

# Board of Selectmen Meeting Notice AGENDA



Date  
Tuesday  
December 12, 2017

Time  
7:00 P.M.

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

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

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

7:00 p.m. Call public session to order in Open Session

1. Moment of Silence for our Troops and our public safety personnel
2. Salute to our Flag
3. Public Comment on Non-Agenda Items
4. Correspondence
5. DNR Shellfish Propagation and Departmental Report
6. Licenses and Appointments:
  - a. Koepfer, Inc., d/b/a Avocado's [Common Victualer License] formerly Avocado's Mexican & America
  - b. Robert Burt - Cape Cod Road Runners Annual Road Race – January 7, 2018
7. Selectmen's business
  - a. Naming Town Owned Property and Placement of Memorial Objects Policy – continuation of 2<sup>nd</sup> reading
  - b. Attendees to the Mass. Municipal Association Annual Meeting
8. Selectmen's Reports
  - a. Mass. Maritime Liaisons update
  - b. Events attended by Board members for the past week
  - c. Events to be attended by Board members for the current week
9. Town Administrator Report
  - a. Priority Based Budget Update
  - b. FY19 Budget update
10. Adjourn

TOWN CLERK BOURNE

2017 DEC -8 PM 3: 06

RECEIVED



Selectmen's Correspondence  
December 12, 2017

- A. Department of Environmental Protection upheld the harbormasters' denial on mooring permit, 25-W, Scraggy Neck Anchorage for Jeffrey Worley



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

RECEIVED

DEC 04 2017

TOWN OF BOURNE  
BOARD OF SELECTMEN

A

## Department of Environmental Protection

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

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

Mr. Jeffrey Worley  
20 Uriahs Drive  
Duxbury, Ma. 02332

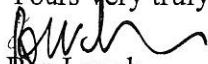
Dear Mr: Jeffrey Worley:

The Waterways Regulation Program (WRP) of the Department of Environmental Protection (DEP) has reviewed correspondence submitted by you dated October 9, 2017 seeking further DEP review of the denial of a 10a permit application by Town of Bourne harbormaster for a mooring, float, or raft.

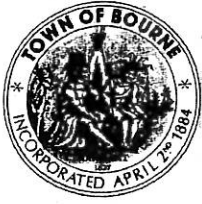
The DEP has reviewed the request and, pursuant to 310 CMR 9.07(5), affirms the harbormaster's decision to deny. The DEP has based its determination on the following regulatory criteria:

- \* that said denial was not arbitrary, capricious, or an abuse of discretion;
- \* that the denial did not conflict with an overriding state, regional, or federal public interest;
- \* that it did not fail to meet any requirement of 310 CMR 9.07;
- \* that said denial was not based on plans or other documentation submitted with the application which contained substantially inaccurate or incomplete depictions of the structure or its surroundings; or
- \* said denial did not allow floats, rafts, or small structures which significantly interfere with public rights to use waterways for fishing, fowling, and navigation or for other lawful purposes.

The Department's upholding of the harbormaster's denial is the final administrative review under 310 CMR 9.07; there is no right to an adjudicatory hearing in this matter.

Yours very truly,  
  
Ben Lynch

Cc: Timothy Mullen , Harbormaster  
Office of the Selectmen, Town of Bourne



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  
DIRECTOR

OFFICE: (508) 759-0621  
POLICE: (508) 759-4451  
MARINAS: (508) 759-3105  
FAX: (508) 759-8026

November 22, 2017

Ben Lynch, Program Chief  
Waterways Regulation Program  
Department of Environmental Protection  
One Winter Street  
Boston, MA 02108

Re: Mooring 25-W, Scraggy Neck Anchorage

Jeffrey Worley  
20 Uriahs Drive  
Duxbury, MA 02332

Dear Mr. Lynch,

In December of 2016 Mr. Worley was sent a bill for \$100.00 for his 2017 mooring permit. The bill was due within 30 days. Enclosed with the bill was a copy of the Bourne Waterway Regulations and a cover letter advising the permit holder that the enclosed **Annual Mooring Renewal Application** needed to be completed and returned with **Proof Of Boat Ownership** to the Harbor Master annually by July 1st.

- On May 1, 2017, a reminder postcard was sent to Mr. Worley and all of the other permit holders who had not submitted various documentation, advising them of the July 1<sup>st</sup> deadline for submissions.
- On July 6, 2017, a letter was sent to Mr. Worley advising him that his 2017 **Annual Mooring Renewal Permit Application** along with **Proof of Boat Ownership** must be submitted by August 1<sup>st</sup> to avoid his mooring permit being revoked as per section 2.2.2 of the Town of Bourne Waterway Regulations. Also, in accordance with section 2.2.2, a \$25 late fee was assessed at this time.
- Having never received the required documentation, a letter was sent to Mr. Worley on August 4, 2017 stating that the mooring permit was revoked in accordance with the aforementioned Bourne Waterway Regulation.

We regret that Mr. Worley's mooring permit has been revoked but feel we made every effort to make the permit holder aware of the requirements placed on him. Mr. Worley stated in his appeal he has had this mooring for 70 years. Section 2.2.2 of the Town of Bourne Waterway Regulations has been in effect for the last ten years.

Please contact me should you have any additional questions. I can be reached at 508-759-0600 ext. 1312 or at [tmullen@townofbourne.com](mailto:tmullen@townofbourne.com).

Sincerely,

Tim Mullen, Director/Harbormaster

October 7, 2017

The Massachusetts Department of Environmental Protection (DEP)  
Division of Wetlands and Waterways  
One Winter Street  
Boston, MA 02108-4747

Jeffrey E. Worley  
20 Uriahs Dr  
Duxbury, MA 02332  
617-921-1010

RE: Appeal of Mooring Revocation

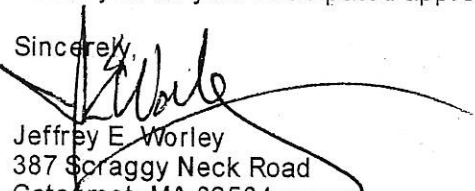
To whom it may concern:

On September 28th I learned that we had forfeited our mooring on Scraggy Neck in Bourne Massachusetts. Mooring #25 in the Scraggy Neck Anchorage. I had sent in the required proof of boat ownership and it apparently never made it to Jennifer Chisser the Mooring Program Administrator for Bourne Natural Resources. Unfortunately I had moved from the Bourne address and never received her physical mailing at my new address nor did I receive any electronic correspondence. We have held this mooring for years and have a family home on Scraggy Neck for over 70 years.

I have attached all correspondence and hope you can sympathize with this situation. We have paid all of our mooring fees and applicable permits and hope to continue using this mooring as we just updated all of the hardware and use it every season.

Thank you for your anticipated approval.

Sincerely,



Jeffrey E. Worley  
387 Scraggy Neck Road  
Cataumet, MA 02534





Remarks:

12/8/2017 Sam Haines/ag  
Date Conservation Agent

Board of Health:  Concur  Does Not Concur

Remarks: Food Permit 111-17 inspected 12/7/2017

12/8/2017 Terri Guarino  
Date Health Agent

Building Inspector:  Concur  Does Not Concur

Remarks:

12/8/2017 Roger Laporte/ag  
Date Building Inspector

Sewer Commissioners:  Concur  Does Not Concur

Remarks: N/A

12/7/2017 George M. Sala [dj]  
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:

12/7/2017 A Dastous  
Date Town Collector

Town Clerk:  
If not corporation has business certificate been issued?  Yes  No

Remarks: Business certificate will be issued when Board of Selectmen and Board of Health sign off.

12/7/2017 Barry Johnson (mcf)  
Date Clerk's Office

Assessors:

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

Remarks: fol in process

12/8/2017 Karen Trudeau (jp)  
Date Assessors Office

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Department of Public Works:  Approved  Disapproved  Not Under DPW Jurisdiction

Remarks:

12/8/2017 George M. Sala [dj]  
Date Department Head

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Department of Natural Resources:  Approved  Disapproved  Not Under DNR Jurisdiction

Remarks:

11/7/2017 Tim Mullen  
Date Department Head

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Police Department:  Concur  Does Not Concur

Remarks:

12/7/2017 Lt. Silvestro  
Date Department Head

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Fire Department:  Concur  Does Not Concur

Remarks: Need copy of Fire Alarm Report and copy of Sprinkler Test Report

12/8/2017 Deputy Chief Carrara [dj]  
Date Department Head

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Board of Selectmen:  Concur  Does Not Concur

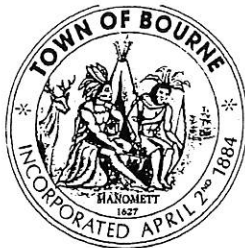
Remarks:

Date Chairman

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\$75.00  
pd ✓



cori

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:	4 Barlow's Landing Road Pocasset
Corporate Name:	Koeper, Inc. DBA Avocado's "Always Fresh"
Individual/Partnership:	Individual
Business Name:	Avocado's "Always Fresh"
Manager:	Kristin Koeper
Date:	12/01/2017

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.

The Establishment shall operate as:

- ( ) Sole ownership
- ( ) Limited Liability Corporation
- ( ) Partnership - Total Number of Partners \_\_\_\_\_
- (X) Corporation based in N. Dighton, Ma.

Corporate information (if applicable):

President: Peter P. Koepfer, Jr. 737 Tremont St. N. Dighton Ma. 02764  
 Secretary: Kristin M. Koepfer 737 Tremont St. N. Dighton Ma. 02764  
 Treasurer: Peter P. Koepfer Jr. 737 Tremont St. N. Dighton Ma. 02764

(Name) (Address)

INFORMATION RELATIVE TO APPLICANT

Is the property owned by you? (Please Check) Yes \_\_\_\_\_ No X  
 Tenant at Will X  
 Lease X Years 4 YRS

Hours of Operation: 8AM - 8PM m-Sat.  
 Floor Space 1500 Sq. Ft. Seating capacity 40  
 Parking capacity up to 140 Number of Employees owner operated

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:

\$ \_\_\_\_\_ Date received \_\_\_\_\_

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 \_\_\_\_\_

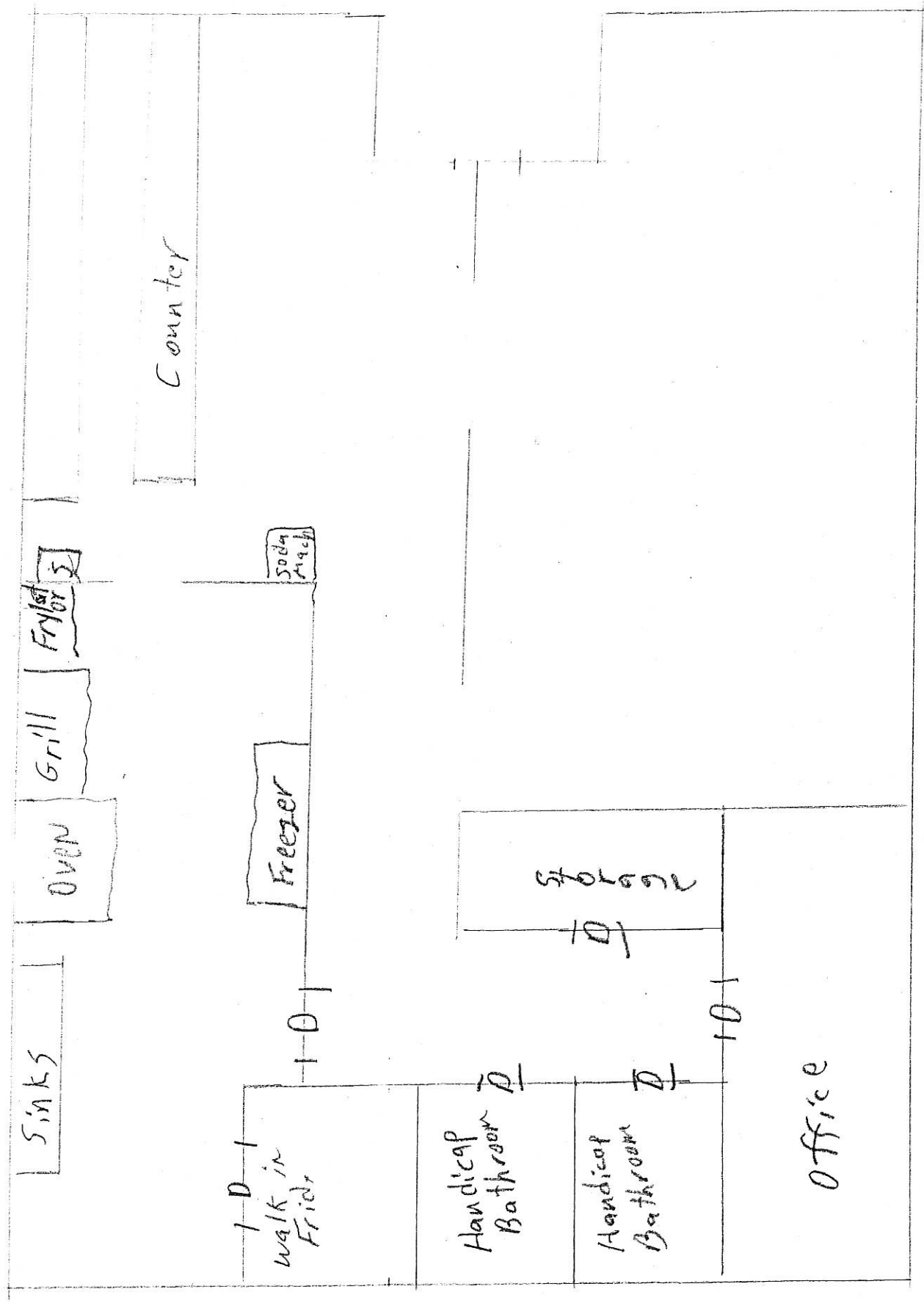
Board Action: Approved for processing Yes  No  Date \_\_\_\_\_

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

4 Barlows Landing MO  
Unit #10





Remarks:

11/27/2017

Samuel Haines

Date

Conservation Agent

Board of Health:

Concur

Does Not Concur

Remarks:

11/24/2017

Terri Guarino/ag

Date

Health Agent

Building Inspector:

Concur

Does Not Concur

Remarks:

11/24/2017

R. Laporte/ag

Date

Building Inspector

Sewer Commissioners:  Concur

Does Not Concur

Remarks: N/A

11/24/2017

George M. Sala [dj]

Date

Chairman

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:

11/24/2017

Shelly Murphy

Date

Town Collector

Town Clerk:

If not corporation has business certificate been issued?  Yes  No

Remarks: N/A

11/24/17

JS

Date

Clerk's Office

Assessors:

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

Remarks: N/A

11/28/2017 Karen Trudeau, Director of Assessing  
Date Assessors Office

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Department of Public Works:  Approved  Disapproved  Not Under DPW Jurisdiction

Remarks:

11/29/2017 George M. Sala  
Date Department Head

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Department of Natural Resources:  Approved  Disapproved  Not Under DNR Jurisdiction

Remarks:

11/23/2017 Tim Mullen  
Date Department Head

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Police Department:  Concur  Does Not Concur

Remarks: One Traffic Detail required. Same as years past. No marking the roadways with paint or other items. This race usually runs smooth with no issues.

11/27/2017 Chief Dennis R. Woodside  
Date Department Head

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Fire Department:  Concur  Does Not Concur

Remarks:

11/24/2017 Chief Sylvester  
Date Department Head

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Board of Selectmen:  Concur  Does Not Concur

Remarks:

Date Chairman

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Board of Selectmen,

Bourne Town Hall

24 Perry Ave

Buzzards Bay, Ma. 02532

11 Nov 2017

Dear Board of Selectmen

The Cape Cod Road Runners ask permission to conduct their 38th Winter Fun Run on January 7, 2017. There are no changes from past years. It starts at 10:30 a.m. at the Weary Travelers Club on Valley Bars Road. The course uses Clay Pond Road, west on Beach St, south on Shore Road, Midway St, then right on Harwood St, east on Valley Bars Road, north on County Road, and east on Clay Pond Road to return to the club. Each year we hire a Bourne Police detail for the County and Clay Pond Road intersection. We also inform the Fire Department the morning of the race so that they are prepared for any race related calls that may come in. Each participant signs a release form that specifically says Town of Bourne, Weary Travelers and our club cannot be held liable for any race related incidents. Thank you for your attention to this matter.



Robert G. Burt

Race Director

DRAFT

## **Naming Town Owned Property and Placement of Memorial Objects**

### **Purpose**

The Bourne Board of Selectmen shall be responsible for the naming of town owned property – identified as being under the care, custody and control of the Town of Bourne - and shall handle all requests with serious and consistent consideration. Property includes, but is not limited to, public buildings, areas within public buildings, recreational areas, memorial objects, and town-owned land, all of which does not fall under another governing body or entity.

### **Policy**

The Board of Selectmen is responsible for the naming (or renaming) of any town owned properties as noted in the Policy Purpose and fall under the jurisdiction of the Board of Selectmen.

The Board of Selectmen shall implement and maintain a consistent process for evaluating naming proposals.

When naming requests are considered, the priority shall be with naming property after person(s) or organizations which:

- Have geographical, historical or cultural significance to the town or region.
- Have held leadership role(s) in the Town, such as through distinguished service in the military, law enforcement, safety, or public office or as a public servant.
- Have made significant financial and civic contributions to the Town, or that have made a direct financial grant to the Town for purposes of developing a particular public property.

Requests for naming of public property or portion thereof may come to the Board of Selectmen from any town official or member of the public. The suggestion shall be in writing and it must be supported by 50 or more registered voters of the Town as evidenced and validated signatures.

For property under the care, custody and control of the Conservation Commission, the Trustees of the Veterans Memorials, or the Trustees of the Library, or any other such designation, such approval of a naming request shall

be determined in a joint meeting of Board of Selectmen and the respective Commission or Board.

School properties, by State Law, fall under the jurisdiction of the School Committee.

In the case of a written proposal by an applicant for memorialization of a Veteran, the Board of Selectmen shall forward a copy of the request to the Trustees of Veterans Memorials for consideration and verification of necessary documentation. The Trustees shall make a recommendation to the Board of Selectmen as to the naming of town property in honor of the Veteran.

This Policy may be amended or rescinded by the Board of Selectmen by majority vote.

### **Process for Naming Town Property**

A written request to name public property which includes, but is not limited to, public buildings, areas within public buildings, recreational areas, memorial objects, town-owned land, must be submitted to the Board of Selectmen and signed by a minimum of 50 registered voters validated by the Town Clerk.

The written request must explain the following, as applicable:

- How this person(s) or organization has geographical, historical or cultural significance to the town or region?
- What leadership role(s) in the Town, such as through distinguished service in the military, law enforcement, safety, or public office or as a public servant?
- What significant financial and civic contributions to the Town for purposes of developing a particular public property?
- What is the proposed memorial? Plaque, statue, sign, etc. The location, building or section of building, recreational area, etc.

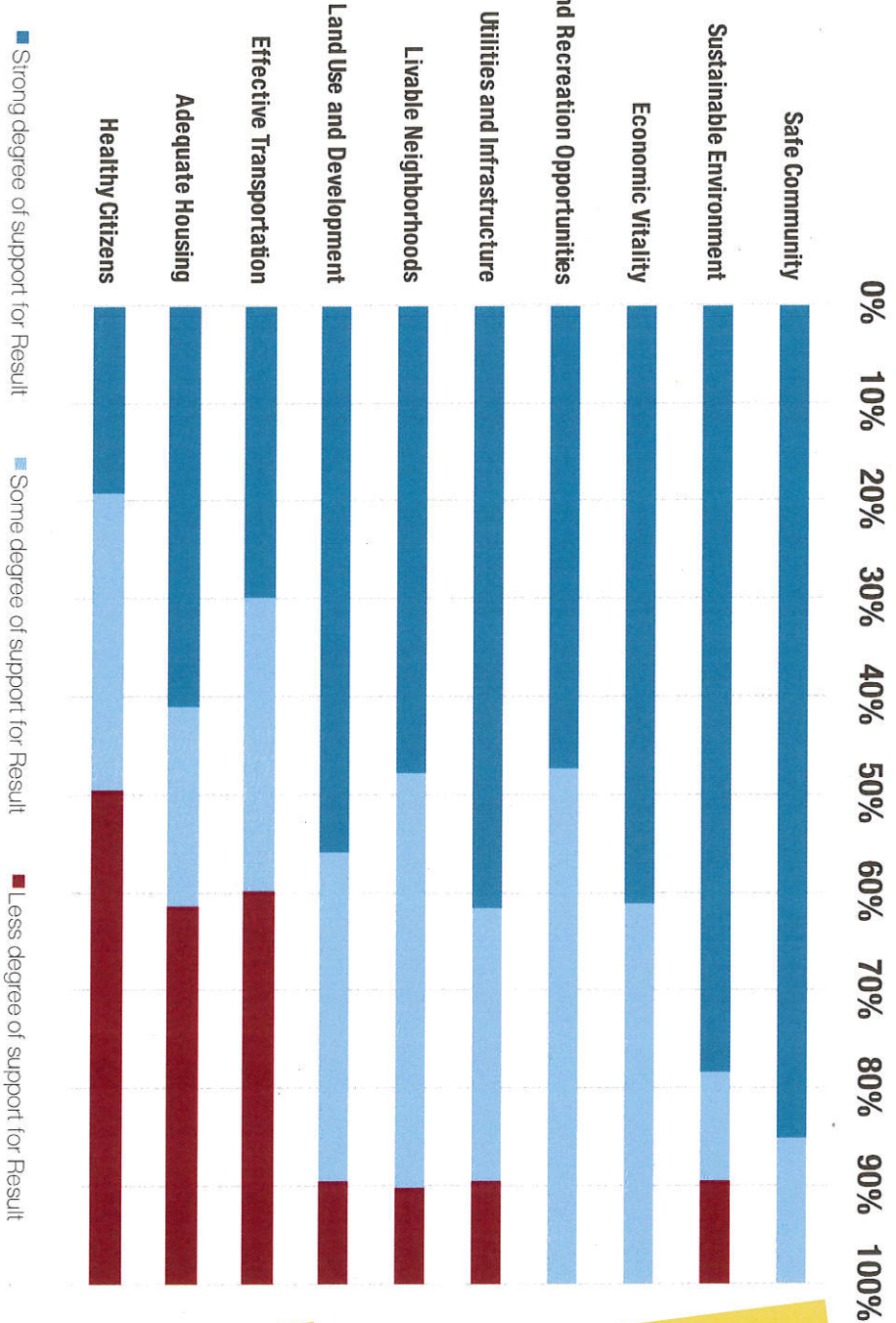
Following certification by the Town Clerk, the Board of Selectmen shall schedule a public hearing either as part of a Board meeting or as a separate public hearing to discuss the public property naming request.

The Town Clerk will verify that the property has not already been named and indicate any other properties named after this person(s) or organization.

Upon Board of Selectmen initial approval of the naming, the next level of review and approval encompasses the design of artwork, signs or other fixtures on property under the jurisdiction of the Board must be reviewed and approved along with the cost of any signage and its ongoing maintenance, as well as who will be bearing the costs (petitioner, the Town, other entities). In advance of final approval the Board will seek advice of appropriate boards, committees or departments.

# Town of Bourne - Priority Based Budgeting

Survey #1: Identifying Results



**Strong Resonance**

- Safe Community, Economic Vitality, and Culture & Recreation Opportunities had unanimous support
- Utilities and Infrastructure, Land Use & Development, Sustainable Environment, and Livable Neighborhoods are well supported as Results

**Less Resonance**

- Effective Transportation, Adequate Housing, and Healthy Citizens, while not strong enough to stand alone as Results themselves, are still important enough that we'll weave them in as "Result Definitions" in Survey #2