working on the Host Community Agreement.

3) Approval of Minutes:

No minutes to approve at this meeting.

4) Correspondence

Judy Froman brought the Board and the public up to date on the correspondence

- A. Letter from General Manager Daniel Barrett regarding Bourne ISWM Facility Quarterly Groundwater and Landfill Gas Monitoring Results
- B. Letter form SITEC Environmental regarding Bourne Landfill - Review of October 2017
- C. Notice from National Grid that they are replacing natural gas main at 28-34 Prospect Avenue, Pocasset. Construction is expected to begin on April 23, 2018 and last to June 1, 2018 weather permitting
- D. Letter of interest form Richard Conron to serve on any group/committee that is formed by town officials and charged with defining and publishing town policies, bylaws and procedures in order to implement the residential sales of marijuana in the Town of Bourne
- E. Letter from Cape Cod Mosquito Control Project regarding State Reclamation Board of Budget Notification [Copy on file in the Town Administrator's Office]
- F. Letter from Joseph Amaral regarding pot monetary benefits
- G. Letter from Michael Maxim regarding 328 Main Street Buzzards Bay - Unsafe structure

There was supposed to be a community outreach meeting on May 9th related to the Haven Center and that has been canceled.

Tom Guerino stated that National Grid will be replacing gas mains in a number of areas in Pocasset over the course of the summer. Residents should get an individualized notification from National Grid on the schedule.

5) Introduction of Glenn Cannon - Assistant Town Administrator

Tom Guerino formally introduced the first Assistant Town Administrator Glenn Cannon, and spoke briefly about Mr. Cannon. Mr. Cannon briefly introduced himself. Mr. Cannon excused himself to attend a family's previously arranged appointment at 7:13.

6) Attorney Thomas Merrigan - Opioid Epidemic Litigation

Atty. Tom Merrigan, Massachusetts Opioid Litigation Attorneys (MOLA), introduced himself and his son Tucker Jonathan Merrigan. They gave a presentation on the National Opioid Litigation.



6

SWEENEY MERRIGAN
LAW



KP LAW
The Leader in Public Sector Law

Your Massachusetts Legal Team Fighting the National Opioid Epidemic

Massachusetts Opioid Litigation Attorneys (MOLA) is a consortium of local and national law firms filing suit against the world's largest pharmaceutical manufacturers and distributors to hold them accountable for flooding our communities with opioids, resulting in massive economic damages to Massachusetts cities and towns.

The MOLA litigation, being brought on behalf of the taxpayers of Massachusetts municipalities, is aimed at recovering monetary damages from the pharmaceutical manufacturers and distributors for their role in the devastating opioid epidemic. The damages sought on behalf of individual cities and towns are for past costs including law enforcement, needle exchanges, Narcan, EMS, treatment services, etc., as well as future mitigation/abatement damages for the foreseeable expenditures of taxpayer dollars toward treatment, education, and prevention.

Some additional information about this litigation:

- **This is a Mass Tort litigation, not a Class Action.** A class action suit requires all participants to have essentially the same injuries. Here, the damages from one municipality to another are very different and thus this is not a class action. We are filing suit on behalf of individual municipalities; these lawsuits will be consolidated for pretrial and discovery purposes.
- **We are not suing individual doctors or pharmacies.** MOLA believes the most effective approach to this litigation is to focus on the primary sources of this epidemic.
- **Individual municipalities will not have to bear the cost of the litigation.** The attorneys working on your case will *only* get paid from the verdict or settlement. The attorneys will front all costs and will *only* be reimbursed if successful.

Working with the MOLA team benefits local Massachusetts municipalities because they will be represented by our consortium of lawyers that includes multiple national law firms as well as three local firms with extensive mass tort litigation experience and a deep understanding of municipal law: [Sweeney Merrigan Law](#), [Rodman, Rodman & Sandman](#), and [KP Law](#).



Our consortium is the national leader in this litigation, with more opioid cases on file than any competing firm or group in the country.

To learn more about how your municipality can get involved, contact us at massmola.com or (617) 391-9001.



MOLA
Massachusetts Opioid Litigation Attorneys

SWEENEY MERRIGAN
LAW



KP LAW
The Leader in Public Sector Law

Frequently Asked Questions

1. Is this litigation a Class Action or a Mass Tort?

This is a mass tort litigation, not a class action. *A class action suit requires all participants to have essentially the same injuries. Here, the damages from one municipality to another are very different and thus this is not a class action.* We are filing suit on behalf of individual municipalities. Each individual municipality will have its own right to either accept or reject its specific settlement offer. Should a particular municipality decide to reject all offers and go to trial, these cases will be tried *in Massachusetts* by our team of local and national attorneys.

2. Isn't the Attorney General already pursuing the defendants?

The AG is investigating the defendants and considering bringing an action to recover damages on behalf of the Commonwealth. *However, even if the Attorney General does bring suit on behalf of the Commonwealth, there is no guarantee that any funds recovered in that action would directly benefit municipalities. Pursuing individual lawsuits on behalf of individual cities and towns will ensure that recovery money will go directly to the municipalities impacted by this crisis.* We feel that individual lawsuits by the municipalities will expand the scope of recovery throughout the Commonwealth and better the municipalities as a whole. Moreover, this will not interfere in any way with the Attorney General's efforts to seek recovery on behalf of the Commonwealth.

3. Where will these cases be filed?

Cases are being filed all over the country. In Massachusetts, we believe that cases should be filed in Federal Court and then consolidated into a Multidistrict Litigation (MDL) with other cases throughout the Commonwealth and the country to address pretrial and discovery issues. After these issues are resolved, the cases will likely be settled or sent back to Massachusetts for trial. We believe this is the most efficient, least burdensome, and most cost effective way to pursue these cases against some of world's most profitable companies. While every municipality has the right to choose how its case is pursued, most municipalities have expressed a greater comfort level participating in the national litigation effort.

4. We don't have a lot of resources to commit to this. How much time is required?

Because this litigation is centralized in a MDL in Ohio, most of the discovery will focus on the defendants while the cases are there. A few cases will be worked up and tried before the others ("bellwether trials"); these cases will serve as a barometer for the other cases in the MDL and may lead to settlement discussions. If settlement offers are obtained, each municipality will decide whether to accept or reject its specific offer. If the offer is rejected, the case will return to Massachusetts for trial. *We have a comprehensive legal team with extensive municipal and trial experience to manage, oversee and facilitate any required involvement from the municipality, and there should be ample time to plan and manage any such participation by each municipality well in advance.*

5. How do the legal expenses work?

Because our consortium has more clients throughout the country than any other group of attorneys, we can provide great economies of scale. The costs involved in this litigation are likely to be substantial. Instead of those costs being shouldered by a small handful of clients, our costs (assuming there is a successful recovery) will be spread among our many clients throughout the country, resulting in much lower costs being deducted from the awards to the local municipalities. No up-front payment of costs will be required from the municipalities.

**To learn more about how your municipality can get involved, contact us at
massmola.com or (617) 391-9001.**



Our National Opioid Litigation Consortium

In partnering locally with the Massachusetts Opioid Litigation Attorneys (MOLA), your municipality will be supported by a national powerhouse, including many of the top lawyers in Massachusetts and the country. We are initiating litigation against some of the largest and wealthiest pharmaceutical companies, and our consortium will bring to bear the financial and human resources necessary to be successful.

As the national leader in this litigation, our consortium of lawyers have more opioid cases on file than any competing firm or group in the country. For that reason, our consortium has been appointed to many key leadership positions spearheading the national litigation on behalf of hundreds of cities and towns across the country, as part of the MDL consolidation.

This specialized legal team has had the opportunity to retain some of the country's preeminent experts including former DEA agents who were recently featured on the program 60 Minutes. Those former agents have agreed to testify exclusively for our group. We have also retained experts in the fields of addiction recovery, urban and rural blight, the economics of addiction, and others.

The MOLA consortium extends beyond Sweeney Merrigan Law, Rodman, Rodman & Sandman, and KP Law, to include six other national law firms and several leaders of the national Plaintiff Steering Committee:

- Paul T. Farrell, Jr., Greene Ketchum Farrell Bailey & Twell, LLP, Plaintiff Co-Lead Counsel**
- Troy Rafferty, Levin Papantonio, P.A., Plaintiff Co-Liaison Counsel**
- Michael J. Fuller, McHugh Fuller Law Group, Plaintiff Executive Committee**
- Peter Mougey, Levin Papantonio, P.A., Plaintiff Executive Committee**
- Roland Tellis, Baron & Budd, Plaintiff Executive Committee**



To learn more about how your municipality can get involved, contact us at massmola.com or (617) 391-9001.

There are many jurisdictions and municipal governments that are participating in this national litigation because they see there is an opportunity to recoup the cost to the municipal taxpayers for fighting this epidemic. We are affiliated with a consortium of lawyers. We are filing on behalf of municipalities in federal court to recoup the costs to the

municipalities. This is not a class actions suit; it's an individual lawsuit brought by each municipality. They are filed in federal court. The town is its own plaintiff, it seeks to recover damages on its own behalf, and it is based on data that will ultimately be determined in each municipal situation. The recovery/settlement that we anticipate does not go to the commonwealth but to the municipality itself. We are here to represent Bourne if Bourne is interested in participating in this litigation. There are no upfront costs to the Town of Bourne. At the end of the lawsuit the expenses will be defrayed across the entire population of plaintiffs who participated. There would be a deduction from the settlement for each of the municipalities on a prorated formula for their share of the cost of the overhead of the litigation. In the event that there was no recovery no municipality has any risk of incurring any obligation to pay any kind of expenses.

The epidemic costs each community a significant amount of dollars that are absorbed in the town's budget through law enforcement responses, EMS services, Social Services. This litigation is about identifying those costs and making a claim for them. What has Bourne spent in the past for those and what the amount is going forward that Bourne will need to address these kinds of epidemic conditions in the community.

The manufacturers and distributors have created a public nuisance. Under the law one of the legal remedies for nuisance is mitigation damages; what each community will need to mitigate the blithe, health, and the prevention strategies that are required in the future to mitigate from the epidemic of opioids.

Tom Guerino said Town Counsel and Attorney Merrigan have had several conversations over the past three/four weeks. Any recommendation this evening would be to take no action this evening and to review it with Counsel at an appropriate executive session dealing with litigation to make a determination as whether to move forward or not. Don Pickard said he would be hesitant to take any action without written opinion of Town Counsel that he endorses the MOLA proposal.

Tom Guerino said if the Board wants a formal opinion from Counsel I would need a motion on that so we can move that forward.

Judy Froman questioned if any town that they have approached declined this proposal, and what were their objections? Tucker Merrigan said he can only think of one that has declined. A lot of the communities have embraced the opportunity to have their individual lawsuit.

Attorney Merrigan said how do you track the incidences back to Bourne? Every community has a varying degree of statistical support. It will be proforma for the communities to provide the data they can, and we will rely heavily on expert opinion to forecast what a community like Bourne will need to abate the crisis. Other Cape towns that have joined are Sandwich, Brewster, Province Town, several on the Vineyard and Nantucket.

Voted Don Pickard moved and seconded by Peter Meier that the Board request the legal written opinion on support or non-support of this proposal by the attorneys from MOLA prior to the Board taking any action. **Vote 4-0.**

7) License/Appointments

- a. Transfer in year round package store license from Patriot Spirits, Inc. d/b/a Liquor 'N More, to ZASA Spirits, Inc., d/b/a Spirits 'N More**
- b. Election Workers Appointments**

7.a. had been deferred.

7.b.

Voted Peter Meier moved and seconded by Judy Froman to approve the various names on the Election Worker list as submitted by the Town Clerk to the position of Elections Workers for the upcoming election season. **Vote 4-0.**

8) Selectmen's Business

- a. Sign Warrant for Special and Annual Town Meeting**
- b. Rules of Procedure work**

Tom Guerino said the articles were voted forward last week. Mr. Guerino explained on Article 3 we were waiting on the House version of the Cherry Sheets, we have to make an adjustment to how we raise and appropriate the monies for the budget. We are not exceeding the 1.1 million dollars.

Voted Peter Meier moved and seconded by Judy Froman to instruct the Board to sign the Special and Annual Town Meeting Warrant. **Vote 4-0.**

Mr. Guerino said it will be posted by Friday in the areas that are required by the Bylaw as well as being put on the website.

8.b. Rules of Procedure

Judy Froman said we are working on the Rules of Procedure, and tying it back to what is in the Charter section 3-8 Rules of Procedure. We are starting with Procedural Matters and Meeting Procedures. This is going to be an ongoing discussion where we will build on the core information that is required. The texts in red are the suggestions and edits that were sent to Ms. Froman.

BOARD OF SELECTMEN
Rules of Procedure
(Review session April 17, 2018)

Notes:

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**

~~Procedural matters are an established way of doing things (Merriam-Webster).~~ 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, Massachusetts General Law, Town ByLaws**, as most recently revised.

*The Charter on the website is the most recent approved.

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, **(discussion)** and vote. Split votes will be identified by name in the meeting minutes.

The Town Administrator, **in his or her absence the Assistant TA, or his/her designate**, 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.

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/TitleVII>

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>

George Slade suggested under the Procedural Matters it read as: 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 shall be guided by the Rules of Procedure.

Judy Froman would like to know the hierarchy of these documents that we should follow. Peter Meier stated the Home Rule Petition is an act of the Legislature so that is what we should be operating by.

Tom Guerino will come up with wording for the third paragraph under Meeting Procedures.

9) Selectmen's Reports

a. Events attended past week

b. Events anticipated to attend current week

c. Adult use Marijuana Working Group update

Peter Meier said he and Mr. Slade attended the Haven Center's first public hearing.

Don Pickard said last Friday he attended the Cape Cod Selectmen and Counselors Association meeting.

Judy Froman said she is going to attend the Cape Cod Metropolitan Planning Organization Meeting next Monday.

9.c. A meeting agenda has been posted for Thursday May 19th at the Professional Library at 6:00 P.M. Mr. Guerino said it is his understanding that Mr. Andrews has been appointed by the Board of Health and Mr. Grant has been appointed by the Planning Board. We have 2 applicants for the At Large positions. As areas of expertise are needed from the Fire Department or the EMS someone from those departments will be called in.

Don Pickard questioned relevant to the specific committee regarding the Host Community Agreement scheduled for Thursday with Town Counsel, the Chair, Town Administrator, Assistant Town Administrator, Assistant Planner, and the Police Chief. Why is this group making a decision on the Host Community Agreement? Shouldn't it be a discussion for Executive Session under Litigation or potential Contracts so the Town's bargaining position is not jeopardized? Why isn't the entire Board not involved in that discussion? Tom Guerino said it was Town Counsels desire to get the outline and broad parameters of what is going to be included in this agreement; any negotiation or decision-making will be done by the Board of Selectmen. This will be a staff meeting not open to the public. Don Pickard said it should be the entire Board receiving a report in Executive session from the professional staff and getting Town Counsel's opinion in that meeting.

Jim Mulvey questioned if the Host Agreement is a contract item or an individual town regulation, is it necessary to be in executive session?

Mr. Guerino said it will need to be discussed by the Board of Selectmen in an executive session. The preliminary overview of some of the areas that we want to outline to be discussed within the Host Community Agreement; that will be done by staff. It will then be brought to the Selectmen for their concurrence or not; then it will be discussed in executive session for Counsel to go back and discuss Counsel to Counsel then come back to the Selectmen for a final decision.

Don Pickard questioned Mr. Guerino what is the best bet for the timeline for the Host Community Agreement? The intent is to be as expeditious as possible but we have to be cognizant for what is in the best interest of the town. Mr. Guerino said we could have an executive session meeting on this topic within the next three weeks.

Stanley Andrews questioned if the Haven Center has given an outline of what the community agreement would be. Mr. Guerino said they have, but it isn't the start of negotiations, it is just an intent/draft for us to look at.

10) Town Administrator Report

a. Buzzards Bay Park

b. South Side Fire Station

c. FY 19 Budget

d. Road Acceptance Committee

Mr. Guerino said they have been meeting weekly on the Buzzards Bay Park; he went over the progress on the park. We are on budget.

Jim Mulvey questioned is there a provision, when it's done, that can still accommodate things that will bring people to the park such as flea markets, farmers markets and those types of events. Mr. Guerino said it will still accommodate those types of events, and concerts will continue in the park. The Selectmen will have to take a look at new rules and regulations, within the next couple of weeks that the Rec Department, George Sala, and Nancy Sundman have been working on for usage of the park.

The South Side Fire Station Committee met last Wednesday. They are looking at different potential sites for the new fire station. They charged the Town Administrator to help put together a Request for Qualification for an Owners Project Manager. The committee is meeting alternating weeks.

Mr. Guerino said the Road Acceptance Committee will set up a meeting next week, for them to meet. It will be a public meeting.

Mr. Guerino also spoke briefly about the traffic issues around the bridges. Anyone who has concerns or complaints should notify Mr. Guerino so he can tract them. The Fix Committee is tracking all the concerns and complaints. Then they will be able to bring them to the Corp of Engineers and the contractors. Don Pickard suggested there be an announcement on the

website that bridge traffic complaints be sent to bridgecomplaints@townofbourne.com and they can be answered by an administrative staff person.

11) 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 4/17/18**

12) Adjourn

Voted Peter Meier moved and seconded by Don Pickard to adjourn. Meeting adjourned. Vote 4-0.

Respectfully submitted – Carole Ellis, secretary - from website.

3

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

TA Tom Guerino

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/TitleVII>

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 siting, 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.

**Board of Selectmen
Minutes of Tuesday, May 1, 2018
Bourne High School Library/Media Center
Bourne, MA 02532**

TA Tom Guerino

Selectmen

George Slade, Chairman
Peter Meier, Vice-Chairman
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

7:15 p.m. Chairman call session to order in open session

Meeting Called to Order

Chm. Slade called the meeting to order at 7:19 pm.

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

4) Correspondence

Judy Froman brought the Board up to date on the correspondence

- A. Letter from General Manager Daniel Barrett re: Bourne ISWM Facility Quarterly Groundwater and Landfill Gas Monitoring Results
- B. Letter from SITEC Environmental re: Bourne Landfill/Review of January 2018 Environmental Monitoring Events
- C. Letter from USDA regarding FY17 funding for the Cape Cod Water Resources Restoration Project
- D. Weights & Measurements quarterly report from January 1, 2018 - March 31, 2018

- E. Cape Light Compact activity for month of February 2018
- F. Letter from FEMA re: Preliminary Flood Insurance Rate Map [FIRM] and Preliminary Flood Insurance Study [FIS] Report for Barnstable County
- G. Letter from Richard Conron requesting feedback from Selectmen on three [3] different topics
- H. Letter from DEP re: Draft J-I Range Northern 2018 Annual Environmental Monitoring Report and Draft J-I Range Southern 2018 Annual Environmental Monitoring Report

5) License/Appointments

- a. Execution of the Assistant Town Administrator's Contract**
- b. Discussion and possible vote on Rules and Regulations for the use of Park and Recreation Areas**
- c. Discussion and possible vote on update fee schedules for Community Building, et.al**

Tom Guerino spoke about the Assistant Town Administrators contract. It requires a signature of the Town Administrator and the Board of Selectmen. Recommend we go forward with this so Mr. Cannon can get paid.

Peter Meier said we didn't appoint the Assistant Town Administrator he works for the Town Administrator so why are we the signatory on it? Under the Charter we appoint the Town Administrator not the Assistant Town Administrator.

Tom Guerino said because there is not specific provision in the Charter it is silent. We will rectify that at Town Meeting vote that will memorialize the position. Between now and that time it requires a signature from the Town Administrator and the Board of Selectmen.

Don Pickard agrees with Mr. Meier. Originally Town Counsel wanted the Board to make the appointment, but that was a violation of the charter. We do need a contract for the Assistant Town Administrator, but I think it would be more beneficial to have the Board authorize the Chairman to sign on behalf of the Board. If there is a charter complaint filed it will be reflecting on the entire Board.

Judy Froman said we were told this is a position that will report to the Town Administrator. It is confusing that we would be signing the contract, would be happy to give the Town Administrator the authority to sign the contract.

Tom Guerino said it was under the advice of Town Counsel that this Board sign the contract. It needs to be signed so we can move forward and the Assistant Town Administrator can get paid. We can change it later. Please send questions to me and I will forward them to counsel. Linda Marzelli needs a document to pay Glenn Cannon.

George Slade said he is willing to sign the contract.

Peter Meier requested Tom Guerino to ask Mr. Troy put something in writing stating why we have to sign this contract. Tom Guerino said I believe you have a document in your email indicating why you need to sign the contract.

Tom Guerino read: The Board of Selectmen is asked to execute the contract for the Assistant Town Administrator as a result of the request for documentation from Clerk and the Administrator relative to the creation of the position. Spoken to Mr. Guerino and he confirmed that he will submit language to the Special Town Meeting to adding a provision that identifies in the Charter as well as information about the appointing authority. After this is effectuated the position will be governed by the terms of the Charter.

Voted Peter Meier moved and seconded by Judy Froman to execute the contract of the Assistant Town Administrator. **Vote 4-0.**

5.b. Discussion and possible vote on Rules and Regulations for the use of Park and Recreation Areas

Tom Guerino said we needed to put together new rules and regulations for the new Buzzards Bay park area.

Krissanne Caron, briefly spoke about the Policy for the Buzzards Bay Park.



Town of Bourne
Special Event Policy for Buzzards Bay Park

Scheduling: Events are scheduled on a first come, first served basis, subject to preference based upon degree of benefit to the general public, as determined in the following order: events held to raise funds for charitable purposes, events held by other non-profit entities, all other events. The Town does not discriminate on the basis of race, religion, sex, national origin, sexual orientation or other class protected under Federal or State law.

Fees:

Application Fee:

Commercial Events (All businesses and not-for-profit groups): \$75 non-refundable
Non-Commercial (Small weddings, family functions, etc.): No application fee

Utility Fees (All groups):

Water: Rate to be determined by the Buzzards Bay Water District
Electrical: \$40/hour*

*Utility fees are charged for the duration of the event, including set-up and break-down.

Security Deposits:

Commercial Events:

Up to 100 people: \$100
101 to 500 people: \$250
More than 500 people: \$500

Non-Commercial Events:

Up to 50 people: \$50
51 to 100 people: \$100

*Security deposits will be returned at the discretion of the DPW Superintendent.

Additional fees may be assessed by the Town. Police/Fire staff will be charged separately. Permission to place portable toilets on Town property must be requested in writing and approved by the Department of Public Works Superintendent.

Insurance: A Certificate of Insurance with the Town of Bourne named as an Additional Insured, in the amounts of \$2,000,000/person and \$3,000,000/occurrence is required with the application for all commercial events.

Grounds for Denials: The Town shall deny permission for any event based on a finding that the organizer has not provided reasonable safeguards adequate to protect the safety and welfare of event participants, bystanders and the general public before, during and after such events. In addition to safety and welfare concerns, the Town of Bourne reserves the right to deny an event request based on conflicts with other events or activities.

Town of Bourne
Special Event Policy

Rules & Regulations:

All posted rules and regulations shall be followed.

Vehicles are not allowed within the park layout. Please see attached diagram.

Nothing can be placed below ground surface. This includes but is not limited to: tent stakes, portable fencing, horseshoe pits, volleyball nets.

The Town's carry in, carry out policy for trash is in effect. All litter, trash or debris generated from the event shall be removed by the event organizer.

Public access to and from the park may not be blocked at any time.

Organizer is responsible for any damage sustained to buildings, structures and grounds occurring during the event.

Cooking grills and open flames are prohibited. Permits may be revoked for misuse of the property.

For larger events, the organizer is responsible for traffic control and public safety through the Bourne Police Department and/or Bourne Fire Department. Police/Fire details may be required at an additional cost.

No placards of a commercial nature may be displayed on Town property. No tacks, nails or staples may be used on the gazebo or pavilions.

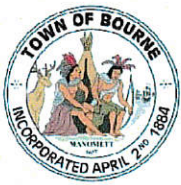
Any person or organization granted use of Town property shall assume liability for any damage to the property, injury to participants, damage to or loss of equipment or property. Please see the attached Indemnification and Release. If the person or organization applying shall not be deemed to be of sufficient responsibility, permission will not be granted.

Alcoholic beverages are not permitted on Town property without a license issued by the Board of Selectmen. Per Town of Bourne By-Laws, smoking and E-Cigarette use is prohibited on Town owned or operated playgrounds and recreational areas.

Unauthorized use of Town facilities for organized activities is not allowed. Permits are issued for the outdoor space only and do not include access to any storage areas, buildings or equipment.

Permission for use of Town facilities shall not be granted for any purpose that will, in any way, interfere with their use by the Town.

Cancellation due to inclement weather/poor park conditions will be at the discretion of the Town Administrator, Assistant Town Administrator, DPW Superintendent or the Recreation Director.



Town of Bourne
Special Event Permit Application for Buzzards Bay Park

Date of Application _____ Name of Organization _____

Organization's Mailing Address _____

Contact Person _____ Cell Phone # _____

Contact Person's Mailing Address _____

Event Information:

Event Date _____ Start Time _____ End Time _____

Set Up Date _____ Set Up Time _____ End Clean Up Time _____

Description of Event _____

of Participants _____ # of Spectators _____

Will your event require street closing? If Yes, see Bourne Police _____

Will there be food? _____ If Yes, see Board of Health _____

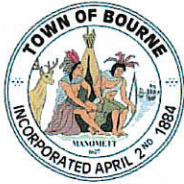
Will there be vendors? _____ If Yes, see Board of Selectmen's Office and the Board of Health _____

Use of electricity/generators? _____ If Yes, see Bourne DPW _____

Will the Event require water? _____ If Yes, for what purpose? _____

Use of Tents? _____ If Yes, please see _____

Wish to block parking spaces? _____ If Yes, see DPW _____



INDEMNIFICATION AND RELEASE

Town of Bourne Facility Rentals

THIS IS A LEGALLY BINDING DOCUMENT. DO NOT SIGN IT UNTIL YOU HAVE READ THE CONTENTS HEREOF AND UNDERSTAND THE SAME. IF YOU ARE IN DOUBT, CONSULT AN ATTORNEY PRIOR TO SIGNING THIS DOCUMENT.

In consideration of the permission granted to it by the Town of Bourne for the purpose of using playing fields and recreational properties owned by the Town of Bourne, the undersigned, in recognition of the fact that Bourne has no lawful obligation to permit said usage by any person, group or other entity not sponsored by the Recreation Department, does hereby release the Town of Bourne, its agents, servants, employees and volunteers from any liability whatsoever in the event of injury to any persons or any actual or perceived infringement of the personal security of any person using the said playing fields and/or recreation areas while engaged in usage authorized by the Town or to any person attending such activity and the undersigned intends this release to be effective and binding on himself/herself and all members, guests, invitees or observers of the group activity which she/he herein represents. This release is provided in addition to, and without limitation on, any and all defenses available to the Town of Bourne pursuant to the Massachusetts General Law and common law.

The undersigned, on behalf of him/herself and the members of the group or entity he/she represents, does hereby agree to indemnify the Town and its agents, servants, employees and volunteers against any and all claims, suits, actions, debts, damages, costs, charges and expenses including court costs and attorney's fees, and against all liability, losses and damages of any nature whatsoever, that the Town shall or may at any time sustain or be put to by reason of the usage of the Town owned property, as contemplated herein.

Signature

Date

Title

Name of Organization

Town of Bourne
Wedding Ceremony Policy

There are many beautiful places in Bourne to hold a wedding ceremony! In addition to Buzzards Bay Park, we recommend the following locations: 3-Mile Look, Sagamore Beach, Monument Beach, Hen's Cove.

For locations other than Buzzards Bay Park, there is no permit process. Town of Bourne public areas are to remain open and available at all times. Scheduling a wedding ceremony is at the participant's discretion and the Town is not responsible for ensuring a private ceremony.

If holding a wedding ceremony on Town property, all rules and regulations pertaining to the property must be adhered to; including but not limited to:

Parking permits required for all Town beaches.

No tents or anything staked into the ground.

No alcohol.

No open flames.

SB

Bourne Recreation Outdoor Facility Reservation Policies

How to request a field/outdoor recreation facility:

Availability for all locations can be found on www.bournerec.com. Click on "Facilities" then select calendar. From the drop down menu you can select a specific location.

1. The requesting group must have an account on www.bournerec.com. Accounts should be set up for the organization, not an individual household.
2. Field requests are pending and will not be approved without receipt of the following:
 - a. Indemnification and Release (Acknowledged during online request process)
 - b. Copy of Certificate of Insurance. Coverage will be required in the minimum amounts of **\$2,000,000 per person, \$3,000,000** per occurrence for all private groups/organizations. The Town of Bourne must be named as an Additional Insured. Proof of insurance must be uploaded to your bournerec.com account prior to your request.
3. Any non-profit group must submit the following:
 - a. Copy of current Non-Profit Certification (Upload to your account prior to request)
4. Once the above listed documents are received, the request will be reviewed by the Recreation Department. Notification of the status will be sent to the email listed on the account.
5. Once approved, full payment must be made prior to the permit start date. There are no refunds for dates reserved and not used.

Application Deadlines:

May 1st: Summer Season Activities (End of school until the beginning of school)

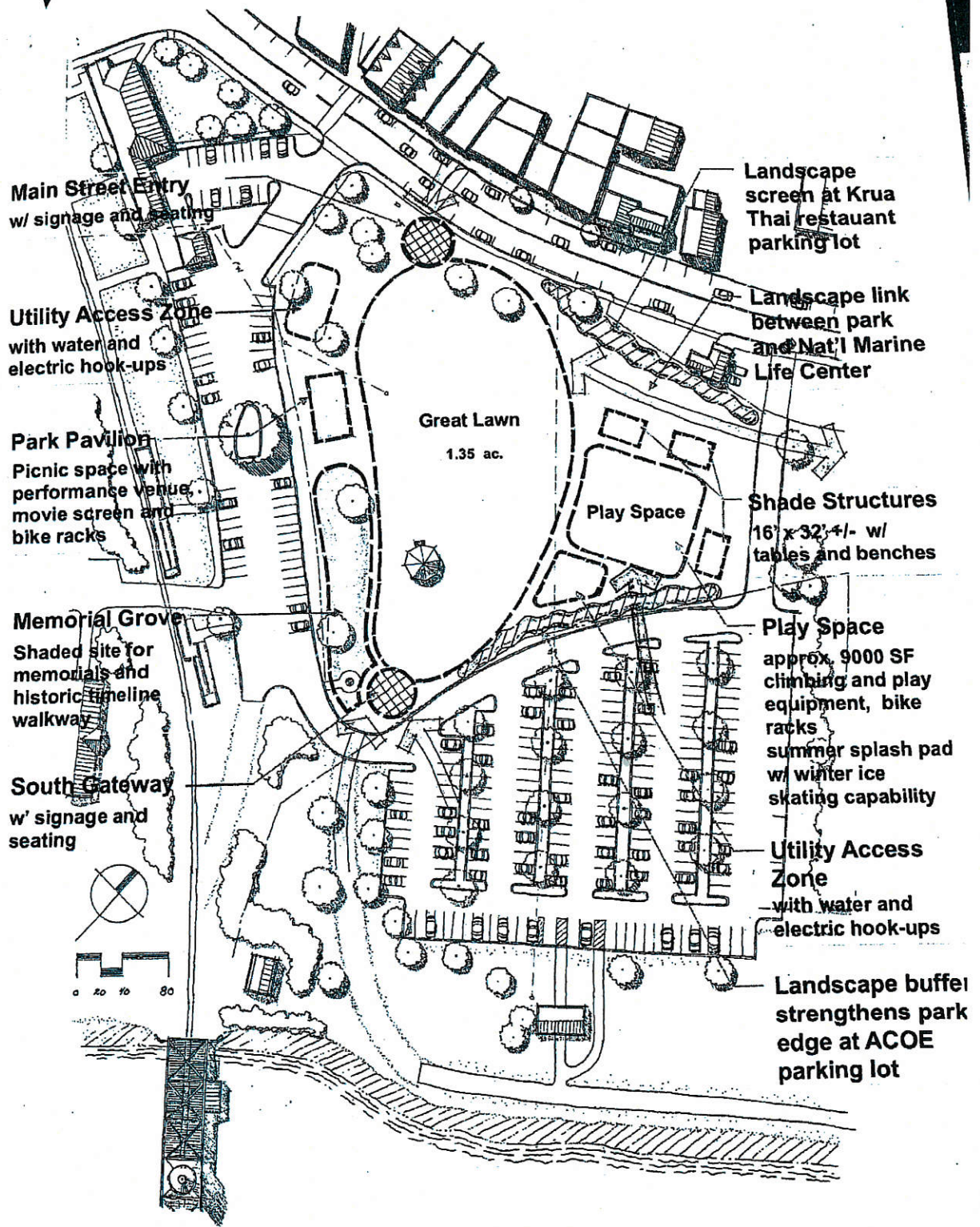
August 1st: Fall Season Activities (Beginning of school until November 1st)

February 1st: Spring Season Activities (April 1st until the last day of school)

*Any group requesting use of the fields prior to April 1st must obtain permission from both the Department of Public Works and the Recreation Department.

All applications need to be submitted at least 7 days prior to requested day.

Groups wishing to use Town Property for fundraising purposes must submit an online facility request.



Buzzards Bay Park - Concept Plan

Bourne Recreation Outdoor Facility Reservation Policies

Scheduling Priorities:

Town of Bourne Recreation Department sanctioned or sponsored functions, activities, or events will take precedent over all other events or activities. The Bourne Public Schools or school sponsored organizations will have priority in scheduling after the Town of Bourne Recreation Department. After that, priority will be as follows: in-town non-profit youth groups, in-town non-profit adult groups, out of town non-profit youth groups, out of town non-profit adult groups, for profit youth groups (private), for profit adult groups (private). Availability of fields is not a guarantee of approval for use.

In order for an organization to receive the appropriate priority in scheduling, all requests must be received by the above deadlines. After the deadline, the Town reserves the right to permit facilities to groups with lower priority.

Rules and Regulations:

Unauthorized use of Town facilities for organized activities is not permitted, and may be cause to have any current permit revoked. Permits are issued for the outdoor space only and do not include access to storage areas or equipment unless specified by the Town. Permission for the use of Town facilities shall not be granted for any purpose that will, in any way, interfere with their use by the Town.

Subletting your scheduled field time to another group or organization is strictly prohibited and will result in permit revocation.

For profit use will be restricted to league play. No private instruction, clinics or workshops are allowed on Town property (ballfields, courts, beaches etc.).

All leagues must show compliance with the Commonwealth of Massachusetts CORI policies and procedures.

All coaches, parents and spectators must adhere to the individual league's Code of Conduct. The Town of Bourne reserves the right to deny access to permitted events to individuals who have violated the Code of Conduct.

Routine maintenance will be scheduled at the discretion of the Town, and may affect any previously approved permit schedule. The Town will do its best to provide 24 hours notice of any cancellations. Only Town issued locks may be used on any facility.

Cancellation because of inclement weather will be at the discretion of the Town of Bourne. Organizations should make sensible decisions regarding play during inclement weather. If there are puddles, standing water, or water forming when someone steps on the field, practices or games must be cancelled.

Bourne Recreation Outdoor Facility Reservation Policies

Rules and Regulations (cont.):

At the end of the season, all organizations are required to leave the property in the condition that it was in at the beginning of the season. The Town will determine what, if any action needs to be taken by an organization in regards to maintenance or repairs. The Town of Bourne reserves the right to cancel any activity at any time for any reason. The Town of Bourne will make every attempt to provide 24 hour notice in the event of cancellation.

All Town recreational facilities are to remain open and available for use by the general public when not permitted for specific group use.

No placards of a commercial nature may be displayed on Town property without prior permission from the Board of Selectman.

Any person or organization granted the use of Town property shall assume full liability for any damage to the property, injury to participants, damage to or loss of equipment. If the person or organization applying shall not be deemed to be of sufficient responsibility, no permission will be granted.

A permit may be canceled if its provisions or intent are violated in any manner.

The use of Town property must not violate any local, state, or federal law or regulation, and any such violation shall be deemed sufficient cause for the refusal of any subsequent application by the person or organization involved.

There is a carry-in, carry-out policy for trash. All trash must be removed by the permitted group at the end of the event.

Alcoholic beverages are not permitted on Town property. Vehicles are not allowed on the fields.

Maintenance Request Forms must be completed and approved by the Town prior to work on Town property. Exclusions are routine mowing and field lining by the permitted league. Outside contractors are not permitted to perform work on Town property without prior written approval from the Town.

Bourne Recreation Department Outdoor Facility Fee Schedule

Location	Facility	1-Time Use (2 Hours)	10 or More Uses/Season	1-Time Use (2 Hours)
		Non Profit Groups	Non Profit Groups	For Profit Leagues
Bourne Community Building	Adult Softball Field	\$35 \$40	\$350 \$400	\$50 \$80
	Youth Baseball Field	\$30 \$40	\$300 \$400	\$45 \$60
Queen Sewell Park	Youth Softball Field	\$30 \$40	\$300 \$400	\$50
Clarke Field Recreation Area	Multi-Use Field	\$40 \$50	\$400 \$500	\$75 \$125
	Youth Baseball Field	\$30 \$40	\$300 \$400	\$50 \$60
	Tennis Court	\$25		\$25 \$40
	Basketball Court	\$25		\$25 \$40
Hoxie Field	Youth Baseball Field	\$30 \$40	\$300 \$400	\$50
Keith Field	Regulation Baseball Field	\$30 \$40	\$300 \$400	\$50 \$60
Pocasset Recreation Area	Youth Baseball Field	\$30 \$40	\$300 \$400	NA
	Tennis Court	\$25		\$25 \$40
	Basketball Court	\$25		\$25 \$40
Monument Beach Ballfield	Youth Baseball Field	\$30 \$40	\$300 \$400	NA
Chester Park	Basketball Court	\$25		\$25 \$40
	Tennis Court	\$25		\$25 \$40

Non-Profit groups can request a reduction in fees for special events or in exchange for field upkeep. For-profit groups and private businesses will not be granted any fee reductions. Fees are per facility and per season.

For profit use will be restricted to league play. No private instruction, clinics or workshops are allowed on Town property (ballfields, courts, beaches etc.).



Bourne Recreation Department
Bourne Veteran's Memorial Community Center
239 Main Street
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 5302
www.bournerec.com

TOWN OF BOURNE FACILITY RENTALS

Hold Harmless Agreement

(Acknowledged during online reservation process)

It is agreed by _____ hereinafter called the Organization, that the Town of Bourne be absolved of any and all liability brought about by actions of the participants and/or patrons of the Organization while using the facilities of the Town of Bourne for the purpose of _____. It is further agreed that the Organization accepts responsibility for any and all damages caused by the participants and/or patrons of the Organization that are determined to be above and beyond what is considered normal wear and tear of the facilities. I have read and understand the policies as outlined above for use of Town property. I further understand that violation of the above stated policies will result in all organizational privileges being revoked.

Indemnification and Release

(Acknowledged during online reservation process)

This is a legally binding document. Do not sign it until you have read the contents hereof and understand the same. If you are in doubt, consult an attorney prior to signing this document.

In consideration of the permission granted to it by the Town of Bourne for the purpose of using playing fields and recreational properties owned by the Town of Bourne, the undersigned, in recognition of the fact that Bourne has no lawful obligation to permit said usage by any person, group or other entity not sponsored by the Recreation Department, does hereby release the Town of Bourne, its agents, servants, employees and volunteers from any liability whatsoever in the event of injury to any persons or any actual or perceived infringement of the personal security of any person using the said playing fields and/or recreation areas while engaged in usage authorized by the Town or to any person attending such activity and the undersigned intends this release to be effective and binding on himself/herself and all members, guests, invitees or observers of the group activity which she/he herein represents. This release is provided in addition to, and without limitation on, any and all defenses available to the Town of Bourne pursuant to the Massachusetts General Law and common law.

The undersigned, on behalf of him/herself and the members of the group or entity he/she represents, does hereby agree to indemnify the Town and its agents, servants, employees and volunteers against any and all claims, suits, actions, debts, damages, costs, charges and expenses including court costs and attorney's fees, and against all liability, losses and damages of any nature whatsoever, that the Town shall or may at any time sustain or be put to by reason of the usage of the Town owned property, as contemplated herein.

Signature

Date

Title

Name of Organization

Judy Froman questioned regarding the grounds, what happens when an event happens on the weekend, will DPW go and clean or inspect the park after the event. George Sala said the DPW could just check the park after the event to make sure it was left as stated in the

contract. This policy is to prevent any future damage to a beautiful park, which has happened in the past. We now have rules the applicant will have to abide by.

Krissanne Caron, said applications will be reviewed as they come in.

Voted Peter Meier moved and seconded by Judy Froman to approve.

Peter Meier amended his motion to move this from first reading over to second reading, Judy Froman seconded that amendment. Vote: 4-0

5.c Discussion and possible vote on update fee schedules for Community Building, et.al

Tom Guerino said this is an amendment to an existing policy so the Selectmen could vote on this tonight.

Krissanne Caron said there are changes on page 2.

50

Bourne Veteran's Memorial Community Building Reservation Policies

How to request a room/gym at the Community Building:

- Availability for all locations can be found on www.bournerec.com. Click on "Facilities" then select calendar. From the drop down menu you can select a specific location.
1. The requesting group must have an account on www.bournerec.com. Accounts should be set up for the organization, not an individual household.
 - a. Once an account is created, the request is to be made online. Login to your account and click on the "Reserve" icon then follow the prompts to complete your request.
 2. Gym requests are pending and will not be approved without receipt of the following:
 - a. Indemnification and Release (Acknowledged during online request process)
 - b. Copy of Certificate of Insurance. Coverage will be required in the minimum amounts of \$2,000,000 per person, \$3,000,000 per occurrence for all private groups/organizations. Proof of insurance must be uploaded to your [bournerec.com](http://www.bournerec.com) account prior to your request.
 3. Any non-profit group must submit the following:
 - a. Copy of current Non-Profit Certification (Upload to your account prior to request)
 4. Once the above listed documents are received, the request will be reviewed by the Recreation Department. Notification of the status will be sent to the email listed on the account.
 5. Once approved, full payment must be made prior to the permit start date. There are no refunds for dates reserved and not used.

Rental Information:

Availability of space is not a guarantee of approval for use.

Meeting space can be reserved in 3 hour blocks. Rooms will be available at the requested time. The 3 hour block includes set-up/breakdown time needed by the group.

Town of Bourne sanctioned or sponsored committees, functions, activities, or events will take precedent over all other events or activities.

Town of Bourne Departments, Committees and local support groups can reserve rooms up to 12 months in advance. All others may reserve up to 3 months in advance.

Reservations may be cancelled based on the needs of Town Departments and/or Committees. We will do our best to provide a minimum of 24 hours' notice for all cancellations. Fees will be credited for future use for all cancellations made by the Town of Bourne. If no future reservations are needed, a refund will be issued if cancelled by the Town of Bourne. Groups requesting a cancellation will be issued a credit/refund if cancelled 7 or more days prior to the date.

Any person or organization granted the use of Town property shall assume full liability for any damage to the property, injury to participants, damage to or loss of equipment. If the person or organization applying shall not be deemed to be of sufficient responsibility, no permission will be granted.

Bourne Veteran's Memorial Community Building Reservation Policies

The use of Town property must not violate any local, state, or federal law or regulation, and any such violation shall be deemed sufficient cause for the refusal of any subsequent application by the person or organization involved.

Scheduling Information:

In inclement weather, the Town of Bourne reserves the right to close the Community Building and cancel all scheduled activities. Any decision to close is made by the Town Administrator. Fees will be credited for future use.

Meeting rooms are often scheduled back to back. Rooms will be available at the requested time.

We reserve the right to change room assignments.

Building Policies:

Alcoholic beverages are not permitted on Town property.

Smoking is not allowed on Community Building Property.

Exterior doors in Rooms 1 and 2 are emergency exits only. These doors are not accessible from the outside and need to remain closed except in case of emergency.

All visitors to the Community Building must enter and exit through either the main lobby doors or the rear door located in the back of the building.

After 4:30pm, all visitors must enter through the main lobby doors.

All exterior gym doors are to remain closed at all times.

All groups are responsible for the set-up and break-down of the room. Rooms need to be returned to the original set-up after all meetings. If extra time is needed, please build that into your reservation request, but please note fees are based on a 3 hour block.

Due to limited space, supplies needed for group meetings and gym rentals cannot be left in the building. The Town of Bourne is not responsible for items left behind.

All participants must adhere to any other policy/rules set by the Town of Bourne.

Restrictions:

We do not allow clinics or private instruction rentals in the gym.

We do not allow rentals for individual profit in the Community Building. For profit use will be restricted to in-house trainings, etc., no fee based trainings or seminars are allowed.

Bourne Veteran's Memorial Community Building Reservation Policies

Fee Information:

In-town boards, committees and State/Federal agencies can reserve meeting rooms at no charge. Fees listed below are for events scheduled during regular operating hours, Monday – Friday 9:00am – 8:45pm and Saturdays 9:00am – 5:00pm (September – June). The building reduces evening/weekend hours in July and August. The 3-hour time block includes set-up/breakdown time.

Room Fees and Set-Up:

- Room 1:* Small groups (under 15 people): \$40/up to 3 hours
 All other groups: \$60/Up to 3 hours
 Corporate Meetings/Trainings: \$75/Up to 3 hours
Capacity: 32 people. Tables set in 2 rectangle sets of 16
 Sunday Rental: \$270 for up to 3 hours. Includes room and custodial fees
- Room 2:* Small groups (under 15 people): \$50/up to 3 hours
 All other groups: \$70/Up to 3 hours
 Corporate Meetings/Trainings: \$100/Up to 3 hours
Capacity: 40 people. Permanent U-Shaped conference table at one end. Appropriate for boards and committees. 5 rows with 8 chairs each. This room comes equipped with a screen and projector.
 Sunday Rental: \$300 for up to 3 hours. Includes room and custodial fees
- Room 3:* Small groups (under 18 people): \$40/up to 3 hours
 Corporate Meetings/Trainings: \$75/Up to 3 hours
Capacity: 18 people. Tables set in 1 large rectangle.
 Sunday Rental: \$270 for up to 3 hours. Includes room and custodial fees
- Cafeteria:* Small groups (under 15 people): \$50/up to 3 hours
 All other groups: \$70/Up to 3 hours
Capacity: 56 people. Round tables of 8. Kitchen use not included.
 Sunday Rental: \$300 for up to 3 hours. Includes room and custodial fees
- Gym:* Registered non-profit: \$40/Up to 2 hours 1/2 gym; \$80 whole gym
 All others: \$80/Up to 2 hours 1/2 gym; \$160 whole gym
 Game Rental: \$50/Up to 3 hours: Includes use of our scoring equipment
Capacity: Up to 4 teams for practice (full gym).
 Sunday Rental: \$630/whole gym, up to 3 hours. Includes rental and custodial fees

After hours/Sunday scheduling may be available but is not guaranteed. There are no half-gym rentals on Sundays. Per the Board of Selectmen, two special event waivers per non-profit group may be requested in a calendar year. Any waiver would not include the custodial fee of \$150 (Up to 4 hours) or \$300 (Up to 8 hours).

Don Pickard questioned clinics or private instruction rentals in the gym and rentals for individual profit in the community building. For profit use will be restricted to in-house trainings no fee based training or seminars are allowed.

Krissanne Caron said we have never allowed a private business come in and charge people to attend their function.

Tom Guerino said when these policies first came before the Selectmen, the Board was very strong that there was not to be a for-profit business come in and use the building where people had to pay to attend. It was for municipal purposes and recreational non-profit purposes.

Voted Judy Froman moved and seconded by Peter Meier to approve the update fee schedule for the Community Building. **Vote 4-0.**

6) Barry Johnson, Open Space Committee, request approval of naming town-owned recreational parcel next to the Aptuxcet Trading Post parcel

Barry Johnson requested personal privilege to state that Mr. Cannon has already had an impact on the staff and the public, and it is refreshing to see the extra help in the town office. He is a tremendous addition to the Staff of the Town Hall.

Mr. Johnson, Chairman of the Open Space Committee, said pursuant to the Selectmen's policy on naming town property and on behalf of the members of the open space committee I am here to formally request the Board approve the naming of a town owned open space passive recreation parcel located at 10 Aptuxcet Road, which is directly adjacent to the Aptuxcet Trading Post. We understand that we need to provide to the Board a design of the sign that we will be installing on the site. It will be the same design as the other open space signs we have been using throughout the town that show that a parcel may be used for open space passive recreation purposes. The name of the parcel will be part of the sign. The cost for making and installing the signs as well as replacing them as necessary will be paid from the Open Space recreations line item of the Community Preservation Fund. We are asking the Board to vote its initial approval of naming this parcel as the "Canal Overlook" as the Open Space Committee has suggested.

Jack Mulkeen suggested the parcel be called the Cape Cod Canal Overlook.

Voted Peter Meier moved and seconded by Judy Froman to move it to the meeting on May 22, 2018. **Vote 4-0.**

Voted Peter Meier moved and seconded by Judy Froman to take 8C out of order. **Vote 4-0.**

8c. Signing of the 2018 Annual Town Election

Voted Peter Meier moved and seconded by Judy Froman to authorize the Board to sign the 2018 Annual Town Election Warrant. **Vote 4-0.**

7) Dan Barrett, ISWM General Manager - Inter-municipal Agreement to extend the Upper Cape Regional Transfer Station

Dan Barrett presented the Board with the proposed extension of the inter-municipal agreement between Falmouth, Mashpee, Bourne and Sandwich for the operation of the Upper Cape Regional Transfer Station. It has minor changes. It is a 4½ year extension.

There was a slight change to the portion of potential revenues. Any potential excess funds will be apportioned equally amongst the towns. We don't expect there to be a lot of revenue from this project It is a 4 ½ year contract to expire on December 31, 2022, with a 4 year potential extension to match the RFP.

Voted Don Pickard moved and seconded by Peter Meier to accept the recommendation from Mr. Barrett on the inter-municipal agreement extending the Upper Cape Regional Transfer Station. **Vote 4-0.**

8) Selectmen's Business

- a. Rules of Procedure Workshop - 10 minute discussion**
- b. Composite review reporting of TA annual evaluation**
- c. Signing of the 2018 Annual Town Election**

George Slade said we will defer item 8A Rules of Procedure Workshop to the next Board of Selectmen meeting on May 22nd.

8.b Composite review reporting of TA annual evaluation

George Slade said this evaluation is done every year. The Board members have prepared their individual evaluation and sent them to the Chair. The Chair has compiled all the comments.

George Slade read:

**CHAIRMAN'S NARRATIVE OF THE TOWN
ADMINISTRATOR'S 2017-2018 PERFORMANCE
EVALUATION
GEORGE SLADE, CHAIRMAN**

The town administrator is evaluated annually in May for his performance from the prior May's election to the present. The evaluation is a combination of numerical scoring and narratives provided by board members. The evaluation covers five areas of performance: Relationship with the Board; Financial Management; Town Management; Community and Public Relations; and Accomplishment or Progress on Annual Goals. At the end of the review each member is asked to answer the following questions: What has the Town Administrator

done well? What could the Town Administrator do better? What steps could the Town Administrator take to improve performance?

Relationship with the Board –

The board enjoys one-on-one collegiality with the administrator. He allocates time to plan the agenda while being aware of open meeting requirements. His responses to questions are usually answered expeditiously.

Communication with Board is usually good, however, not as consistent as it should be. Without a more robust mutual trust component, continuous improvement toward town initiatives will be threatened. Periodic reports have been reduced to once per month per mutual consent. Instances in which specific requests for information go unanswered, while rare, happen on occasion. Organization skills need to be improved. A certain degree of chaos is inherent within the top level of municipal government. With the benefit of a full-time, well qualified assistant, he must gradually and strategically transition his responsibilities to conform to the recently aligned organization chart.

He has developed a wealth of institutional knowledge. The board acknowledges that his ability to fill in missing information or answer general questions that come up during a meeting is helpful and sees value in the fact that he will often respond quickly. However, when he relies too heavily on memory, his details are vague. There is a feeling that he would be well served to have information properly sourced.

Financial Management

Board members generally graded the administrator quite well in this area. The budget process is a well-oiled process that benefits from his years of experience.

It was pointed out that corrections and revisions occur during the review of the budget; however, the frequency is reduced compared to prior years. By having a reasonably effective working relationship with Finance Department and committee, he usually works through the budget season without many problems. Updates at certain key points during the process allow for budget revisions to be easy to follow. By adhering to the Financial Management Policies and Guidelines, the chances for unpleasant surprises during the fiscal year are greatly reduced. Priority Based Budgeting is progressing, albeit slowly. The board needs to be kept abreast of any road blocks. The eventual roll-out must be as smooth as possible.

The board's assessment of long term planning was mixed; it feels that the administrator must use the Financial Management Policies and Guidelines as a reference and the document should be gone through by a working group to ensure its continued relevancy. It will be necessary to blend the Excel sheet projections with a narrative that aligns with the Capital Plan and Local Comprehensive Plan. The town continues to enjoy its above average bond rating.

Town Management

Town Hall is an aging building that needs the cooperation and organization skills of all to avoid losing data. A town of this size and complexity needs to have its top management on top of everything and have quick access to data. Being more receptive to challenges to the traditional working arrangements, it will allow for more effective administration.

Recent staff hires have been seen as well qualified and competent. Emphasis on succession planning is extremely important to maintain continuity within the town's workforce. By coordinating with the Assistant Town Administrator, the strengthening of the human resources function must take place. While it works reasonably well, it is currently de-centralized and must be coordinated.

Community and Public Relations

Administrator worked with his staff to have the Selectmen's agenda posted on the website so that it can be concurrently followed by the public as meetings progress, enhancing transparency.

He is given high marks for maintaining healthy relations with the legislative delegation and officials from neighboring towns.

While one member cited that the administrator seldom responds to problems brought up by citizens, others feel that he has done well within his time constraints. He has acknowledged occasional lapses.

Accomplishment or Progress on Annual Goals

Hiring an Assistant Town Administrator was accomplished recently; it was a coordinated effort involving key people to ensure best practices in proper vetting of candidates and the eventual hire.

The Economic transformation has begun with a particular focus on the village of Buzzards Bay. While the Board of Survey has continued its work to address the badly blighted buildings, the results have not been communicated to the Board. As the other elements approach completion, the town will look forward to the main commercial area of town becoming viable. The next phase of the local comprehensive plan must move forward in a consistent manner.

The professional leadership had begun with historical benchmarks, and morphed into a legal policy that confirmed best practices. The board liaison and town administrator need to combine to summarize the outcomes of the Emergency Services, DPW and Finance portion.

Quality of Life has been in process and is continuing as the beach mat project is refined; the community building hours will be extended to an additional day and the accommodations in the repairs will address the emerging popularity of pickle ball.

The Blue Economy initiative is also a project in process that is dependent on grants that are in various degrees of progress. Through the efforts of the Seaport Economic Council and its investment in the testing platform, it is hoped that the effort will result in new products and jobs.

General Comments

Through mutual agreement, contacts between Town Administrator and the Board should be streamlined so to avoid redundancy. A board member has suggested less frequent board meetings to allow for better agenda preparation.

One board member dedicated considerable space in this evaluation to suggestions for constructive criticism as a way to pave the way for improved performance. This includes trust, the management skills of prioritization, time management, and the presentation and integration

of plans. It ended with the attempt to manipulate the course of conversations.

The weather-related challenges that came about during the third fiscal quarter were significant. The town administrator demonstrated good seasoned leadership and interacted well with his staff to get the town to the point where it is able to recover from the setbacks.

Administrator is often generous in recognizing staff accomplishments for favorable comments in a public setting. Recognizing the spirit of cooperation in securing suitable meeting places while the town recovers, he commended the staff.

The commitment to using Owner Project Managers on a project of significant size is an absolute necessity; administrator has acknowledged the need to determine threshold when it is time to employ one.

Selectmen's Narration Sheet

Newly hired staff has been good additions, along with an additional health inspector and other shared positions.

Allowing autonomy among his department heads is good; The administrator's position as top executive of the town commands a salary commensurate with his longevity and significant role; along with this responsibility is the expectation to meet the goals and challenges of this role. It is often a thankless job, but none-the-less, it is the job.

Effective time management needs to be practiced. One-on-one meetings, while sometimes necessary, do need to be kept brief. Both TA and board members must be conscious that unplanned meetings and contacts can cause inefficiencies if duplicated.

There was also a compilation of numerical scores. The complication from the four Board members put the Town Administrator in satisfactory rating.

Don Pickard said according to the Administrator's contract the Board is to discuss and award the merit increase.

Tom Guerino stated the Town Administrator isn't seeking a merit increase. At the meeting in October if there was no salary adjustment then the budget will be reduced at the Special Town Meeting in October.

9) Selectmen's Reports

a. Events attended past week

b. Events anticipated to attend current week

Peter Meier said last Wednesday at the School Building Construction meeting and the next day at the School Building meeting we were given a letter regarding an error on the school building site. Peter Meier read the letter. This will be paid out of the error and omission's insurance policy by the land surveyor, there will be no additional costs occurred on the taxpayers of the town.

Tomorrow at 9:30 is the Beam Raising Ceremony at the Peebles Elementary School.

Don Pickard said he is going to attend Special Town Meeting.

Judy Froman stated there are Candidates Night coming up. Thursday night is the Planning Board Meeting at the Sagamore Fire House at 7:00 p.m.

10) Town Administrator Report

a. Cape Cod Regional Transit Authority

b. Update of Crab Rock Way

c. Buzzards Bay Park Update

d. Update on Community Center

e. Report Meeting Mass DOT Re; Bypass/St. Margaret's Street/Armory Road

Tom Guerino requested a moment of personal privilege. He spoke about what Mr. Pickard has brought to the Board and to the community as Chair and a member of the Board of Selectmen. Peter Meier spoke highly of Mr. Pickard and what he has done for the Board and the Town. Mr. Slade also spoke highly of what Mr. Pickard has done for the Board and the town. Judy Froman thanked Mr. Pickard for his years of service.

Tom Guerino spoke about the Regional Transit Authority, Mr. Guerino said the budget was passed and spoke briefly about the budget. The budget is up 2.3% overall. The assessments are up 2.5%. Only about 7% of the revenue for the Regional Transit Authority comes from local assessments. They are working on the potential of getting the registry in Hyannis. We are buying the trolleys and they will start the summer of 2019. Mr. Guerino also spoke about the service of the Boston hospital bus trip. The Transit Authority is starting to work with Cape Cod Health Care and some of the services they can provide to the hospital.

10.b. Mr. Guerino gave an update on Crab Rock Way. The roadwork and drainage has been accomplished. The stairs are complete. There are some plantings that have to go on some of the levels. There is a piece of rail that has to be installed.

10.c. Mr. Guerino gave an update on the Buzzards Bay Park. The pavilion is up and done, the splash pad is being put in, paving will be done tomorrow then the sawed will go in. Then we will start working on the punch list.

10.d. Mr. Guerino gave a brief update on the Community Building. The sheetrock is done, the painting is taking place, the court flooring is in the café, hope to have the Council On Aging moved into their location before the elections. We hope to have the Veterans agent in his office and the COA and Rec Departments back in their offices within the next 5-7 business days. The gym has not started yet. The Trustees authorized some alteration in the windows at the COA, to bring them down. A lot of the painting has been done. We found another area that is dripping and we will be addressing that.

10.e. Mr. Guerino said Chief Woodside, Glen Cannon and I met with Mass DOT as it relates to the bypass.

Glenn Cannon spoke about the meeting they had with Mass DOT. They seem to be willing to negotiate on the needs of the town. Mr. Cannon spoke about the paving, guardrail, sideline

fencing, and updating the traffic signal. Tom Guerino said one of the negotiating items was the plowing of the road would be two winter seasons.

Tom Guerino also spoke about the Fix Group. We pressed them on a common message to the Corp of Engineers for what they need to be communicating to the communities as well as the commonwealth on their construction and what the long term is for the bridges, concerning repairs. We requested for the fall work that was currently planned for the Bourne Bridge be delayed until spring of next year. We discussed with them the enormous amount of inconvenience of what this does to the side roads. The last traffic study was done in 2016; we want to get new numbers. Spoke about how there is just about the same amount of traffic coming on to Cape as going off Cape. That sparked the new traffic update. They will provide us a new traffic update. There isn't a big budget for the Corp and roadwork is not their main priority.

Jim Mulvey requested a moment of person privilege. He stated he appreciates the service that Mr. Pickard has put forward for the town.

Judy Froman spoke about the plan that is out for public review from the Cape Cod Metropolitan Planning Organization. It can be found at capecodcommission.org then look for the Cape Cod Metropolitan Planning for the transportation improvement program federal fiscal year 2019-2013.

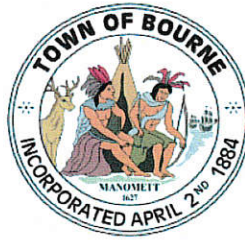
11) Future Agenda

- 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 4/17/18**

12) Adjourn

Voted Peter Meier moved and seconded by Judy Froman to adjourn. Meeting adjourned at 9:01 pm. **Vote 4-0.**

Respectfully submitted – Carole Ellis, secretary.



Selectmen's Correspondence
May 22, 2018

- A. Finance Director Linda Marzelli submitted letter of retirement from the Town of Bourne effective July 3, 2018.
- B. Treasurer/Town Collector Karen Girouard submitted letter of retirement from the Town of Bourne effective July 27, 2018.
- C. Letter from Yarmouth Fire Chief Simonian and Deputy Fire Chief Jon Sawyer thanking Bourne Fire Department for their support in providing fire and ems protection for the citizens of Yarmouth during the wake and funeral of fallen Police Officer Sgt. Gannon.
- D. TEC Associates submitted the Massachusetts Coastal Railroad's 2018 Yearly Operational Plan [Copy on file in the Town Administrator's Office]
- E. Barnstable County Assembly of Delegates and Board of Regional Commissioners approved amendments to the Cape Cod Commission regulations governing review of Development of Regional Impacts in April 2018.
- F. Federal Emergency Management Agency response to a request to determine if property described in the enclosed document is located within an identified Special Flood Hazard Area
- G. Division of Marine Fisheries: Seasonal Status Change – Status: closed to shellfishing – Macos
- H. Board of Appeals Public Hearing Notices:
 - William Russell – 165 Jefferson Road, Bourne
 - RWR Realty LLC – c/o Richard Reed
- I. Letter from Ingrid Hammond & Jeff Lau regarding health and sanitary issues bordering their property at 163 Jefferson Road, Bourne
- J. Letter from Richard Conron regarding an article that was in the Cape Cod Times on April 28, 2018
- K. Department of Environmental Protection received an appeal from Elizabeth Francis, Mooring 17-F Cove – Patuisset North that her mooring permit has been revoked by the Harbormaster
- L. Cable Television Operations of Comcast Cable Communications, LLC for the Fiscal Year Ended December 31, 2017 [Copy on file in the Town Administrator's Office]
- M. Cape Cod Canal Bridges – Construction and Planning Update / May 3, 2018

- N. Cheryl Gomes submitted letter of retirement from the Council on Aging effective July 13, 2018
- O. Letter from Barry Johnson, Chairman of the CPC regarding Hoxie School – Notice of Default and Termination

A

May 8, 2018

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

RECEIVED
MAY 9 2018
TOWN OF BOURNE
BOARD OF SELECTMEN

Dear Tom:

After 25 years working for the Town of Bourne I have decided to retire from my position as Finance Director. It has not been an easy decision to make and I never thought this day would come but after considerable thought I feel it is the right time. My last official day with the Town will be July 3rd, 2018.

It has been an amazing journey which started out being appointed Town Treasurer and then being elected to both positions of Town Treasurer and Town Clerk and then appointed to the position of Finance Director twelve years ago.

I have had the opportunity over the years to work with so many wonderful people and have been able to both share my knowledge and learn from them as well. I am extremely grateful for their help and friendship.

I have truly enjoyed my experiences and the rewards it has provided. I am proud of my accomplishments and believe that I have served the Town of Bourne to the best of my ability with honesty and integrity.

While looking forward to retirement, I will miss working for the Town. I plan to work right up until my last day and will be happy to assist in any way in order to make a smooth transition for the Town.

Sincerely,


Linda Marzelli



TOWN OF BOURNE
Treasurer/Collector's Office
24 Perry Avenue
Buzzards Bay, MA 02532-3441
www.townofbourne.com



Karen E. Girouard, Treasurer/Town Collector
Jean A. Garvey, Asst. Treasurer/Asst. Collector

OFFICE: (508)759-0600 ext. 1506
FAX: (508)759-8026

May 8, 2018

Linda Marzelli, Finance Director
Town of Bourne
24 Perry Ave
Buzzards Bay, MA 02532

RECEIVED
MAY 9 2018
TOWN OF BOURNE
BOARD OF SELECTMEN

Dear Linda,

After serving the Town of Bourne and its employees for the last 31 years, I have decided that I am ready for my next chapter in my life. I am giving you my notice of retirement with my last official work day being Friday July 27, 2018.

All my best

Karen E. Girouard
Karen Girouard



RECEIVED
APR 27 2018
TOWN OF BOURNE
BOARD OF SELECTMEN
YARMOUTH FIRE DEPARTMENT
96 OLD MAIN STREET
SOUTH YARMOUTH, MASSACHUSETTS 02569
Telephone: (508) 398-2212 Fax: (508) 760-4861
jsawyer@yarmouth.ma.us

Deputy Chief Jon Sawyer
Yarmouth Fire Department
April 23, 2018

Chief Norman Sylvester
Bourne Fire Department

Dear Chief Sylvester,

April 12th 2018 was a terrible day for the Yarmouth Police Department, Yarmouth Fire Department, Town of Yarmouth Employees, our citizens and our community on Cape Cod, when Police Officer Sgt. Gannon was killed in the line of duty while serving a warrant in Barnstable. This terrible loss was also very close to Barnstable Police Department and our Brothers at COMM Fire Department.

Overwhelmed with a sense of sadness for Sgt. Gannon and his family and his Yarmouth Police family I started to get calls and text messages from Chiefs and fellow Deputies, everyone offered support and resources. Over the weekend, with the help of neighboring Chief Officers, we formulated a plan to provide fire and ems protection for Sgt. Gannon's wake and funeral, provide fire and ems protection for the citizens of Yarmouth, and provide an Ambulance Task Force to protect our Cape Cod Community.

Chief Simonian and I wish to thank you for your support during our time of need. During the wake and funeral we were able to focus on the men and woman of the Yarmouth Fire Department, you allowed us to grieve together and pay proper respect to our fallen Brother in Blue. The average citizen doesn't realize the undertaking of providing a fully staffed fire department within a few days' notice. The ability to mobilize and protect our town was due to the leadership and professionalism of all who participated.

I thank you on behalf of our citizens, town administration, Police and Fire Chief's. May the need ever come when you call on us we will be there for you!

Sincerely,

Jonathan E. Sawyer

Cc: TA Thomas M. Guerino

*Covered
BOS
Plan
1 M
office*

4 May 2018

Bourne Conservation Commission
Bourne Town Hall
24 Perry Avenue, Room 201
Buzzards Bay, MA 02532

RECEIVED
MAY 07 2018
TOWN OF BOURNE
BOARD OF SELECTMEN

RE: Massachusetts Coastal Railroad
2018 Vegetation Control Program

Dear Commission Members:

Enclosed is the Massachusetts Coastal Railroad's 2018 Yearly Operational Plan prepared in accordance with the Massachusetts Rights-of-Way Management Regulations (333 CMR 11.00) along with a copy of the Environmental Monitor notice scheduled for publication on May 9, 2018. The maps provided with this plan reflect those approved in the Request for Determination filed by our company in 2016. These maps and updates thereof continue in effect unless modified and should be retained in your files. The identification on the maps of private drinking water supply wells remains an ongoing process. Please notify TEC Associates and the Department of Agricultural Resources of any omissions. Please also review your mailing address and the ten-digit police department emergency telephone number listed in the Plan and notify us of any revisions.

The herbicide application as proposed in the 2018 Yearly Operational Plan is scheduled as follows:

Rights-of-Way 26 June - 6 July and 30 July – 10 August 2018

The location of signs marking the limited and no-spray zones will be verified prior to the application. Please call TEC Associates with any questions about this Plan.

Very truly yours,
TEC ASSOCIATES



Thomas W. Lewis

Enclosure

cc: Board of Health
Board of Selectmen
DAR Rights-of-Way Program
Chris Podgurski, MCRR

RECEIVED
MAY 03 2018
TOWN OF BOURNE
BOARD OF SELECTMEN



E

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

CAPE COD
COMMISSION

April 30, 2018

Mr. George Slade
Chair, Board of Selectmen
Town of Bourne
24 Perry Avenue
Bourne, MA 02532

Dear Mr. Slade,

As you know, Cape Cod's coastal waters are showing signs of degradation. Groundwater carrying nitrogen and other nutrients and contaminants, primarily from septic systems, has resulted in loss of eelgrass, degraded fish and shellfish habitat, and overall unpleasant conditions in water bodies across the region. Our environment supports our regional economy and municipal water quality plans and projects are key to improving these important resources.

In April the Barnstable County Assembly of Delegates and Board of Regional Commissioners approved amendments to the Cape Cod Commission regulations governing review of Developments of Regional Impact (DRIs). The amendments exempt municipal water quality plans and projects from DRI review in cases where nutrient remediation is the primary purpose. In place of DRI review, these plans and projects will be reviewed for consistency with the Cape Cod Area Wide Water Quality Management Plan, or 208 Plan.

These regulatory amendments are directly responsive to the recommendations of the 208 Plan and 2017 208 Plan Implementation Report, both of which seek to encourage continued progress toward improved water quality. As identified in the attached letters, both the Massachusetts Department of Environmental Protection (MassDEP) and the US Environmental Protection Agency (EPA) have accepted and incorporated the Implementation Report as an addendum to the 208 Plan and are encouraged by the progress made to date; however, much more needs to be done.

This new regulatory approach allows the Commission to be more supportive and collaborative with towns during plan or project development. It provides a better platform for engaging multiple towns on common water quality solutions in shared watersheds and expedites the timeframe for regional review. Consistency review will be completed at the staff level with approval through a determination by the Executive Director.

The amendments apply equally to new plans and projects and those previously reviewed and approved by the Commission as DRIs. Obtaining a 208 consistency determination is required for access to Massachusetts Clean Water State Revolving Fund (SRF) loans and to obtain nitrogen credit through a



watershed permit, which is a new and innovative permitting approach currently being piloted by MassDEP.

The attached guidance provides additional detail on the process for requesting and maintaining a consistency determination and the criteria by which plans and projects will be reviewed. More information about the 208 Plan and the 2017 Implementation Report can be found at www.capecodcommission.org/208.

Moving forward, the Commission will continue to implement the recommendations of the 208 Plan and monitor both local and regional progress. As required by EPA, we are committed to delivering a progress report in April 2019. We will also continue to highlight local and regional initiatives and progress at the annual OneCape Summit. Please feel free to reach out with any questions.

Sincerely,



Kristy Senatori
Acting Executive Director



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Matthew A. Beaton
Secretary

Karyn E. Polito
Lieutenant Governor

Martin Suuberg
Commissioner

February 23, 2018

Ken Moraff, Director
Office of Ecosystem Protection
US EPA Region 1
5 Post Office Square
Boston, MA 02109-3912

Dear Mr. Moraff;

On behalf of the Massachusetts Department of Environmental Protection, I am pleased to submit the 2017 Implementation Report for the Cape Cod Area Wide Water Quality Management Plan Update (the "Plan Update") prepared by the Cape Cod Commission. The Plan Update and associated appendices can be found at:

<https://www.dropbox.com/sh/8jx1fp255tczge1/AADM78NQxxSkx2Vmb2WpeCS3a?dl=0>

The Plan Update was certified by Governor Baker on June 10, 2015 and approved by the Environmental Protection Agency, Region 1 (EPA), in a letter dated September 15, 2015. The Plan Update required that the Cape Cod Commission develop an implementation report providing the status of actions taken to implement the Plan Update. The Implementation Report (the "Report") was a necessary element of EPA's 2015 approval, and we recommend it be incorporated into the approved Plan Update.

The 2017 Implementation Report provides a detailed update on the progress made since 2015 to address the problem of nitrogen pollution of Cape Cod's bays and estuaries. The Report includes Watershed Reports for each of Cape Cod's 53 major watersheds and identifies the actions taken by the 15 towns on the Cape to address water quality impairments in these watersheds. The report also highlights examples of local progress and accomplishments by Cape Cod communities working in shared watersheds, where community collaboration is critical for developing the most effective and affordable approaches to wastewater management.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

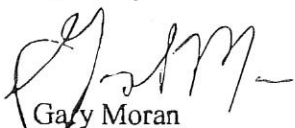
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In addition to summarizing actions taken to date, the Implementation Report identifies future actions and next steps necessary to continue progress in addressing the water quality challenges. The Report identifies 11 priority watersheds in the region, recommending that action must be taken over the next year to address water quality impairment. It also provides recommendations regarding additional actions related to funding, monitoring, support tools, regulatory reforms and collaboration among local, regional and state agencies.

The 2017 Implementation Report provides an accurate summary of activities undertaken since the approval of the Plan Update, and satisfies the commitment provide an implementation report made in the Plan Update and included in EPA's September 15, 2015 letter approving the Plan Update.

MassDEP recognizes the importance of ensuring continued progress to address the Cape's wastewater problem and to restore the Cape's bays and estuaries. The Cape Cod 208 Plan Update was intended to empower the Cape communities to develop and implement the most affordable and effective solutions to the water quality problems facing Cape Cod, and we are pleased to see Cape communities developing and implementing solutions. However, with the scientific understanding and tools in place to help develop the most effective solutions, MassDEP has the responsibility to ensure that timely actions are taken to address the ongoing degradation of these water resources and the environment, particularly in those areas where significant ongoing discharges of pollutants create serious impairments. At EPA's request, MassDEP outlined this role to EPA as part of the Plan Update approval process. We also recognize that, as stated in EPA's September 15, 2015 approval letter, EPA will also assess the actions being taken by the Commonwealth and Cape towns to implement actions to reduce nitrogen loads and consider additional actions necessary to implement the Plan Update. We look forward to continuing to work with EPA to ensure necessary actions are implemented.

Sincerely,



Gary Moran
Deputy Commissioner

Cc: Kristy Senatori, Acting Executive Director
Cape Cod Commission



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

March 21, 2018

Gary Moran, Deputy Commissioner
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

Re: Submission of 2017 Implementation Report for the Cape Cod Area Wide Water Quality Management Plan Update

Dear Deputy Commissioner Moran:

Thank you for your February 23, 2018 letter submitting the 2017 Implementation Report for the Cape Cod Area Wide Water Quality Management Plan Update prepared by the Cape Cod Commission. The Cape's water quality challenges continue to be of great concern to EPA, as we know they are for the Commonwealth. We read the Implementation Report closely, and, as you recommend, we incorporate it as an addendum to the EPA-approved 208 Plan Update. It is critically important that both MassDEP and EPA continue to regularly review progress implementing the 208 Plan. We note that the Implementation Plan has been submitted to satisfy a milestone of the implementation schedule set forth by the Cape Cod Commission in an August 25, 2015 letter from Executive Director Paul Niedzwiecki, which was specifically relied upon by EPA in its September 15, 2015 approval of the Plan Update.

The Implementation Report provides an opportunity to examine the activities that have been undertaken to date to solve nitrogen-related water quality problems facing Cape Cod and to assess progress. The report discusses the completion of watershed reports for 53 watersheds and identification of 11 priority watersheds, and includes a summary of local progress and projects, draft guidance for towns on the Section 208 Plan Consistency Review, preliminary guidance for piloting and monitoring non-traditional technologies, and the status of Plan Update recommendations.

It is evident that MassDEP, the Cape Cod Commission, and Cape Cod towns have made considerable progress to implement the 208 Plan Update. The Implementation Report's recommendations of additional actions to be taken over the near term are vital to the success of addressing water quality issues on the Cape. EPA remains fully cognizant of the environmental, economic and technical complexity of the task ahead. We are encouraged by the willingness of all stakeholders to engage in a focused, substantive planning process to restore and maintain the health of Cape Cod embayments. As Cape Cod towns head into the Plan Update implementation phase, it is critical that they invest resources necessary to address nitrogen sources and meet the implementation milestones in the timeline that has been set forth by the Cape Cod Commission. EPA continues to closely track progress and, to ensure that timely action is being taken and to carry out our responsibilities under a court-approved Settlement Agreement, EPA has asked the Cape Cod Commission to submit to us by April 2019 an update on each town's progress and the Commission's success in completing the priority recommendations in the 2017

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Implementation Report. Likewise, EPA has requested that MassDEP provide, also by April 2019, an assessment of its progress working with towns on Cape Cod and an update on state regulatory actions and other measures taken to implement the Plan Update consistent with the role that was outlined to EPA in your letter to Deborah Szaro dated August 14, 2015, which EPA specifically relied upon in approving the 208 Plan Update.

EPA looks forward to continued cooperation and participation with the Commonwealth, the Commission, Barnstable County, Cape Cod towns, and other stakeholders as the implementation of the Plan Update progresses. Should you have any questions, please do not hesitate to contact MaryJo Feuerbach at (617) 918-1578 or Samir Bukhari at (618) 918-1095.

Sincerely,



Ken Moraff
Director, Office of Ecosystem Protection

cc:

Commissioner Martin Suuberg, Massachusetts Department of Environmental Protection
Kristi Senatori, Cape Cod Commission
Lynne Hamjian, US EPA Region 1
MaryJo Feuerbach, US EPA Region 1
Samir Bukhari, US EPA Region 1
Bryan Dore, US EPA Region 1
Chris Kilian, Conservation Law Foundation
Leo G. Cakounes, Barnstable County Commissioner
Mary Pat Flynn, Barnstable County Commissioner
Ronald R. Beaty, Barnstable County Commissioner
Mark S. Ells, Town Manager of Barnstable
Thomas M. Guerino, Town Administrator of Bourne
Michael Embury, Town Administrator of Brewster
Jill R. Goldsmith, Town Manager of Chatham
Elizabeth Sullivan, Town Administrator of Dennis
Jacqueline Beebe, Town Administrator of Eastham
Julian Suso, Town Manager of Falmouth
Christopher Clark, Town Administrator of Harwich
Rodney Collins, Town Manager of Mashpee
John Kelly, Town Administrator of Orleans
David Panagore, Town Manager of Provincetown
George Dunham, Town Manager of Sandwich
Rae Ann Palmer, Town Administrator of Truro
Daniel Hoort, Town Administrator of Wellfleet
Daniel Knapik, Town Administrator of Yarmouth

Guidance on Section 208 Plan Update











Consistency Review Criteria

April 2018

Pursuant to recommendation R3.7 of the approved and certified Cape Cod Area Wide Water Quality Management Plan Update (the “208 Plan Update”), all municipal nutrient management plans in the region shall be prepared and implemented consistent with the 208 Plan Update, and shall be subject to review by the Cape Cod Commission for consistency with the 208 Plan Update. The consistency review shall be the Commission’s principal means of reviewing municipal plans. Plans deemed consistent with the 208 Plan Update will, among other things, become eligible for 0% State Revolving Fund (SRF) loans and other financial assistance. DEP will require the Commission’s determination that a plan is consistent with the 208 Plan Update pursuant to its watershed permitting program for Waste Treatment Management Agencies (WMAs).

As part of the approved and certified 208 Plan Update, the 15 Cape Cod municipalities were designated as WMAs under Section 208 of the Federal Clean Water Act. A WMA has standing to propose a plan and seek consistency review hereunder.

The following are general 208 Plan Update review criteria:

-  WMA assumes responsibility for controllable nitrogen for any part of the watershed within its jurisdiction
-  Plan meets applicable nutrient reduction targets
-  Planning occurs at a watershed level with consideration of a hybrid approach
-  Public was engaged to gain plan consensus
-  Plan includes proposed strategies to manage nitrogen loading from new growth
-  Plan includes adaptive management approach
-  Plan includes pre- and post-implementation monitoring program
-  Plan includes a description and assessment of the town’s proposed funding strategy
-  WMA commits to regular 208 Plan Update Consistency reviews until water quality goals are achieved, generally reviewed at least every five years
-  In shared watersheds, WMA seeking 208 Consistency Review collaborates with neighboring WMA(s) on nitrogen allocation, shared solutions, and cost saving measures

The following pages provide additional detail on each of the general review criteria.

Applicable criteria may vary based on the type of plan or project proposed. Early consultation with Commission staff will be necessary to identify applicable criteria. If the applicant is engaged with a Watershed Team, this discussion and the identification of applicable criteria will be inherent in that process. All other applicants should notify the Commission of the need for a consistency review as early as possible in the planning process. A pre-application meeting or series of meetings, as necessary, will be held to discuss plan or project goals, a schedule for planning and submission for review, and applicable criteria. The following provides a list of criteria that are likely to be included based on plan type.

- Targeted Watershed Plans (TWMP) will typically be reviewed based on all criteria included in this document.
- Municipal-wide Comprehensive Wastewater Management Plans (CWMPs) will typically be reviewed based on criteria 1 through 9; however, criteria 10 (collaborating with neighboring WMAs) must be addressed. Should the applicant choose not to collaborate with neighboring communities, the applicant provide an explanation of this decision and shall quantify in the CWMP the cost differential associated with a municipal plan versus a shared watershed plan for each watershed not solely within the jurisdiction of the applicant.
- Projects seeking SRF funding but are not part of a TWMP or CWMP, or projects that are moving forward prior to submission of a complete TWMP or CWMP will typically be reviewed based on criteria 1, 4, 6, and 7 and will be considered in the context of the TWMP or CWMP, where applicable.

In instances where a municipal plan has previously been approved by the Commission under Development of Regional Impact review and is in its implementation phase, the Commission may vary application of the following criteria on a case by case basis.

1) WMA assumes responsibility for controllable nitrogen for any part of the watershed within its jurisdiction

The 208 Plan Update assigns nitrogen load responsibility for each subembayment watershed to WMAs based on the existing, controllable nitrogen load, in kilograms, from contributing homes and businesses and other land uses within their jurisdictional boundaries. In areas where attenuation information is available, the WMAs percentage contributions are based on the existing attenuated nitrogen load. The subembayment watershed is used for the purposes of assigning responsibility as it is consistent with the approach that the Massachusetts Estuaries Project (MEP) uses to establish nitrogen thresholds. The detailed methodology for assigning responsibility is described in Chapter 8 of the 208 Plan Update, beginning on page 8-7, and the complete breakdown of nitrogen responsibility for each town can be found in Appendix 8C of the 208 Plan Update and the Watershed Reports in Appendix B of the 2017 Implementation Report. Data used to inform the calculations of Appendix 8C will be updated every five years and allocations will be reissued, as needed and appropriate.

A WMA shall assume its nitrogen loading responsibility as set out in the 208 Plan Update, unless otherwise determined through the Process for WMAs to Revise Nitrogen Load Allocation outlined in the 208 Plan Update and discussed below. A WMA shall establish in its plan a nitrogen design load based on such nitrogen allocation, and any additional nitrogen load for planned or anticipated development, and other specific municipal needs or objectives identified in the plan. Controllable nitrogen sources that a WMA may manage to achieve identified load allocation reductions include septic, wastewater treatment facility discharges, fertilizer and stormwater runoff, landfill leachate, and agricultural operations.

Process for WMAs to Revise Nitrogen Load Allocation

In the event that one or more WMAs disagrees with the nitrogen load allocation set forth in the 208 Plan Update there are two methods by which they may request a revision to the Commission. A WMA or WMAs may request a revision by mutual agreement with all of the WMAs with jurisdiction within a respective shared watershed, or a WMA may submit an individual application for a revision to its allocation. If said revision is agreed upon and approved, the Commission will amend said Appendix 8C of the 208 Plan Update to reflect said revision, and the revision and supporting information shall be incorporated into the WMAs plan accordingly.

Revision by Mutual Agreement

Requesting a revision by mutual agreement requires that each WMA with jurisdiction over land in the respective subembayment watershed be party to a binding agreement that specifies an agreed upon nitrogen load allocation for each WMA. This agreement may be in the form of a memorandum of understanding, intermunicipal agreement or through the issuance of a DEP watershed permit.

Individual Application for Revision

A request for a revision to the nitrogen load allocation in a specific watershed may be submitted by an individual WMA for one of the following three reasons:

- New or better data is available, including actual data where estimates were previously used
- A correction to the data is requested
- There is a disagreement about or a suggestion to improve the methodology for calculation of the allocation.

The request must include the supporting data or suggested calculation methodology. It will be reviewed by a 208 Technical Review Group (TRG) that consists of representatives designated by US EPA, MassDEP, and the Cape Cod Commission, with at least one representative from each agency and which may be augmented by one or more members designated by the TRG, as necessary and appropriate. To be deemed complete the applicant must provide the proposed data, provide a narrative justification for the correction, and/or propose an alternative methodology, depending on the reason for the application.

In the event that actual data becomes available where estimates were previously used, and where no target has been established by a Massachusetts Estuaries Project (MEP) report or Total Maximum Daily Load (TMDL), an amendment to Appendix 8C of the 208 Plan Update will be issued and the newly adopted information shall be incorporated into the town's planning, regulatory and consistency documents. In all other cases of updated or corrected data the TRG will review and, upon agreement of the group that an update to the data is necessary or a correction should be made, Appendix 8C in the 208 Plan Update will be amended and the newly adopted information shall be incorporated into the town's planning.

If the application for revision concerns the methodology by which the WMA's nitrogen load allocation has been established under the 208 Plan Update, a WMA may suggest an alternative methodology which will be reviewed and considered for approval by the TRG. In the case of a shared watershed, if the group agrees that a revised methodology is appropriate such revised methodology may only be allowed by mutual agreement between all of the WMAs with jurisdiction over lands in the respective subembayment watershed.

2) Plan meets applicable nutrient reduction targets

All plans shall achieve the nitrogen load reduction required, either as allocated in the 208 Plan Update, or as agreed upon and approved via the allocation revision process outlined in section 1 herein.

3) Planning occurs at a watershed level with consideration of a hybrid approach

Planning and analysis shall be on a subembayment watershed basis. The goal of watershed based planning is to focus solutions on the jurisdiction of the problem (watershed boundaries) rather than municipal boundaries.

The 208 Plan Update requires a broad alternatives analysis culminating in the development of a "hybrid" plan for each watershed. This is to ensure that all potential solutions are considered and that taxpayers understand the costs and effectiveness of different strategies and the tradeoffs between those strategies. Ultimately it is expected that hybrid solutions will result in the most effective and cost-efficient solutions to achieve water quality goals. A WMA shall provide a broad Alternatives analysis of potential approaches. A collection scenario and a non-collection, or non-traditional, scenario shall be developed. At least one hybrid watershed scenario shall be developed following the hybrid watershed scenario planning process outlined in the 208 Plan Update that integrates reduction, remediation and restoration technologies and approaches.

The WMA shall include MS4 permit requirements and other stormwater management controls and approaches as part of the plan.

Policies and structural and non-structural strategies to manage fertilizer nitrogen contributions shall be discussed and included in the plan.

4) The public was engaged to gain plan consensus

The local planning process shall engage the public at the watershed level to gain consensus on proposed actions and those included shall represent a range of community stakeholders. The WMA shall engage and educate a wide range of stakeholders, including those within contributing Environmental Justice communities, and encourage comments from all relevant local, state, regional and federal government entities and interested members of the public on the proposed plan.

The WMA shall coordinate where possible with existing watershed associations and/or promote the formation of new associations early in the process to ensure public involvement in the process and public support for implementation. These associations can serve as both advisors and ambassadors of local plans. The range of viewpoints represented will ensure closer coordination between plan development, local need and community values.

5) Plan includes proposed strategies to manage nitrogen loading from new growth

A WMA shall calculate its future nitrogen loading responsibility for the watershed(s) in question based on buildout, and based on unattenuated nitrogen loads (in contrast to existing loads which are calculated based on attenuated loads). Buildout is the state of maximum development permitted by zoning and other regulations. Alternative strategies for controlling the nitrogen that results from growth are summarized in Chapter 7 of the 208 Plan Update.

The WMA shall submit for review proposed strategies to handle nitrogen loading from new growth (a Nutrient Growth Management Plan) as discussed in Chapter 3 of the 208 Plan Update and in Appendix H of the 2017 Implementation Report.

6) Plan includes an adaptive management approach

As watershed plans will include numerous and alternative strategies and approaches proposed to achieve required nitrogen reduction and other goals, these plans shall also include an adaptive management plan to guide a WMA's future decision-making with respect to plan implementation. AMPs shall contain specific milestones and triggers for decision-making, undertaking actions, and reporting relative to plan implementation for the respective watershed.

As part of the AMP, a traditional collection and treatment plan, including future expansion or phases of any core collection system, shall be proposed or considered for future phases of the watershed plan if the non-traditional technologies do not perform as anticipated, and adequately to achieve the WMA's required nitrogen reduction within the time periods set out in the AMP. A traditional sewerage plan, including future expansion, or phases, of the core collection system, will serve as the backup plan for future phases of the watershed plan in the event that the non-traditional practices do not perform adequately.

The adaptive management plan shall be structured in five-year increments, enabling time for the design, permitting and construction of technologies and a for testing and monitoring.

The WMA shall establish a process for evaluating the performance of deployed technologies at the completion of each five-year period, including an assessment of the achieved nutrient removal, cost, and other associated benefits or relevant consequences of the technology. In

instances where it is determined that the success of a particular technology has not been fully realized as intended, the AMP process shall include an evaluation of possible adjustments and improvements and potential continuation of the technology. Where it is determined that a particular technology has not performed, and likely will not perform, as intended and a WMA chooses not to pursue such technology any longer, a process for decommissioning or abandoning the technology, as deemed necessary, shall be included in the AMP.

A process for evaluating and integrating embayment water quality monitoring data with technology performance data shall be outlined in the AMP.

The AMP shall also guide a WMA's decision-making about the siting of proposed technologies. A WMA shall consider, discuss and address in its AMP potential construction and operational impacts on the built and natural environment associated with preferred siting, and alternative siting scenarios that might limit, minimize or avoid such impacts. Considerations shall include:

- Effects of technologies on drinking water resources
 - Nitrogen
 - Contaminants of Emerging Concern
- Effects of technologies on Fresh surface waters
 - Phosphorous loading
- Effects on saltwater resources
 - Salt marsh
 - Brackish waters and tributaries
- Disposal locations
- Construction Impacts

7) Plan includes a pre- and post-implementation monitoring program

An ongoing monitoring program for technology performance shall be included in the plan. At a minimum, the monitoring program shall address nitrogen, but may include other compounds.

The performance monitoring protocol(s) shall include an assessment of downgradient resources or sensitive receptors; assessment of nitrogen concentrations in water bodies that are located in or contribute to the respective watershed; placement of monitoring stations; parameters of evaluation; methods for collecting and analyzing data; and frequency of data collection, and shall be consistent with the Monitoring Protocols issued by the 208 Plan Update Monitoring Committee as appropriate (See Appendix C of the 2017 Implementation Report).

Plans shall include monitoring for the impacts of stormwater and the efficacy of fertilizer management strategies, and a process for integrating this data with embayment water quality data and improvements.

Embayment monitoring shall rely on the current MEP monitoring locations and protocols unless and until they are altered via the ongoing efforts to regionalize and standardize monitoring as may be recommended by the Monitoring Committee and Cape Cod Commission and thereafter adopted by the Cape Cod Commission and MassDEP, or if new or revised protocols are required by a watershed permit or another regulatory scheme.

The WMA shall enter into a Data Sharing Agreement with the Cape Cod Commission to house data, technical studies, reports and maps and other relevant information that is generated as a

result of data analysis associated with this plan in a regional data warehouse that will maintain water quality data sets and make them publicly available. In addition, the Data Sharing Agreement includes a process for the sharing of building permit data to identify and quantify land uses that increase water use on any parcel.

8) Plan includes a description and assessment of the town's proposed funding strategy

In order for the town(s) to be able to implement water quality plans and projects they must address the development of a funding strategy.

All plans shall include a fiscal analysis of the town's ability to pay for the projects proposed. Potential local revenue sources and outside sources of funding should be identified and schedules for financing over the life of the project(s) should be included.

The town should describe their overall approach to pay for proposed project(s). Town(s) should include a discussion on which of the variety of financing tools will be used, such as debt, betterments, general tax revenues, or others, along with an explanation as to why the approach was chosen. If the town(s) anticipates seeking outside funds identify the sources being considered. The amounts and timelines should be described. The town should also describe which parts of the plan/which projects each source will fund.

The town(s) should describe the impact of the overall approach on all property owners. It is suggested that a discussion be included on how primary homeowners, second homeowners and commercial property owners will contribute and how each group might be impacted over time.

The town(s) should describe how the approach fits into the context of long-term town capital planning needs. The expected impact of the chosen funding strategy on the town's ability to provide expected town services should be addressed.

Given the adaptive management approach encouraged by the 208 Plan, it is recognized that town(s) may not know everything upon initial submission. Updates and additional detail will be required at each 5-year check-in.

9) WMA commits to regular 208 Plan Update Consistency reviews until water quality goals are achieved, generally reviewed at least every five years

The WMA shall commit to submitting all future plans and material changes to existing plans to the Cape Cod Commission for consistency review at least every five years.

10) In shared watersheds, WMA seeking 208 Consistency Review collaborates with neighboring WMA(s) on nitrogen allocation, shared solutions, and cost saving measures

In shared watersheds, and in circumstances where nitrogen management infrastructure or approaches may be shared, an effort shall be made to engage neighboring and other appropriate WMAs and cooperate on solutions.

Treatment and disposal capacity shall be preserved where feasible in shared watersheds, or a fiscal analysis of additional costs of limiting infrastructure to the WMA boundaries has been conducted and distributed as part of the planning and public participation process.

In the event a municipality determines that it will not pursue available opportunities to design, construct and operate shared infrastructure or other nitrogen mitigation measures, it shall conduct and present a fiscal analysis of potential additional costs associated with constructing infrastructure limited to town boundaries.

WMA requests a Watershed Team Technical Assistance for Watershed Plan Development

As described in Chapter 5 of the 208 Plan Update, beginning on page 5-15, and Chapter 8, on page 8-10, of the 208 Plan Update, WMAs may request a Watershed Team through the Watershed Team Technical Assistance Program to assist with the development of watershed-based solutions.

Watershed Teams are designed to supplement local capacity and can assist in the areas of water resources, GIS, land use and economic development planning, finance modeling, legal and regulatory issues and 208 consistency, infrastructure and technologies, outreach and consensus building, as requested.

Requests for Watershed Team assistance should be directed to the Cape Cod Commission Executive Director from the respective Town Manager or Administrator, in writing, and should specify the type(s) of assistance requested.

The amount and level of assistance by the Watershed Team allocated to a WMA might vary, and is based on a number of considerations including but not limited to:

- The WMA's required nitrogen load reduction and degree of water quality impairment it must address,
- Level of community plan support,
- Level of collaboration and cooperation with appropriate WMAs,
- Potential for the plan to facilitate information transfer around new technologies and approaches,
- Future growth and economic development potential facilitated by the plan,
- Planning that addresses Title 5 failures and septic variances issued,
- Planning that addresses pond recharge areas,
- Estimated and desired times to realize water quality improvements, and
- Ongoing implementation of other capital projects.

Guidance on Section 208 Plan Update

Obtaining a Consistency Determination

April 2018

Exceptional development pressure in the latter half of the 20th century motivated Cape Cod residents to seek a coordinated regional land use approach to protect the region's natural resources from the consequences of uncoordinated growth. As a result, the Cape Cod Commission (Commission) was created by the Cape Cod Commission Act (Act) in January 1990.

The Cape Cod Commission is Barnstable County's regional planning and regulatory agency and, through the Act, is responsible for balancing the protection of the region's unique environmental resources with appropriate economic development.

Specifically, one purpose of the Commission is to protect groundwater, surface water and ocean water quality. Through the Act, the Commission is responsible for furthering the provision of adequate capital facilities, coordinating those facilities with the achievement of other goals, and anticipating, guiding and coordinating the rate and location of development with the capital facilities necessary to support such development.

In 2013, in response to overwhelming evidence that nitrogen from septic systems across the region are impacting coastal water quality, the Commonwealth of Massachusetts directed the Cape Cod Commission to update the Area Wide Water Quality Management Plan (208 Plan), pursuant to Section 208 of the Federal Clean Water Act. Recognizing that Cape Cod communities had, in many cases, identified strategies to address this issue but had struggled with implementation, the Commission committed to an extensive stakeholder engagement process to help identify barriers to success. A key barrier identified was the mismatch between the planning and regulatory framework and the unique and shared nature of the water resources impacted. Planning and regulation traditionally occurred at the town-wide scale; however, 32 of the 53 watersheds to sensitive coastal embayments on Cape Cod are shared by more than one town.

Municipal Comprehensive Wastewater Management Plans (CWMPs) have traditionally been reviewed as Developments of Regional Impact (DRIs), which are defined by the Act as a development which, because of its magnitude or the magnitude of its impact on the natural or built environment, is likely to present development issues significant to or affecting more than one municipality. DRI review is not well-suited for town water quality improvement initiatives which are systemic, not necessarily associated with any particular parcels of land, might not involve 'development' in its traditional sense, and which may not have discrete permitting and implementation timelines. Water quality initiatives are often long-term projects subject to changing conditions over time and include municipal infrastructure necessary to support development. One of the most important determinations the Commission makes during DRI review is whether there are inherent benefits from a project to the region. Given the region's pressing water quality issues, the benefit of these town water quality efforts should be presumed.

The unique and multijurisdictional nature of the issue on Cape Cod called for a new approach. The 208 Plan, which was certified and approved by the Commonwealth of Massachusetts and the Environmental Protection Agency in September 2015, provides a streamlined regulatory pathway for more efficiently and effectively achieving water quality goals through the development of targeted watershed management plans that address nutrient remediation through a variety of approaches.

One aspect of the streamlined regulatory approach is the Commission's review of municipal water quality plans and projects, which are no longer reviewed as DRIs, but instead for consistency with the 208 Plan. The following provides guidance on obtaining and maintaining consistency with the 208 Plan.

DEFINITIONS

The following are definitions of terms referenced in this document.

208 Plan: The Cape Cod Area Wide Water Quality Management Plan, developed pursuant to Section 208 of the Clean Water Act.

Development of Regional Impact (DRI): A development which, because of its magnitude or the magnitude of its impact on the natural or built environment, is likely to present development issues significant to or affecting more than one municipality.

Waste Treatment Management Agency (WMA): The entity, or entities, designated as the responsible party for planning and implementation of local water quality improvement plans, as required by Section 208 of the Clean Water Act. On Cape Cod, the 15 Cape Cod towns are the designated WMAs.

Water Quality Improvement Plan: A plan proposed by a WMA that describes the extent of the nutrient related issues within a town, watershed, or subwatershed and a program for implementing the necessary infrastructure and strategies to reduce nutrient impacts on the quality of coastal waters.

Water Quality Improvement Project: A project proposed by a WMA intended to reduce nutrient impacts on the quality of coastal waters.

REGIONAL REGULATORY REVIEW

The 208 Plan recommended that the Commission revise its regulations to provide a simpler and more supportive process for the review of municipal water quality improvement plans and projects.

After much consideration, it was determined that these types of plans and projects should be reviewed exclusively for consistency with the 208 Plan. The 2017 Implementation Report, an addendum to the 208 Plan which documents successes to date and next steps at the local and regional levels, recommended that the Commission adopt regulatory amendments to allow for

208 Plan consistency review in place of traditional DRI review for municipal water quality and wastewater capital plans and projects.

In February 2018 the Commission proposed amendments to Chapter A of the Cape Cod Commission Regulations: Enabling Regulations Governing Review of Developments of Regional Impact (Enabling Regulations). In April 2018 the amendments were approved by both the Barnstable County Assembly of Delegates and Board of Regional Commissioners.

The revised enabling regulations exempt towns from DRI review for water quality plans and projects that have nutrient remediation as a primary purpose. The amendment applies equally to plans and projects previously reviewed and approved by the Commission as DRIs, and modifications to such plans or projects will not require further DRI review.

The Commission proposed that DRI review be replaced with a Commission staff-level review and approval through a determination by the Commission's Executive Director that local plans and projects are consistent with the 208 Plan.

This new review and approval process allows the Commission to be more supportive and collaborative with towns in their development of solutions to water quality problems. This process also provides a better platform to deal with multiple towns on common water quality solutions in shared watersheds, and promotes public engagement at earlier stages of planning and plan development which should increase community support for these plans and projects.

208 CONSISTENCY CRITERIA

The 2017 Implementation Report provided draft guidance on the specific criteria by which local plans and projects will be reviewed, which include:

- ✓ WMA assumes responsibility for controllable nitrogen for any part of the watershed within its jurisdiction
- ✓ Plan meets applicable nutrient reduction targets
- ✓ Planning occurs at a watershed level with consideration of a hybrid approach
- ✓ Public was engaged to gain plan consensus
- ✓ Plan includes proposed strategies to manage nitrogen loading from new growth
- ✓ Plan includes adaptive management approach
- ✓ Plan includes pre- and post-implementation monitoring program
- ✓ Plan includes a description and assessment of the town's proposed funding strategy
- ✓ WMA commits to regular 208 Plan Update Consistency reviews until water quality goals are achieved, generally reviewed at least every five years
- ✓ In shared watersheds, WMA seeking 208 Consistency Review collaborates with neighboring WMA(s) on nitrogen allocation, shared solutions, and cost saving measures

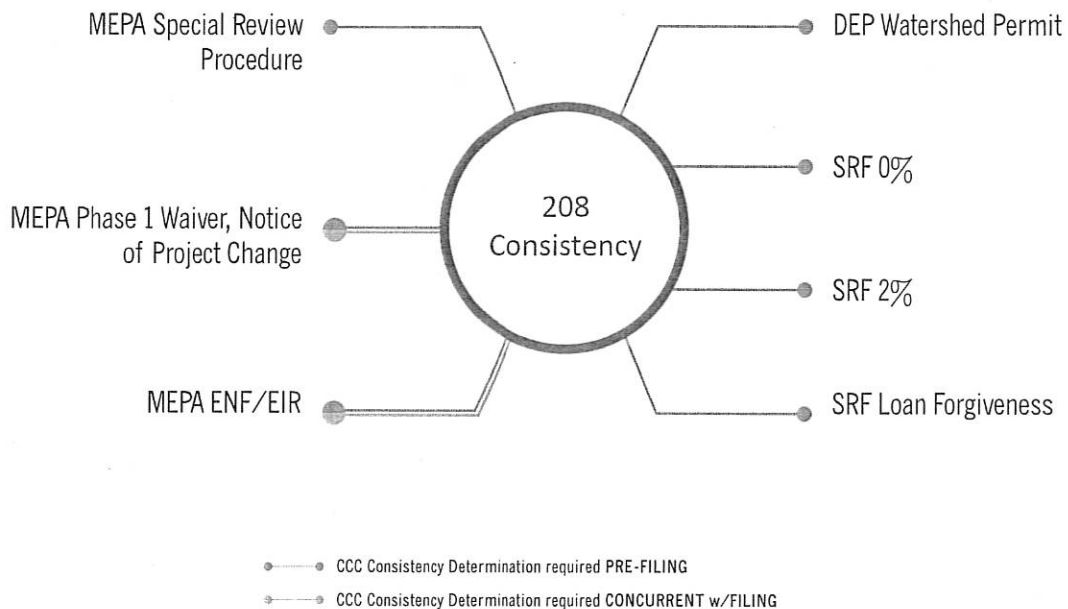
Guidance on 208 consistency criteria is attached to this document.

INSTANCES REQUIRING A 208 CONSISTENCY DETERMINATION

There are several instances that will require a WMA to obtain a 208 consistency determination. Depending on the plan or project, a 208 consistency determination may be requested more than

once, at different stages of planning, project development and plan implementation. Instances requiring a 208 consistency determination include:

- Modification of an Existing DRI Permit: WMAs with an existing DRI permit will not require further DRI review. Requests for modifications to DRI permits shall undergo 208 consistency review in place of DRI review concurrent with the DRI modification action.
- Massachusetts Environmental Policy Act (MEPA): Water quality improvement plans and projects that require review under MEPA and therefore are typically reviewed by the Cape Cod Commission as a DRI, shall instead be reviewed for consistency with the 208 Plan. This applies to filings of Environmental Notification Forms (ENFs), Environmental Impact Reports (EIRs), Phase 1 and other Waivers, Notices of Project Change, and applications for any special review procedure.
- Massachusetts Clean Water State Revolving Fund (SRF) Loans (310 CMR 44.00, effective January 27, 2017): Plans and projects for which SRF funding is sought must be consistent with the 208 Plan Update. WMAs that choose to request SRF loans for plan or project implementation must first obtain a 208 consistency determination. This applies to 0% and 2% interest loans and eligibility for principal forgiveness.
- Massachusetts Department of Environmental Protection (MassDEP) Watershed Permits: MassDEP has issued guidance on watershed permitting which states that plans and projects for which a WMA is seeking nitrogen credit through a watershed permit require a 208 consistency determination. WMAs seeking a watershed permit with DEP shall also first obtain a 208 consistency determination from the Commission.



Instances requiring a 208 consistency determination. In most cases, a consistency determination is required pre-filing; however, a consistency determination may be obtained concurrent with the MEPA filing of an ENF, EIR, Notice of Project Change or Phase 1 or other Waiver.

REQUESTING A 208 CONSISTENCY REVIEW

Key to ensuring consistency of local plans and projects with the 208 Plan is early consultation with the Commission. Communities initiating planning processes and developing project specific proposals should request a meeting and/or assistance from the Commission in the early phases of plan or project development. Initial review for consistency with the 208 Plan is process oriented, with progress measured and reviewed over time, via reporting on implementation and during the five-year consistency review process. The 208 Plan provides a framework for a process that engages stakeholders in plan development, considers a broad range of strategies and utilizes decision support tools to help determine an approach to the problem that best suits local needs. Early consultation with the Commission will help to ensure appropriate steps are taken at the local level, during the planning process to ensure consistency with the regional plan and public support for implementation.

Through early consultation, Commission staff will work with the WMAs designee(s) to identify 208 consistency criteria applicable to the plan or project and discuss options and opportunities for achieving consistency with those criteria. Applicable criteria may vary from request to request, including for requests made for plans versus projects. For example, a project may be proposed by a WMA that is anticipated to achieve a percentage of the nitrogen reduction required in a given watershed. At the time of consistency review for the project, the Commission will not require that the project fully meet the watershed nitrogen reduction target. However, the Commission would anticipate that the project should ultimately be incorporated as one part of a comprehensive or targeted watershed management plan, which should anticipate achieving the nitrogen reduction required for the respective watersheds addressed in such plans.

Requests for a meeting to discuss consistency criteria applicable to a local plan or project, requests for watershed team technical assistance for plan or project development, and/or requests for a 208 consistency review and determination should be submitted in writing to the Cape Cod Commission Executive Director from the WMA (Town Manager or Administrator, Board of Selectmen, or Town Council). Projects or plans proposed through a cooperative effort by two or more WMAs should be submitted jointly by all parties involved.

WMA(s) may request determinations for individual projects, specific watersheds, or for town wide plans; however, in all cases, the Commission will apply a watershed-based approach to consistency review of such requests.

ISSUANCE OF 208 CONSISTENCY DETERMINATIONS

A 208 consistency determination is effective per the terms, conditions and duration set out in the determination. In most cases, the Commission will issue determinations for plans or projects in recurring five-year intervals. Upon the expiration of the then current effective period, the WMA must submit updates for the respective project or plan, pursuant to its adaptive management plan and other 208 consistency criteria, in order to maintain 208 consistency and obtain an updated determination for the succeeding period. In certain cases, once a 208 consistency determination is issued, subsequent requests for a determination or project or plan updates within the five year timeframe may simply warrant a letter from the Commission confirming that associated plan or project is consistent with the 208 Plan.

MAINTAINING CONSISTENCY WITH THE 208 PLAN

Annual reporting

Each 208 consistency determination will require that the WMA(s) commit to annual reporting. Annual reports shall include data collected during the reporting period, such as technology performance monitoring and/or embayment monitoring data, and a progress update on implementation. Details on data submission requirements may vary based on the proposed project or plan and will be included in the 208 consistency determination.

Annual reports will be used to update watershed reports, which were issued as part of the 2017 Implementation Report. Annual reporting and watershed reports will be used to complete 208 compliance reports. Compliance reports will be issued annually at the OneCape Summit, typically held in the Spring.

Adaptive Management and Five-year Consistency Determinations

To maintain a 208 consistency determination for a given project or plan, the WMA(s) must undergo consistency review at least every five years until water quality goals are achieved, or as otherwise established by the Commission and the WMA(s) in a determination. The intent of periodic consistency reviews is to allow for adaptive management. WMAs should have the flexibility to be responsive to changes in environmental quality, relative effectiveness of implemented approaches, identification of new technology, and unforeseen community needs. Five-year consistency determinations allow WMAs to change the course of action identified, based on the best available data and stakeholder feedback, and submit a modified implementation plan as part of an adaptive management report, if necessary.

Subsequent consistency determinations will focus on progress toward originally identified goals and changes to the implementation plan outlined through an adaptive management report.

Stakeholder Engagement

Six to twelve months prior to expiration of a consistency determination, the WMA(s) shall convene a stakeholder group to discuss implementation activities to date and any potential changes necessary. Stakeholder groups should include representation from town staff, elected officials, local watershed associations, civic groups, and interested professional groups, such as realtors, homebuilders, and/or businesses. The stakeholder group composition is subject to variation. The Cape Cod Commission shall be engaged in this effort.

The purpose of the stakeholder process will be to review implementation efforts, consider changes in water quality as identified through ongoing embayment water quality monitoring, and come to consensus on potential changes to the implementation plan, if necessary.

Based on an agreed upon path forward, the WMA shall develop a public engagement and outreach plan for successful implementation of the revised plan or project. As part of the five-year 208 consistency review, the WMA shall submit the public engagement and outreach plan along with the revised plan or project details.

Representation on the Cape Cod Water Protection Collaborative

In June 2017, the Cape Cod Water Protection Collaborative (Collaborative) was re-established, following a long-standing history of working with the State's legislative delegation to highlight the need for a broader base of financial support for water quality issues on Cape Cod. The Collaborative's newly stated mission is to protect Cape Cod's shared water resources by promoting and supporting the coordinated, cost-effective and environmentally sound development and implementation of local water quality initiatives, including, but not limited to watershed management plans required by section 208 of the Federal Clean Water Act.

The roles and responsibilities of the Collaborative directly align with implementation of locally developed water quality plans and projects. Each WMA has a seat on the Collaborative's Governing Board and the ability of the Collaborative to support ongoing local and regional water quality initiatives relies on participation from each Cape Cod community. As such, as a condition of 208 consistency, WMAs must appoint a member to the Collaborative Governing Board and must commit to maintaining their representation through reappointments, as necessary. WMAs must prioritize attendance at monthly Governing Board meetings.



Federal Emergency Management Agency

Washington, D.C. 20472

RECEIVED

APR 27 2018

TOWN OF BOURNE
BOARD OF SELECTMEN

*COPY
Tim Dyer
done*
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April 20, 2018

THE HONORABLE GEORGE SLADE
CHAIRPERSON, BOARD OF SELECTMEN
TOWN OF BOURNE
24 PERRY AVENUE
BUZZARDS BAY, MA 02532

CASE NO.: 18-01-0729C
COMMUNITY: TOWN OF BOURNE, BARNSTABLE
COUNTY, MASSACHUSETTS
COMMUNITY NO.: 255210

DEAR MR. SLADE:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Conditional Letter of Map Revision based on Fill (CLOMR-F) Comment Document. This comment document provides additional information regarding the effective NFIP map, the legal description of the property and our comments regarding this proposed project.

Additional documents are enclosed which provide information regarding the subject property and CLOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Sincerely,

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

CLOMR-F-DEN COMMENT DOCUMENT

cc: Mr. James Diede



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION BASED ON FILL COMMENT DOCUMENT

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	TOWN OF BOURNE, BARNSTABLE COUNTY, MASSACHUSETTS	A portion of Lots 36 and 37, Subdivision Plan 2570-D, as described in the Quitclaim Deed recorded as Document No. 1,314,213, in the Land Registration Office of the Registry of Deeds, Barnstable County, Massachusetts The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 255210	
AFFECTED MAP PANEL	NUMBER: 25001C0313J DATE: 7/16/2014	
FLOODING SOURCE: LITTLE BUTTERMILK BAY		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 41.760532, -70.610285 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

COMMENT TABLE REGARDING THE PROPOSED PROPERTY (PLEASE NOTE THAT THIS IS NOT A FINAL DETERMINATION. A FINAL DETERMINATION WILL BE MADE UPON RECEIPT OF AS-BUILT INFORMATION REGARDING THIS PROPERTY.)

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT WOULD NOT BE REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
36 & 37	--	Plan 2570-D	60 Lewis Point Road	Portion of Property	AE	15.0 feet	--	8.0 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION
CONDITIONAL LOMR-F DETERMINATION

This document provides the Federal Emergency Management Agency's comment regarding a request for a Conditional Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the proposed described portion(s) of the property(ies) would be located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) if built as proposed. Therefore, flood insurance is required for the property described above. If fill is placed on the subject property to raise its elevation above the base flood elevation after the effective date of the first NFIP map showing the property in the SFHA, then, for the subject property to be outside of the SFHA, it must be demonstrated that the subject property is reasonably safe from flooding in accordance with Part 65.5(a)(4) of our regulations. Further guidance on determining if the subject property is reasonably safe from flooding may be found in FEMA Technical Bulletin 10-01. A copy of this bulletin can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>.

This comment document is based on the flood data presently available. The enclosed documents provide additional information regarding this request and information regarding your options for obtaining a Letter of Map Revision based on Fill. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION BASED ON FILL COMMENT DOCUMENT

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

BEGINNING at a point 124.37 feet, at a bearing of N 02° 04' 56" W from the Southernmost property corner at the intersection with Lewis Point Road; Thence, N 84° 36' 57" W for a distance of 12.34 feet to a point on a line; Thence, N 82° 21' 40" W for a distance of 8.55 feet to a point on a line; Thence, N 77° 26' 45" W for a distance of 2.87 feet to a point on a line; Thence, N 00° 53' 47" E for a distance of 2.35 feet to a point on a line; Thence, N 17° 13' 20" E for a distance of 4.69 feet to a point on a line; Thence, N 22° 25' 54" E for a distance of 15.74 feet to a point on a line; Thence, N 21° 21' 50" E for a distance of 22.07 feet to a point on a line; Thence, N 39° 49' 15" E for a distance of 17.46 feet to a point on a line; Thence, N 27° 36' 46" E for a distance of 26.11 feet to a point on a line; Thence, N 57° 21' 32" E for a distance of 4.05 feet to a point on a line; Thence, N 66° 53' 58" E for a distance of 27.65 feet to a point on a line; Thence, N 73° 39' 02" E for a distance of 9.61 feet to a point on a line; Thence, N 75° 48' 29" E for a distance of 18.56 feet to a point on a line; Thence, N 77° 31' 42" E for a distance of 13.32 feet to a point on a line; Thence, S 88° 09' 06" E for a distance of 2.52 feet to a point on a line; Thence, S 57° 20' 38" E for a distance of 11.12 feet to a point on a line; Thence, N 81° 57' 58" E for a distance of 10.01 feet to the beginning of a non-tangential curve, Said curve turning to the left through 55° 35' 08", having a radius of 43.73 feet, and whose long chord bears S 06° 10' 29" W for a distance of 40.78 feet to a point on a line; Thence, S 24° 16' 43" E for a distance of 28.44 feet to a point on a line; Thence, N 85° 33' 55" W for a distance of 21.46 feet to a point on a line; Thence, S 80° 49' 34" W for a distance of 2.34 feet to a point on a line; Thence, S 57° 28' 10" W for a distance of 9.43 feet to a point on a line; Thence, S 73° 58' 27" W for a distance of 6.08 feet to a point on a line; Thence, S 70° 22' 26" W for a distance of 23.42 feet to a point on a line; Thence, S 62° 31' 50" W for a distance of 15.55 feet to a point on a line; Thence, S 72° 06' 59" W for a distance of 42.05 feet to the POINT OF BEGINNING.

CONDITIONAL LOMR-F DETERMINATION (This Additional Consideration applies to the preceding 1 Property.)

Comments regarding this conditional request are based on the flood data presently available. Our final determination will be made upon receipt of this Comment Document, certified as-built elevations and/or certified as-built survey. Since this request is for a Conditional Letter of Map Revision based on Fill, we will also require the applicable processing fee, and the "Community Acknowledgement" form. Please note that additional items may be required before a final as-built determination is issued.

This letter does not relieve Federal agencies of the need to comply with Executive Order 11988 on Floodplain Management in carrying out their responsibilities and providing Federally undertaken, financed, or assisted construction and improvements, or in their regulating or licensing activities.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

6



David E. Pierce, Ph.D.
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

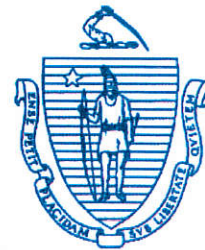
251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509

April 30, 2018



Charles D. Baker
Governor

Karyn E. Polito

Lieutenant Governor

Matthew A. Beaton

Secretary

Ronald Amidon

Commissioner

Mary-Lee King

Deputy Commissioner

Board of Selectmen
Town of Wareham
Town Hall
Wareham, MA 02571

Board of Selectmen
Town of Bourne
Town Hall
Buzzards Bay, MA 02532

Ladies & Gentlemen:

In accordance with Massachusetts General Laws Chapter 130, Section 74A of the Massachusetts General Laws, the Division of Marine Fisheries has determined a portion of the below defined "CONDITIONALLY APPROVED" shellfish growing area (BB:43.4), in the Towns of Wareham and Bourne, no longer meets the established criteria for the harvest of shellfish. Closures of waters within marinas and impacted areas adjacent to marinas are mandatory under provisions of the National Shellfish Sanitation Program while marinas are in operation. The status of this area will be changed to "CLOSED TO SHELLFISHING" as of sunrise on May 1, 2018.

Therefore, under authority of Massachusetts General Laws, Chapter 130, section 74A, the status of the below defined area has been changed to "CLOSED TO SHELLFISHING" to the taking of all shellfish. Digging, harvesting or collecting and/or attempting to dig, harvest or collect shellfish and the possession of shellfish from the below defined area is prohibited.

Under authority of 322 CMR 7.01(7) all permits issued thereunder are hereby conditioned to prohibit the taking, selling or possession of shellfish from the below defined area.

CLASSIFICATION: CONDITIONALLY APPROVED

SEASONAL STATUS CHANGE

Status: Closed To Shellfishing

[May 1 - October 31] [All Dates Inclusive]

BB:43.4

Macos

"The waters and flats and all tributaries of that portion of Fishermans Cove, in the Towns of Wareham and Bourne, south of a line drawn along the Route 6 Bridge and north of a line drawn from the "NO SHELLFISHING" sign at #39 Buttermilk Way to the "NO SHELLFISHING" sign at the western end of the stone wall approximately 300' southwest of the railroad bridge and west of a line drawn across the mouth of the Bourne Marina."

The preceding conditionally approved area shall remain in the closed status during the inclusive dates. The status will not automatically revert to open to shellfishing on November 1, 2018, but will remain closed until examined by the Division and notification is made that the areas have been placed in the open status.

Sincerely,



David E. Pierce,
Director

cc: J. McGinn, B. Perrin, P. Moran, DELE
D. McKiernan, M. Hickey, T. Shields, DMF
R. Amidon, M. King, DFG
J. Hobill, DEP,
FDA, DPH
G. Buckminster, Wareham Shellfish Constable
T. Mullen, Bourne Shellfish Constable

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H



TOWN OF BOURNE

Board of Appeals

2018 APR 13 PM 3:55
TOWN CLERK BOURNE

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611

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APR 27 2018



TOWN OF BOURNE
BOARD OF SELECTMEN

Public Hearing Notice Amended

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

APPEAL: Requesting Special Permit under M.G.L., Ch. 40A, Sec. 9 and the Bourne Zoning Bylaw:

Sections 1331; 2320; 2450, 2500: Supportive finding that the alteration of an existing single-family structure and construction of a new non-conforming single-family structure is not substantially more detrimental than the original structure to the neighborhood.

APPLICANT: William Russell

LOCATION: 165 Jefferson Road, Bourne, MA 02532
MAP: 26.1 PARCEL: 3.0

DATE & TIME: Wednesday, May 16, 2018 7:00pm

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

Bourne Courier publishing dates: 5.02.18 & 5.09.18

You are invited to be present.

Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

H



TOWN OF BOURNE

Board of Appeals

24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ext. 1345
Fax: (508) 759-0611



Public Hearing Notice

A list of abutters is on file in the office of the Board of Appeals, Town Hall Bourne, Massachusetts. Being all persons deemed affected by the Board of Appeals under Section 11 of Chapter 40A of the Massachusetts General Laws you are hereby notified of the following hearing:

APPEAL: 2018-SP05

Requesting a Special Permit Supportive Finding per sections 1331, 2320, and 2450 of the Bourne Zoning Bylaw and under M.G.L., Ch. 40A, Sec. 9 to allow for the razing and rebuilding of an existing single-family structure on a similar footprint, not to be substantially more detrimental to the neighborhood than is the pre-existing structure.

APPLICANT: RWR Realty LLC -c/o Richard Reed

LOCATION: 11B Wild Rose Drive, Hideaway Village, Bourne, MA
MAP: 14 PARCEL: 49

DATE & TIME: Wednesday, May 16, 2018 at 7:00 p.m.

PLACE: Bourne Town Hall, Lower Conference Room
24 Perry Ave, Buzzards Bay, MA 02532

You are invited to be present. Plans are available for review prior to the hearing at the Board of Appeals office, Town Hall during the hours of 8:30 AM to 4:30 PM.

Bourne Courier publishing dates: 5/2/18 & 5/9/18

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2018 APR 27 11 27
TOWN CLERK BOURNE

May 14, 2018
Stanley Andrews
Vice Chairman
Bourne Board of Health
24 Perry Ave
Buzzards Bay, MA 02532

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MAY 16 2018

TOWN OF BOURNE
BOARD OF SELECTMEN

Dear Vice Chairman Andrews:

We would like to bring to the attention of the Bourne Board of Health several health and sanitary issues occurring on the border of our property at 163 Jefferson Road. Over the last several months, our neighbors, Bill and Beth Russell of 165 Jefferson Road, have intentionally taken actions that we believe put the well-being and health of our family and the broader Gray Gables community at risk. Specifically, they have:

- A. *Collected and deposited several dozen bags of dog fecal matter at our property border and left it there for over two months (this began within 1-2 weeks of the March 15th ConCom meeting -- the first public meeting regarding the proposed project to raze and rebuild a 4BR dwelling with a swimming pool). We documented starting March 31, 2018 (see Appendix A)*
- B. *Hung several pairs of soiled underwear on the clothesline on their side of our property border (this occurred on March 31st over Easter weekend during the snow storm; see Appendix B). These were taken down after a few weeks and replaced with towels that remain up rain or shine (but at least seem to pose no immediate health concern).*
- C. *Placed old, recently-used toilet outside near our property border (around May 6th; see Appendix C)*

We believe the Russell's harassment over the past few months is intended to intimidate us and degrade our living experience. We see their actions as unfortunate and inconsistent with the decency and friendliness we've come to enjoy and expect within the Gray Gables community and Bourne more broadly.

What concerns us most and finally compelled us to alert the Board of Health, however, is the large volume of dog feces (or portions of it) that remains after two months. Several neighbors suggested we write to you expressing our concerns both personally and on behalf of the community. With the high winds and general weather patterns within this highest velocity zone, several of these bags of fecal matter have blown onto our property, and we fear may have also blown into the Town beach & swimming areas. Additionally, for the bags that have not yet blown away, we see a meaningful risk that they wear out or puncture, thereby exposing residents (including our 2-year daughter) to fecal-borne disease or contamination.

We have included relevant photos in the Appendix. You will see in Appendix A that from March to May, the number of dog feces bags have decreased, although to our knowledge none have been removed by the Russells. The bags have also bleached of color, suggesting significant wear and leakage in the elements. This furthers our concern that feces may have found their way into public land, including wetlands and water, given very high winds during the same period.

Thank you in advance for your consideration and for working so tirelessly to protect the town we all know and love.

Warm regards,



Ingrid Hammond & Jeff Lau
163 Jefferson Road
Bourne, MA 02532

Cc: Robert Gray, Bourne Conservation Commission
Amy Kullar, Bourne Zoning Board of Appeals
Thomas Guerino, Town Administrator
Alec Joyce, Esquire
Dennis Woodside, Bourne Police Chief

Appendix A/B:

Taken March 31, 2018



Taken April 2, 2018: (Full YouTube Video, please visit: <https://www.youtube.com/watch?v=dZQOo3sSCxs&t=31s>)



Appendix A/B: (continued)

Taken May 10, 2018



Taken May 10, 2018



Appendix C

Taken May 10, 2018





Richard & Judith Conron
29 Mashnee Road
Gray Gables
Bourne, MA 02532

Just Happy To Be Here!

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APR 30 2018
TOWN OF BOURNE
BOARD OF SELECTMEN

J

April 28, 2018

Board of Selectmen
Town of Bourne
24 Perry Ave.
Buzzards Bay, MA 02532

Members of the Board,

As a Bourne resident, I was extremely disappointed reading the article "Bourne Selectmen Discipline Town Administrator" (C/C Times, April 28, 2018). It is my understanding that personnel issues discussed and decisions made in executive session should never be disclosed until the Board reviews the meeting minutes and decides to either "release" or "incumber" their meeting minutes. In this case, I feel the appropriate comment for the Chairman, George Slade, should have been "No Comment". Outgoing Selectman, Donald Pickard, continued his nine-year public character assassination of the Town Administrator. Selectman Pickard's newspaper quote "My feeling is he is mediocre at best" is a perfect example of shooting an unarmed person. Selectman Pickard continues to demonstrate a 9-year lack of knowledge on the relationship between supervisor and subordinate. Public comments and actions like these do not reflect positively on Bourne's leadership team and its ability to make good decisions that add value to the town. For me, this article coupled with the "Special Town Meeting Apology" letter written by Selectmen Froman and Pickard captures a disturbing leadership style for the current Board that I would describe as "Storming".

Sincerely,

Richard W. Conron



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

K

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

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APR 27 2018

TOWN OF BOURNE
BOARD OF SELECTMEN

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

Timothy Mullen, / Harbormaster:
24 Perry Avenue
Bourne, Ma 02532

Re: Elizabeth Francis, Mooring #17-F Cove- Patuisset-North, Bourne, Ma. 02532

Dear Timothy Mullen:

The Waterways Regulation Program (WRP) of the Department of Environmental Protection has received an appeal from (Elizabeth Francis) on 4/11/2018 who is aggrieved by the Harbormaster's denial of an application for (mooring, float, rafts, other bottom anchored structure) , or the imposition of a condition or restriction on a permit issued. Pursuant to 310 CMR 9.07(2) and M.G.L. Chapter 91 Section 10a, the Department is required to review any such appeal, so long as said appeal has been lodged with the Department within thirty days of the Harbormaster's decision. The WRP has enclosed a copy of the appeal and requests a written response concerning the circumstances of the decision that resulted in the appeal. Please submit said response w/i thirty (30) days of the date of this letter.

In its ruling on the appeal, the WRP will consider matters related to the following factual circumstances:

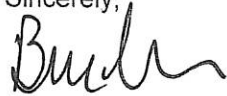
- navigational impacts
- outside of town-approved mooring area
- vessel size
- mooring transferral to non-family member
- local rule infraction
- non-payment of annual mooring fee
- lack of timely submission of annual mooring application
- other

Upon receipt of a response from the Harbormaster's office, or, in the event that no response has been received in the time frame identified above, the WRP will render its decision within thirty days, either

confirming the action of the harbormaster, setting such action aside, or amending such action and imposing its own conditions and restrictions as deemed necessary.

If the Department determines that it is necessary, it may subsequently require the submission of sworn affidavits from the appellant, harbormaster, or other parties with standing in this process before issuing its final decision. If sworn affidavits are required, the Department will issue its decision within thirty days of the receipt of those affidavits. Please contact Michael Girvan of the WRP at (617) 556-1134 if you have any questions concerning these proceedings. Thank you very much for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Lynch", written in a cursive style.

Ben Lynch
Program Chief
Waterways Regulation Program

cc: Elizabeth Francis
Timothy Mullen, Harbormaster
Office of the Selectmen, Town of Bourne
WRP files



TOWN OF BOURNE
Department of Natural Resources
24 Perry Avenue - Room 102
Buzzards Bay, MA 02532-3496
www.townofbourne.com



Shellfish Constable, Marinas, Herring Agent, Harbor Master, Fish & Game Enforcement, Conservation Enforcement & More

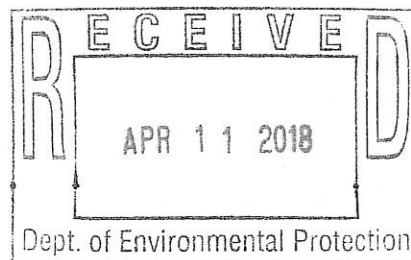
TIM MULLEN
HARBOR MASTER, DIRECTOR

OFFICE: (508) 759-0621
POLICE: (508) 759-4451
MARINAS: (508) 759-3105
FAX: (508) 759-8026

March 16, 2018

Elizabeth Francis
5 Plymouth Lane
Buzzards Bay, MA 02532

RE: Mooring #: 17-F
COVE: Patuisset - NORTH
BILL#: 120765



We regret to inform you, in accordance with, Section 2.5.1 of the Town of Bourne Waterway Rules & Regulations, this **mooring permit has been revoked** for failing to pay the annual mooring fee. The following correspondence was forwarded to the address provided by you, from last seasons' ANNUAL MOORING PERMIT RENEWAL, or from a more resent address change request;

- December 8, 2017 an annual mooring bill - due January 8, 2018
- January 30, 2018 a Demand Notice - due February 15, 2018
- February 22, 2018 a Final Notice - due March 8, 2018

All attempts made by the town to collect your annual mooring fee were unsuccessful.

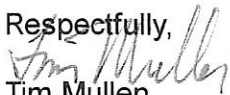
Any appeal of this decision must be submitted in writing to DEP as per 310CMR 276.1 within thirty (30) days of this notice.

The Massachusetts Department of Environmental Protection (DEP)
Waterways Division
1 Winter Street
Boston, MA 02108

No mooring fee payments will be accepted at this time, the bill has been abated and the permit cancelled. All **mooring tackle & equipment must be removed** from the waterways in accordance with Section 6.1 of the Town of Bourne Waterway Rules & Regulations

Please refer to: **The Town of Bourne Waterways Rules & Regulations** www.townofbourne.com

If you have any further questions regarding this matter, please contact;
Jennifer Chisser, Mooring Program Administrator, 508-759-0600, ext # 1309, or send an email to;
jchisser@townofbourne.com

Respectfully,

Tim Mullen
Director / Harbor Master

April 5, 2018

The Massachusetts Department of Environmental Protection
Waterways Division
1 Winter Street
Boston, Ma. 02108

To Whom This may Concern,

I came home from my extended vacation surprised to find all of my unpaid tax bills and a revoked mooring permit.

Apparently there was a failure on my part to keep track of these taxes and fees, however I would like to explain the situation that led to my situation.

My daughter Jennifer R. Witts and I shared the ownership of a Boston Whaler. My daughter took care of all the tax bills as she spent more time with her family using the boat. The boat was sold about (2) summers ago and because I have been away most of the winter, I did not forward my mail and completely forgot about the boat and did not have someone forward the notices to my daughter.

The long and the short of this is that I would like the chance to retain my mooring paying all fees and penalties as necessary.

Thank you for your consideration,
Sincerely,

Elizabeth R. Framont

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APR 27 2018
TOWN OF BOURNE
BOARD OF SELECTMEN

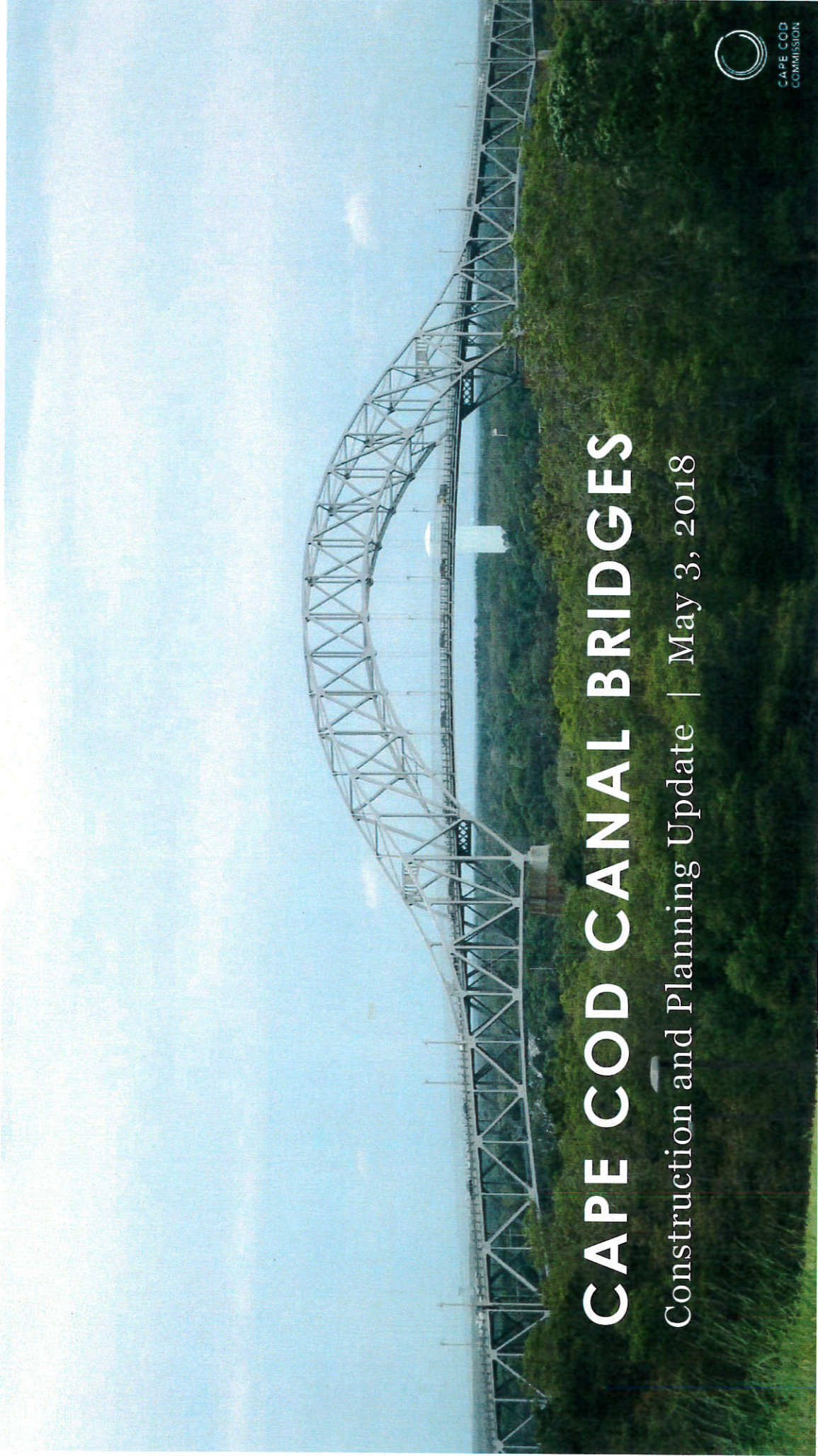
APRIL 25, 2018

ENCLOSED:

- | | |
|---------------------|--|
| CTV FORM 200 | FINANCIAL BALANCE SHEET |
| CTV FORM 300 | STATEMENT OF REVENUE & EXPENSES
PARTS A & B |
| CTV FORM 400 | STATEMENT OF OWNERSHIP |

**FOR THE COMBINED MASSACHUSETTS CABLE TELEVISION
OPERATIONS OF COMCAST CABLE COMMUNICATIONS, LLC
FOR THE FISCAL YEAR ENDED
DECEMBER 31, 2017.**

m



CAPE COD CANAL BRIDGES

Construction and Planning Update | May 3, 2018

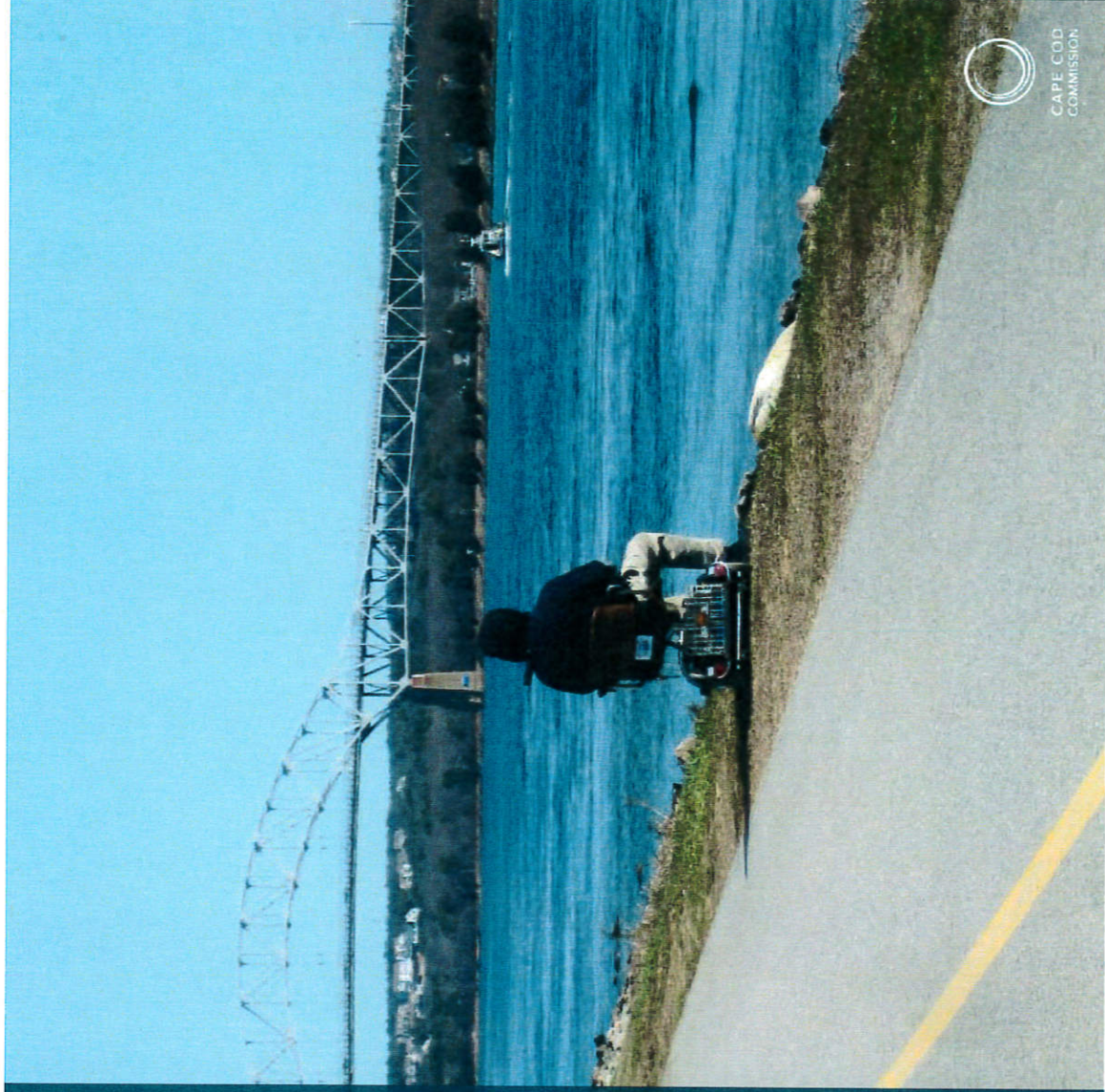


PRESENTATION OUTLINE

I | History

II | Maintaining the
Bridges

III | Planning for the
Future



CAPE COD
COMMISSION



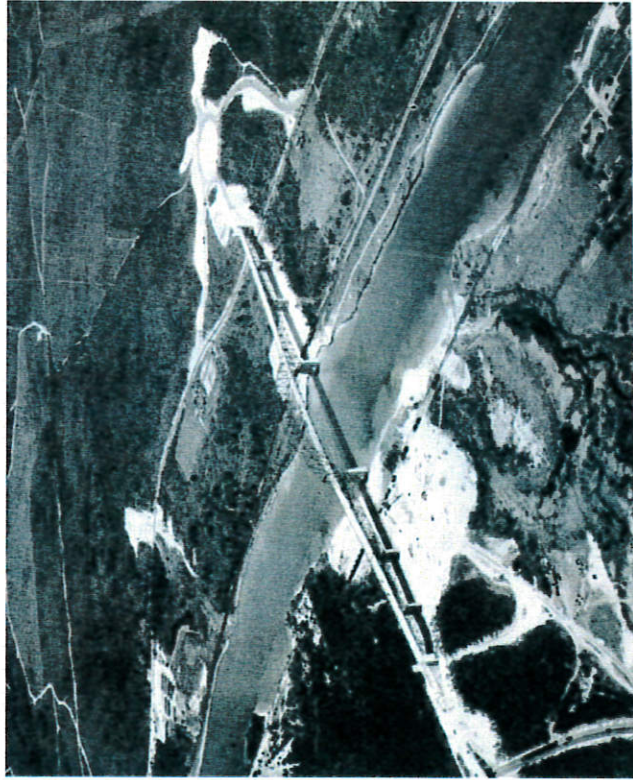
HISTORY

HISTORY

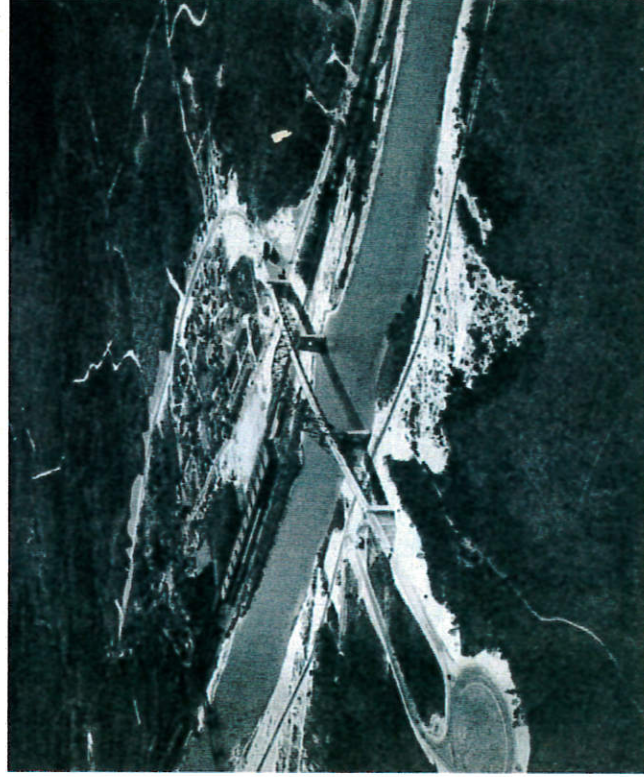


- 1914** First vessel through the Cape Cod Canal
- 1928** Federal government purchases the Canal and places under management of the U.S. Army Corps of Engineers
- 1935** "New" Bourne and Sagamore Bridges open to vehicle traffic. Railroad Bridge open to rail traffic.
- Today** U.S. Army Corps of Engineers maintains the Cape Cod Canal and Bridges. Massachusetts Department of Transportation (MassDOT) owns and maintains most of the transportation infrastructure approaching the Bourne, Sagamore, and Railroad Bridges.

“NEW” BOURNE AND SAGAMORE BRIDGES



NEW BOURNE BRIDGE



NEW SAGAMORE BRIDGE



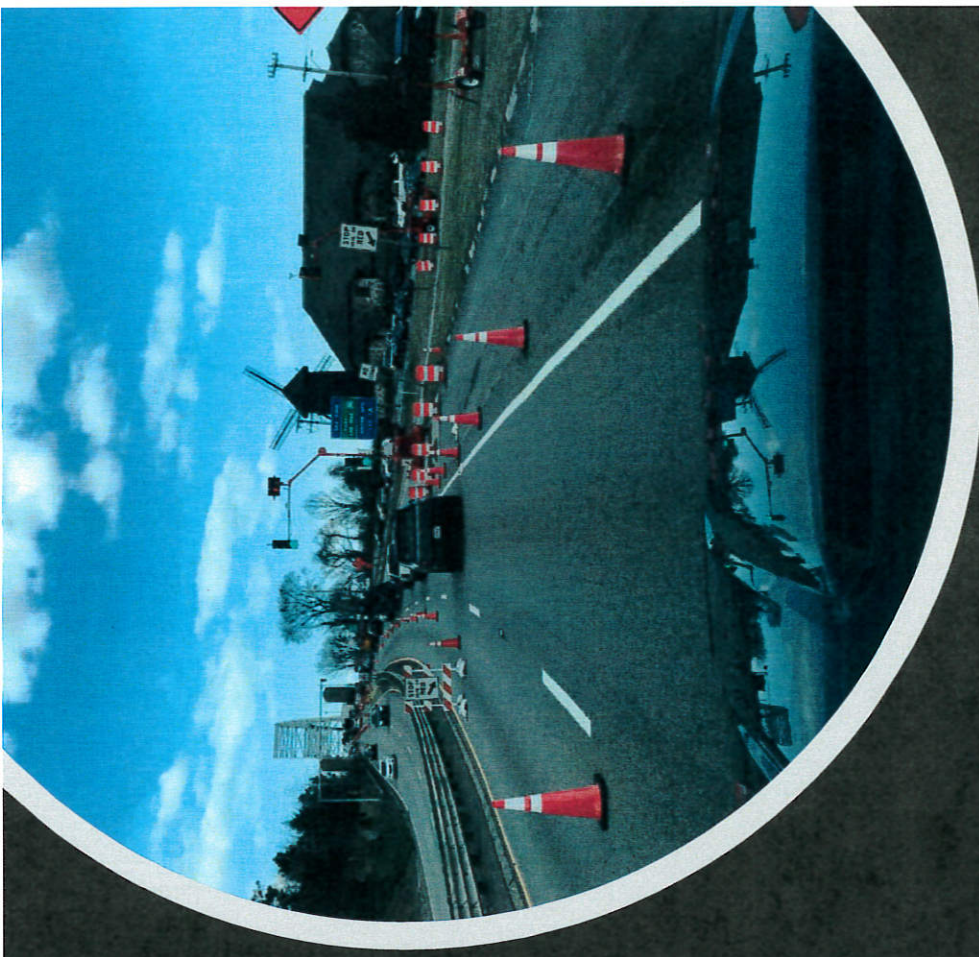
MAINTAINING THE BRIDGES



CAPE COD
COMMISSION

BRIDGE MAINTENANCE BASICS

- All bridges require maintenance
- Older bridges require more maintenance
- Traffic impacts are worst when the bridge:
 - Carries heavy traffic volumes
 - Lacks effective alternate routes
 - Lacks shoulders
 - Has narrow travel lanes



2018 CANAL BRIDGE MAINTENANCE

- **Sagamore Bridge**
 - 54 days of lane closures planned
 - Scheduled April 1 to May 25
 - Completed ahead of schedule
- **Bourne Bridge**
 - 80 days of lane closures planned
 - Scheduled September 6 to November 28
 - Open for Columbus Day weekend



U.S. Army Corps of Engineers, New England

12 hrs



Sagamore Bridge is Open. The repair work on the Sagamore Bridge is nearly complete. The contractor, R. Zoppo Corporation of Stoughton, Mass., is now off the bridge and all four travel lanes are open. During the next few days the contractor will continue to perform off-roadway work and removal of signage. We thank the traveling public for their understanding and patience during the execution of these necessary repair activities.



CAPE COD
COMMISSION

CONSTRUCTION IMPACTS



Emergency services



Health care access



Transportation of goods & services



Delays for commuters



School access



Retail tourism



Disaster management



Recreation access



Air quality



Pedestrian access

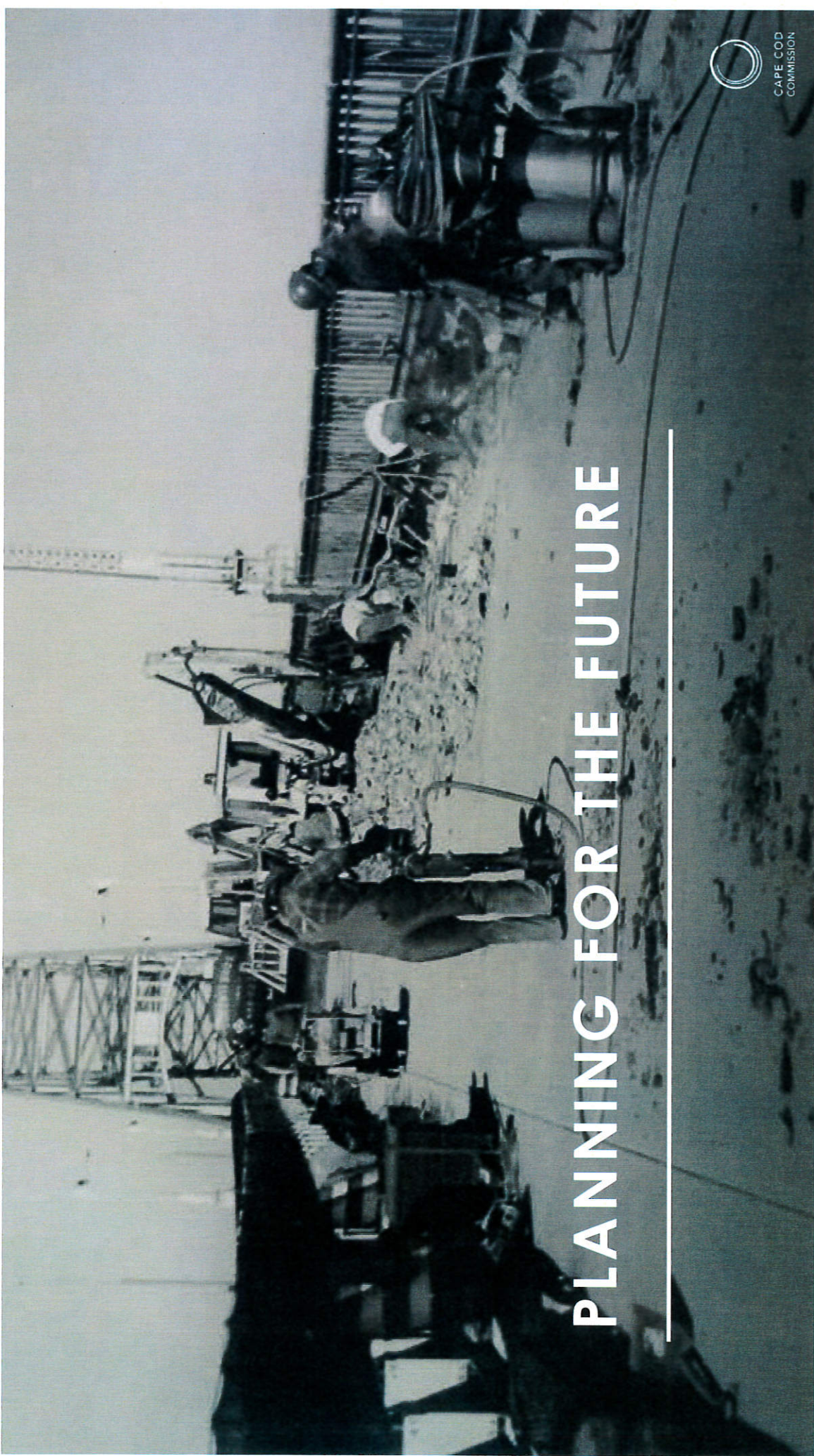


Safety



Perceptions





PLANNING FOR THE FUTURE



CAPE COD
COMMISSION

ACTIVE STUDIES

CAPE COD CANAL BRIDGES
MAJOR REHABILITATION
EVALUATION REPORT

CAPE COD CANAL
AREA TRANSPORTATION
STUDY



U.S. Army Corps of
Engineers



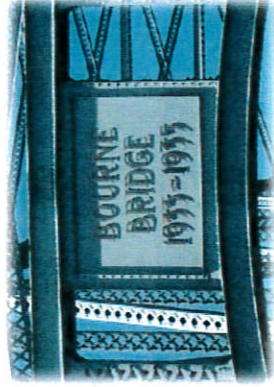
Massachusetts
Department of
Transportation



CAPE COD
COMMISSION

CAPE COD CANAL FEDERAL NAVIGATION PROJECT AUTHORIZATION

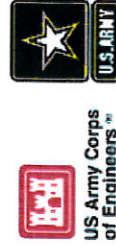
- River and Harbor Act of 30 Aug 1935, 74th Congress, 1st Session (P.L. 74-409)
- Project is comprised of:
 - Federal Navigation Channel linking Buzzards Bay to Mass Bay
 - Access / recreational area surrounding the Canal
 - Railroad Bridge
 - Bourne and Sagamore Highway Bridges
- Authorization Specific to the Highway Bridges:
 - Two Highway Bridges providing access to/from the Cape
 - 4 lanes total per bridge; 2 lanes each way
 - No Tolls
 - Abutment to Abutment



3

U.S. Army Corps of Engineers Study

Slide courtesy of:
Craig Martin
Project Manager
U.S. Army Corps of
Engineers
New England
District



MAJOR REHABILITATION EVALUATION OF CAPE COD CANAL HIGHWAY BRIDGES

- Components of the Major Rehabilitation Evaluation include:
 - Structural Engineering
 - Cost Engineering
 - Economic Justification
 - Environmental Analysis
- MRER will evaluate Rehabilitation and Replacement alternatives for both the Bourne and Sagamore.
- Layout the necessary major rehabilitation milestones over the functional life (50 yrs) of the structure, or recommends replacement of one or both structures.
- MRER uses modern bridge replacement type for comparison purposes; replacement will require its own authorization and studies for implementation.



U.S. Army Corps of Engineers Study

Slide courtesy of:
Craig Martin
Project Manager
U.S. Army Corps of
Engineers
New England
District



NEXT STEPS

- Public and Stakeholder Involvement meetings / presentations to start in late spring:
 - Including Cooperating agencies, Stakeholder & Working Groups, and Public
 - Held multiple locations (at least 5) around the Cape, Islands, and South Shore for maximum participation
- Continued collaboration with MASSDOT
 - Technical Meetings to confirm results of traffic modeling, and cost attribution for bridge approaches.
 - MRER External Technical Review member
- Continue regular routine inspection and maintenance on both bridges. [Joint replacement on Sagamore – Spring 18]

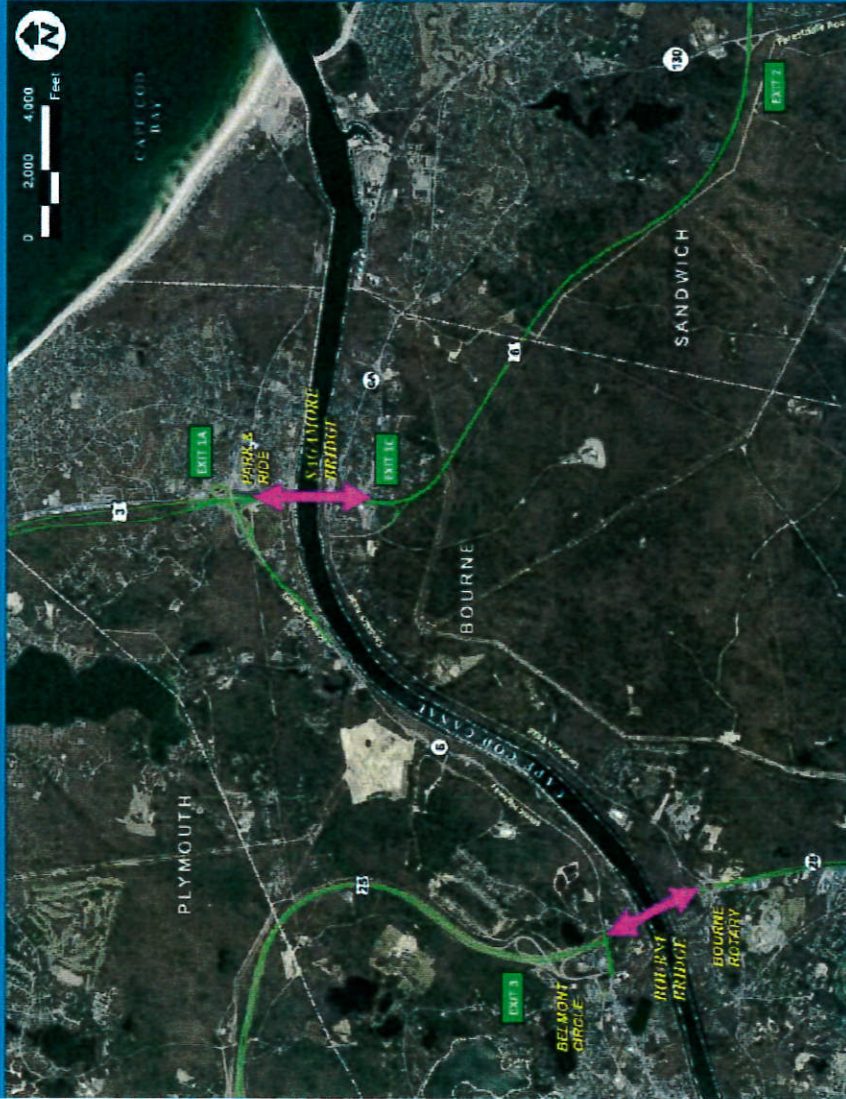


U.S. Army Corps of Engineers Study

Slide courtesy of:
Craig Martin
Project Manager
U.S. Army Corps of
Engineers
New England
District



Study Background and Purpose



The Bourne and Sagamore Bridges provide the only vehicular connections across the Cape Cod Canal and are owned by the U.S. Army Corps of Engineers. They link 15 communities and 215,000 residents with the mainland. They also provide connections to the islands.

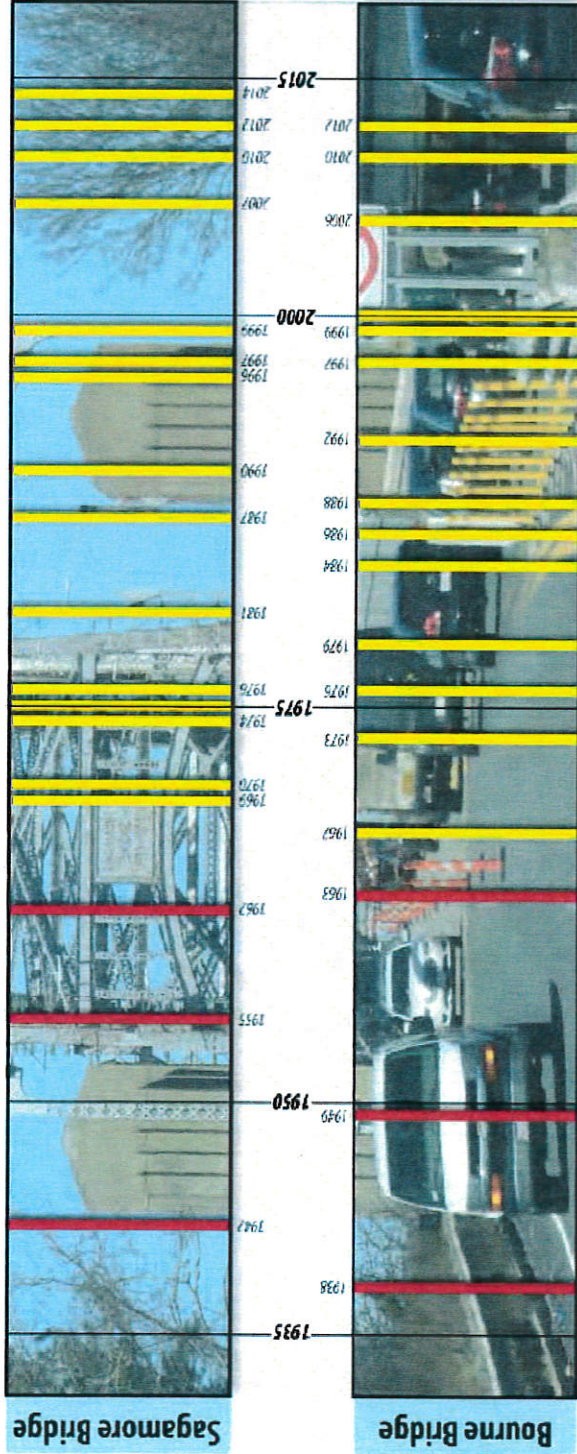
MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
MassDOT
Project Manager



Study Background and Purpose: Page 6

█ Bridge Closed
█ Lane Closures



MassDOT Canal Area Study

Slide courtesy of:
 Ethan Britland
 MassDOT
 Project Manager

Bourne & Sagamore Maintenance History



Study Process & Framework

Step 1: Goals and Objectives, Evaluation Criteria, and Public Involvement Plan

Step 2: Existing and Future Conditions and Issues Evaluation

Step 3: Alternatives Development

Step 4: Alternatives Analysis

Step 5: Recommendations

MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
MassDOT
Project Manager



Study Framework: Goals.

- To create/improve multimodal mobility in the Cape Cod Canal area.
- To establish an alternative or replacement crossing of the Cape Cod Canal to address the diminishing quality and reliability of year-round connectivity over the Cape Cod Canal, due to the aging Sagamore and Bourne Bridges.

MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
MassDOT
Project Manager



Study Framework: Objectives.

- Create reliable multimodal connectivity and mobility levels such that the quality of life on Cape Cod is not diminished by unreliable connectivity across the Cape Cod Canal.
- Create a reliable multimodal connection across the Cape Cod Canal to maintain/enhance public safety in the event of the need for an emergency evacuation of portions of Cape Cod and to accommodate first responders accessing Cape Cod.
- Ensure that cross canal connectivity does not become a barrier to reliable intra-community connectivity for the Towns of Bourne and Sandwich.

MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
MassDOT
Project Manager



6 | April 16, 2015



Study Framework: Draft Evaluation Criteria

Transportation Impacts	
Vehicles	Corridor intersections level of service (LOS) Corridor volume to capacity ratios 50th and 95th percentile queues
Pedestrian and bicycles	Mobility and connectivity Bicycle/pedestrian delay Expansion/provision of bicycle facilities Expansion/provision of pedestrian facilities
Travel time	Average roadway travel time in study area Average roadway delay
Safety	
Vehicular safety	Conformance with AASHTO and MassDOT standards Delay to emergency vehicle access
Pedestrian and bicycle safety	Compliance with ADA requirements Compliance with MassDOT requirements
Environment	
Environmental impacts	Impact to coastal resources (sq. ft.) Impact to wetland resources (sq. ft.) Impact to ACEC Impact to rare species/habitat Impact to public water supply

Continued →



MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
MassDOT
Project Manager



Study Framework: Draft Evaluation Criteria

Page 2

Community	
Community impacts	Impact to protected and recreational open space Impacts to Environmental Justice neighborhoods Impact to historical/archeological resources
Visual	Visual impacts
Alternative Feasibility	
Right of way impacts	Permanent and temporary right of way impacts
Cost	Capital and maintenance costs Construction duration
Construction phase impacts	Impacts to abutting land owners Impacts to marine traffic Impacts to vehicular traffic

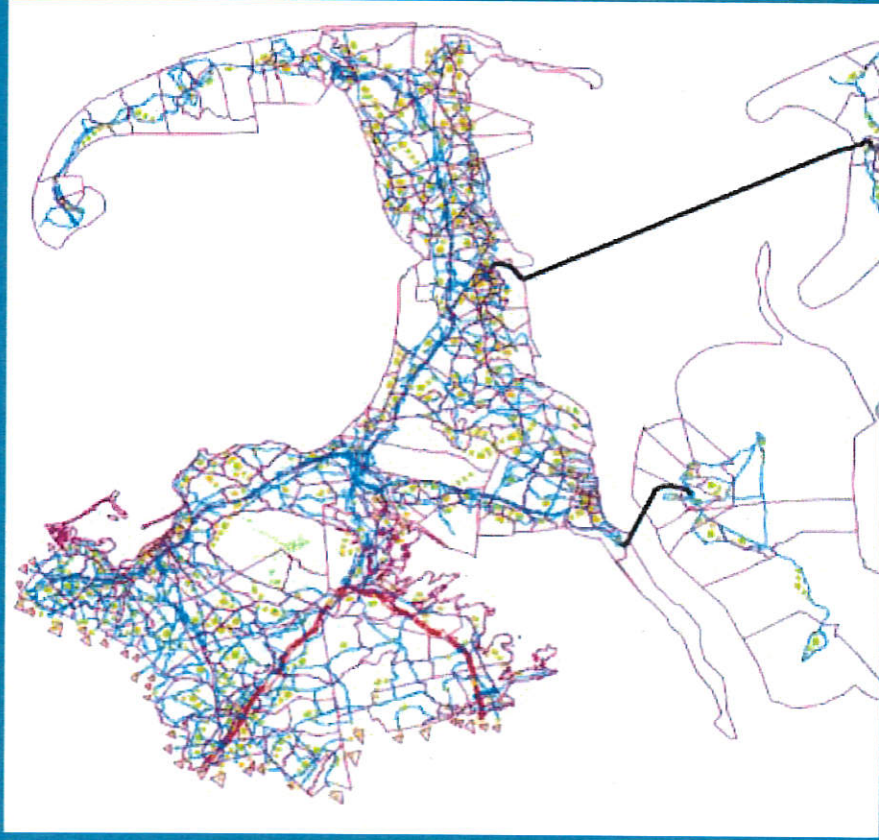


MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
MassDOT
Project Manager



Travel Demand Model.



- Roadway network for Cape Cod and portions of Plymouth County.
- Used for forecast traffic for existing and future (2040) for no-build and build alternatives

MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
MassDOT
Project Manager



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COMMISSION

7 Cases Evaluated.

TRAVEL DEMAND MODEL CASE IMPROVEMENTS

Map Location	Improvements	Case 1	Case 1A	Case 1B	Case 2	Case 2B	Case 3	Case 3A
A	Scenic Highway to Rte 25 Westbound On-Ramp	●	●	●	●	●	●	●
B	Rte 6 Exit 1C Relocation	●			●	●	●	●
C	Rte 28 Northbound Ramp to Sandwich Road		●	●	●	●	●	
D	Bourne Rotary (Three New Signalized Intersections)			●	●	●	●	
E	Belmont Circle (3 Leg Roundabout plus Signalized Intersection)				●		●	●
F	Belmont Circle with Rte 25 Eastbound Fly-over					●		
G	New Bridges (Bourne and Sagamore)						●	●
H	Rte 6 Eastbound Travel Lane from Exit 1A to Exit 2						●	●
I	Bourne Rotary with Highway Interchange							●

MassDOT Canal Area Study

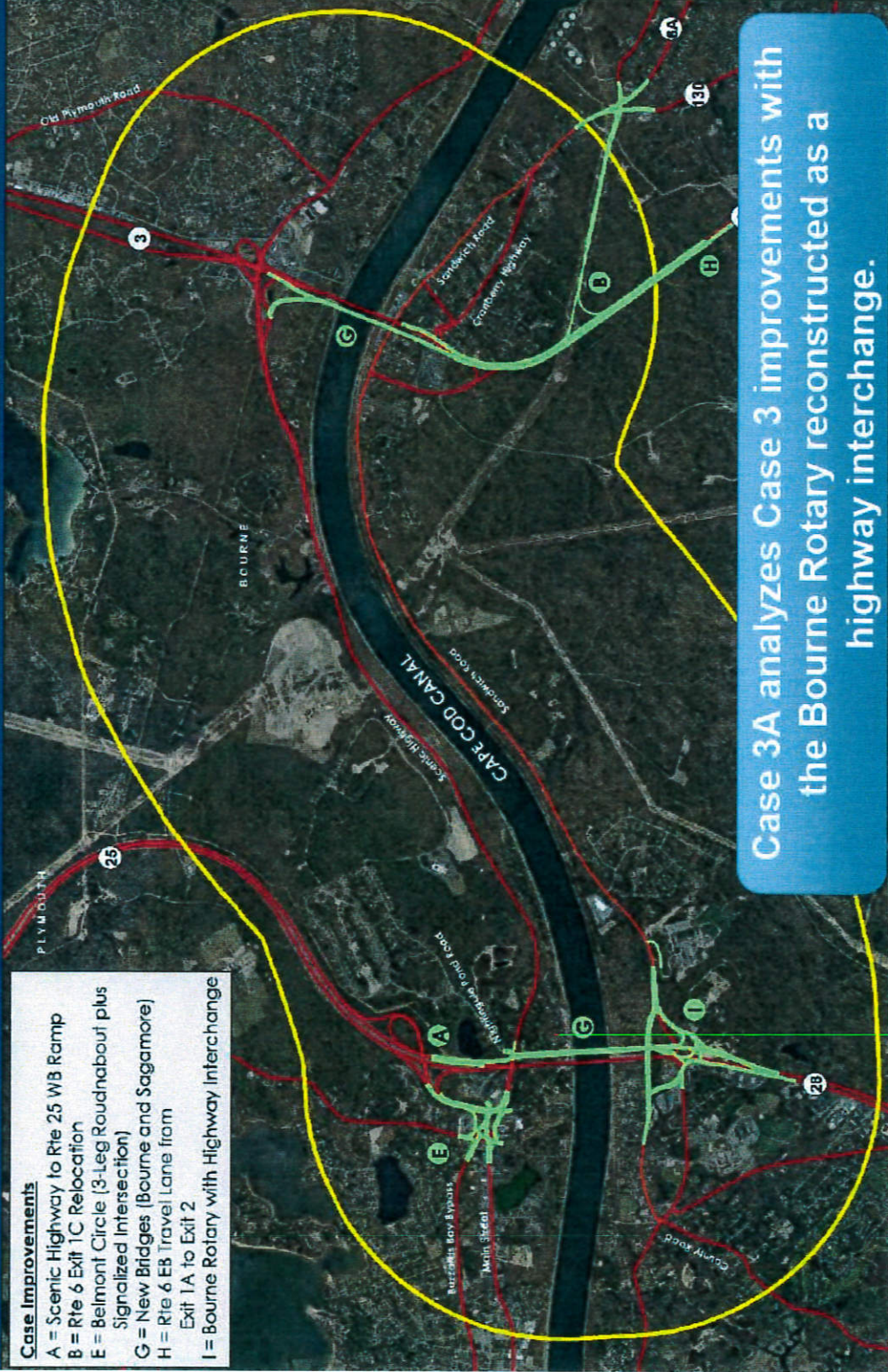
Slide courtesy of:
 Ethan Britland
 MassDOT
 Project Manager



Travel Model Case 3A.

Case Improvements

- A = Scenic Highway to Rte 25 WB Ramp
- B = Rte 6 Exit 1C Relocation
- E = Belmont Circle (3-Leg Roundabout) plus Signalized Intersection
- G = New Bridges (Bourne and Sagamore)
- H = Rte 6 EB Travel Lane from Exit 1A to Exit 2
- I = Bourne Rotary with Highway Interchange



Case 3A analyzes Case 3 improvements with the Bourne Rotary reconstructed as a highway interchange.

MassDOT Canal Area Study

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Ethan Britland
MassDOT
Project Manager



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COMMISSION

Scenic Highway Westbound to Route 25 Westbound Ramp.



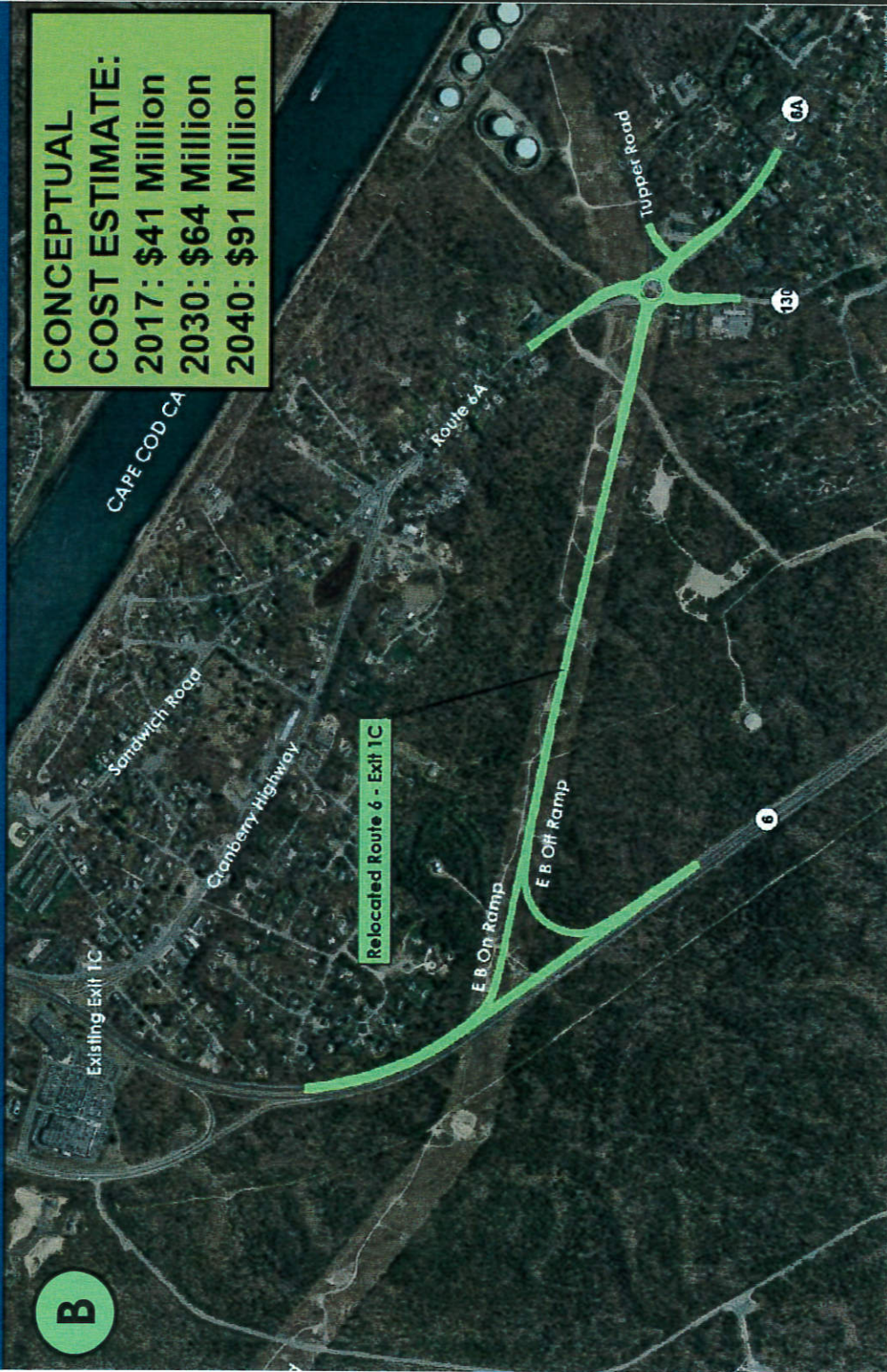
MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
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Project Manager



CAPE COD
COMMISSION

Route 6 Exit 1C Relocation.



MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
MassDOT
Project Manager



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COMMISSION

Belmont Circle Reconstruction (3-Leg Roundabout with Signalized Intersection).



**CONCEPTUAL
COST ESTIMATE:**
2017: \$26 Million
2030: \$40 Million
2040: \$56 Million

**DOES NOT INCLUDE
COST OF SCENIC HWY
RAMP TO ROUTE 25.**

MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
MassDOT
Project Manager



CAPE COD
COMMISSION

Route 6 – Additional Eastbound Lane Sagamore Bridge to Exit 2.

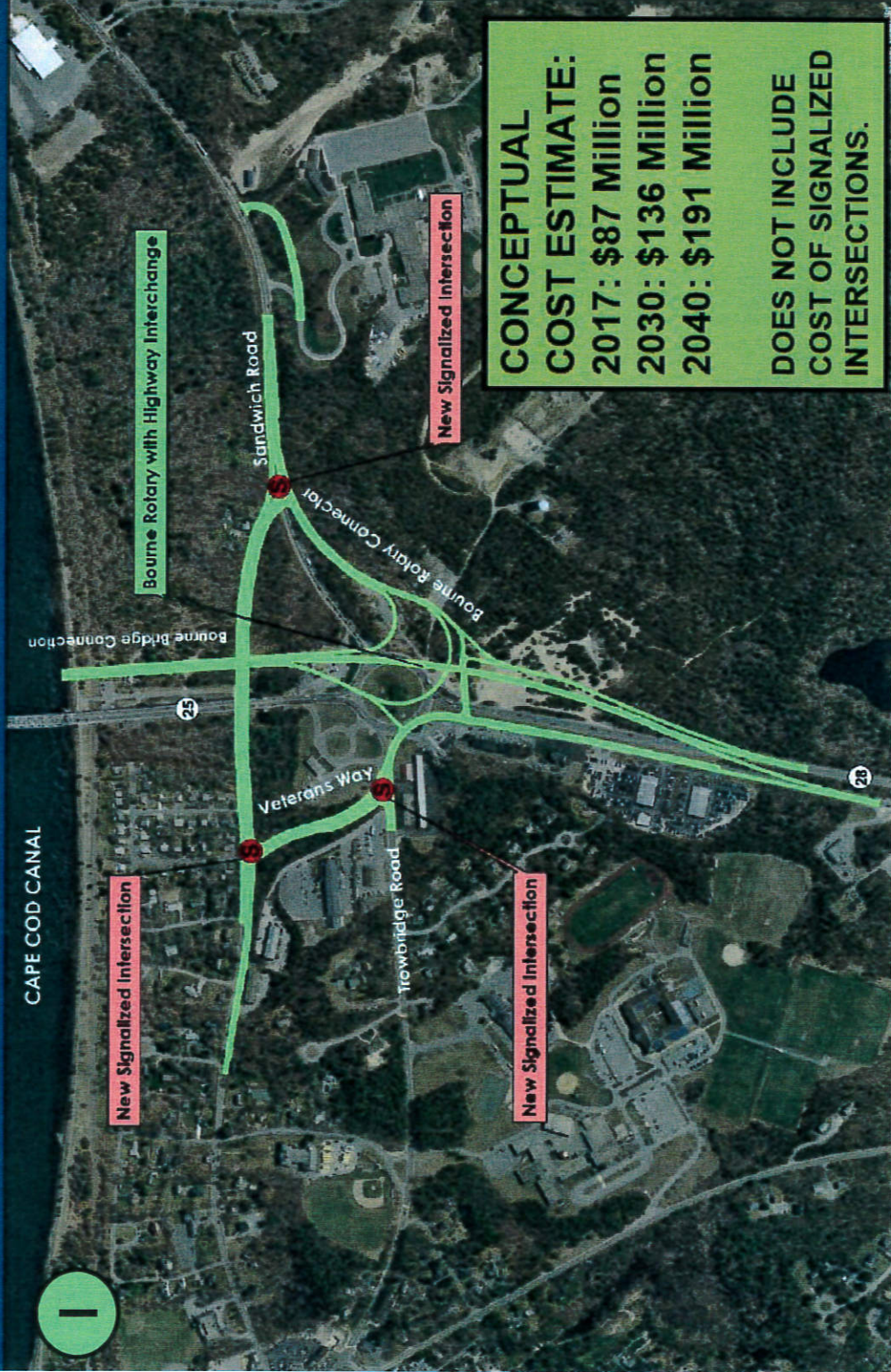


MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
MassDOT
Project Manager



Bourne Rotary Highway Interchange.



MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
MassDOT
Project Manager



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Summary of Conceptual Cost Estimates.

Alternatives	Cost Estimates (\$ in millions)		
	2017	2030	2040
Scenic Highway to Route 25 WB Ramp	\$6	\$10	\$14
Route 6 Exit 1C Relocation	\$41	\$64	\$91
Rte 28 NB to Sandwich Road Ramp	\$7	\$10	\$15
Bourne Rotary Reconstruction	\$34	\$52	\$73
Belmont Circle Reconstruction	\$26	\$40	\$56
Belmont Circle Reconstruction with Rte 25 Fly-over to Scenic Highway	\$36	\$56	\$80
Route 6 EB Travel Lane	\$42	\$65	\$92
Bourne Rotary Interchange	\$87	\$136	\$191

MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
MassDOT
Project Manager



Summary of Conceptual Cost Estimates by Case.

Cost Estimates by Case (\$ in millions)			
Cases	2017	2030	2040
Case 1	\$47	\$74	\$105
Case 1A	\$13	\$20	\$29
Case 1B	\$40	\$63	\$88
Case 2	\$107	\$166	\$234
Case 2B	\$117	\$183	\$258
Case 3	\$149	\$231	\$326
Case 3A	\$202	\$315	\$444

MassDOT Canal Area Study

Slide courtesy of:
Ethan Britland
MassDOT
Project Manager

Does **not**
include
cost of new
bridges



capecodcommission.org

Steven Tupper
Cape Cod Commission

CAPE COD COMMISSION MEETING | MAY 3, 2018



CAPE COD
COMMISSION



The Fix Coalition – Steering
Committee Meeting

NOTES

5.4.18 (Happy Star Wars Day)

Call in number: 408-650-3131

Code 418-864-709#

Present: Rob Wilson (CC Tech), Steve Tupper (CC Commission), Wendy Northcross (CC Chamber), Tom Cahir (CCRTA) in the room – on the phone: Su Moran (Falmouth Selectman), David Vieira (State Rep.), Jim Russo (Eastham Chamber), Rory Clark & Danielle Greene (Sen. Markey's office).

- Selectman Mark Forest has asked to be part of the Coalition. He feels we need to get creative on financing, get this to the MEPA process and push, cajole & nudge the USACE every step of the way.
- Report on meeting with Secretary Pollack included her strong position that MA DOT will try to own the traffic plan for the Bourne Bridge – and she concurred with all our asking points (left with her in writing.) She is pursuing a meeting with the USACE Colonel to secure data on the bridges, and to have her engineers make their own assessments. The issue of financing was not as of great concern to her, but she will continue to push the planning process into the permitting phase and actual “project” phase in Highway Dept. She pledged to work closely with us.
- The construction schedule for the Bourne Bridge was discussed and it was agreed that we would submit a letter to Secretary Pollack via Rep. Vieira to ask this work be moved to Spring 2019. (Letter was sent today.)
- Petition Status @ 2630+ signatures: www.FixCapeCodBridges.com
- Press to date: local Patriot Ledger, CC Times, WCAI/The Point with Mindy Todd, Sandwich Community TV taping.

- 11:00 AM – SEN. MARKEY’S STAFF (Daniel Greene & Rory Clark) reported on two pieces of legislation they are working on, one of which needs statements of support ASAP.
 - The first is to add a program to the Water Resources Bill moving in the Senate – including a provision to authorize USACE to repair or replace critical evacuation routes & divest to state control.
 - The second is a broader provision being worked into an infrastructure bill...the provision announcement to be released at the start of hurricane season this month, targeting funds to mass evacuation routes (for EMR, public safety, & increase capacity.)
 - Sen. Markey has authorized staff to get innovative and get in deep on this topic, and they met last Friday with MA DOT and USACE thought leaders on charting a path forward.

- FOLLOW UP/Next Steps:
 - Markey’s office needs data on evacuation of the Cape (how long it would take in current conditions.)
 - Rep. Vieira to deliver letter to MA DOT’s Secretary Pollack re: Bourne Bridge timing.
 - Add Clark, Greene & Forest to the steering committee list.
 - Next week: Fox 25 interview @ Chamber @ 10 AM on Tuesday 5/8. Coalition members invited.
 - Discuss a summer petition push (bumper stickers, yard signs, visitor center copies of petition, Realtors’ copies of petition.
 - Contact to add to your lists:
 - Meghan Haggerty, Chief of Staff, Highway Division, MassDOT, 10 Park Plaza Suite 7410, Boston MA 02116. Office 857-368-9682 cell: 774-502-0740.
[Meghan.haggerty@dot.state.ma.us](mailto: Meghan.haggerty@dot.state.ma.us).
 - Steve Tupper attending the Joint Base Cape Cod meeting at which USACE report will be given (5/16) and evacuation discussed.

NO MEETING 5/11/18



May 4, 2018

The Honorable David T. Vieira
State Representative
Third Barnstable District
Room 167
State House, Boston MA 02113

Dear Representative Vieira:

The Coalition for The Fix, proponents of the emerging scenario 3A for the canal area transportation planning, are requesting your assistance in amending the work schedule for the Bourne Bridge in 2018.

The U.S. Army Corps of Engineers plan to do repairs on the Bourne Bridge, again requiring lane drops, in September through November this year. We are unanimous in the belief that this work should be pushed back to spring 2019. With hurricane season upon us later this month, we believe this timing would be wise and also help give sufficient notice to the traveling public about travel pattern changes.

We are grateful for your leadership in this issue, so critical to the health and well-being of Cape Cod – and ask that you carry this message to Secretary Pollack of MassDOT to share with the U.S. Army Corps of Engineers.

Sincerely,

Wendy K. Northcross, CCE
Chief Executive Officer
On behalf of The Fix Coalition www.FixCapeCodBridges.com

n

Cheryl J. Gomes
P. O. Box 265
East Wareham, MA 02538

RECEIVED
MAY 18 2018
TOWN OF BOURNE
BOARD OF SELECTMEN

TO WHOM IT MAY CONCERN:

After working for the Town of Bourne for 39 years I have decided to retire. My last day of working will be July 13, 2018.

Respectfully submitted,



Cheryl J. Gomes



TOWN OF BOURNE

Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600 ex. 1313



May 18, 2018

Hoxie Center at Sagamore Beach for Art, Science, Education and Culture
c/o Meredith Chase, President, HOXIE Center, Inc.:
Post Office Box 468
Sagamore Beach, Mass. 02562

Re: Notice of Default and Termination

Dear Ms. Chase,

This letter is to respectfully inform you and the other members of HOXIE Center, Inc. that at a meeting of the Community Preservation Committee (CPC) held on Thursday, May 17, 2018 it was a UNANIMOUSLY voted that under Section 17: Default and Termination of the Agreement between the Town of Bourne (acting by and through the CPC) and the Hoxie Center, Inc.(Recipient) determined that the Recipient has failed to fulfill all obligations set forth under the terms of this Grant Agreement in the following manner:

- a. That under Section 7: Reports....the CPC has only received from the Recipient the February 5, 2018 Project Progress Report; nothing for the month of March, 2018; and
- b. Under Section 14: Insurance...it is the understanding of the CPC that the in an email to Town Administrator Thomas Guerino from Atty. J. Ford O'Connor dated May 10, 2018 it stated in part, "There will be no insurance on the building as of May 22, 2018". In as much it is the responsibility of the Recipient to maintain insurance coverage(s)...without same this is a clear default of the terms of this Section.

Therefore, please be advised that if the CPC does not a response to this letter **ON OR BEFORE JUNE 1, 2018** clearly stating to us how HOXIE Center, Inc intends to rectify these situations...it is our intention to immediately convene a Public Hearing to determine if HOXIE Center, Inc. has failed to fulfill its obligations and terminate this Agreement.

For the CPC:


Barry H. Johnson, Chairman

c.c. CPC Members

Wayne J. Del Pico, Inc.
Town Counsel Robert Troy
Town Administrator Thomas Guerino

5/7/2018

Samuel Haines

Date

Conservation Agent

Board of Health: Concur Does Not Concur

Remarks: Approved food permit #134-18 pending pre-operational inspections and occupancy permit.

5/16/2018

Terri Guarino

Date

Health Agent

Building Inspector: Concur Does Not Concur

Remarks: Will need to apply for a Certificate of Inspeiton - \$40.

5/11/2018

Roger Laporte/ag

Date

Building Inspector

Sewer Commissioners: Concur Does Not Concur

Remarks:

5/8/2018

George M. Sala

Date

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:

5/14/2018

A Dastous

Date

Town Collector

Town Clerk:
If not corporation has business certificate been issued? Yes No

Remarks: Using corporate name no DBA required

5/11/2018

wjc

Date

Clerk's Office

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

Remarks: New Business

5/14/2018

Karen Trudeau

Date

Assessors Office

Department of Public Works: Approved Disapproved Not Under DPW Jurisdiction

Remarks:

5/10/2018

George M. Sala

Date

Department Head

Department of Natural Resources: Approved Disapproved Not Under DNR Jurisdiction

Remarks:

5/15/2018

Tim Mullen

Date

Department Head

Police Department: Concur Does Not Concur

Remarks:

5/11/2018

Chief Dennis R. Woodside

Date

Department Head

Fire Department: Concur Does Not Concur

Remarks: Needs full acceptance test and inspections, Applicant withdraw live entertainment.

5/16/2018

Chief Sylvester

Date

Department Head

Board of Selectmen: Concur Does Not Concur

Remarks:

Date

Chairman

LEGAL NOTICES

Notice Town of Bourne Liquor License Hearing

Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 12 that application has been received from Mahoney's on Main LLC, Vincent D. Mahoney, Mgr, 57 Main Street, Buzzards Bay, MA 02532 for a Year Round Common Victualer License for the sale of all kinds of alcoholic beverages to be drunk on the premises. Description of premises: 4 rooms & 3 restrooms: 1 dining room with bar, kitchen, prep room, office, men's and ladies' restrooms, employees restroom, basement for storage 3 entrances/exits. A public hearing will be held in the Bourne High School Library/Media Center, 75 Waterhouse Road, Bourne, MA on Tuesday, May 22, 2018 at 7:30 p.m.

Board of Selectmen
George G. Slade, Jr.
Peter J. Meier
Judith MacLeod Froman
Donald J. Pickard

May 11, 2018



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

Print Form

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: <https://www.paybill.com/mass/abcc/retail/>

(PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

EPAY CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Transfer of License |
| <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Issuance of Stock | <input type="checkbox"/> New Stockholder | <input type="checkbox"/> Transfer of Stock |
| <input type="checkbox"/> Change of License Type | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Wine & Malt to All Alcohol |
| <input type="checkbox"/> Change of Location | <input type="checkbox"/> More than (3) \$15 | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> 6-Day to 7-Day License |
| <input type="checkbox"/> Change of Manager | <input checked="" type="checkbox"/> New License | <input type="checkbox"/> Seasonal to Annual | |
| <input type="checkbox"/> Other | <input type="text"/> | | |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

**ALCOHOLIC BEVERAGES CONTROL COMMISSION
 239 CAUSEWAY STREET
 BOSTON, MA 02241-3396**



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

APPLICATION FOR A RETAIL ALCOHOLIC BEVERAGES LICENSE

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

1. NAME OF PROPOSED LICENSEE (Business Contact)

Mahoney's on Main LLC

This is the corporation or LLC which will hold the license, **not** the individual submitting this application. If you are applying for this license as a sole proprietor, not an LLC, corporation or other legal entity, you may enter your personal name here.

2. RETAIL APPLICATION INFORMATION

There are two ways to obtain an alcoholic beverages license in the Commonwealth of Massachusetts, either by obtaining an existing license through a transfer or by applying for a new license.

Are you applying for a new license New Transfer or the transfer of an existing license?

If transferring, please indicate the current ABCC license number you are seeking to obtain:

If applying for a new license, are you applying for this license pursuant to special legislation?

Yes No

Chapter

Acts of

If transferring, by what method is the license being transferred?

3. LICENSE INFORMATION / QUOTA CHECK

City/Town

Bourne

On/Off-Premises

On-Premises

TYPE

§12 Restaurant

CATEGORY

All Alcoholic Beverages

CLASS

Annual

4. APPLICATION CONTACT

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name: Vincent

Middle: David

Last Name: Mahoney

Title: Owner

Primary Phone:

Email:

5. OWNERSHIP

Please list all individuals or entities with a direct or indirect, beneficial or financial interest in this license.

An individual or entity has a direct beneficial interest in a license when the individual or entity owns or controls any part of the license. For example, if John Smith owns Smith LLC, a licensee, John Smith has a direct beneficial interest in the license.

An individual or entity has an indirect beneficial interest if the individual or entity has 1) any ownership interest in the license through an intermediary, no matter how removed from direct ownership, 2) any form of control over part of a license no matter how attenuated, or 3) otherwise benefits in any way from the license's operation. For Example, Jane Doe owns Doe Holding Company Inc., which is a shareholder of Doe LLC, the license holder. Jane Doe has an indirect interest in the license.

A. All individuals listed below are required to complete a Beneficial Interest Contact - Individual form.

B. All entities listed below are required to complete a Beneficial Interest Contact - Organization form.

C. Any individual with any ownership in this license and/or the proposed manager of record must complete a CORI Release Form.

Name	Title / Position	% Owned	Other Beneficial Interest
Vincent D Mahoney	LLC Manager	100	
Darlene Mahoney	LLC Member	100	

For additional space, please use next page

APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGES LICENSE

5. OWNERSHIP (continued)

Name	Title / Position	% Owned	Other Beneficial Interest
	Other		
	Other		
	Other		

6. PREMISES INFORMATION

Please enter the address where the alcoholic beverages are sold.

Premises Address

Street Number: Street Name: Unit:

City/Town: State: Zip Code:

Country:

Description of Premises

Please provide a complete description of the premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage.

Floor Number	Square Footage	Number of Rooms	Patio/Deck/Outdoor Area Total Square Footage
1	3100	3	<input type="text" value="0"/>
			Indoor Area Total Square Footage <input type="text" value="3100"/>
			Number of Entrances <input type="text" value="3"/>
			Number of Exits <input type="text" value="3"/>
			Proposed Seating Capacity <input type="text" value="86"/>
			Proposed Occupancy <input type="text" value="99"/>

Occupancy of Premises

Please complete all fields in this section. Documentation showing proof of legal occupancy of the premises is required.

Please indicate by what right the applicant has to occupy the premises: Landlord Name:

Lease Beginning Term: Landlord Phone:

Lease Ending Term: Landlord Address:

Rent per Month:

Rent per Year:

If leasing or renting the premises, a signed copy of the lease is required.

If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.

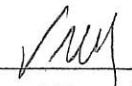
Please indicate if the terms of the lease include payments based on the sale of alcohol: Yes No

MINUTES OF THE ORGANIZATIONAL MEETING OF THE INCORPORATOR (the "Incorporator") of Mahoney's on Main LLC (the "Corporation") held at 57 Main st, on May 2, 2018, at the hour of 9:00 am.

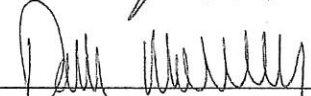
1. The following Incorporators were present: Vincent D mahoney, and Darlene T Mahoney.
2. UPON MOTION, Vincent D Mahoney acted as Chairman of the meeting and Darlene T Mahoney acted as Secretary of the meeting.
3. The following memorandum was then read and ordered to be inserted into the minutes; we have voted that Vincent D Mahoney be manager of Mahoney's on Main and apply for liquor license as such.

Year Round Common
Crate
In the state
of RI King
of Alcoholic
Beverage

We, the Incorporators of the Corporation, consent to this meeting being held at the above time and place and waive notice of this meeting and the publication of this meeting, and consent to the transaction of such business, as may have come before it, as testified by our signatures below:

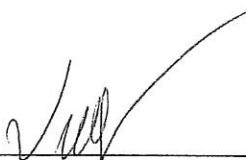


Vincent D mahoney (Signature)

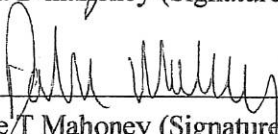


Darlene T Mahoney (Signature)

4. There being no further business to come before the meeting, the meeting then adjourned.



Vincent D mahoney (Signature)



Darlene/T Mahoney (Signature)



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Special Filing Instructions

Certificate of Organization

(General Laws, Chapter)

Identification Number: 001308749

1. The exact name of the limited liability company is: MAHONEY'S ON MAIN, LLC

2a. Location of its principal office:

No. and Street: 57 MAIN STREET
 City or Town: BUZZARDS BAY State: MA Zip: 02532 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 57 MAIN STREET
 City or Town: BUZZARDS BAY State: MA Zip: 02532 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

THE BUSINESS WILL EMPLOY A KNOWLEDGEABLE STAFF TO SERVE QUALITY FOOD, BEVERAGES, SPIRITS, BEER AND WINE TO THE PUBLIC SEVEN DAYS A WEEK. THE BUSINESS WILL ALSO HAVE ENTERTAINMENT AVAILABLE AND OTHER THINGS THAT A RESTURANT WOULD DO IN ITS USUAL COURSE OF RUNNING SAID BUSINESS.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: VINCENT D. MAHONEY
 No. and Street: 57 MAIN STREET
 City or Town: BUZZARDS BAY State: MA Zip: 02532 Country: USA

I, VINCENT D. MAHONEY resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	VINCENT D. MAHONEY MR.	57 MAIN STREET BUZZARDS BAY, MA 02532 USA

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name	Address (no PO Box)
-------	-----------------	---------------------

	First, Middle, Last, Suffix	Address, City or Town, State, Zip Code
SOC SIGNATORY	VINCENT D. MAHONEY MR.	57 MAIN STREET BUZZARDS BAY, MA 02532 USA

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	VINCENT D. MAHONEY MR.	57 MAIN STREET BUZZARDS BAY, MA 02532 USA

9. Additional matters:

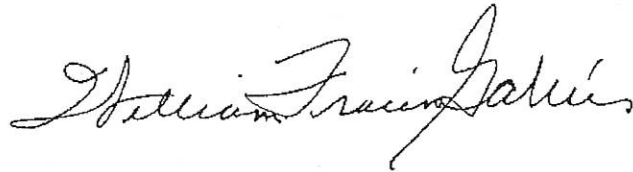
SIGNED UNDER THE PENALTIES OF PERJURY, this 19 Day of January, 2018,
JOHN W. MCLAUGHLIN
(The certificate must be signed by the person forming the LLC.)

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

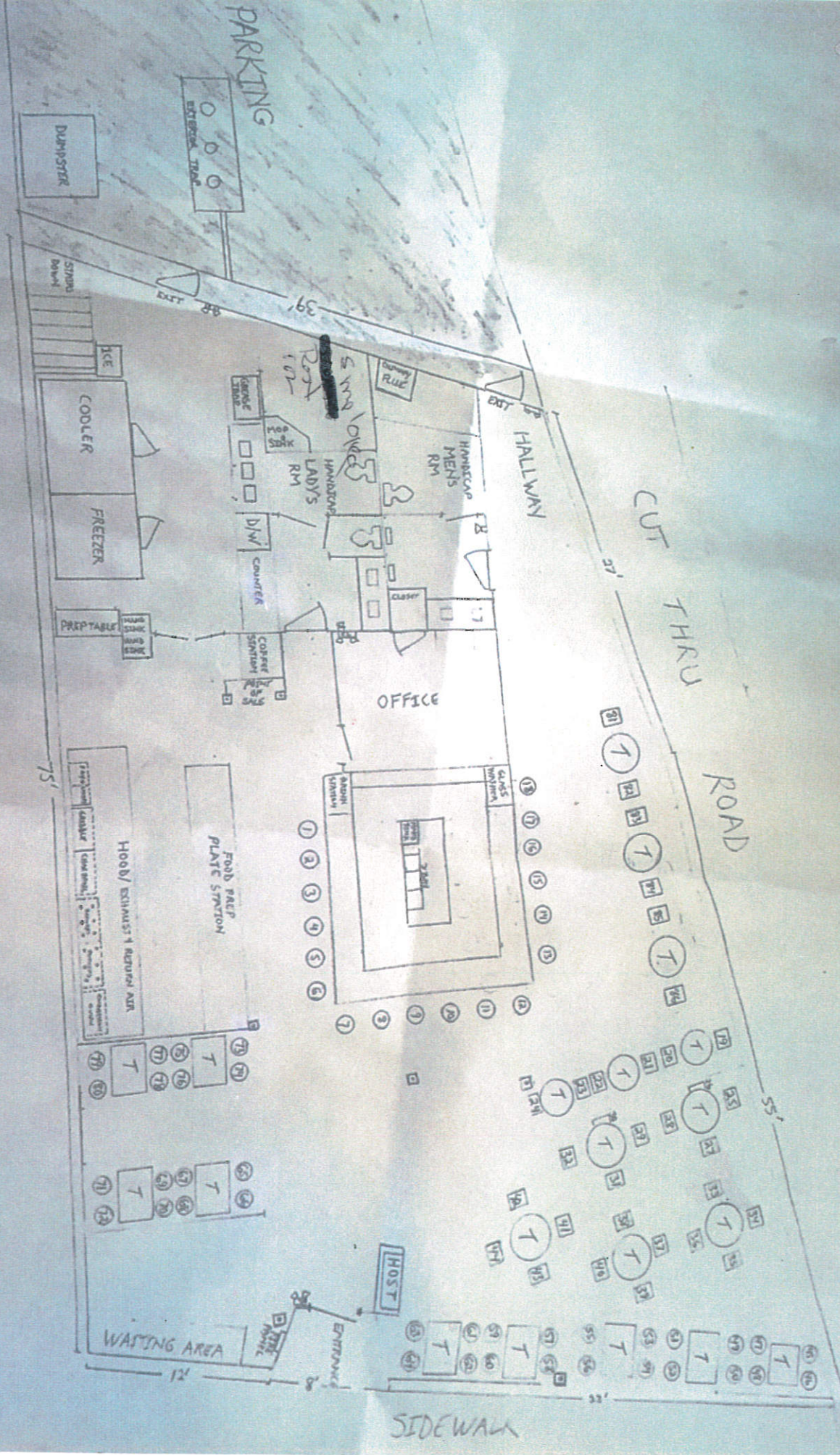
deemed to have been filed with me on:

January 19, 2018 05:38 PM

A handwritten signature in cursive script that reads "William Francis Galvin". The signature is written in black ink and is centered on the page.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



SIDEWALK

CUT THRU ROAD

PARKING

HALLWAY

OFFICE

WAITING AREA

HOST

ENTRANCE

STAINLESS STEEL SINK

FOOD BAR/ PLATE STATION

HOB/ EXHAUST & RETURN AIR

PREP TABLE

FREEZER

COOLER

HANDBASE

MEN'S RM

LADY'S RM

HANDBASE

D/W

counter

CURRY STOVE

ICE

STAIRS DOWN

DUMPSTER

EXTERIOR TABLE

\$15.00
 \$50.00
 125.00

license not paid



LB

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:	57 MAIN ST
Corporate Name:	
Individual/Partnership:	
Business Name:	MAHONEY'S ON MAIN, LLC
Manager:	VINCENT MAHONEY
Date:	5-11-18

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:		
Signature Name:		
Business Address:	57 MAIN ST	
Home Address:		
Phone:	(Home) _____	(Business) _____
Email:		

- NOTE: (a) If a corporation, state full names and addresses of principal officers;
 (b) If a co-partnership, information must be provided on each partner; if corporation information must be provided on corporate officer making application.

Name: _____

Address: _____

- Born in U.S. _____
- Born Where _____
- Date of Natu _____
- Male or Fem _____



Pho

Name: _____

Address: _____

Description of Applicant

Born in U.S. Yes _____ No _____

Born Where: _____

Date of Naturalization: _____

Male or Female: _____

Photo (1 inch x 1 inch)

The Establishment shall operate as:

- Sole ownership
- Limited Liability Corporation
- Partnership - Total Number of Partners _____
- Corporation based in _____

Corporate information (if applicable):

President: _____

Secretary: _____

Treasurer: _____

(Name)

(Address)

INFORMATION RELATIVE TO APPLICANT

Is the property owned by you? (Please Check) Yes No

Tenant at Will _____

Lease _____ Years _____

Hours of Operation:

8-5 noon-11:00 pm

Floor Space 3000 Sq. Ft. Seating capacity 86

Parking capacity 8 Number of Employees 13

One (1) copy of the following items must be submitted with the application:

1. Layout plan of facility and fixtures Date received _____
2. Site Plan Date received _____
3. Outside Facade and Sign Plan Date received _____

If the facilities are not yet completed, provide estimated cost of work to be done:

\$ 52000

Date received 5-18-18

Please attach Applicant's Resume including References

FOR OFFICE USE ONLY

RECEIVED BY: _____

DATE RECEIVED: _____

FEE PAID: _____

Scheduled hearing when application will be presented to Board of Selectmen for Processing

Date _____ Time _____

Board Action: Approved for processing Yes No Date _____

If approved for processing Department reports are due _____ for action at the

_____ meeting of the Board of Selectmen.

Board Action: Approved: Yes No Date _____ License # _____

Signature

7A

Johnson, Barry

From: Johnson, Barry
Sent: Thursday, April 26, 2018 9:30 AM
To: Sundman, Nancy
Subject: FW: REQUEST FOR AN OPEN SPACE COMMITTEE ITEM TO BE ON THE MAY 1, 2018 BOS MEETING

HERE YOU GO. BJ

From: Johnson, Barry
Sent: Tuesday, April 24, 2018 10:15 AM
To: Slade, George <gslade@townofbourne.com>
Cc: Guerino, Thomas <TGuerino@townofbourne.com>; 'Andrew Cooney' <awcooney@yahoo.com>; 'Dick Anderson' <dick.anderson@comcast.net>; 'Penny & Don Myers' <dpmyers3@comcast.net>; Mardi Mauney <rosamar@capecod.net>; 'Rick Rheinhardt' <rheinhardtr@gmail.com>; les perry <perryles1943@gmail.com>; P Sweeney <sweeneyps@yahoo.com>; Alexander Joyce <alec@capelawyer.net>
Subject: REQUEST FOR AN OPEN SPACE COMMITTEE ITEM TO BE ON THE MAY 1, 2018 BOS MEETING

Chm Slade & Adm. Guerino:

On behalf of the members of the Open Space Committee (OSC)...I am respectfully requesting that I/we be placed on the BOS May 1, 2018 meeting for the following purpose as this is a time sensitive matter and is in accordance with the BOS policy of naming town-owned recreational areas:

At last night's OSC meeting...we voted to respectfully request I/we be allowed to appear at this particular meeting to ask that the BOS approve the OSC recommendation to name the town-owned recreational parcel located **NEXT** to the Aptuxcet Trading Post parcel "**CANAL OVERLOOK**".

BACKGROUND: the town acquired this parcel a few years ago from the Lyons family for open space/passive recreation purposes and up to now it was commonly referred to as the "Lyons Property". The OSC has worked very closely with the Corps of Engineers—who have been very helpful—in allowing us to create a large scenic vista of the Canal. The OSC will also be purchasing some benches and a table that will be installed there for people's enjoyment....again with the Corps approval. Further, the walkway between the Post and this parcel is almost complete and this be a great addition to the overall area.

The reason this is time sensitive is that we want to order signs that depict the name of the parcel as well as directing folks to the area. It is my understanding that the BOS will **NOT** be meeting on Tuesday, May 8 (please correct me on that) and by at least introducing this on

May 1...the BOS can vote on this at their next regularly scheduled meeting. It takes time to order & build the signs and we are hoping to have them installed for Memorial Day weekend.

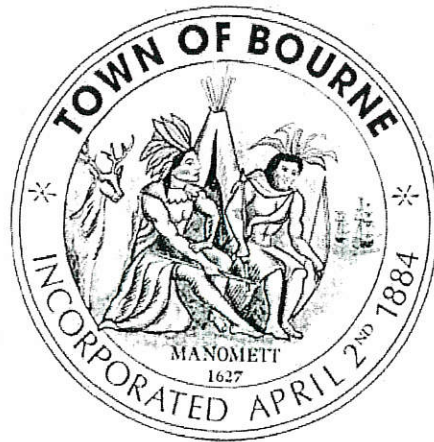
We would appreciate it if you could do this...it will be a VERY SHORT PRESENTATION...and could be "up front". I think this the first request of this nature under the NEW policy...THANKS & PLEASE LET ME KNOW.

Encourage you to visit the site anytime. BJ

7B

Articles of the Warrant
For the Bourne
Special Town Meeting
Monday, June 4, 2018
7:00 p.m.

Bourne High School Auditorium



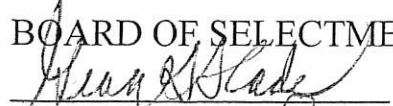
7B

ARTICLE 1: To see if the Town will vote to amend the Fiscal Year 2018 Department of Integrated Solid Waste Management (ISWM) operating budget by transferring a sum of money from ISWM retained earnings to ISWM Expenses and the ISWM Reserve Fund, or take any action in relation thereto.

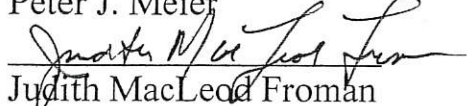
Sponsor – Board of Selectmen

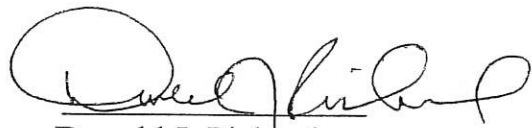
APPROVED: May 14, 2018

BOARD OF SELECTMEN


George G. Slade, Jr.


Peter J. Meier


Judith MacLeod Froman


Donald J. Pickard

RECEIVED
2018 MAY 15 AM 9:07
TOWN CLERK BOURNE

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

Dated this _____ day of _____, 2018

Constable

Received in the Town Clerk's Office _____

Barry H. Johnson, Town Clerk

A True Copy,
Attest:

Town Clerk

7C

Executive Session Minutes – Bourne Board of Selectmen February 2, 2016

In open session the Chairman Called the meeting to order. (Items 1-3) Call to order

Mr. Pickard made a motion to enter Executive Session to conduct strategy session with respect to contracts related to the collective bargaining process with all municipal bargaining units. An open meeting may have a detrimental effect on the position of the public body. The Chairman declares that such open discussion will have a detrimental effect to the negotiating position of the public body. The motion was seconded by Mr. Ellis and unanimously agreed to by the Board via roll call vote as recorded below.

Mr. Pickard – yes; Mr. Meier – yes; Mr. Blanton – Excused ; Mr. Ellis – yes; Mr. Mealy – yes

Mr Blanton joined the meeting shortly after the commencement of the executive session.

Finance Director Linda Marzelli, Treasurer Karen Girouard and Health Insurance Consultant Sue Shillue, from Cook and Company were present to discuss the implications of the Board considering the adoption of Sections 21-23 of MGL 32B. These sections refer to Insurance Plan Design the possibility to enter the GIC program. The adoption of any or all of these would result in the necessity to collectively bargain plan design changes (proposed). IF the Board were to adopt these sections in a public meeting at a later date, a formal process including negotiations as provided by the sections as opposed to MGL Chapter 150E. Various options on plan design changes that may be bargained were reviewed and discussed with and by the Board.

Business of the Executive Session having been completed, Mr. Meier made a motion to adjourn the Executive Session and convene in open session at 7:00 P.M. Mr. Pickard seconded the motion and upon a roll call vote was unanimously agreed to by the board.

Mr. Pickard – yes; Mr. Meier – yes; Mr. Blanton – yes ; Mr. Ellis – yes; Mr. Mealy – yes

Respectfully submitted,

Thomas Guerino

**EXTENTION OF MEMORANDUM OF AGREEMENT
BETWEEN
THE TOWN OF BOURNE
AND THE M.G.L. c. 32B, §§ 21/23
BOURNE PUBLIC EMPLOYEE COMMITTEE
(through June 30, 2022)**

WHEREAS, the Town of Bourne, including the Bourne Public Schools (“Town”), currently provides health insurance benefits to its subscribers pursuant to M.G.L. c. 32B, but not including M.G.L. c. 32B, §§21 through 23; and

WHEREAS, the Town, by a vote of its Board of Selectmen on February 16, 2016 elected to change health insurance benefits under M.G.L. c. 32B, §§ 21 through 23, as amended by Chapter 69 of the Acts of 2011, for the purpose of implementing changes in health insurance benefits it provides to its subscribers; and

WHEREAS, the Town and the Public Employee Committee (“PEC”) are entering into this written agreement to transfer the Town’s subscribers to the modified Blue Care Elect Preferred Deductible and Network Blue New England Deductible plans pursuant to M.G.L. c. 32B, § 21-23 effective July 1, 2016 through June 30, 2019 (“2016-2019 Agreement”); and

WHEREAS, The Town and Public Employees Committee are desirous to continue the current agreement noting mutual benefit to the Town, Employees and retirees of the Town of Bourne through June 30, 2022;

NOW THEREFORE, the Town and the PEC agree as follows:

The Town of PEC agree to the terms and conditions of the **MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF BOURNE AND THE M.G.L. c. 32B, §§ 21/23 BOURNE PUBLIC EMPLOYEE COMMITTEE**

Purpose of Agreement

1. The purpose of this 2019-2022 Agreement is to maintain current health insurance benefits pursuant to M.G.L. c. 32B, § 21-23.

Premium Contributions

2. For the duration of the agreement, the Town will continue to contribute 75% of the premium costs and the employees and Medicare eligible and non-Medicare eligible retirees will continue to contribute 25% of the agreed upon Blue Cross Blue Shield plans.

Plans Available to Subscribers

3. The following plans will be available to employees and non-Medicare eligible retiree subscribers at the premium splits described in paragraph two (2) above:
 - Blue Care Elect Preferred Deductible
 - Network Blue NE Deductible

The plans are as set forth in the Summary of Benefits attached hereto and incorporated herein by reference.

4. The following plan will be available to Medicare eligible retiree subscribers at the premium splits described in paragraphs two (2):
 - Medex/Blue Medicare RX

The plans are as set forth in the Summary of Benefits documents attached hereto and incorporated herein by reference.

Mitigation Plan

5. There is no mitigation required in the agreement.

Notification

6. Subscribers shall be notified of the implementation of the agreement extension before June 15th, 2018.

Severability Clause

7. If any provision or portion of this Agreement is found to be unenforceable or unlawful, the remaining provisions or portions shall remain binding.

Scope

8. This Agreement shall constitute the whole of the Agreement between the Town and the PEC.

Authorization to Sign Agreement

9. Each signatory to this Agreement is authorized to bind the entity he/she represents. The PEC represents that it has the authorization and approval of a majority of the weighted votes of the PEC and that this Agreement is binding on all subscribers and their representatives.

THE TOWN OF BOURNE PUBLIC EMPLOYEE COMMITTEE

TOWN OF BOURNE

Thomas M. Guerino
Town Administrator

THE TOWN OF BOURNE PUBLIC EMPLOYEE COMMITTEE

Michael Gratis – Unit A

Michael Gratis – ISWM Union Representative

Richard Tavares – Retired State, County and Municipal Employees Association

Shawn Silva – International Association of Fire Fighters – Local 1717

Timothy Mullen – BEA Steward

Kendall Aflague – Local 30 AFSCME

Karen Doble - Teachers, ESP's and Administrative Assistant

Maureen Holden - Teachers, ESP's and Administrative Assistant

Laurianne Gilbert - Teachers, ESP's and Administrative Assistant

Michael Sanborn – DPW Union Steward

Michelle Freeman – DPW Representative

Philip Goddard – Unit B Steward

Brandon Esip – Superior Officers Union Steward

Daniel Cox – Patrolman Officers Union Steward

19) Town Administrator's Report [Excerpts from Board of Selectmen meeting of April 12, 2016]

Tom Guerino updated the board that the town has concluded on the local bargaining units to adopt sections 21-23 of 32 B as it relates to health insurance, and concluded the negotiations. We have come to a settlement relative to that, on a three-year basis with the mitigation being according to what the law allows and what the Selectmen were made aware of in correspondence. The bulk of the unions understood the towns need to rain in the cost of our health insurance programs. Thanked the members of the bargaining team.

Meeting regards the 208 planning with the members of the Cape Cod Commission Staff with our Health Office Planning, Conservation, and Engineering staff. We have plans going forward to get the baseline reporting that is required in June moving head. The staff is going to look at department by department and decide what comes forward and make recommendations and alterations.

The Board of Selectmen will post a meeting tomorrow for the meeting on Friday, regarding signing the Annual Town Meeting Warrant. Nancy is back in the office on a limited basis. Thank both Debbie and Mary for picking up a lot of slack.

Stephen Mealy questioned if it would be possible to get a closer handle on the projected savings on the health insurance. Tom Guerino stated that could be done.

ST re 1

7D

Bourne Recreation Outdoor Facility Reservation Policies

How to request a field/outdoor recreation facility:

Availability for all locations can be found on www.bournerec.com. Click on "Facilities" then select calendar. From the drop down menu you can select a specific location.

1. The requesting group must have an account on www.bournerec.com. Accounts should be set up for the organization, not an individual household.
2. Field requests are pending and will not be approved without receipt of the following:
 - a. Indemnification and Release (Acknowledged during online request process)
 - b. Copy of Certificate of Insurance. Coverage will be required in the minimum amounts of **\$2,000,000 per person, \$3,000,000** per occurrence for all private groups/organizations. The Town of Bourne must be named as an Additional Insured. Proof of insurance must be uploaded to your bournerec.com account prior to your request.
3. Any non-profit group must submit the following:
 - a. Copy of current Non-Profit Certification (Upload to your account prior to request)
4. Once the above listed documents are received, the request will be reviewed by the Recreation Department. Notification of the status will be sent to the email listed on the account.
5. Once approved, full payment must be made prior to the permit start date. There are no refunds for dates reserved and not used.

Application Deadlines:

May 1st: Summer Season Activities (End of school until the beginning of school)

August 1st: Fall Season Activities (Beginning of school until November 1st)

February 1st: Spring Season Activities (April 1st until the last day of school)

*Any group requesting use of the fields prior to April 1st must obtain permission from both the Department of Public Works and the Recreation Department.

All applications need to be submitted at least 7 days prior to requested day.

Groups wishing to use Town Property for fundraising purposes must submit an online facility request.

Bourne Recreation Outdoor Facility Reservation Policies

Scheduling Priorities:

Town of Bourne Recreation Department sanctioned or sponsored functions, activities, or events will take precedent over all other events or activities. The Bourne Public Schools or school sponsored organizations will have priority in scheduling after the Town of Bourne Recreation Department. After that, priority will be as follows: in-town non-profit youth groups, in-town non-profit adult groups, out of town non-profit youth groups, out of town non-profit adult groups, for profit youth groups (private), for profit adult groups (private). Availability of fields is not a guarantee of approval for use.

In order for an organization to receive the appropriate priority in scheduling, all requests must be received by the above deadlines. After the deadline, the Town reserves the right to permit facilities to groups with lower priority.

Rules and Regulations:

Unauthorized use of Town facilities for organized activities is not permitted, and may be cause to have any current permit revoked. Permits are issued for the outdoor space only and do not include access to storage areas or equipment unless specified by the Town. Permission for the use of Town facilities shall not be granted for any purpose that will, in any way, interfere with their use by the Town.

Subletting your scheduled field time to another group or organization is strictly prohibited and will result in permit revocation.

For profit use will be restricted to league play. No private instruction, clinics or workshops are allowed on Town property (ballfields, courts, beaches etc.).

All leagues must show compliance with the Commonwealth of Massachusetts CORI policies and procedures.

All coaches, parents and spectators must adhere to the individual league's Code of Conduct. The Town of Bourne reserves the right to deny access to permitted events to individuals who have violated the Code of Conduct.

Routine maintenance will be scheduled at the discretion of the Town, and may affect any previously approved permit schedule. The Town will do it's best to provide 24 hours notice of any cancellations. Only Town issued locks may be used on any facility.

Cancellation because of inclement weather will be at the discretion of the Town of Bourne. Organizations should make sensible decisions regarding play during inclement weather. If there are puddles, standing water, or water forming when someone steps on the field, practices or games must be cancelled.

Bourne Recreation Outdoor Facility Reservation Policies

Rules and Regulations (cont.):

At the end of the season, all organizations are required to leave the property in the condition that it was in at the beginning of the season. The Town will determine what, if any action needs to be taken by an organization in regards to maintenance or repairs. The Town of Bourne reserves the right to cancel any activity at any time for any reason. The Town of Bourne will make every attempt to provide 24 hour notice in the event of cancellation.

All Town recreational facilities are to remain open and available for use by the general public when not permitted for specific group use.

No placards of a commercial nature may be displayed on Town property without prior permission from the Board of Selectman.

Any person or organization granted the use of Town property shall assume full liability for any damage to the property, injury to participants, damage to or loss of equipment. If the person or organization applying shall not be deemed to be of sufficient responsibility, no permission will be granted.

A permit may be canceled if its provisions or intent are violated in any manner.

The use of Town property must not violate any local, state, or federal law or regulation, and any such violation shall be deemed sufficient cause for the refusal of any subsequent application by the person or organization involved.

There is a carry-in, carry-out policy for trash. All trash must be removed by the permitted group at the end of the event.

Alcoholic beverages are not permitted on Town property. Vehicles are not allowed on the fields.

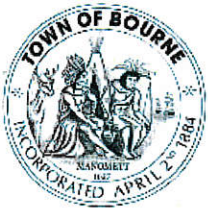
Maintenance Request Forms must be completed and approved by the Town prior to work on Town property. Exclusions are routine mowing and field lining by the permitted league. Outside contractors are not permitted to perform work on Town property without prior written approval from the Town.

Bourne Recreation Department Outdoor Facility Fee Schedule

Location	Facility	1-Time Use (2 Hours)	10 or More Uses/Season	1-Time Use (2 Hours)
		Non Profit Groups	Non Profit Groups	For Profit Leagues
Bourne Community Building	Adult Softball Field	\$35 \$40	\$350 \$400	\$50 \$80
	Youth Baseball Field	\$30 \$40	\$300 \$400	\$45 \$60
Queen Sewell Park	Youth Softball Field	\$30 \$40	\$300 \$400	\$50
Clarke Field Recreation Area	Multi-Use Field	\$40 \$50	\$400 \$500	\$75 \$125
	Youth Baseball Field	\$30 \$40	\$300 \$400	\$50 \$60
	Tennis Court	\$25		\$25 \$40
	Basketball Court	\$25		\$25 \$40
Hoxie Field	Youth Baseball Field	\$30 \$40	\$300 \$400	\$50
Keith Field	Regulation Baseball Field	\$30 \$40	\$300 \$400	\$50 \$60
Pocasset Recreation Area	Youth Baseball Field	\$30 \$40	\$300 \$400	NA
	Tennis Court	\$25		\$25 \$40
	Basketball Court	\$25		\$25 \$40
Monument Beach Ballfield	Youth Baseball Field	\$30 \$40	\$300 \$400	NA
Chester Park	Basketball Court	\$25		\$25 \$40
	Tennis Court	\$25		\$25 \$40

Non-Profit groups can request a reduction in fees for special events or in exchange for field upkeep. For-profit groups and private businesses will not be granted any fee reductions. Fees are per facility and per season.

For profit use will be restricted to league play. No private instruction, clinics or workshops are allowed on Town property (ballfields, courts, beaches etc.).



Bourne Recreation Department
 Bourne Veteran's Memorial Community Center
 239 Main Street
 Buzzards Bay, MA 02532
 Phone: (508) 759-0600 ext. 5302
 www.bournerec.com

TOWN OF BOURNE FACILITY RENTALS

Hold Harmless Agreement

(Acknowledged during online reservation process)

It is agreed by _____ hereinafter called the Organization, that the Town of Bourne be absolved of any and all liability brought about by actions of the participants and/or patrons of the Organization while using the facilities of the Town of Bourne for the purpose of _____. It is further agreed that the Organization accepts responsibility for any and all damages caused by the participants and/or patrons of the Organization that are determined to be above and beyond what is considered normal wear and tear of the facilities. I have read and understand the policies as outlined above for use of Town property. I further understand that violation of the above stated policies will result in all organizational privileges being revoked.

Indemnification and Release

(Acknowledged during online reservation process)

This is a legally binding document. Do not sign it until you have read the contents hereof and understand the same. If you are in doubt, consult an attorney prior to signing this document.

In consideration of the permission granted to it by the Town of Bourne for the purpose of using playing fields and recreational properties owned by the Town of Bourne, the undersigned, in recognition of the fact that Bourne has no lawful obligation to permit said usage by any person, group or other entity not sponsored by the Recreation Department, does hereby release the Town of Bourne, its agents, servants, employees and volunteers from any liability whatsoever in the event of injury to any persons or any actual or perceived infringement of the personal security of any person using the said playing fields and/or recreation areas while engaged in usage authorized by the Town or to any person attending such activity and the undersigned intends this release to be effective and binding on himself/herself and all members, guests, invitees or observers of the group activity which she/he herein represents. This release is provided in addition to, and without limitation on, any and all defenses available to the Town of Bourne pursuant to the Massachusetts General Law and common law.

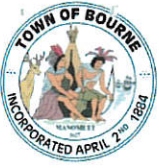
The undersigned, on behalf of him/herself and the members of the group or entity he/she represents, does hereby agree to indemnify the Town and its agents, servants, employees and volunteers against any and all claims, suits, actions, debts, damages, costs, charges and expenses including court costs and attorney's fees, and against all liability, losses and damages of any nature whatsoever, that the Town shall or may at any time sustain or be put to by reason of the usage of the Town owned property, as contemplated herein.

Signature

Date

Title

Name of Organization



2hp
20

Town of Bourne

Check list for applicant
7E

Special Event Policy for Buzzards Bay Park

Scheduling: Events are scheduled on a first come, first served basis, subject to preference based upon degree of benefit to the general public, as determined in the following order: events held to raise funds for charitable purposes, events held by other non-profit entities, all other events. The Town does not discriminate on the basis of race, religion, sex, national origin, sexual orientation or other class protected under Federal or State law.

Fees:

Application Fee:

Commercial Events (All businesses and not-for-profit groups): \$75 non-refundable
Non-Commercial (Small weddings, family functions, etc.): No application fee

Utility Fees (All groups):

Water: Rate to be determined by the Buzzards Bay Water District
*Electrical: \$40/hour**

**Utility fees are charged for the duration of the event, including set-up and break-down.*

Security Deposits:

Commercial Events:

Up to 100 people: \$100
101 to 500 people: \$250
More than 500 people: \$500

Non-Commercial Events:

Up to 50 people: \$50
51 to 100 people: \$100

**Security deposits will be returned at the discretion of the DPW Superintendent.*

Additional fees may be assessed by the Town. Police/Fire staff will be charged separately. *Permission to place portable toilets on Town property must be requested in writing and approved by the Department of Public Works Superintendent.*

Insurance: A Certificate of Insurance with the Town of Bourne named as an Additional Insured, in the amounts of \$2,000,000/person and \$3,000,000/occurrence is required with the application *for all commercial events.*

Grounds for Denials: The Town shall deny permission for any event based on a finding that the organizer has not provided reasonable safeguards adequate to protect the safety and welfare of event participants, bystanders and the general public before, during and after such events. In addition to safety and welfare concerns, the Town of Bourne reserves the right to deny an event request based on conflicts with other events or activities.

Town of Bourne

Special Event Policy

Rules & Regulations:

All posted rules and regulations shall be followed.

Vehicles are not allowed within the park layout. Please see attached diagram.

Nothing can be placed below ground surface. This includes but is not limited to: tent stakes, portable fencing, horseshoe pits, volleyball nets.

The Town's carry in, carry out policy for trash is in effect. All litter, trash or debris generated from the event shall be removed by the event organizer.

Public access to and from the park may not be blocked at any time.

Organizer is responsible for any damage sustained to buildings, structures and grounds occurring during the event.

Cooking grills and open flames are prohibited. Permits may be revoked for misuse of the property.

For larger events, the organizer is responsible for traffic control and public safety through the Bourne Police Department and/or Bourne Fire Department. Police/Fire details may be required at an additional cost.

No placards of a commercial nature may be displayed on Town property. No tacks, nails or staples may be used on the gazebo or pavilions.

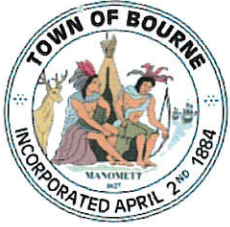
Any person or organization granted use of Town property shall assume liability for any damage to the property, injury to participants, damage to or loss of equipment or property. Please see the attached Indemnification and Release. If the person or organization applying shall not be deemed to be of sufficient responsibility, permission will not be granted.

Alcoholic beverages are not permitted on Town property without a license issued by the Board of Selectmen. Per Town of Bourne By-Laws, smoking and E-Cigarette use is prohibited on Town owned or operated playgrounds and recreational areas.

Unauthorized use of Town facilities for organized activities is not allowed. Permits are issued for the outdoor space only and do not include access to any storage areas, buildings or equipment.

Permission for use of Town facilities shall not be granted for any purpose that will, in any way, interfere with their use by the Town.

Cancellation due to inclement weather/poor park conditions will be at the discretion of the Town Administrator, Assistant Town Administrator, DPW Superintendent or the Recreation Director.



Town of Bourne
Special Event Permit Application for Buzzards Bay Park

Date of Application _____ Name of Organization _____

Organization's Mailing Address _____

Contact Person _____ Cell Phone # _____

Contact Person's Mailing Address _____

Event Information:

Event Date _____ Start Time _____ End Time _____

Set Up Date _____ Set Up Time _____ End Clean Up Time _____

Description of Event _____

of Participants _____ # of Spectators _____

Will your event require street closing? If Yes, see Bourne Police _____

Will there be food? _____ If Yes, see Board of Health _____

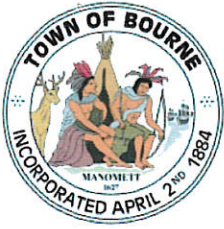
Will there be vendors? _____ If Yes, see Board of Selectmen's Office and the Board of Health _____

Use of electricity/generators? _____ If Yes, see Bourne DPW _____

Will the Event require water? _____ If Yes, for what purpose? _____

Use of Tents? _____ If Yes, please see _____

Wish to block parking spaces? _____ If Yes, see DPW _____



INDEMNIFICATION AND RELEASE

Town of Bourne Facility Rentals

THIS IS A LEGALLY BINDING DOCUMENT. DO NOT SIGN IT UNTIL YOU HAVE READ THE CONTENTS HEREOF AND UNDERSTAND THE SAME. IF YOU ARE IN DOUBT, CONSULT AN ATTORNEY PRIOR TO SIGNING THIS DOCUMENT.

In consideration of the permission granted to it by the Town of Bourne for the purpose of using playing fields and recreational properties owned by the Town of Bourne, the undersigned, in recognition of the fact that Bourne has no lawful obligation to permit said usage by any person, group or other entity not sponsored by the Recreation Department, does hereby release the Town of Bourne, its agents, servants, employees and volunteers from any liability whatsoever in the event of injury to any persons or any actual or perceived infringement of the personal security of any person using the said playing fields and/or recreation areas while engaged in usage authorized by the Town or to any person attending such activity and the undersigned intends this release to be effective and binding on himself/herself and all members, guests, invitees or observers of the group activity which she/he herein represents. This release is provided in addition to, and without limitation on, any and all defenses available to the Town of Bourne pursuant to the Massachusetts General Law and common law.

The undersigned, on behalf of him/herself and the members of the group or entity he/she represents, does hereby agree to indemnify the Town and its agents, servants, employees and volunteers against any and all claims, suits, actions, debts, damages, costs, charges and expenses including court costs and attorney's fees, and against all liability, losses and damages of any nature whatsoever, that the Town shall or may at any time sustain or be put to by reason of the usage of the Town owned property, as contemplated herein.

Signature

Date

Title

Name of Organization

Town of Bourne

Wedding Ceremony Policy

There are many beautiful places in Bourne to hold a wedding ceremony! In addition to Buzzards Bay Park, we recommend the following locations: 3-Mile Look, Sagamore Beach, Monument Beach, Hen's Cove.

For locations other than Buzzards Bay Park, there is no permit process. Town of Bourne public areas are to remain open and available at all times. Scheduling a wedding ceremony is at the participant's discretion and the Town is not responsible for ensuring a private ceremony.

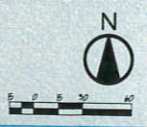
If holding a wedding ceremony on Town property, all rules and regulations pertaining to the property must be adhered to; including but not limited to:

- Parking permits required for all Town beaches.

- No tents or anything staked into the ground.

- No alcohol.

- No open flames.



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Town of
BOURNE *Massachusetts*

**SALE OF TOWN OWNED PROPERTY
POLICY AND PROCEDURE**

Scope:

This policy establishes a set of procedures for responding to requests for the lease, sale or other disposition of Town-owned land. This policy applies to:

1. land disposition requests made by private individuals or organizations;
2. land disposition recommendations initiated by the Town;
3. the sale of tax foreclosed property; and
4. the sale of land of low value according to applicable Massachusetts General Laws (MGL).

Purpose:

This policy is intended to establish those procedures under which the Town will act in considering the disposition of any parcel of Town-owned land. This policy establishes procedures to:

1. Provide a clear understanding and uniform method for reviewing land disposition requests
2. To ensure that decisions involving land disposition are well considered address the concerns and needs of all relevant Town Department and Boards;
3. To provide a mechanism for public input in the decision process.

Procedures:

This policy shall apply to all Departments of the Town of Bourne.

The Town shall establish a Land Sale Committee consisting of the Town Administrator, the Building Inspector, Planning Board Representative, Town Assessor, Town Treasurer and a representative of the Conservation Commission, Recreation Authority, and Highway Department. The Town Administrator shall chair the committee. The committee shall meet as necessary to review applications for purchase and/or review parcels owned by the Town for possible sale to the public and to recommend its findings to the Board of Selectmen.

Sale of Town-Owned Land (non-tax foreclosures)

1. All requests for the purchase of Town-owned real property shall be directed to the Town Administrator.
2. The requestor must complete a Real Property Request Form (Attachment "A"), which provides information relative to the property in question, including its intended use.
3. The completed form shall be forwarded to members of the Land Sale Committee and a public meeting shall be scheduled to review the application and parcel in question.
4. Committee members shall consult with their respective Boards, as appropriate, as part of the review process.
5. If recommending a parcel be made available for sale to the public, the Committee shall complete the Real Property Request Form for each parcel under review.
6. The Town Administrator shall notify abutting property owners and any other individuals and/or organizations with interest in said property (see Attachment "B"). The letter shall invite public comment in response to the disposition request and shall establish a reasonable time period for the receipt of any comments.
7. The Committee's recommendation to the Board of Selectmen shall include:
 - a. A description of the property including its current use and any structures;
 - b. The assessed (or appraised) value of the property and recommended sales price (if any);
 - c. All current and foreseeable public uses of the property;
 - d. Whether the property is appropriate for park and recreation or conservation purposes;
 - e. Other identified advantages and disadvantages of disposition;
 - f. A recommended action. If a sale is to be recommended, an in-lieu of tax payment should be calculated to satisfy any property tax implications.
8. In making a recommendation, the Committee shall consider the following:
 - a. Current and foreseeable Town or other public use of the property;
 - b. Financial impact to the Town upon disposition or retention of property;
 - c. Impact of sale and proposed use of the property on the abutting land owners and surrounding neighborhood;
 - d. Alternatives to title transfer such as easements or lease;
 - e. Environmental impact of proposed or current use;

- f. Restrictions that may be placed upon the property prior to sale, such as conservation restrictions, public access easements, etc.
- 9. The Town Administrator shall present the Committee's recommendation to the Board of Selectmen.
- 10. The Board of Selectmen shall hold a public hearing before acting on the Committee's recommendation. Notice of the meeting should be given to the requester (if any), abutting property owners and any other individuals or organizations with interest in the property.
- 11. The sale of property shall be governed under the property disposition process established by the Uniform Procurement Act, M.G.L. Ch. 30B (see below).

Sale of Town-Owned Land – Tax Foreclosures

The Town may from time to time consider the sale of property foreclosed upon by the Town for unpaid property taxes. This process is intended to:

- A. Derive revenue to the Town from the sale of property;
 - B. Place the foreclosed property back on the tax rolls;
 - C. Bring the foreclosure process to final closure.
1. On an annual basis the Town Treasurer shall compile a listing of Town owned foreclosed property to the Land Sale Committee;
 2. The Committee shall consider each parcel according to the guidelines specified above.
 3. A listing of tax foreclosed property that will be recommended for sale should be sent to the Board of Selectmen.
 4. Tax foreclosed property made available for sale by the Board of Selectmen must be disposed in accordance with the requirements of law.

Procedures for Public Auction

Note – What follows is a summary of the applicable provisions of M.G.L. Chapter 60, Section 77B. Prior to selling the property, the Committee and the Board of Selectmen shall review the statute along with relevant provisions of the Town of Bourne Bylaws to ensure compliance with all relevant provisions, including those not specifically referenced herein and those that may be amended from time to time.

1. The Board of Selectmen may appoint a custodian who shall have care, custody, management and control of all property acquired by the Town by tax foreclosure. The custodian may sell such property at a public auction provide that the custodian complies with the requirements of M.G.L. Chapter 60, Section 77B.
2. Property notice must be given to the owner of record immediately prior to the acquisition of the property by the Town by registered mail at least 14 days prior to the auction.

Similar notice must be posted in two or more convenient and public places in the Town. The notice of sale must include several legal requirements in addition to the requirements of Chapter 60.

- a. Title 5 Notice of Inspection; and
 - b. Auction procedures or specific terms, conditions or restrictions with respect to the sale of the property or properties.
3. After the sale of the property at auction, the Treasurer shall execute and deliver a Treasurer's Deed, which transfers title from the Town to the purchaser. The Treasurer shall record the Deed within 15 days of the auction. The recording expense shall be paid by the purchaser.
 4. A pro forma tax must be included in the Treasurer's Deed, in accordance with the provisions of M.G.L. Chapter 44, Section 63A.
 5. The purchaser must supply an Arson/Tax delinquency statement, in accordance with M.G.L. Chapter 60, Section 77B and a Disclosure Statement required by M.G.L. Chapter 7, Section 40.
 6. Section 2.2.7 of the Town of Bourne General Bylaws imposes requirements for public auction of Town of Bourne real estate interest.

Procedures for Sale under Uniform Procurement Act

Note – What follows is a summary of the applicable provisions of the Uniform Procurement Act, M.G.L. Chapter 30B, Section 16. Prior to selling the property, the Committee shall review the statute to ensure compliance with all relevant provisions, including those not specifically referenced herein and those that may be amended from time to time.

1. Any applicable Town Meeting votes have been taken to authorize a sale of property. The Town shall not sell land acquired by Town Meeting vote unless authorized by Town Meeting.
2. Value of Property has been determined;
 - a. By appraisal;
 - b. By assessed value of the property as long as the assessment
 - i. is current
 - ii. the property is assessed at 100% of value
 - iii. the assessment was determined through valid procedures.
3. If the property is in excess of \$35,000, the Town must solicit proposals by advertising at least once per week for 2 consecutive weeks in a local newspaper. The last publication must occur at least 8 days prior to the day the proposals are to be opened. The parcels description, terms and requirements of the sale and the time and place for the submission of proposals must be included.

4. If the property contains more than 2,500 square feet the advertisement must also be published in the Central Register published by the Secretary of State.
5. The advertising requirement may be waived in a declared emergency as long as the reason for the emergency is published in the Central Register at the earliest opportunity.
6. Proposals are opened publicly at the designated time and place. The selected buyer and the amount of the transaction must be published in the Central Register.
7. The purchaser should also supply the Town with the pro-forma tax obligation, an Arson/Tax delinquency statement and disclosure statement described above.

Sale of property taken by Land-of Low Value

Once a property deemed to be Land of Low Value has been issued an Affidavit to Foreclose by the Commissioner of Revenue, the Town has four years to hold a public auction to dispose of the property. The Affidavit to Foreclose must be filed at the Registry of Deeds. Sale of Land of Low Value parcels are governed under M.G.L. Chapter 60, Sections 79, 80, 80A, 80B and 80C. The Committee shall review parcels taken by the Land of Low Value process to establish any Town need or uses. If the Town decides to retain the property, a Treasurer's Deed must be issued and filed. The disposition of Land of Low Value must be by public auction, following the procedures outlined above.

Requirements of Town of Bourne Bylaws

The Town of Bourne has adopted a General Bylaw, Section 2.2.7 entitled "Public Auction of Land." Any land owned by the Town and offered for sale shall be put up for sale at public auction each year subject to the following conditions:

- a. Said land shall not be disposed of without prior approval by majority vote of the Board of Selectmen, Conservation Commission and Planning Board in joint session;
- b. The sale shall be advertised by posting of notice thereof in each of the post offices of the Town and in the Town Hall at least thirty (30) days in advance of such sale, and by publication of such notice in advance thereof in a newspaper of local circulation for two successive weeks;
- c. All notices and advertisements of a sale under this bylaw shall contain an adequate description of each parcel of land to be sold. In addition to the reference to a recorded deed there shall be a brief description for each parcel together with its approximate area;
- d. For the purposes of this bylaw, the term "land" shall include any interest in real estate owned by the Town, including but not limited to a condition or similar unit of individual ownership in a multi-unit structure, including all rights appurtenant thereto.



Town of
BOURNE *Massachusetts*

ATTACHMENT "A"

REAL PROPERTY REQUEST FORM

Requestor Information: Name of Requestor _____

Address _____ Home Phone _____

_____ Work Phone _____

_____ Email _____

Land Address _____ Assessor's Map and Lot No. _____

_____ Acres/Sq.Ft. _____

_____ Assessed Value of Property \$ _____

Any Structures on the Property Yes _____ No _____

If yes, describe the type and condition of each structure

Tax Status of Property (please indicate any back taxes owed)

Description of Parcel (topography, natural features, water resources, etc.)

Current Use

Intended Use

Nature of Requested Disposition (do you want an easement or do you wish to purchase the property?)

Please attach any additional information you may have regarding the property and your intended use of the property.

Signature _____

Date _____

ATTACHMENT "B"

Sample Abutter Letter

Dear Abutter:

The Town of Bourne has received a request for the purchase of property at [property address, assessor map and lot number] which is owned by the town. (see enclosed request form). The request is currently under review by Town staff.

If you have any comments, questions, or concerns regarding this request, please let us know. We value your input and will take it into consideration when reviewing the land disposition request. Please be assured that no final action on this matter will be taken without a public hearing held by the Board of Selectmen.

Thank you for your attention to this letter. If you have any questions regarding it, please call me at (508) 759-0600.

Sincerely,

Thomas M. Guerino
Town Administrator

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Sundman, Nancy

From: Meier, Peter
Sent: Wednesday, May 16, 2018 12:34 PM
To: Guerino, Thomas
Cc: Sundman, Nancy; Judge, Debbie
Subject: Re: Officers of the Board

I would like to be considered for the office of Chairman.

Sent from my iPhone

Peter J Meier
Vice Chairman - Bourne Board of Selectmen
Chairman - Bourne Board of Sewer Commissioners
24 Perry Avenue
Buzzards Bay, MA 02532
PMeier@townofbourne.com
508-759-0600 - Office
508-759-7809- Home
508-274-7184- Cellular

On May 16, 2018, at 12:28 PM, Guerino, Thomas <TGuerino@townofbourne.com> wrote:

Good afternoon. Congratulations to the two new members of the Board of Selectmen and thank you both for taking a few minutes with me this morning. The entire staff for the Town of Bourne looks forward to working with you.

On Tuesday evening the Board will reorganize. A Chair, Vice Chair and Clerk will be nominated by the Board members and elected by the Board members. For the past several cycles, members have been requested to submit a letter in writing indicating if they have interest in serving in any of the above capacities. The letters can be as simple as a one liner or you may provide some background information depicting experience(s) that you believe would be helpful for the rest of the BOS in making a decision.

Please have your letters of interest sent to me and copied to Nancy Sundman and Debbie Judge in the Selectmen's office by noon sharp on Friday.

TG

tguerino@townofbourne.com

nsundman@townofbourne.com

djudge@townofbourne.com