

Board of Selectmen - Regular Session
Minutes of Tuesday, September 13, 2016
Bourne Community Building
Bourne, MA 02532

RECEIVED

2016 OCT 27 PM 12:44

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

6:30 p.m. Call to order in open session

1. **Executive Session:** To conduct strategy session with respect to ongoing 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 P.M.

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

Roll Call Vote: Mr. Blanton - Yes, Mr. Mealy - Yes; Mr. Meier - Yes; Mr. Pickard - Yes.

Voted Peter Meier moved and seconded by Michael Blanton by roll call vote to adjourn Executive Session and return to Open Session.

Roll Call Vote: Mr. Mealy - Yes; Mr. Blanton - Yes; Mr. Slade - Yes; Mr. Meier - Yes; Mr. Pickard - Yes.

Approximately 7:00 P.M. returning to Open Session

Meeting Called to Order

Chm. Pickard called the meeting to order at 7:03 pm.

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

Public Comment – Non-Agenda Items

None requested.

Don Pickard wanted to report to the public the Board of Selectmen was in Executive Session from 6:30 to 7:00 p.m. we had voted to accept the open meeting law complaint as filed by Atty. Kathleen Connolly against the Town of Bourne Board of Selectmen as well as to approve the response by Town Counsel.

5) Minutes from Meeting(s) dates: 06.30.15; 07.26.16; 08.16.16; 08.23.16; Executive Minutes – 8.30.16

Voted Peter Meier moved and seconded by Michael Blanton to approve the minutes from August 30, 2016 and to not encumber. Vote 5-0.

Voted Peter Meier moved and seconded by Stephen Mealy to approve the minutes from June 30, 2015 with corrections. George Abstained. Vote 4-0-1.

Voted Peter Meier moved and seconded by Michael Blanton to approve the minutes from July 26, 2016 as presented. Vote 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to approve the minutes from August 23, 2016 as presented. Vote 5-0.

Didn't vote on 8-16-16 Minutes

6) Correspondence

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

- A. Email from Joseph Crisafi relative to forming a Crime Watch Patrol/Citizens Patrol in Bourne.
- B. Letter from Attorney Richard Clifford regarding Wildwood Lane.
- C. Notice from Mort Toomey unable to accept reappointment as a voting member on the Selectmen's Task Force on Local Pollution
- D. Letter of interest serving on either Board of Appeals or Affordable Housing Trust from Cassidy C. O'Connor
- E. Letter from Richard Conron requesting help in trying to understand the negotiation proposal on 1 Trowbridge Road
- F. Request form George Slade seeking appointment to the Community Action Committee
- G. Minutes from BOH Meeting voting to place Kelly Mastria as their representative on the Bourne Landfill Business Model Working Group
- H. Letter from Pairpoint Manufacturing Company, Inc. of their Intent to apply for Massachusetts Economic Development Program in Sagamore

- I. Letter from Aaron Tobey, Jr. requesting appointment to the Bylaw Committee
- J. Letter from UCCRTS regarding 2016 Regional School Committee Nomination Papers
- K. Barnstable County HOME Consortium Notice of Public Comment Period
- L. Letter from Coppola and Coppola re: 3 Honora Lane
- M. Letter from Brandon Esip to serve on the Bylaw Committee
- N. Letter from Atlantic Environmental Service on the cleanup of fuel oil release at 81 Hunters Brook Road, Sagamore Beach
- O. Letter from DEP from Coleccion Pires, mooring #17-P in Cohasset Narrows appealing the Harbormaster's decision.

Peter Meier spoke about Mr. Connor serving on either Board and the open positions.

Don Pickard spoke about the letter to Mr. Toomey; the email from a gentlemen that wants to form a crime watch or citizens patrol in Bourne; minutes from the BOH Meeting to appoint Kelly Mastria as a representative on the Bourne Landfill Business Model Working Group. The Bourne Landfill Business Model Working Group has members, myself, Mr. Pickard; Mr. Andrews, presently from the Board of Health; At Large Members are Mr. Scotti, Mr. Schofield, from Energy, and Mr. Redman from Capital or Finance. Their vote was to place Mrs. Mastria on as their representative and make Mr. Andrews an alternate. I will speak to the Board of Health, I believe they would still want to go forward and have Mrs. Mastria be there as an appointed representative. There was a letter from Mr. Conron, Mr. Pickard asked Tom Guerino take a look at that and see if you can make an explanation.

Additionally we received 2 or 3 letters; one was a petition with about 50 signatures to not make a personal change within the town government in some administrative areas. We appreciate and respect the opinions of the voters. As the Town Counsel says this is a municipal corporation, the Town Administrator has to make moves that may sometimes be unfavorable to others. In order to do the town's business we need to acknowledge the move is going to happen. The Administrator gave us plenty of notice on this after consultation with a couple of Board members. He also put it into his weekly report. While we appreciate the input the Administrator has to make moves that make the municipal corporation run smoothly.

Tom Guerino said on H relative to the Pairpoint Glass and the letter relative to the economic development incentive programs. I would suggest to the Board if you have an opportunity to stop in and speak with Mr. Tulman about his plans for the glass company. It may be a good idea at some point in the near future to have Mr. Tulman in before the Board so he can explain to you folks as a group as well as the community what his plans are for the place. Don Pickard asked Tom Guerino to schedule that some time in October.

7) Execution of Easement RE: One Trowbridge Road

Don Pickard went over what happen at our last meeting, on the 30th we held an Executive Session for the purpose of negotiating the easement document with the land owners. The document has been approved by Town Counsel. We had an impasse on the 30th due to the

impasse we waited to hear from the property owner, the easement has been signed by the property owners, and a check has been paid.

Don Pickard read the first paragraph of the Easement:

The Town of Bourne a municipal corporation with an address of 24 Perry Avenue, Buzzards Bay, Barnstable County, Massachusetts, being the owner of property locate on Trowbridge Road, Bourne, Barnstable County, Massachusetts, shown on Exhibit "A", attached hereto, for consideration of Five Thousand and 00/100 (\$5,000) Dollars, paid, hereby grants to One Trowbridge Road, LLC, owner of the property located at 1 Trowbridge Road, Bourne, Barnstable County, Massachusetts, an easement for the purposes of maintaining, repairing and replacing utilities, landscaping, and grading serving 1 Trowbridge Road located on Map 24.3, Parcel 22, as shown on an Easement Sketch Plan attached hereto as Exhibit "A".

There was a vote of the Board at that time during the Executive Session. The minutes are available to the public; by a vote of 3-2 the Board approved this easement.

Tom Guerino said Nancy Sundman is here to notarize your signatures.

Elmer Clegg spoke about the vote of 3-2 and wanted to know who voted for and who voted against.

Don Pickard said the motion was made by Mr. Mealy to make the amount \$5000. Mr. Pickard said he seconded the motion. On a roll call vote Mr. Blanton and Mr. Meier voted Ney. Mr. Slade, Mr. Mealy, and myself vote Aye. An original amount of \$7800 was recommended by the Town Administrator, the Board entered into a discussion, the roll call vote was 2 in favor of the \$7800, which was Mr. Slade and Mr. Mealy and the motion failed because 3 members of the board Mr. Blanton, Mr. Meier, and myself voted Nay.

Mr. Clegg questioned was the approval for the \$5000 payment or was it for the easement as worded. Mr. Pickard said the easement was approved to form by Town Counsel and created by Town Counsel. Mr. Clegg questioned was the vote only on the amount of money? Mr. Pickard said yes, we recognized the easement was as Counsel indicated, properly drafted and contained everything that was appropriate. Mr. Clegg said he is still confused. He questioned if the Board of Selectmen has taken a vote on approval or disapproval of this easement in total?

Stephen Mealy stated the votes he took that evening was based on the approval of the easement as drafted by Town Counsel and the amounts were what we were discussing to change, but there was never any change to the verbiage within the easement documents that we provided that evening.

Don Pickard stated again for the \$5000 easement the voting of the approval of the easement was Mr. Mealy, Mr. Slade, and myself. Voting against the \$5000 easement was Mr. Meier and Mr. Blanton.

Stephen Mealy said the \$7800 was arrived at by a suggestion by the Town Administrator based on the square footage of the lot and the value of what that might be. After discussion by the Board members several members said this was not the correct amount. After the failure of the first vote I advanced a \$5000 amount.

Mr. Clegg said he was asked to find out who was for and who was against the easement.

Don Pickard went over who voted for and against the amounts and why.

Mr. Clegg said he thinks both the amounts are immaterial. It would seem that it would benefit the citizens of this town if you had negotiated with the developer to open up the parking lot across the street at Sandwich Road for public utilization and go back to his original site plan that had been approved by the Planning Board where he was going to make it public and he was going to have a walkway over to the library.

Don Pickard said somewhere along the line it was suggested a monetary amount be placed on this easement.

Michael Blanton said with regards to this Board the mitigation amount is somewhat immaterial in the grand scheme of things. It did prompt a discussion on how we should look at mitigation in the future.

Mr. Clegg said this Board held a public meeting on the 23rd of August where both Bill Grant and I expressed opposition to your plan to approve the easement. The agenda that night referred to the topic as Consideration of an Easement. On August 30 you had the same topic again titled Consideration of an Easement. At that meeting both Mr. Grant and I were deprived of the opportunity to voice further comments based on procedural rulings on your part. Tonight I would like to bring to your attention the things I think are important. The decision that you reached to sign this easement, there are many people in this town who feel in taking the position that you have taken that you have snubbed the voters.

Don Pickard read the agenda for the August 23rd meeting, Signing of Easement for 1 Trowbridge Road under Article 14 of the October 21 Special Town Meeting.

Don Pickard said it is time to move on, the easement has been signed. Tonight's agenda states Execution of Easement.

Mr. Pickard told Mr. Clegg they are done talking about that issue. Mr. Clegg kept talking.

Mr. Clegg said it is time for this Board to do what they should do for the benefit of this town. You work for the voters you don't work for the developer.

Mr. Pickard said you raised your point; the Board has business to attend to. If you would like to be put on the agenda kindly see Mr. Guerino. Mr. Clegg said doesn't need to he can come back at the next meeting and I can sign up to speak under non-agenda items, and I plan on doing that.

Michael Blanton asked to have Mr. Clegg speak so he doesn't have to come back next week. The Board agreed.

Mr. Clegg declined and said he wanted to come back at the next meeting to speak under the Public Comment.

Stephen Mealy said the motion that was voted 93-6 on the October 21, 2013 Town Meeting was We move that the town vote to authorize the Board of Selectmen to negotiate and execute an easement with 1 Trowbridge Road, LLC on terms and conditions deemed by the Selectmen to be in the best interest of the town for the purpose of maintaining, repairing or replacing utilities, landscaping and gradient at 1 Trowbridge Road. It refers to the plan that was given that evening.

Mr. Clegg said Mr. Mealy just read from the October 2013 Special Town Meeting. He did not read from the 2016 meeting. Legal Counsel has told you legally you could use that because in 2016 it was not rescinded when the voters voted down the same proposal for exactly the same space. It had a different site plan attached to it that was approved by the Planning Board in both occasions. You were acting on the authority granted to you by the voters in 2013. It was the intent of the voters in 2016 to rescind the authorization, the authorization we granted you in 2013. The intent of the votes in 2016 was they wanted you to come back to them with a recommendation so they could review it and vote on it at a town meeting.

Mr. Mealy and Mr. Pickard disagreed.

Voted Peter Meier moved and seconded by Michael Blanton to move item number nine to the next item on the agenda.

9) Update and possible vote on the disposition of 20 Herring Pond Road Tax title property

Michael Joyce spoke about the property that he owns that the taxes haven't been paid. He was unaware of the situation. I reached out to the Chairman and asked for an opportunity to redeem that property.

Don Pickard said so the Board is aware when I received the correspondence from Mr. Joyce at 20 Herring Pond Road I passed it onto Mr. Guerino and to the Town Treasurer Collector. 20 Herring Pond Road is presently the property of the Town. The Board can allow the owner to redeem it for the amount stated \$32,576.51. Don Pickard questioned Mr. Joyce about 871 Cranberry Highway; are you aware of the total amount? These figures are good through October 15, 2016. If you're in agreement to bring both the property current 20 Herring Pond could be vacated to AJ Michael Realty LLC. with a vote of this Board. I will accept a motion the board is willing to vacate the property at 20 Herring Pond Road to AJ Michael Realty based upon the payment that is estimated in Mr. Guerino's letter dated September 29, 2016 which totals around \$135,000

Mr. Joyce questioned what if he can't pay by October 15th?

Mr. Guerino said if it isn't paid by that time it would go to court and become the Towns property. Mr. Joyce questioned if he can talk to the collector about a payment program? Mr. Guerino said can't speak for the treasure but that is not something that she will entertain.

Voted Peter Meier moved and seconded by Michael Blanton to vacate the property at 20 Herring Pond Road contingent upon the payment owed of \$32,576.51 further more to make the property at 871 Cranberry Highway current, the amount owed is \$102,884.24, upon receiving of that money, by October 15, 2016 it will be turned over to AJ Michael Realty. Vote: 5-0

Stephen Mealy urged Mr. Joyce to talk to the Treasurer Collector in an effort to work out payment.

8) Marine Renewable Energy Center - John Miller, Director

John Miller spoke about the Bourne Tidal Test Site. We wanted to come back and let you know what we have been doing. We are moving from the survey study phase into the permit.

Mr. Miller went over the presentation

Bourne Tidal Test Site

Infrastructure for Innovation and Education



Project Status

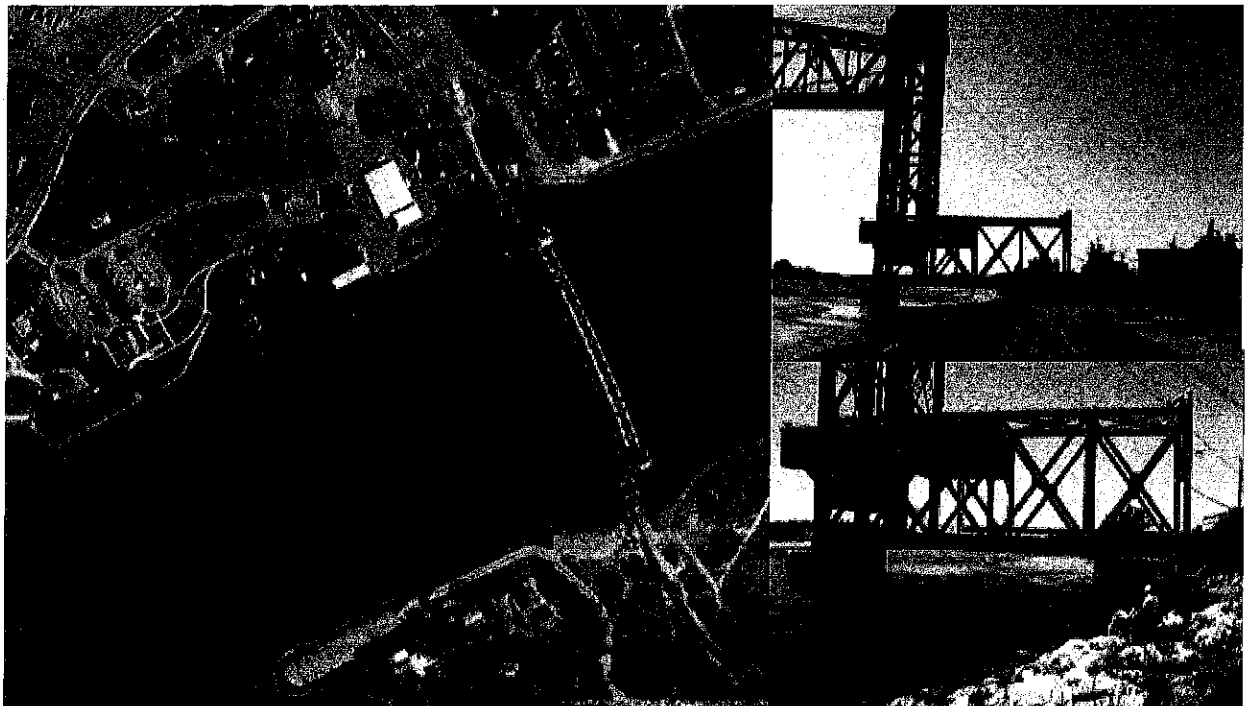
John Miller

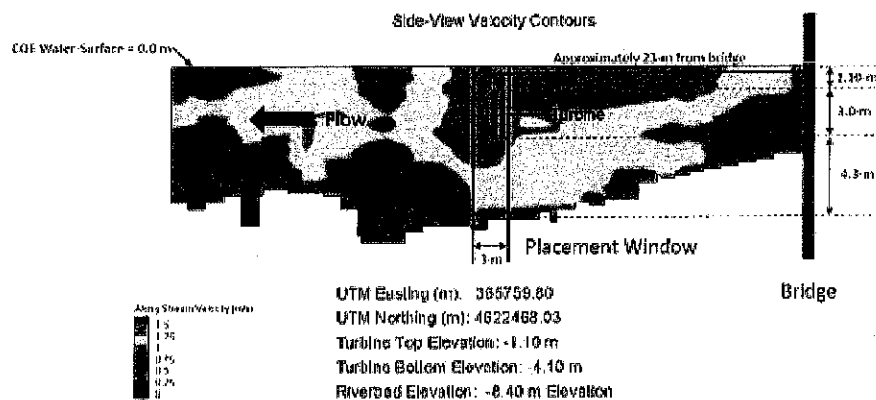
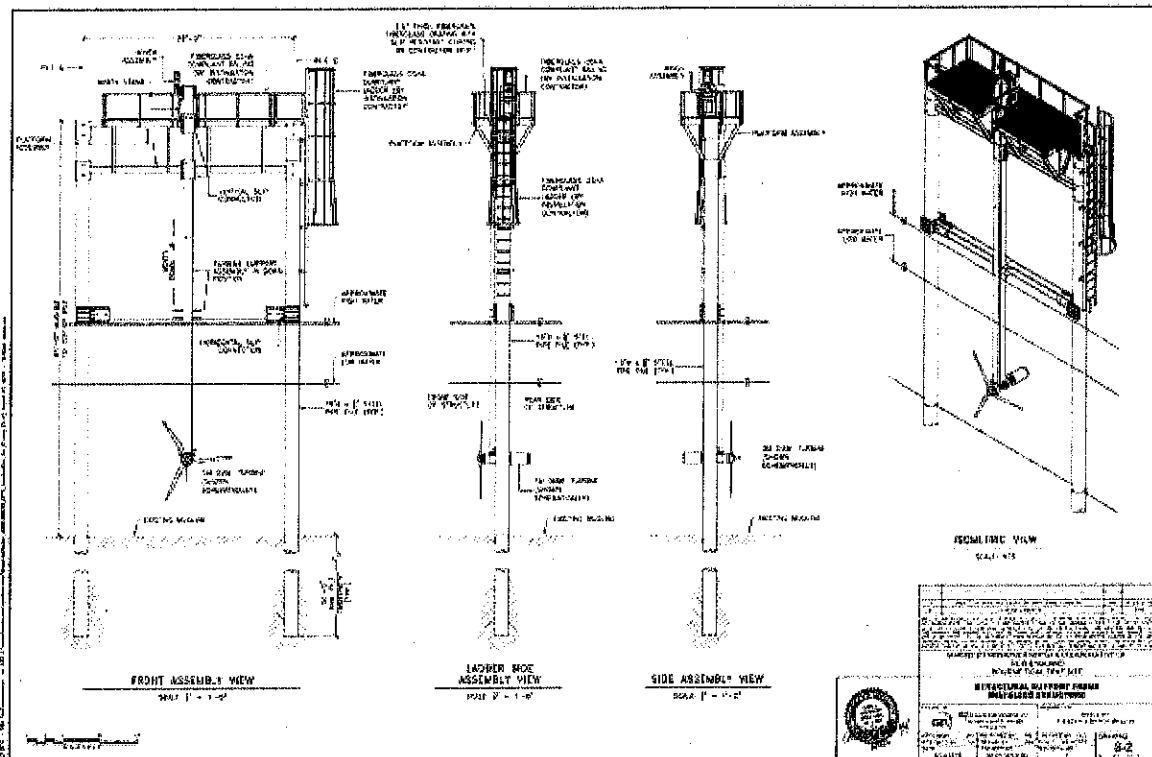
Executive Director

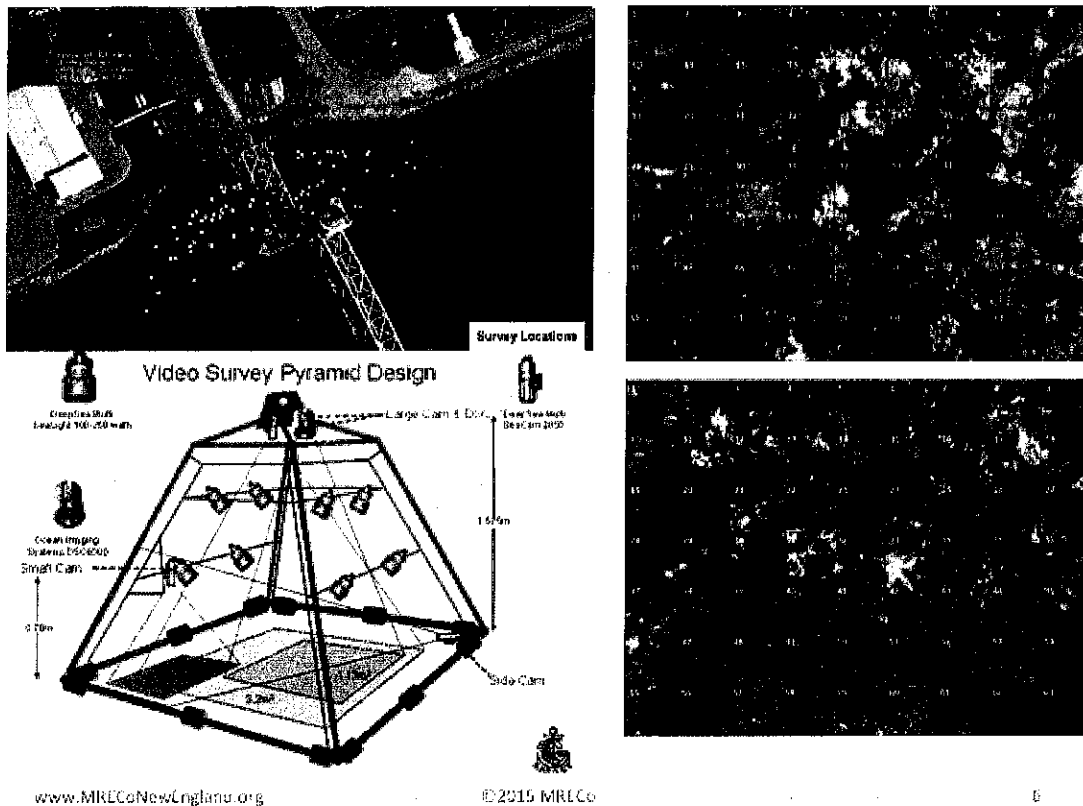
Director@MRECoNewEngland.org

Project Status

- Start delayed from January to March
 - Pushed fabrication into summer
- Mechanical design completed
- Platform fabrication in process
- Electrical design nearing completion
- Installation targeted for early November
- Permitting progressing







Permitting

- Federal Energy Regulatory Commission
 - Public Comment Period ended Sept 12
- US Army Corps of Engineers
 - In process, requires other agencies to approve
- MassDEP, Chapter 91
 - Will require municipal sign-off
- Wetlands Protection Act, Conservation Commission
 - Filed, hearing expected October 6

Mr. Miller went over what the project is and that he is looking for someone to help put the platform together a fabricator, looking for an electrician, and looking for someone to help us put in the pylons. These are paid positions. We would like to employ people in the town as much as possible.

Steve Barrett, Barrett Energy Resources Group, went over the permitting. Mr. Barrett also explained what the Bourne Tidal Test Site is for so the residents at home watching will know. We will be before the Conservation Commission. We filed our notice of intent. We filed under both the State Wetland Protections Act as well as Bourne's Wetland Bylaw. I have communicated with the Conservation Agent. When we come in on October 6th we will be able to present the project in a public session and have the Commission review the project from both stated and local authorities.

Peter Meier questioned if this pilot program goes well are you going to leave it in there or when the research is done are you going to take it out, what is the long term plan?

John Miller said the intent is this will be a permanent test site. People would come in for three months at a time and then leave. It is being built so the turban can be raised, so it can be services, and it can be changed if necessary, so development can continue effectively.

Michael Blanton questioned with the proximity to the highway, the costal environment, and to rail tracks how does the equipment come in to the site? What kind of infrastructure is needed to maximize access to the area? Mr. Miller said for this test site we are talking about 10 foot devices so it will be brought in by trucks. We believe these smaller devices are good devices to be exported. We are looking forward to working with Mass Maritime.

Stephen Mealy questioned will this be the first test site in the US? John Miller said yes that is correct. The only test site in the world is the European Marine Energy Center, which is for big devices, so having a site for smaller devices is very important. We have a lot of interest from people who want to come here and test.

Mr. Mulvey questioned if this is a data collection, this is not a commercial type structure? Mr. Mulvey also questioned if they rotate with the flow of the current or are they pointed in one direction, because the current reverses. Mr. Miller stated currently the design we have is for only going in one direction.

Tom Guerino questioned as you proceed with this what is the possibility of bringing the R&D piece, the engineering and the technical pieces of this into the area for design and development and research? Mr. Miller said he can't say whether the people will move here but there is an attraction to move here where you can put a device in, if you have a problem you can pull it out, you work with it and you can put it back in. Mr. Miller said to have a site like this where you can put a device in relatively inexpensively, relatively quickly and study it. It is close enough to shore so you can fully instrument it, you can put video on it, you can have everything instrumented so you can change things quickly, is really important in the industry.

Mr. Mulvey questioned at optimum speed what is the tip speed? Mr. Miller said he doesn't know the speed but these turn slower than the wind turbines. These turbines are slower speed higher torque, so they are less likely to injure fish or animals in the water.

10) Licenses/Appointments:

- a. Appointment to the Bylaw Committee – George Sala**
- b. Appointment to the Community Action Committee of Cape Cod and Islands, Inc. George G. Slade**

Voted Peter Meier moved and seconded by Michael Blanton to approve George Sala as a member to the Bylaw committee, term to expire June 30, 2017.

George Slade questioned the current roster of the Bylaw committee. Tom Guerino said there is room for three more. Mr. Slade said his concern is while we are trying to encourage community involvement I am looking at the Atlarge positions to see if they are also town employees.

Vote: 5-0

Peter Meier spoke about the Community Action Committee to Cape Cod and the Islands. They are looking for a selectmen's representative. George Slade has offered to help with this.

Voted Peter Meier moved and seconded by Michael Blanton to appoint George Slade as the Selectmen representative to the Community Action Committee of Cape Cod and the Islands. There is no term to expire because it is a private organization. Vote 5-0.

11) Selectmen's Business –

- a. Request by the Bourne Council on Aging to waive the fees for the Psychic Fair/Craft Show at the BVMCB on October 1, 2016 from 10:00 a.m. to 4:00 p.m.**
- b. Designation of keeper of the records pursuant to Mass. General Law.**

Don Pickard went over the request from the Bourne Counsel on Aging to wave the fee for the Psychic Fair/Craft Show on October 1st, 2016 from 10 a.m. to 4 p.m. at the Bourne Veteran Memorial Community Building.

Voted Peter Meier moved and seconded by Michael Blanton to approve the request. Vote 5-0.

Don Pickard said Massachusetts General Laws effective January 1, 2017, each municipality will be required to identify a Keeper of the Records, pursuant to the Mass. General Law. We have discussed this with the Town Counsel, Town Administrator, and Town Clerk. We feel the Town Clerk is best suited for this.

Voted Peter Meier moved and seconded by Michael Blanton to appoint the Town Clerk as the designator of the Keeper of the Records pursuant to Mass General Law. Vote 5-0.

12) Town Administrator's Report

Tom Guerino updated the Board on the position of the Facilities Manager. We have identified six applicants we would like to interview. Retired Admiral Gurning, myself, and Mr. Sala will be on the initial interview committee. We will inform the Board at each step of the process.

We will provide a budget calendar to the Selectmen at their next meeting.

13) Selectmen's Reports

Stephen Mealy said he sent to each member and to the Town Administrator a copy of this year's annual report. If you have comments have them to me by tomorrow so I have time to incorporate them and to forward that to Town Hall.

Mr. Mealy said he attended the Recycling Committee meeting, they finalized the plastic band bylaw. They are going to be meeting with the Bylaw Committee. Would like to put a note in to have them come before our Board prior to Town Meeting. He also attended the ground breaking for the Park for the Main Street Steering Committee.

George Slade attended with Mr. Ellis the Joint Base Cape Cod Civilian Military Task Force meeting group. They discussed three items, the MiMi McConnell's article in the Cape Cod Times, and the bike trail was discussed. Mr. Slade also spoke about the reciprocal beach permit.

Michael Blanton said he was approached by our Cape Cod Commission representative Dick Conron speaking about the local Comprehensive Plan. It should be looked at and reviewed every ten years. Don Pickard said he thinks that is a Planning Board function under the charter.

Tom Guerino said in the goals that the Selectmen set relative to a town wide visioning plan, the visiting session would be a good lead off to the Planning Board taking the next step in updating the Comprehensive Plan.

Mr. Blanton said last Thursday was primary election day, and wanted to thank everyone who turned out to vote.

Peter Meier said Mr. Mealy did a nice job representing us as our member of the Main Street Steering Committee; it was a nice kickoff for the revitalization of Buzzards Bay Park. Mr. Meier spoke about phase one and phase two, and said we are starting to see the positive change on Main Street. Mr. Meier also spoke about Barlow's Landing parking, and would like to get this on the agenda in October.

Mr. Guerino said there is very limited land space and there is no real parking for trailers. There is no additional town land. It is going to take more study, because it is a larger issue than just the trailers.

Peter Meier spoke about the release of the Bond for the transportation. Tom Guerino said they have not applied for it yet; he spoke with Mr. Sala. It is up to the Board to release it at the recommendation of the DPW Superintendent. Mr. Sala has seen no problems with the drainage or the roadways, Main Street or any particular issue relative to the transport of that last year. If Mr. Sala recommends to the Board and the Board determines, you can release it without a request. Mr. Pickard said he would be looking for a letter from Mr. Sala, to Mr. Guerino, copy to the Board, indicating that he has evaluated it and the bond can be released.

Peter Meier said he wanted to revisit the possibility of putting our packets electronically so we aren't using all this paper. Also have it posted to the town website so the people at home can also see what is going to be on the agenda and attend if they want. Don Pickard suggested putting that on the agenda for discussion. Tom Guerino suggested to put it on the October workshop meeting.

Mr. Mealy spoke briefly about what Mr. Sala spoke about at the recycling committee meeting. Mr. Sala is going to be asking for a new truck this fall and one next spring. As of November 11 the recycling policy will go into force.

Peter Meier said there is are voter information sessions at the Bourne Community Center about the Bourne Police Building Committee and the Bourne School Building Committee, Thursday October 6th at 2:00 p.m. On Tuesday October 11th at 2:00 pm at the Bourne Community Center there will be forum for the Police Facility Committee.

Don Pickard wanted to remind the members to keep on top of your goals; we should have a review of those at our first meeting in November.

Tom Guerino said there will be a meeting here next Wednesday evening at 6:30 p.m., Rep Straus, the Chairman of the Transportation Committee, Representative Hunt and Representative Vieira will be here to discuss the south coast commuter rail connecting.

The next Bourne Selectmen meeting will be on Tuesday, September 19th at 7:00 P.M.

13) Adjourn

Voted Peter Meier moved and seconded by Michael Blanton to adjourn. Meeting adjourned at 8:46 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.