

**Board of Selectmen
Minutes of Tuesday, August 9, 2016
Bourne Community Building
Bourne, MA 02532**

RECEIVED

2016 SEP 14 PM 3:07

TOWN CLERK BOURNE

TA Tom Guerino

Selectmen

Don Pickard, Chairman
Peter Meier, Vice-Chairman
George Slade, Clerk
Stephen Mealy
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

1. **6:00 p.m. Call to order in open session**
2. **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 conclusion of the Board of Sewer Commissioners at approximately 7:00 PM.

Voted Peter Meier moved and seconded by Stephen Mealy by roll call vote to go into Executive Session.

Mr. Blanton - Excused

Mr. Mealy - Yes; Mr. Meier - Yes; Mr. Pickard - Yes; Mr. Slade - Yes.

Vote 4-0.

Roll call Vote to reconvene in open session.

Voted Peter Meier moved and seconded by Michael Blanton by roll call vote to adjourn and to reconvene in open session after the Sewer Commissioners Meeting.

Mr. Mealy - Yes; Mr. Blanton - Yes; Mr. Slade - Yes; Mr. Meier - Yes; Chair - Yes.

Vote 5-0.

Meeting Called to Order

Chm. Pickard 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

Jim Mulvey spoke briefly on the frustration of the Phase II Storm Water Committee.

Mary Jane Mastrangelo asked a questioned about locating the new police facility at Queen Sewell Park along with the wastewater package treatment plan. By placing the police facility there are we limiting the capacity for that location for the 100 gallons per day? Would like to get an answer and an agreement from the Board that you have taken that into consideration. Just want an acknowledgement if it is going to limit that leaching capacity; that we have acknowledged that and we have made a decision that is the way we want to go.

Don Pickard will ask the Town Administrator and the Sewer Commissioner Chair to collaborate and get back to Mary Jane Mastrangelo

Don Pickard wanted to inform the public the Board of Selectmen met in Executive Session this evening with Town Counsel. The Board moved to authorize the filing of an appeal to the DEP superseding orders for 0 Crabwalk Way as relevant to the revetment project in Sagamore Beach and the Board voted unanimously to the authorization of filing of this appeal. There was a vote taken in Executive Session, and I'm noticing the public that the vote was taken.

**5) Minutes from Meeting(s) dates: 7-12-16 Executive; 6-15-16; 7-12-16; 7-19-16
Regular Minutes**

Voted Peter Meier moved and seconded by Michael Blanton to approve the executive session minutes from July 12, 2016 as presented and to encumber. Vote 5-0.

Voted Peter Meier moved and seconded by Stephen Mealy to approve the minutes from June 15, 2016 as presented. Vote 4-0-1. Michael Blanton abstained.

Voted Peter Meier moved and seconded by Michael Blanton to approve the minutes from July 12, 2016 as presented. Vote 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to approve the minutes from July 19, 2016 as presented. Vote 5-0.

6) Correspondence

George Slade brought the committee up to date on the correspondence.

- a. Massachusetts Maritime Academy has purchased the property at 8 Taylor Road, Buzzards Bay to improve the lot for parking by paving landscaping and lighting

- b. Conservation abutter notification for work being done at:
 - 8 Taylor Road, Buzzards Bay
 - 325 Shore Road, Monument Beach
- c. Weights and Measures quarterly report from April 1, 2016 to June 30, 2016
- d. Letter of resignation from Tracy Medeiros as Assistant Director of SWOP

Peter Meier spoke about the property the Mass. Maritime Academy has been purchasing. George Slade said he would like to see a refined plan from the Mass. Maritime Academy. Michael Blanton spoke about the conversation he had with folks from Taylor Point area. We should engage with people from Taylors Point.

7) John Doble - Fisherman's Statute

John Doble spoke about the Fisherman's Statue located at Buzzards Bay Park, next to the railroad bridge. Looking for authorization to place two metal display stands there for the statue. There will be a sight bump out on the left and right side. Also looking for authorization because the bump out will have a little walkway off the main entrance it will also consist of bricks, 200 bricks, 100 on each side.

Tom Guerino wanted to make sure they were not expanding the footprint of the property that was already granted to them.

Voted Michael Blanton moved and seconded by Peter Meier to grant the request to rework and improve the area around the fisherman's statue in Buzzards Bay Park to include the area for the two plaques and the brick walkway as described tonight. Vote: 5-0

8) Licenses/Appointments:

a. Committee Appointment Renewals

b. Jason Tardiff - Education Scholarship/Education Committee

Peter Meier went over the committee appointments.
Debra Jordan spoke briefly.

Makeup of the Affordable Housing Action Committee

Voted Peter Meier moved and seconded by Michael Blanton to appoint Debra Jordan as the Housing Authority Director for a term to expire June 30, 2017. Vote 5-0.

Bourne Housing Partnership

Voted Peter Meier moved and seconded by Michael Blanton to appoint Debra Jordan as the Housing Authority Director for a term to expire June 30, 2017. Vote 5-0.

Bourne Human Services Committee

Voted Peter Meier moved and seconded by Michael Blanton to appoint Debra Jordan as the Housing Authority Director for a term to expire June 30, 2019 Vote 5-0.

Education/Scholarship Committee

Voted Peter Meier moved and seconded by Michael Blanton to appoint Jason Tardiff, 12 Rip Van Winkle Way, Buzzards Bay for a term to expire June 30, 2019. Vote 5-0.

9) Selectmen's Business -

- a. Discussion for October Special Town Meeting - Vote to discuss date and warrant articles relative to the Peebles School Debt exclusion and Police Department Debt Exclusion**
- b. Vote to refer question to Town Counsel for opinion**

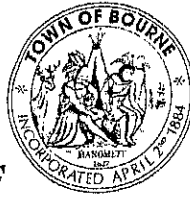
9.a. Peter Meier said the dates in mind is for October 3rd and October 17th

Barry Johnson, Town Clerk
Wendy Chapman, Assistant Town Clerk

Barry Johnson gave a brief outline of the upcoming Election Schedule. Mr. Johnson went over the State Primary, the Special Town Meeting, Early Voting, Would like to be placed on the agenda for a meeting on September 20 or September 27 for an in-depth discussion on this topic, Presidential Election, and Special Election for Debt Exclusion Project dates.

BARRY H. JOHNSON
Town Clerk

WENDY CHAPMAN
Assistant Town Clerk



TOWN OF BOURNE
Office of the Town Clerk

ELECTION SCHEDULE

STARTING FROM 9/8/2016.....Up To December 6, 2016

- 1). STATE PRIMARY: to be held on Thursday, September 8, 2016; BOS to sign Election Warrant on Tuesday, August 16, 2016; Warrant must be posted by Thursday, September 1, 2016; Voter Registration to be held on Friday, August 19, 2016.

- 2). SPECIAL TOWN MEETING: per Section 2.5(b) of the Charter...the BOS shall close the Warrant forty-five (45) days prior to the date of the Special Town Meeting...for receiving Private Petitions...which is September 2, 2016. If the STM is to be held on Monday, October 17, 2016...the BOS to sign Warrant by Tuesday, September 27, 2016; the Warrant must be posted by Monday, October 3, 2016; Voter Registration to be held on Friday, October 7, 2016.

- 3). EARLY VOTING: I will be asking the Board and Town Administrator Guerino to be placed on a future BOS agenda...possibly on Tuesday, September 20...OR...September 27, 2016 to hold an in-depth discussion on this topic. I will provide you with materials on this subject prior to our session.

- 4). PRESIDENTIAL ELECTION: to be held Tuesday, November 8, 2016; BOS to sign Election Warrant by Tuesday, October 25, 2016; Warrant must be posted by November 1, 2016; Voter registration to be held on Wednesday, October 19, 2016.

- 5). SPECIAL ELECTION FOR DEBT EXCLUSION PROJECT(S): if this election were to be held on Tuesday, December 6, 2016.....the BOS to sign the Warrant on Tuesday, November 22, 2016; the Warrant must be posted by Tuesday, November 29, 2016; Voter Registration to be held on Wednesday, November 16, 2016.

NOTE: presented to BOS & TADM on Tuesday, August 9, 2016.

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Buzzards Bay, Massachusetts 02532
Phone 508-759-0600 x505

Voted Peter Meier moved and seconded by Michael Blanton to authorize the Special town meeting for October 17, 2016 at 7:00 PM contingent upon approval of Town Counsel and the Town Moderator. Vote 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to set September 17, 2016 as the date to close the warrant for the Special Town Meeting for private petitions. Vote 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to make the Debt Exclusion Ballot Election for any debt exclusion project voted on October 17 to be on Tuesday, December 6th. Vote 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to have the Board of Selectmen inform the Town Administrator by vote that we will close for the warrant to any non-municipal petition that come in on Wednesday, September 14th which give us ample time to get it to Town Counsel for his review, get the warrant ready and posted by the 27th.

Barry Johnson questioned do I have to have my Warrant Articles to you by September 14th? Mr. Guerino said you will have to have draft warrant, but you wouldn't have to have your hearing by the 14th.

Vote: 5-0

9.b.

Don Pickard spoke about the decision of Town Counsel relevant to acceptance of private roads. Mr. Pickard said a resident of Valley Bars Road contacted him. Mr. Pickard is asking the Board to vote to get Town Counsels opinion based upon the request from the resident on Valley Bars Road. The question for Town Counsel is Does Valley Bars Road have implied prescription and implied acceptance to become a public road under both state and federal law

Stephen Mealy questioned why the town is taking on a request from a resident for an opinion by Town Counsel. Mr. Mealy would suggest it would be better for the town if resident have questions the resident hire their own attorney. It would better serve the other residents of the town to not have to pay legal fees to answer a question that was adequately addressed.

George Slade said we do have a large number of roads that are in need of repairs. Would like it if Town Counsel could provide something president that we could apply throughout the town.

Voted Stephen Mealy moved and seconded by Peter Meier not to refer this question to Town Counsel.

Stephen Mealy said he thinks the question being asked is a generalized one, it may apply to Valley Bars Road. We have always had and continue to supply to the residents that are living on private way, a remedy, which resident in the town have already undertaken, that is the use of betterments at a very significant reduced cost to make improvements to the roads. What do you tell those residents that then we start making repairs to other roads that are private. We need to let the residents make their own legal determinations with their own Counsel as opposed to starting to volunteer our Town Counsel to investigate each question that comes before the Board.

Vote: 4-1 George Slade opposed.

10) Town Administrator's Report

Tom Guerino said he will provide a written report of the training he attended, and spoke briefly about the training.

Dept. heads and I will be meeting on Thursday at 11:00.

Meeting with one on of the bargaining groups staff on Thursday morning at 9:00.

Don Pickard said he was questioned relevant to the old Coady School property, on how interested residents might become applicants to move in. Mr. Guerino said they will have to contact the Stratford Capital Group. Mr. Guerino will call them and get the information.

11) Selectmen's Reports

Stephen Mealy spoke about the informal gathering of the recycling committee. The barrels and the proposed plastic bag ban change to be placed on the website. Regarding the 5-year plan for the Mass. Maritime, they would be happy to come in and provide an update to the Board and the residents. Mr. Mealy said he attended a meeting for the Taylors Point residents about the changes to 8 Taylor Road. He gave a brief overview of that meeting. Mr. Mealy made a suggestion to the Board would it be appropriate would the Board undertake a discussion and vote on the pros and cons about a resolution that was offered by Senator Vinny deMacedo opposing the November ballot question that would allow recreation use of marijuana.

George Slade spoke about the buildings that are in distress, the building on Center Street in Buzzards Bay, wondering what the status is of that building.

Peter Meier spoke about the schematics that came out from the School Building Committee. This is for the August 23rd meeting when the Peebles School Building Committee will come before this Board and give a report.

Michael Blanton spoke about attending the Conservation Commission hearing. Spoke about attended the press event at Mass Maritime Academy for the Hydrokinetic platform that is anchored off Mass Maritime. Last Friday attended the MBTA Hearing at the UMass Dartmouth Law School. Mr. Blanton gave a brief overview of the meeting,

Tom Guerino wanted to remind the Board Thursday night at 6:30 we will be doing goals.

The next Bourne Board of Selectmen meeting will be on Tuesday, August 16th at 7:00 P.M.

12) Adjourn

Voted Michael Blanton moved and seconded by Peter Meier to adjourn. Meeting adjourned at 8:05 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.