**TA** Tom Guerino

**Selectmen**

Stephen Mealy, Chairman

Don Pickard, Vice-Chairman

Michael Blanton, Clerk

Don Ellis

Peter Meier

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.

6:00 p.m. Call to order in Open Session

1. Executive Session. To conduct strategy session with respect to litigation as an open

 meeting may have a detrimental effect on the litigation position of the public body.

 The Chairman declares that such open discussion will have a detrimental effect to the

 litigating position of the public body.

Roll call Vote to convene in Executive Session for the purpose stated. The Board will reconvene in open session following the Executive Session at approximately 7:00 P.M.

Roll call Vote to reconvene in open session.

**Voted** Don Pickard moved and seconded by Michael Blanton to go into executive session.

Roll call vote: Mr. Meier – Yes; Mr. Pickard – Yes; Chairman Mealy – Yes; Mr. Blanton – Yes; Mr. Ellis – Yes.

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

**Documents**

**Meeting Called to Order**

Chm. Mealy called the meeting back into open session.

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

**Public Comment – Non-Agenda Items**

Ronald Matheson, wanted to talk again about the wind farm being built in Plymouth. Mr. Matheson stated they are devaluating a substantial portion of the town. Concerned about the revenues in the town, and letting this project devaluate the properties in town, and the inaction addressing the windmills. They have been working day and night. They have put up two, and are working on a third, and we have done absolutely nothing. You authorize the Board of Health to hire Attorney Troy. He went in and basically waved his white flag and said if I pursue this I'm going to lose. I don't think we need a person representing us that has that losing attitude. Mr. Troy also stated he will not address a jury. I recommend we go out and hired an aggressive attorney who understands what the problem is and attacks it immediately. We have to act on this immediately.

Mary Jane Mastrangelo, speaking as a resident of Bourne, wanted to bring up the topic of goals and budget priorities to find out when they might be agenda items for the Board of Selectmen. The Board of Selectmen under the charter is the policy-setting group. Through the goals and the budget priorities that the Board of Selectmen set, the Town Administrator has direction on where he should be focusing his efforts and how he should be constructing a budget to meet the goals of the Board of Selectmen. Mrs. Mastrangelo wanted to know when the selectmen would be able to address those two items. Stephen Mealy stated the Town Administrator shall submit a budget to the Board of Selectmen on or before January 15. I will comment tonight about liaisons assignments. Two members of the board have met to determine goals for the year. We have not met the requirements for the goals. I hope that within the first two weeks of January prior to the Town Administrator handing over the budget to the board we’ll have priorities set up for that.

**5) Minutes: 11.24.2015, 12.01.2015**

**Voted** Don Pickard moved and seconded by Peter Meier to approve the minutes from November 24, 2015 as presented. Vote 5-0.

**Voted** Don Pickard moved and seconded by Peter Meier to approve the minutes from December 1, 2015 with one correction the typo on Page 6.

Peter Meier wanted to clarify a typo on the 11-24-15 minutes, fix the word sold.

Vote 5-0.

**6) Correspondence**

Michael Blanton brought the committee up to date on the correspondence. There is only one letter of correspondence. Mr. Blanton read the letter from Mr. James Dineen addressed to all the Selectmen regarding the Hen Cove Beach status and request.

Tom Guerino stated the DPW will look to do some of the raking, as much as the equipment allows, after the winter. The issue relative to bringing landfill area sand down to the beach is probably not going to pass from the Conservation Commission because it's not the same type of sand.

Mary Jane Mastrangelo questioned whether the removal of the rocks is a subject for conservation to consider.

Stephen Mealy read one other letter/email that Chief Woodside forwarded to the Selectmen from Phil Lamorie addressed to Chief Woodside. Mr. Mealy read the letter about the excellent team of Police Officers in the Town of Bourne.

**7) Compassion Care Clinic, discussion of establishing a cultivation and processing of medical marijuana facility at 170 Clay Pond Road, Monument Beach.**

Michelle Stormo, Executive Director for Compassion Care Clinics, and Holly Carol, Director of Patient Care, for Compassion Care Clinics, Dr. David Aubry, COO/CFO for Compassion Care Clinics.

Michelle Stormo, Executive Director, Brighton Health Advocates Inc. DBA Compassion Care Clinics stated I incorporated this nonprofit organization in 2013 in response to the Massachusetts law allowing marijuana for medical use in Massachusetts. Mrs. Stormo gave a brief history of her experience, the background of the company, and what brings her here tonight. We have already found a host community for dispensing marijuana for medical use and we are seeking a host community for cultivation and processing. We have already completed most of our security protocols and will exceed what DPH (Department of Public Health) requires to ensure safety for the community and our employees. We would prefer input from the local police department and want to collaborate on developing a security plan for our proposed location if approved. We will provide the community with up to 50 full-time jobs with competitive wages and full benefits.

Due to our unique situation we are looking to expedite the opening of our facility and we are interested in a property up on Clay Pond Road. We have spoken in lengths with the current leaser and property owner and would like to move forward with intent to lease. We are interested in collaborating on a host town agreement with Bourne. We are asking you to sign a letter of support or non-opposition to operate in Bourne for cultivation and processing only.

Our passion in coming to this business is to put money back into the community towards education and prevention for substance abuse. We intend to offer free sessions with patients and their families that come into our center so we can provide direct referrals, direct access to treatment. We intend to form a charitable organization and we will put monies into that fund and invite two members from our host community to sit on that board and decide where that money will be used.

Stephen Mealy read the application process from the Department of Health for medical use of marijuana program guidance for municipalities regarding the medical use of marijuana. This applicant before us is asking for a letter of support or non-opposition. Don Ellis wanted to bring to the attention of the board that it states under the RMD application it may seek the required special permits. Mr. Ellis questioned is this product that you intend to grow, is that FDA approved? Mrs. Stormo stated under federal law marijuana is still not legal. Mr. Ellis stated so what you want us to do as a board is to approve a site for you to grow marijuana, which is not legal federally; to give you an approval to grow something that is against the law. Mrs. Stormo stated I am asking for non-opposition or support from your board to open a cultivation and processing for the medical use of marijuana. Many people don't smoke it anymore; it is applied as a salve, applied as a lip balm, applied with oils, patients are not smoking it any more. We are planning on offering a range of high CBD (cannabidiol) low THC (tetrahydrocannibinol) options. Mr. Ellis questioned how do you ship it from point A to point B. Mrs. Stormo stated there are very strict protocols. They require two people, in a van with a lock box, signing off, and with radio contact at all times. I spoke with Chief Woodside and spoke with him about what we would be doing and our transportation procedures. I am open to communication from the residence if they have questions.

Michael Blanton stated there are security concerns. Security with regard to transportation but also security protocols that would be in place around the said facility; and also questioned the financial accounting because of the concern with regard to the legality status of marijuana a number of banks might not involve themselves in handling the monies. With regard to economic development you stated up to about 50 jobs; would there be local hiring preference.

Mrs. Stormo stated it is required by DPH that we have many cameras on site. It is a live feed camera 24 hours a day. If there is an employee on-site there has to be a security guard on-site. Every employee has to have a significant background check. We have a director of security who has been with the state police for 25 years; he has helped us with security protocols. David Aubry stated we have found a bank in Massachusetts that will do the banking for us. Banks that have federal ties are allowed to address medical marijuana but they have very strict reporting requirements. Mrs. Stormo stated there will be no cash on site because there is no dispensing on-site. There are a variety of jobs down to people who have agricultural experience, we have trimmers and we will be looking to hire security guards. As long as they can pass the background check and have the skills needed or can learn the skills necessary to do the job, we would be focusing on local hiring. We have a potential grow manager position. Don Pickard stated you'll be cultivating and processing only and you will be dispensing somewhere else. Do you have an agreement with the other community to do the dispensing, and where is that? Mrs. Stormo stated it is in Wareham, we have a letter and a lease. Mrs. Stormo stated we do have a letter for cultivating and processing in another town up North. Mr. Pickard questioned what is your process/schedule for contributions to the community? Mrs. Stormo stated we have done a host town agreement. A lot of them are tied to the revenues percentagewise. For the cultivation facilities a certain amount goes towards the town. We normally sit down with the Town Administrator to negotiate an agreement. In addition to the host agreement we would like to set up a charitable foundation and hope that people from the host town will sit on the board and decide where that money will go. Holly and I, having our history with mental health and substance abuse, will also be investing in the community with prevention and education.

Peter Meier questioned why come to Bourne for cultivation when you already have a site in Wareham for dispensing, why not get a cultivation and processing site in Wareham? Mrs. Stormo stated the site for the building where we are in the process of negotiating a lease is not large enough to do the cultivation piece also. We will have a small medical office dispensary for patients to come in and get the medicine. Mr. Meier questioned if you are a nonprofit why are you paying a for-profit entity? Mrs. Stormo stated we needed investors, to apply for this license, to provide us with money. You can't get a return and invest in a nonprofit so we set up a for-profit management company where Massachusetts Recovery Services pays for certain employees. Because medical marijuana is not legal under federal law we are taxed 50%, so in order to give more money back to the community and not have to pay 50% in taxes we need a management company, for example, to buy some of our lighting equipment and lease it back to us. We also found landlords probably wouldn't lease directly to a medical marijuana facility because of the risks so they would lease the building to Massachusetts Recovery Services and Massachusetts Recovery Services leased it to Brighton Health Advocates.

Stephen Mealy questioned what kind of schedule are you looking for from the town and what will the expectations be for the town as far as the progress, the development of the plan and the opening? Mrs. Stormo stated if the board decides to provide a letter of support or non-opposition, and if we got the intent to lease with the Clay Pond building we would submit that with our siting profile; if we did not receive that we would submit the locations we have currently which is Wareham and Holliston. Our siting profile is due December 31. We would keep communicating with the town if we were to move forward with the property. In working with the state towards opening as soon as our inspections were done and received our provisional license we would build out the facility and look to start operations. Mr. Mealy questioned any idea of the timeframe from the time you submit? Mrs. Stormo stated we would first start construction on our cultivation facility because we need at least three months of cultivation and processing before we open the dispensary, and probably at least five or six months until we can do that.

Jim Mulvey wanted to clarify is there any proposed connection between the previous applicant and this applicant? The applicant stated there is no relationship with the prior applicant. Mr. Ellis questioned what are you going to do to prevent dumpster divers from going into your trash? Mrs. Stormo stated we are not allowed to have a dumpster on the property. Any waste we actually have, which is probably minimal, we have to take up to Rochester where they have a facility where they safely dispose of it. Tom Guerino stated the Holliston agreement you have will you still pursue that in addition to Bourne. Mrs. Stormo stated under one license we can have two locations that do all three or one location that does all three. We can only have one cultivating and processing facility per dispensary, so we couldn't have one in both towns. Mr. Mulvey questioned does processing cover the production of oils or edibles. Mrs. Stormo stated the word processing could also be manufacturing. Cultivating is the actual growth of the plant and processing is actually turning it into edibles, oils, salves, and balms, all of that type of stuff. Under Massachusetts law we are not allowed to have any candies or anything that is child friendly, bright colors; we will also be offering lockboxes because you have to keep that safe from children and pets. Holly Carol stated one of the components we want to highlight is educating the families and patients around safety. That's my role in particular. Mrs. Stormo stated the average age of the patient in Massachusetts is about 43. The patients who are using it may have never used it before or it has been a long time since they’ve used it. In educating them we're talking about proper dosing, how to store it and how to use it. If it does becomes recreational, we will stand behind our mission and still provide what recreational users are not looking for, high CBD the low psychoactive, the more medicinal component.

Mr. Pickard stated based on a couple factors, your timeline, coming into the holidays, and the concern about the close proximity to an apartment complex; I like to have the Town Administrator receive the copies of the letters from the other communities and perhaps any agreements.

**Voted** Don Pickard moved and seconded by Peter Meier to table this until our first meeting in February and to give the public a chance to weigh in. We have already approved one facility. I think it would be beneficial to take some public comments if anyone is interested. Mr. Mealy stated the date would be February 2nd.

Vote 5-0.

**8) Laura Kelley, Director of Protect Our Cape Cod Aquifer, requesting the Board of**

 **Selectmen to:**

* 1. **Write a letter in support of Senator Dan Wolf’s bill #S.478 to Massachusetts Department of Agriculture Resources to allow towns to stop herbicide spraying along town owned and privately owned right-of-ways.**

Stephen Mealy stated we can open the agenda item and see if the board wants to continue this on another evening to allow Laure Kelly to be present. Mr. Pickard agreed with that suggestion. Mrs. Manter stated she would like to request the Board not to endorse this bill by Sen. Wolf.

Mr. Mealy gave a brief background on the bill that was filed by Senator Dan Wolf.

Mrs. Manter stated there are numerous reasons; the first being the ownership of these right of ways is because some of these right of ways are owned by private residence and some are owned by the Town of Bourne. The controlling easements on these properties is something this bill does not address. It is very important because, in the case right of way 242 in Bourndale in which the Town of Bourne owns a portion as well as private residence; the controlling easement on that property says that the owner has the right to cultivate the property. How can you cultivate the land or farm it with them spraying these types of herbicides on the property. The other issue is that Eversource has the 100-foot easement swath. They do not have the right to interfere with property outside that 100 foot swath and that is something that I want to see go to court. I feel this bill will hinder the town and also the private property owner from going forth in stopping the spraying. The bill defaults to spring and I'm very concerned about the language regarding the arbitration; is that arbitration binding. In terms of writing to the Massachusetts Architectural Department of Resource the problem with the pesticide regulations the way they stand now as they are is not written into the Mass General Law. Without those regulations being written into law there is no way of really truly enforcing them and them not being enforced. Every town on Cape Cod is in opposition to the spraying. I feel this bill will make Eversource more powerful, and we’re giving them the leverage to do whatever they want. I don't think the town, or the people, or the state should be run a big business. I do not believe we should take away the rights of the people here and going into land court, if necessary and have a judge decide, can they spray on that hundred feet. These herbicides can migrate into the soil, so it doesn’t stay within the 100-foot easement. Don Pickard believes since the proponent is not here, we should table this discussion until a meeting in February; and to ask the Town Administrator to contact his colleagues cape wide and see what they have done; we should reach out to Sen. Demacedo’s office, he has a legislative director who I believe is also an attorney, and find out where they see this bill at and whether or not it is some sort of an issue where Eversource seem to be trying to get out of any type of litigation in the future. I do think we should put this off and not take a position on it tonight. Don Ellis stated he would request Mr. Guerino to notify Mrs. Manter when it will be on the agenda again to give her an opportunity to come back in. Michael Blanton questioned Mrs. Manter have you spoken with Sen. Wolf or any of his staff regarding your concerns, and what kind feedback are you getting? Mrs. Manter stated she emailed him and spoke with him. He didn't respond to me directly. Peter Meier read the paragraph that Mrs. Manter has a problem with. Mr. Meier stated this is just a way to stall and eventually get what they want. It is not in the best interest of the residents or for the people that live in that area. I think someone from Senator Wolf's office should be here in February to defend his own bill. I would like to know why they signed on to a bill that will harm individuals. Mr. Guerino suggested the February 16th meeting.

**Voted** Don Pickard moved and seconded by Peter Meier to table until the February 16th meeting.

Mary Jane Mastrangelo agrees that you should table it but also that you should communicate with Sen. Wolf’s office that you have serious concerns about the way this section is written. They should be defending the rights of the individual and not the Corporation. Vote 5-0.

**9) Discussion relative to use wage monies in Board of Selectmen’s office for**

 **administrative support**

Tom Guerino stated we have an employee in the Board of Selectmen Town Administrator's office whose position was to be eliminated effective December 31, 2015 with the failure of the override to pass. In the past several weeks we have been notified that another member of the staff will be out of the office for most/all of February and March and perhaps into April as well. The third party in the office is primarily tasked to work on the Sewer issues in the town and that leaves just me. She and I cannot maintain the office ourselves. There is about $4500 remaining in the $5000 appropriation for wage money and that would carry the part-time employee through just about to the end of March and give us sufficient time for any delay in a person coming back. I am asking the Board to authorize the use of their money to keep this person on to the end of March at a minimum. Mr. Mealy questioned if Mr. Guerino has a dollar amount. Mr. Guerino stated it is about $1433.00 a month so it will be about $4300.00, I would like the authorization for $4500. Peter Meier questioned if we didn't approve this authorization would you have no other choice but to go to the finance committee for a reserve fund transfer? Mr. Guerino stated yes. For the purpose for what I have to do tonight to get this solidified to make sure we are properly staffed this is what I need to do now. Mr. Blanton questioned is the use of that monies in this particular area going to negatively impact use in another area. Mr. Guerino stated no.

**Voted** Don Ellis moved and seconded by Michael Blanton that we approve use of these monies ($4500.00) as requested by Mr. Guerino. Vote 5-0.

**10) Selectmen’s Business –**

**a. Deadline for submitting private petition articles for February 8, 2016 Special Town Meeting – December 28, 2015**

Mr. Guerino stated that has been reviewed and re-reviewed by my office and that of the Town Clerk.

Stephen Mealy stated although is not specifically on the agenda I would like to take a moment to go over the liaisons that I typed up from the last meeting and sent out, I noticed some people have a lot and some people don’t have a whole lot. Mr. Mealy questioned the Board if there are any changes the members would like to make. Peter Meier stated he feels that the DPW, the Facilities, and the Sewer can be reallocated to someone else. Mr. Mealy stated that would leave you with Recreation, the Community Building, Council on Aging, and schools. Mr. Meier stated Michael Blanton and I are also working on the Library together. Don Pickard stated he volunteered to do the Capital Planning also. Don Ellis will take the Department of Public Works and the Sewer. Mr Mealy stated he will do Facilities with the Town Administrator. Mr. Meier stated he and Mr. Blanton will also be doing the Human Services Committee. Mr. Guerino wanted to let the Board know that during the discussions on the override the Human Service funding was to be eliminated with the exception of the Visiting Nurse Association.

Peter Meier reminded Mr. Mealy they were supposed to appoint citizens to certain committees. The individuals were told at the last meeting the appointments would be done at this meeting. Mr. Mealy apologized to those individuals because since it is not on the agenda it will not be allowed to be acted on. It will be put on the agenda for the first meeting in January.

**11) Town Administrator’s Report**

Mr. Guerino stated we have had our initial meeting with Mr. Celiac on the 208 and other financial related issues. I met with him last week and I will meet with him again on Friday of this week.

Relative to Visgov we had our last meeting today. We thought we would go live tomorrow. We found a glitch with rounding errors. We expected to go live next week.

All of the layoff notices, on the initial and at Town hall, have been done. We are still in a step down/bumping in one area that will be completed by weeks end. It has been a hard year. I think this board has worked hard and well together. I wish everyone in town and on this board a Merry Christmas and Happy Holiday Season, and thank you for your support.

**12) Selectmen’s Reports**

Peter Meier stated we got emails earlier on the Bourne and Sandwich reciprocity issue.

Mr. Guerino stated I don't expect the selectmen will have issue with what has been requested by Sandwich on that. In January I will give Bud a go-ahead, but the Board of Selectmen will need to amend the beach regulations to allow resident rate beach stickers for the shellfish people from Sandwich.

Stephen Mealy read the request, which is a request by the Town of Bourne for allowing Bourne residents to receive beach sticker permits in Sandwich, for up to 200 residents. Sandwich stated they would also like to have beach-parking permits for the shell fishing-permits, which they already receive to be available for their residents for those that receive the shellfishing permits. Mr. Guerino stated unless there is strong opposition from the Board I'm going to move ahead with that, we can change the regulation in January.

Michael Blanton would like to praise Mr. Pickard for chairing a nice meeting that most of us attended at the Cape Cod Selectman of Council Association last week at the Daniel Webster Inn to tackle the issue of homelessness, none of us, as a municipality, budget to handle the problems adequately.

Paul Gately questioned the status of the new DPW facility. Mr. Guerino gave a brief update on the new DPW Facility.

Mr. Mealy wanted to recognize the men and women from the Fire Department and Police Department for participating in the homeless for the holidays this past week.

**13) Other Business**

**14) Adjourn**

**Voted** Peter Meier moved and seconded by Don Pickard to adjourn. Meeting adjourned. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.

From Thumb Drive