

**Board of Selectmen
Minutes of Tuesday, October 4, 2016
Bourne Community Building
Bourne, MA 02532**

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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. The Chairman declares that such open discussion will have a detrimental effect to the litigating and negotiating position of the public body. The Board will reconvene in open session at the conclusion of the Executive Session.

Roll call Vote to convene in Executive Session for the purpose stated.

- a. Christopulos Realty & Investments, Inc. vs. Town of Bourne and Roger Laporte in his capacity as Inspector of Building for the Town of Bourne
- b. Pinnacle Site Contractors, LLC V Robert Gray et al as they constitute the Town of Bourne Conservation Commission
- c. In the Matter of Don Perry and Pinnacle Site Contractors, LLC - DEP Office Appeals and Dispute Resolution
- d. Coreen V. Moore in her capacity as Town Planner for the Town of Bourne et al vs. Nouria Energy, Inc. c/o Ayoub Engineering, Inc. et al

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. Meier - Yes; Mr. Slade - Yes; Mr. Mealy - Yes; Mr. Pickard - Yes
Vote 5-0.

Roll call Vote to reconvene in open session.

Voted Peter Meier moved and seconded by Michael Blanton by roll call vote to adjourn executive session and reconvene in open session.

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

Amy Sharpe on behalf of the Bourne Recycling Committee

Mrs. Sharpe spoke about the plastic bag ban bylaw that the Bourne Recycling Committee is proposing for Town Meeting. What the bylaw does, what it doesn't do, and why it is important. The plastic bag bylaw is designed to take effect in 2018. It attempts to limit the distribution of plastic bags you get at the checkout counter. The reason is they are considered single use plastic bags, they are recyclable but only 5% are recycled the rest end up in the trees, ground, or ocean. We want to join the rest of the towns who support the ban. We worked hard on the rollout of single stream recycling, and plastic bags are the single biggest contaminant of single stream recycling. They damage the machinery; they limit the effectiveness of single stream. The ban pertains to that one kind of plastic bag. We have been working with ISWM on this Bylaw.

8) Minutes from Meeting(s) dates: 9-20-16; 9-27-16 Regular

Voted Peter Meier moved and seconded by Michael Blanton to approve the minutes from September 20, 2016 as presented. Vote 5-0.

Voted Peter Meier moved and seconded by Michael Blanton to approve the minutes from September 27, 2016 as presented. Vote 5-0.

9) Correspondence

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

- A. Public notice from Marine Renewable Energy Collaborative of New England, Inc. for installation of two pilings connected by a platform for the purpose of lowering a tidal turbine into the canal for testing of performance and environmental impact.
- B. Letter of interest from Patricia Parker to serve on the Bourne Cultural Council
- C. Letter of interest from Beth Bohacs to serve on the Special Works Opportunity Program

- D. Town of Bourne vs. John McLaughlin land court case regarding 2 Honora Court has been continued until Thursday, October 6, 2016
- E. Veteran's Services submitted their request for funding for FY2018

Peter Meier questioned the Town Administrator if we have been paid in full?
Tom Guerino said he is not aware if we have been paid yet. He will check on that.

10) Shellfish Grant Moratorium - Tim Mullen

Tim Mullen said they have had a busy spring and summer approving new applications. Currently we now have an approved 1 acre site in Buttermilk Bay, a one acre site on Mashnee Dike, a 2 acre site on the West side of Tobey Island, a one acre site in Little Bay and another 1 acre site on the West side of Tobey island. They have not yet gotten all their permitting through Marine Fisheries. Mr. Mullen said given the statute that states once we have accepted an application we have to act on it within 60 days. He highly recommend before we get inundated with more applications, we stop accepting them for now. We can accept them at a later date by coming back and reversing this.

Don Pickard said you are asking the Board to put a moratorium on the receipt of any applications for shellfish aquaculture grants that we issue until you have a better idea where other grants might go and without overcrowding our recreational shellfish.

Stephen Mealy questioned Mr. Mullen what if we were to put a time certain, which at that time we would then review, maybe for a period of 12 months.

Tim Mullen suggested waiting until at least close to this time next year. By then we will know what was approved, and what is working and where.

Michael Blanton questioned if it would be a prohibition on new grants and expansion of existing grants with the exception if there are application in process or ready we would still honor those expansions.

Don Pickard said anything that is in the pipeline will be acted on by the Board as appropriate by the statute.

Peter Meier made a motion that the Board of Selectmen may establish a moratorium on the issue of licenses of any time as deems to be in the best interest of the Town. This moratorium will be revisited on 12/31/2017.

Voted Stephen Mealy moved and seconded by Michael Blanton that the Board of Selectmen not accept any application for shellfish grants whether they be expansion of existing grants or new grants. I further move this become effective immediately and have no effect on any applications already submitted or are in some stage of the approved process whether it be local state or federal and this moratorium will be under review on or before November 1, 2017. Vote 5-0.

11) Licenses/Appointments:

- a. 7:15 p.m. Cumberland Farms - 4 MacArthur Blvd removal of 2-20,000 gallon underground tanks and the installation of 3-20,000 underground tanks at 6 MacArthur Blvd.
- b. 7:30 p.m. Christopulos Realty Trust - Unsafe Structure - 129-137 Main Street, Buzzards Bay
- c. 7:45 p.m. Fior M. Barreda - Unsafe Structure - 15 Mashnee Road, Bourne
- d. 8:00 p.m. Transfer of liquor license from Bourne Liquors, Inc. to Patriot's Sprints, Inc., same location
- e. 7th Annual Hot Rods for Hero's Event - Requested by Fraternal Order of Eagles Aerie 3741 to close/block off Cohasset Avenue from St. Margaret's Street to Wallace Avenue from 7:30 a.m. to 2:00 p.m. Proceeds from car show to benefit the Walking Warriors
- f. Marty's Chevrolet, Inc. - New Class 1 Dealer's License - 420 MacArthur Blvd
- g. Bourne Landfill Business Model Working Group appointment - Kelly Mastria

11e.

Peter Meier went over the 7th Annual Hot Rods for Heroes Car Show, Proceeds to benefit the Walking Warriors. Request to block/close Cohasset Avenue. It's from 7:30 a.m. to 2:00 p.m. George Sala would like all signs removed from the roadway after the event. Lt. Silvestro said must have access to location for emergency vehicle barriers must be easily moveable.

Voted Peter Meier moved and seconded by Michael Blanton to approve with those two conditions. Vote 5-0.

11g.

Peter Meier went over the appointment of Kelly Mastria as a voted member of the ISWM's Business Model Working Group.

Voted Peter Meier moved and seconded by Michael Blanton to appoint Kelly Mastria to the ISWM's business model working group.

Don Pickard said for the folks at home the ISWM Business Model Working Group is made up of a member of the Board of Selectmen, myself; Mr. Andrews is on for the Board of Health; Mr. Schofield from Energy Advisory; Mr. Scotti as an At Large Member; and Mr. Redman as a member of the Finance Committee, as well as Capital Outlay. The Board of Health has determined that through a vote that Mrs. Mastria will be taking Mr. Andrews spot, although he is certainly welcome to attend the meeting based on his extreme knowledge of the landfill operations.

Vote 5-0.

11a.

Don Pickard stated it is now 7:15 and we are going to have a hearing on several items.

Mr. Pickard briefly went over the hearing for Cumberland Farms, 4 MacArthur Blvd for removal of 2-20,000 gallon underground tanks and the installation of 3-20,000 underground tanks at 6 MacArthur Blvd. Mr. Pickard said he would like to open the public hearing with a motion.

Voted Peter Meier moved and seconded by Michael Blanton to open the public hearing Vote 5-0.

Don Pickard read the public hearing notice:

Notice Town of Bourne, Underground Gasoline/Diesel Storage License. Application has been received from Cumberland Farms, Inc. 100 Crossing Blvd., Framingham, MA 01702 to amend their existing gasoline/diesel storage license by removing 2-20,000 gallon underground tanks for the storage and sale of gasoline and diesel fuel on land owned by Cumberland Farms, Inc. And located at 4 MacArthur Boulevard, Bourne. Cumberland Farms is also requesting to install 2-20,000 gallon underground tanks for the storage and sale of gasoline and 1-20,000 dual-compartment tank (1-10,000 gallon for gasoline/1-10,000 gallon for diesel) at 6 MacArthur Boulevard, Bourne, owned by Mashnee Village, Inc. The total storage will increase from 40,000 gallons to a total of 60,000 gallons. The Board of Selectmen will hold a public hearing on this application at the Bourne Veterans Memorial Community Center, 239 Main Street, Buzzards Bay, Massachusetts on Tuesday, October 4, 2016 at 7:15 PM. Signed by myself, Donald Pickard, Mr. Meier, Mr. Slade, Mr. Mealy, and Mr. Blanton.

Don Pickard said if this does not go the way you had hoped you have the right to appeal under Chapter 48A Section 17. We will file a decision whichever way it is within days to the Town Clerk and you have 25 days to file an appeal after that.

Doug Troyer and Rick Boyle Regional Manager,
Doug Troyer gave the green cards and notice sheets to Tom Guerino

Doug Troyer went over the project that Cumberland Farms is seeking to propose. Cumberland Farms has filed with the Planning Board a site plan and the Special Permit to raise and rebuild the existing gasoline operations as well as the commercial operations being conducted on 6 MacArthur Blvd to construct an approx. 8100 sq. ft. convenience store with gasoline operation.

Currently on that property there are two 20,000-gallon underground storage tanks, which were installed back in 2010. We are looking to move the operations to the 6 MacArthur Blvd. area and install three 20,000-gallon tanks; it will consist of 50,000 gallons of gasoline and 10,000 gallons of diesel. Mr. Troyer gave a brief overview of what the underground storage tanks will be made of.

Cumberland Farms is relocating where it is currently, which abuts the American Lobster Mart's property. We are locating it further onto 6 MacArthur Blvd's property.

Mr. Troyer went over the site plan. The existing underground storage tanks are located on the far right hand side of the plan just abutting the American Lobster Mart. On the site plan they are going to be located on the left hand side of the canopy. Cumberland Farms has a state of the art leak detection, in which it will be part of this system. There will be significant system testing, we will be removing the two underground storage tanks, there will be testing when we are done with that. Cumberland Farms is respectfully requesting an underground storage tank approval for the increase to 60,000 gallons.

Chief Silvestro just wanted to make sure at 4 MacArthur Blvd the 20,000 gallon underground storage tanks are removed. For the actual store plans, we are working on the final plans now.

George Slade questioned if there will be any earth brought in. Mr. Troyer said this site is sloped in the back, we are bring in a tremendous amount of earth for the back of the site but not in the location we are putting the underground storage tanks. We are raising the level in the back to meet up with the level in the front.

Michael Blanton questioned concerning the down grading toward the rear is there any kind of weather concern in that area. Mr. Troyer said there is no wetland areas in connection with this project. Mr. Blanton questioned if gasoline and diesel are the only type of fuel that will be carried in quantities on the property, or do you have any plans for expanding any other type of fuel. Mr. Troyer said no and we are looking to remove the 40 and increase it to 60. The main reason to increase up to 60 is the location and the size of the store to try to reduce the amount of deliveries onto the site. We are only looking to do gas, 87, 89, 93, and diesel. There will be 4 diesel handles, but at those locations there will be regular gas handle as well. Michael Blanton questioned if you are going to be looking into any kind of alternative energy or any type of electrical generation charging ports? Mr. Troyer said not at this time. It is not on the current project at this point.

Marian Parsons, direct abutter to the Cumberland Farms, her son, Richard Parsons, owns the American Lobster Mart. She said she has an objection to the size of these tanks. Doesn't think Cape Cod, especially on the rotary, should have that amount of gasoline on that property, the tanks are too big. Mrs. Parsons read her sons objection:

I, Richard Parsons, owner of property and business located at 2 MacArthur Blvd., direct abutter to Cumberland Farms, hereby object to this hearing and Amendment for 60,000 U.S.T gas tank storage. I, along with other property abutters and residents recently became aware of this amendment Application and we have not been notified of any exact detail. After thoroughly reviewing numerous previous case files pertaining to Cumberland Farms gas tank problems / lawsuits at several sites, this Application does not conform to the surrounding area and would have a profound negative impact on the community. I therefore rightfully request that this matter be tabled and re-set, following Planning Board Hearing directive on 10/13/16 regarding proposed size and location specs. of oversized gas tanks on non-conforming site. Thank you for your anticipated cooperation, as we all must follow Proper Procedure and govern ourselves accordingly. Sincerely, Richard Parsons.

Mrs. Parsons said she objects to the size of these tanks. Mr. Troyer showed and explained to Mrs. Parsons the site plan and where the tanks are going to be located on the site. Mrs. Parsons questioned who will test the tanks, is it a local person or someone through Cumberland Farms? Mr. Troyer said it is a third party engineering firm that will test the tanks. Mrs. Parsons questioned do you have a plan for emergency, talking about fire hazards, and explosives. Chief Silvestro explained the way the systems are designed, and the safety features. Mrs. Parsons questioned the old tanks, and those have to be taken up and the soil that is under the old tanks, will that soil be taken out and new soil be brought in. Chief Silvestro explained what happens to the soil and the testing that is done on the soil under the old tanks once the old tanks are removed.

Mrs. Parsons questioned if the EPA will get involved? Mr. Troyer said if there is a soil release through the soil samples that we locate, if there is an issue that comes up we are required to notify all the state and federal agencies that would receive notification. Mr. Troyer explained who gets notified.

Voted Stephen Mealy moved and seconded by Michael Blanton to close the public hearing.

Roll Call Vote: Mr. Blanton - Yes; Mr. Meier - Yes; Mr. Slade - Yes; Mr. Mealy - Yes; Chair - Yes. Vote 5-0.

Voted Stephen Mealy moved and seconded by Peter Meier to approve the gasoline storage license of increasing from 40,000 gallons to 60,000 gallons pending Planning Board approval of the site plan. Additionally note that all existing fuel storage tanks and associated piping and plumbing is to be removed and disposed of legally

Stephen Mealy explained there is no reason to go forward with the storage tanks if the Planning Board does not approve them. I wanted to include that to make sure those areas that are under the prerogative of the Planning Board are addressed to the satisfaction of the Planning Board and their requirements and regulations. I would note the applicant has moved the tanks from the existing location to an extreme southerly position on the existing lot and the reasoning for the increase from 40,000 to 60,000 gallons was explained to reduce the amount of deliveries in the area. Considering all the congestion on the rotary area that would be a beneficial improvement over the existing condition we have now.

Michael Blanton stated with regard to the reduction of traffic that does stand to be a significant benefit. Larger capacity tanks will decrease the number of deliveries.

Peter Meier questioned when do you hope to break ground and open? Mr. Troyer said hopefully this year, depending on the weather. It will be about a four-month project once we get going.

George Slade said the deliveries will become fewer, but are just increasing from 40,000 to 50,000 as far a regular gasoline. Are also taking in diesel, so if there is an uptake in business could require the same amount of deliveries or perhaps more.

Roll Call Vote: Mr. Blanton - Yes; Mr. Meier - Yes; Chair - Yes; Mr. Slade - Yes; Mr. Mealy - Yes. Vote 5-0.

11 b.

Voted Peter Meier moved and seconded by Michael Blanton to open the public hearing with regard to Christopulos Realty Investment, Inc.

Roll Call Vote: Mr. Blanton - Yes; Mr. Meier - Yes; Mr. Slade - Yes; Mr. Mealy - Yes; Chair - Yes. Vote 5-0.

Don Pickard said if the hearing doesn't go the way the property owner/representatives feels is in their interest, we will have a written decision at the office of the Town Clerk within several days. You have 25 days after that decision is filed at the Town Clerk's office to appeal to superior court.

Don Pickard said the town is going to present the case through the Town Counsel Bob Troy. Will note, there was a Board of Survey convened by the Building Inspector, Mr. Laporte, and members of that Board of Survey were planning pursuant to section 121.0 the unsafe building code. The people were Richard Conron, Garry Labrie, and Norman Sylvester working with the Building Inspector, Mr. Laporte. They were reviewing 129-137 Main Street as an unsafe structure on September 12th pursuant to the same statute section 121.0 of the unsafe structures of the Building Code. The Board of Survey has determined that 129-137 is in fact an unsafe structure.

Mr. Pickard said he will give Mr. Troy 15 minutes. The opposing counsel will get 15 minutes.

Mr. Pickard read the hearing:

In accordance with Massachusetts Gen. laws chapter 139, Section 1, 3 and 3A, the Board of Selectmen will convene a public hearing on October 4, 2016 at 7:30 PM at the Bourne Veterans Memorial Community Center, 239 Main St., Buzzards Bay, MA 02532 for your failure to comply with an order issued by the Board of Survey on August 1, 2016 and letter from the Inspector of Buildings on September 12, 2016 for the demolition of a structure(s) that constitutes a public nuisance and must be abated by the demolition and removal of said structure.

If the structure(s) is not demolished and removed prior to said hearing date as previously ordered the town will proceed with the demolition and removal process and a lien shall be placed on the property for the expense incurred together with interest at the rate of 6% per annum including the cost of recording and discharging the lien. A copy of the Massachusetts Gen. Laws cited above are enclosed.

Mr. Troy said so the Board feels it has sufficient evidentiary records, I am going to call 3 witnesses along with the exhibits the Board can consider. I have the exhibits; I am going to give a copy to the Board so they will understand the documents that the witnesses are

going to talk about. I am going to call the Building Inspector, the Fire Chief, and the Deputy Fire Chief.

The Town Administrator swore in. Roger Laporte, Chief Silvestro, and Deputy Chief David Pelonzi.

Mr. Troy first witness was Roger Laporte.

Roger Laporte, Inspector of Buildings and the zoning enforcer for the Town of Bourne.

Mr. Troy asked Mr. Laporte about the document that is listed as exhibit A.

Mr. Laporte said exhibit A are copies of two building permits that were issued to Christopulos Realty Investment. One was January 16, 2013. That was for the demo of the interior of the building. The other one was December 19, 2012. That was to replace the roof. Mr. Troy said with respect to exhibit B, a letter dated May 28, 2014, is that letter from you as the Building Inspector, to Christopulos Realty; can you identify the purpose of this letter. Mr. Laporte said this is a letter we sent to Christopulos Realty Investment about the new bylaw that came in, the Downtown Blight and Vacant Building bylaw. Mr. Laporte handed out copies of how that transpired, and said, the town partnered with the county to perform an inventory using Regional Building Inspector Sibel Asantugrul August 2011 Inventory Main Street Commercial properties rating each structure according to criteria provided in the CBDG Program. They went through town and identified the buildings or blight. On the second to the last page you will see it is 129-137 Main Street. Based on the report we got we sent this letter to Christopulos Realty informing them that their building was under this blight.

Mr. Troy questioned Mr. Laporte in the letter of May 28, 2014 to Christopulos you wrote it is in utter disrepair and portions of the building are falling off. You also wrote in that notice the building warrants immediate action. You advised Christopulos Realty Trust they had 7 days to remedy the violations. Mr. Laporte concurred. Mr. Troy asked Mr. Laporte to look at exhibit C and identify those dated July 28, 2016. Mr. Laporte said these pages are the appointments of the Board of Survey. Mr. Laporte explained as buildings get older they deteriorate, at some point we have to take action. Mr. Laporte explained what triggered this is another building that Christopulos owns started to collapse. That is what started this looking at all the buildings because they are all about the same age. They are approaching 70 years old and the maintenance of these building has been very shotie. We, Building Dept., Fire Dept., Board of Health, and if needed the Electrical Inspector, Plumbing Inspector, and Gas Inspector, did joint inspections of these buildings. Some of the buildings were in such disrepair under the Building Code they were deemed unsafe structures. Section 121 of the State Building Code says the Building Inspector finding an unsafe structure appoints a Board of Survey. They make their own independent finding. Those pages are, myself appointing the Board of Survey pursuant to Section 121 of the Building Code. The Building Code says I have to appoint a Land Surveyor, the head of the Fire Department, and a disinterested person. We try to take someone from another village for the disinterested person so no one can say there is a conflict. Mr. Troy questioned is exhibit D the report of the Board of Survey, signed by the three members dated August 1, 2016; is that the conclusions of the Board of Survey? Mr. Laporte said the Board of Survey under

stature has to report to the Building Inspector in writing of their findings. They stated attending an onsite inspection with you were the Fire Chief Norman Sylvester, Richard Conron and Gary Labrie. Mr. Laporte read the findings. Mr. Troy questioned exhibit E. Mr. Laporte said exhibit E is a letter from myself, which is a demolition order that I sent to Christopulos Realty Investment because of everything that happened. Because of the Board of Survey, my next step is to order the building demolished. Mr. Troy read the last paragraph of that letter. This building must be immediately demolished. Failure to do so will result in my turning this matter over to the Selectmen with the recommendations that the Town demolish the building and put a lien on the property for the cost. Mr. Laporte concurred that is what the last paragraph stated and stated that is what he did. Mr. Troy said in exhibit F there is a notice given to Christopulos Realty about this hearing tonight notifying them there was going to be a hearing. Mr. Laporte concurred. Mr. Troy said as the Building Inspector and the Director of Inspectional Services for the town did you note the contents of exhibit G, which is a notification from the Dept. of Housing and Community Development identifying this area as a Blight area? Mr. Laporte said yes that was the first document that I passed out and gave the attorney a copy. Mr. Troy questioned as the Director of Inspectional Services do you have an opinion as to whether the building is unsafe and should be demolished immediately. Mr. Laporte said the building is unsafe and explained there is no containment for fire. In the case of a fire you not only jeopardize that building you jeopardize the firemen that are sent into the building, anyone that may be in the building, and the buildings that are next to that building. This building has no fire containment, which means it has been gutted, so it is bare studs, its wood, and it is completely dry. In this building there is nothing to contain it. It is a completely wood frame building unprotected. It is extremely unsafe.

David Pelonzi, Deputy Fire Chief, Bourne Fire Department

Mr. Troy questioned Deputy Pelonzi if he has had some historical interaction with the property designated 129-137 Main Street, and questioned if exhibit I is something he prepared. Mr. Pelonzi concurred. He said it is a referral form and an incident report from January 2011 regarding the property. In the referral form he noted multiple hazards, structural issues, including exposed structural members of the wall, missing ceiling tiles, interior doors used as exit doors, water damage to ceilings and doors, street number not current, property not secured, missing exit signage, missing emergency lighting, missing panel hardware on egress doors, exposed wiring, missing junction box covers, missing outlet covers, cut wires exposed, open circuit breaker box, over-loaded light weight extension cords, plumbing issues, gas issues, partially vacant building not properly secured, and evidence of past fire and I referred that to the fire investigator. Mr. Troy stated in the final paragraph of exhibit I you note that a certified letter was sent to the property owner indicating the violations that have been discovered? Mr. Pelonzi said that was part of the fire incident report. Mr. Troy said that was on January 22, 2011, and in exhibit J on the same date you sent a letter to Christopulos Realty indicating the results of your inspection? Mr. Pelonzi concurred and said the original incident was on the 22nd of January and the referral sent to the town agencies and this certified letter was sent to the building owner at that time. Mr. Troy questioned if Mr. Pelonzi recalls if the owner took any action after the letter of January 28, 2011? Mr. Pelonzi said he has no indication anything was done. Mr. Troy questioned the letter dated August 28, 2015; did you notify Christopulos Realty that

you were concerned about the condition of the building? Mr. Pelonzi said this was a certified letter sent to the property owners requesting to meet at the property to do a joint inspection with the inspector of buildings, the fire department and the building owner to review the building. Mr. Troy asked if the building owner contacted Mr. Pelonzi, he responded the building owner contacted him by email; we were not able to set up an inspection of the interior of the building.

Chief Norman Sylvester, Bourne Fire Department

Mr. Troy asked Mr. Sylvester if he was a member of the Board of Survey. Mr. Sylvester answered yes. Mr. Troy questioned if he had the occasion to observe the property? Mr. Sylvester answered yes. Mr. Troy asked how often. Mr. Sylvester said every day. I can look out my office window and look right into the entire second floor. Mr. Troy said on September 12, 2015 were you aware Deputy Chief Pelonzi made a determination on this and other buildings and put an X on the building? Mr. Sylvester said yes it was on his orders. Mr. Troy said can you tell the Board the reason why you placed an X on that building and what the X means. Mr. Sylvester said the red X symbol means the exterior or interior hazards are to such a degree that consideration should be given while we are conducting any type of operations inside these buildings. This wasn't the only building in town that we did this to, we did multiple buildings so that we knew which buildings were at the time structurally unsafe or deficient. Mr. Troy said as the Fire Chief and a member of the Board of Survey do you have an opinion as to whether or not this building is safe or unsafe and whether or not it should be demolished immediately. Mr. Sylvester said it is unsafe. I have no notifications, no fire alarms, structurally I don't know what is holding it up; that is why I went to Mr. Laporte to assist me in coming up with the Board of Survey to assist us. Mr. Troy questioned do you have an opinion as to whether this building constitutes a danger to other properties or people in the area. Mr. Sylvester said I have to look at the buildings that are next to it that are occupied. I have to look across the street and the apartment buildings behind it. As the Fire Chief I have to try to maintain the safety of everybody around it.

David Uitti, a partner with Marcus, Errico, Emmer & Brooks, represent the owner of the property Christopoulos Realty Investment, Inc. Mr. Uitti wanted to ask Mr. Laporte a few questions. Mr. Uitti said when we were here a couple weeks ago before the Board of Selectmen, one of the things you told the Board of Selectmen at that time was that the building was structurally sound and was in no danger of falling down anytime soon, do you remember saying that. Mr. Laporte said he remembers approaching the subject but not exactly the way you are saying it. Mr. Uitti questioned have you formed an opinion as to whether or not the building is structurally sound? Mr. Laporte said structurally sound is a huge concept, will the building collapse today, and no one knows that. There are portions of the building that are on the verge of collapse. The building is as sound as it can be for a 70 year old building that has had very little maintenance and several issues because of flooding. Mr. Uitti questioned have you formed an opinion that any other part of the building is structurally unsound. Mr. Laporte stated the whole building is structurally unsound, that is why we have an X on it. If you are standing on the second floor you can see down into the first floor. Mr. Uitti said so other than the small section of the roof in front of the building and the flooring within the building, is any other part of the building in your

opinion structurally unsound? Mr. Laporte said as the Board of Survey stated also the stucco on the back was cracking. The entire building is at such, in my opinion, that it served its usefulness and there is no salvage value to it. Mr. Uitti said what I am asking is other than those two elements are you telling us the building is in danger of collapsing, and if so what is the basis of that opinion. I recall you saying before this Board, the building was structurally sound and it's not in any danger of falling down tomorrow. Have you changed your opinion, if so what are the facts you have now? Mr. Laporte said I don't believe the building will fall down tonight, tomorrow, or next week. The floor collapsed, because of wind and thunder. It didn't collapse the entire building but it made that portion of the building unsafe. The building shifted because of thunder and wind, because it is old. There is nothing to stabilize this building. To say that it is structurally sound is quite a reach; to say it is structurally unsound that is the grey area. The building is far from code; the building is dilapidated. Anything that would save it from shifting is gone, the sheetrock is gone. It is just bare studs, it is just a box. It will have a tendency to shift and vibrate more in wind. Will it completely collapse, I hope not. Mr. Uitti questioned does this building not have reinforced steel and concrete walls behind the studs? Mr. Laporte stated not in the interior. Mr. Uitti questioned did you notice whether or not the building had those items when you reached your opinion that you just gave to the Board? Did you note that beneath the wood frame there is reinforced steel beams and concrete walls? Mr. Laporte said in a wood frame structure there are some steel beams, but the majority of the building is wood. There are masonry foundations, there is stucco, there are some elements of steel in there, but still in my opinion it is unsound. Mr. Uitti questioned if the building has shifted at all? Mr. Laporte said I would imagine it has, when you have an action where one component of the building is pulling away from the other, how do you say which part shifted. Mr. Uitti said so because a piece of the front roof is pulled away from the building it is your opinion that the structure of the building has shifted. Mr. Laporte said it isn't just because of that. It is because of the entire building itself. The building is in such disrepair; the owners themselves gutted the entire building, all there are is bare studs. That would tell you what condition the building was in. Mr. Uitti said so is that telling you the building has shifted. Mr. Laporte said he doesn't know if the building has shifted. Mr. Uitti said looking at exhibit B that the Town Counsel just provided me a copy of; nowhere in exhibit B do you say the building is unsafe. This is the May 28, 2014 letter under the Blight Bylaw. Mr. Laporte said the Blight Bylaw has nothing to do with unsafe. Mr. Uitti said I am just asking you in that letter that you sent to my client in May 28, 2014 nowhere did you indicate that the building is unsafe. Mr. Laporte said he disagrees. It states in the letter In a recent survey that was done for the Town, this building was declared a "slum and blight area". Besides being in disrepair, vacant and a hazard to pedestrians, it poses a serious threat to public safety in case of fire. Mr. Uitti said with respect to the hazards of pedestrians is that due to the shingle issue, where the shingles were falling off the building? Mr. Laporte said that and the part of the roof that is pulling away, the stucco in the back that is cracked, the windows that are rotted. Mr. Uitti said when we spoke about the hazard to pedestrians; wasn't the issue that shingles were falling off the building. You raised that with my client, and my client complied and pulled off all the shingles that you had an issue with. Mr. Laporte said I gave the shingles as an example; I didn't mark every nail that was rusty or every shingle that was loose. Mr. Uitti said after you sent this letter on May 28, 2014 to my client my client got in touch with you in response to the letter. One of the topics you discussed with

my client were there are issue with the shingles on the building that you thought were unsafe for pedestrians. Mr. Laporte said that was one of the issues. Mr. Uitti said at that time did my client comply with the request to remove those shingles from the building to make it safer for pedestrians. Mr. Laporte said yes they removed the shingles. Mr. Uitti said at that time did you tell my client to do anything else to the building that they failed to do? Mr. Laporte said I don't remember the exact conversation but I don't believe I did. Mr. Uitti said so everything you asked my client to do on May 28, 2014 as far as you recall, under oath today, my client did. Mr. Laporte concurred. Mr. Uitti said as of May 28, 2014 the building had a new roof, it was locked up, and the windows were locked up. Mr. Laporte concurred. Mr. Uitti said today the building has a newer roof that was put on in 2012, the doors are locked, and the windows are locked. Mr. Laporte said he didn't check to see if the windows were locked. Have you been informed that anyone has gone into the building and using the building for nefarious purposes? Mr. Laporte said he has not. Mr. Uitti said you mentioned several time the building is not up to code. Prior to hurricane Sandy and the Centimark failure to repair the roof properly in 2012, this building had a legal certificate of occupancy? Mr. Laporte said no, the building was in existence prior to the time when certificates of occupancy were issued. Mr. Uitti said prior to the Centimark roofing incident that occurred in December 2012 the building could be occupied legally both residential and commercial purposes. Mr. Laporte concurred. Mr. Uitti said and you had no issue with that? Mr. Laporte said he had issues but they were not such in nature to stop the occupancy. Mr. Uitti said when you went to the building in late 2012 after the Centimark company took off the roof and you observed what happened to the building after the storm the entire inside got flooded. Mr. Laporte said that is true. Mr. Uitti said that is the reason the building had to be gutted, then the new roof was put on. Mr. Laporte said that is true. Mr. Uitti said the reason today that the building is not up to code is because of a result of what Centimark did. It now has to be brought up to the current edition of the building code, it could no longer be a grandfathered building. Prior to the Centimark incident the building didn't have to be up to the current edition of the building code. Mr. Laporte said the current edition of the code also includes existing buildings and repairs to existing buildings. Even as you are saying grandfathered building that is covered under the building code. There is a whole booklet on existing buildings and repairs to existing buildings. Mr. Uitti said with that understanding prior to the Centimark work on the building the entire building did not have to be brought up to the entire current edition of the building code, only that portion of the code that dealt with existing buildings that preexisted the advent of the building code. Mr. Laporte concurred. Mr. Uitti questioned is it fair to say the main reason you think the building unsafe is because the increase risk of fire? Mr. Laporte concurred. Mr. Uitti said we've established the building is secure and there is no means for people to access this building? Mr. Laporte said we call empty building that are not used an attractive nuisance. Mr. Uitti said there is no electricity or gas being delivered to this building; those sources of combustion for the building have been shut off for some time. Mr. Laporte said that is true. Mr. Uitti said is it true that in the town of Buzzards Bay there are buildings that are being built that are in phases of construction that are down to their studs. And they don't have fire suppression systems. Mr. Laporte concurred. Mr. Uitti explained the reason you think that building is a fire hazard is because the building is down to the studs, there is no drywall or fire suppression system in the building and that is much like a new building that is being build and is down to just studs. Mr. Laporte said we have a building that is 70 years

old so the construction materials that are in this building are dry, where as a new building material has some degree of moisture still in it. Mr. Uitti said the building was a grandfathered building prior to the Centimark incident, it wasn't required to have a sprinkler or fire suppression system. It doesn't have a fire suppression system in it now and it didn't require a fire suppression system when it was in use. Mr. Laporte said that is true for the use at that time. Mr. Uitti said the only difference is the building has been gutted down to the studs and there is no one living in it and that is the fire risk. Mr. Laporte said with no containment or anything on the building to isolate the fire to give the fire department an opportunity to get in and put the fire out, the combustion on that building would be almost instantaneous. Mr. Uitti said the reason you think it is an increased risk of fire is because of the current state it is in, otherwise if would have had a fire suppression system when it was in use. It is because it is gutted down to the studs, and it doesn't have sheetrock to retard fire. Mr. Laporte said that is true. Mr. Uitti said the building has been in this condition since 2012. Mr. Laporte said the building has been deteriorating for some time, it has been in this state since around 2012. Mr. Uitti said it has been gutted since 2012 so the combustions concern has existed since 2012; all the way through almost the end of 2016. Mr. Laporte said correct. Mr. Uitti said why didn't you issue a concern and put a red X on the building or have that process started back in 2013, what changed. Mr. Laporte said what made us to take action was the collapse of a building owned by Christopoulos Realty, built approximately the same time, same construction material. We did all of Main Street. Mr. Uitti said because a different building had a collapse in the floor that triggered your decision to deem this building an unsafe structure because of the fire hazard. Mr. Laporte said it got us together, the Fire Department, myself, and the Board of Health, did a thorough examination of all the buildings. Mr. Uitti questioned have you or anyone else retained a structural engineer to see if the building is structurally sound? Mr. Laporte stated the Town has not. Mr. Uitti has any other structural expert looked at the building and determined if it is structural sound? Mr. Laporte stated yes, there have been several. There were a couple of builders that looked at the building, there was an architect. Mr. Uitti questioned has the Town solicited any opinions from anyone to determine whether the building is structurally sound? Mr. Laporte stated the Building Inspector. Mr. Uitti questioned Mr. Laporte the process he went through to determine if the building is structurally sound. Mr. Laporte said he inspected it based on code requirements. Mr. Uitti questioned what specific code requirements did you find that were not met that made the building structurally unsound. Mr. Laporte said there is nothing on that building that meets the provision of the Building Code. Mr. Uitti said you stated that before the Centimark incident the building didn't have to comply with the Building Code. Mr. Laporte said the buildings that are in existence that are in use we don't go out and shut them down unless there is a threat to public safety. Mr. Uitti questioned what provisions of the Building Code that apply to preexisting structures, that you found, deemed the building to be structurally unsound? You said you did an analysis of the building and none of it complies with the Building Code, but prior the Centimark incident the only provision of the code that building had to comply with was the pretexting structure provision. Is there anything in that preexisting structure provision of the code that you feel the building doesn't comply with that would make the building structurally unsound. Mr. Laporte said the building right now in its state is a hazard. Mr. Uitti said I am trying to understand, you said the building is a hazard; I am trying to pin down the structural soundness of the building. Is there anything in the building that

doesn't comply with the preexisting structure section of code that would make it structurally unsound? Mr. Laporte said the Building Code is a document that covers every aspect of the building, there is no way I can go through every item of the code on this building and tell you which items the building doesn't meet because it doesn't meet any provision of the building code. Mr. Uitti said I am trying to understand your opinion. You said the building violates the Code and is not structurally sound.

Mr. Troy objected. This is well outside of the statutory authority that this Board has at this time. You are acting pursuant to a statute. Any provisions of the Building Code that may be violated or not, that is not germane. The cross examination is very telling in a sense that it effectively says the town should have been doing this since 2012. Mr. Uitti sated I have the right and having been given no notice of Mr. Troy's agenda for this evening. Don Pickard said it is the Board of Selectmen's agenda this isn't Mr. Troy's agenda. Mr. Troy is acting as the Towns legal representative to bring forth this as we anticipated. I'd like to wrap this up.

Mr. Uitti said the building itself as far as being structurally sound, we can pull the video from the last meeting when Mr. Laporte was here he said the building was structurally sound and in no danger in falling down any time soon. The main issue with this building that is being presented to this Board is an issue with fire safety. The fact that the building has been gutted down to its studs and doesn't have drywall certainly presents a greater risk than it did before with respect to fire safety, but I would submit to the Board of Selectmen that that risk is mitigated by many things. There is no source of combustion coming into that building, there no electric or gas being delivered to the building. The record shows the building is locked and secure. There has been no incident over the past several years of any one going in to access the building. The record shows tonight that when there has been a request by the town to my client to do something with the building, my client complied. There hasn't been any problem with my client not listening to what the Town asked him to do. There is no issue after the fact that those letter were issued that my client failed to comply, failed to get in touch with the Fire Department, or failed to do anything affirmative to get in touch with the people that keep the men and women of this town safe. I want the record to be very clear of that. This boils down to an increase risk of concerning fire. There are a lot of mitigating factors in the record before this Board that shows that the risk is mitigated by the fact that of what I just said. Where things stand procedurally and legally with issue is that my client has a valid lawsuit against the roofing company. My client is scheduled to go to trial against Centimark on January 9th and anticipated to be a couple week trial. The purpose of that trial is to recover the funds to make the building fully code compliant with the current edition of the building code. As is this Boards right you have issued the notice under the building code to deem the building structurally unsafe. As is our right we have appealed that in Superior Court. It is not in my client's interest or desire to have any ill-will with this town or to litigate any issues with this town. We will have to if the town deems this building unsafe and forces us to make a decision on tearing it down, or if the town says we will tear it down and put a lean on the property, we will contest that in the action we file to Superior Court. We will have a full hearing with experts on both sides, present evident to Superior Court in what we believe the building is not unsafe, other than the increase risk that is being mitigated by the other factors. All my client is asking for is a 3 month period so it can litigate this case against

Centimark. If we lose the case and we don't recover the funds to deal with the building we will definitely cooperate with the Town. Given the history that nothing has happened to this building for years. The building has been secure, the building did not have to have fire suppression system before, the incident with Centimark, and the building is structurally sound, based on what Mr. Laporte said. The Town should take those things into consideration and work with us. If there are things that we can do between now and January 9th to make the building safer from a fire safety standpoint talk to us. We will be happy to work that out. You leave us with no choice but to litigate this issue; and fully litigate it by having experts come in and talk about this in our appeal. It is not a threat; we want to work with the town.

Robert Troy said the Board has given more than ample opportunity to hear what the defense to the findings of the Board of Survey, independent people under a statutory obligation to make a fair assessment. From what I have heard this is something that has been gnawing at the center of this town for a long time. Because of the threat of collapse of a building on the block owned by the same entity. The Town has now taken action. It is action that is needed to be done because there are firemen who could be hurt; there are pedestrians and citizens who could be hurt. Your job is to protect public safety. It is not our problem to worry about the investment opportunities, for people who have real estate and leave it vacant. The findings that are part of the record that I gave you, as a courtesy, that are part of public record that anyone could get. There is a responsibility on the part of the landlord to cooperate. If you have a vacant, dilapidated building that a state agency said is a slum and should be torn down, that is a signal you have to do something. Nothing has been done, outside of incremental responses. It is time the Town take action on this building. If there is to an appeal, let there be an appeal. We have to do what you think is appropriate.

Voted Peter Meier moved and seconded by Michael Blanton to close the public hearing.
Roll Call Vote: Mr. Blanton - Yes; Mr. Meier - Yes, Mr. Slade - Yes; Mr. Mealy - Yes, Chair - Yes

Voted Peter Meier moved and seconded by Michael Blanton to instruct the Town to proceed with demolition or removal process and a lean shall be placed on the property for expenses occurred together with interest at the rate of 6% per annum including the costs of recording and discharging the lien, for the property located at 129-137 Main street, map 23.2 parcel 83.

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

11 d.

This is to transfer the Liquor License from Bourne Liquor's Inc. to Patriot Spirits Inc., same location.

Voted Peter Meier moved and seconded by Michael Blanton to open the public hearing.

Don Pickard Read the public hearing notice.

Notice is hereby given in accordance with the Massachusetts General Laws Chapter 138, Section 15 that application has been received from Bourne Liquors, Inc., d/b/a Liquor "N More, Leon R. Kinkow, Manager, 170 Clay Pond Road, Monument Beach, Massachusetts to transfer their year-round retail package goods store license for the sale of all kind of alcohol beverages to Patriot Spirits, Inc., d/b/a Liquor 'N More, Leon R. Kinkow, Mgr., 170 Clay Pond Rd., Monument Beach, MA. They will be a pledge of license to the Cooperative Bank of Cape Cod and pledge of inventory. Description of premises: 4850 sq. ft. unit, 6 rooms, 1 sales area, 2 restrooms, 1 storage area, 10' x 16' walk-in cooler, 1 office, 2 entrances and 2 exits. A public hearing will be held in the Bourne Veterans Memorial Community Center, 239 Main St., Buzzards Bay, MA 02532 on Tuesday, October 4, 2016 at 8:00 p.m. Signed by the Board of Selectmen. Donald Pickard, Peter Meier, George Slade, Stephen Mealy, and Michael Blanton.

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

Dan Chamberlain, associate with Ruben, Rudman, Chamberlain and Marsh, representing Liquor 'N More. Mr. Chamberlain spoke about transferring the license into Patriots Spirits, Inc. Liquor 'N More is comprised of five stores. Looking to transfer the license form Bourne Liquors Inc. to Patriot Spirits Inc. The owner ship is the same. The manager is not changing. The purpose for putting all the stores under the same entity is it makes it easier to insure the business to provide employee benefits, employee health insurance and to raise capital.

Voted Peter Meier moved and seconded by Michael Blanton to close the public hearing.

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

Voted Peter Meier moved and seconded by Michael Blanton to approve the transfer from Bourne Liquors Inc. to Patriot Spirits Inc. d/b/a Liquor 'N More with the two outstanding recommendations or issues. From the Board of Health need to file for licensure - Nontransferable. Town Clerks says needs to file a new DBA, change of owner.

George Slade said there is a non-compliant sign there, was it put up by the liquor store owners or any of the other tenants in that building , would like that addressed.

Don Pickard said that is a Planning Board or Zoning Board issue.

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

11F

Don Pickard went over the Class one Dealer License being requested by Marty's Chevrolet, Christine Karnolt, manager. They are currently on the Planning Board review. They are in the process of getting their certificates in. They have a projected opening date of sometime in November; they wanted to get the license, pending the planning board review.

Christina Karnolt, Manager of Marty's Buick GMC, spoke about the property they are looking at that is under lease, on MacArthur Blvd. The General Contractor has been meeting with different representatives of the town. They are under a time constraint because General Motors would like to get into the market soon. The building has been vacant for some time and they are looking to bring it up to code.

Peter Meier said that has been a vacant property for some time. The chance that we can provide a successful business to the region; the town will prosper from it.

Christina introduced Erica Pecore, Executive Manager and Joe Dorsett, environmental specialist.

Tom Guerino said if the Board of Selectmen deems it appropriate to move forward with this it will be pending Planning Board approval.

Voted Peter Meier moved and seconded by George Slade to approve this application for a class one, dealer license total cars for sale on premise is 175 and employee parking under 20, and contingent on any other issues with another town department.

Vote: 5-0

11C.

Don Pickard said we have another hearing.

Don Pickard questioned does any member of the Board have any problem conducting a hearing without the effected party being present.

Tom Guerino said we have all the tracking of all the notices and where they were delivered, certified mail. Roger Laporte said we sent letters certified return receipt and they have been delivered.

Voted Peter Meier moved and seconded by Michael Blanton to open the public hearing.
Roll Call Vote: Mr. Blanton - Yes; Mr. Meier - Yes; Mr. Slade - Yes; Mr. Mealy - Yes; Chair - Yes

Don Pickard read the public hearing notice.

In accordance with the Massachusetts General Laws Chapter 139, Section 1, 3, and 3A, the Board of Selectmen will convene a public hearing on October 4, 2016 at 7:45 p.m. at the Bourne Veterans Memorial Community Center, 239 Main Street, Buzzards Bay, MA 02532 for your failure to comply with an order issued by the Board of Survey on August 1, 2016 and letter from the Inspector of Buildings on July 28, 2016, for the demolition of a structure that constitutes a public nuisance and must be abated by demolition and removal of said structure. If the structure is not demolished and removed prior to said hearing date as previously ordered, the town will proceed with the demolition and removal process and a lien shall be placed on the property for the expenses incurred together with interest at the rate of 6% per annum including the cost of recording and discharging the lien.

Roger Laporte said we have made a general list of unoccupied buildings, building that are unsafe in the town. We didn't pick on any one type of person or building, it was a town wide thing. Some of the buildings have been demolished and some of the building's owners have taken responsibility. When I made the report to you a couple weeks ago, our intent was to get the owners of the property to assume responsibility. On May 19th a letter was sent to Flor M Barreda, subject Building Unsafe Structure. It was sent certified mail with evidence of delivery. We had no response. On May 28, 2016 another letter was sent to Flor Barreda ordering demo of the building. Sent certified mail, with evidence of delivery. No response. July 28th I appointed a Board of Survey, as per the Building Code section 121 on Safe Structures. The Board of Survey inspected the building. On August 1, 2016 the Board of Survey sent the building inspector the report. I forwarded it to Flor Barreda and got no response.

This is a single-family structure with a free-standing garage. I inspected it and it was in complete disrepair, could not get into the house. The garage door had been torn off. There was evidence of flammable material. There is actual vines growing through the siding and some which has grown into the house. I sent a letter and got no response. Roger Laporte read the Board of Survey Letter. The Survey Board is Gary Labrie, Chief Norman Sylvester, Dennis Mascetta, and Roger Laporte. I forwarded the Board of Survey letter to the owner and got no response. I submitted the whole package to the Town Administrator so you can have a hearing.

Chief Sylvester said when I went into the building I could feel the floor move underneath my feet. There were multiple spots that were concern. Once I left, I immediately had the crew come out and put an X on that building because it was structurally unsound.

Mr. Conron said this house has been vacant for at least 10 years. About 6 months ago the house was put on the market. It appears they had to break into the house to show it. The front door was left ajar. It is now secured with a piece of rope that is wrapped around the front door knob and is nailed to the side of the building. The house is on the back portion of a corner lot and is in close proximity to a neighbor's house, who is a widow. If the house caught on fire it would be a danger to the neighbors. It is a hazard to the neighborhood.

Voted Peter Meier moved and seconded by Michael Blanton to close the public hearing.
Roll Call Vote: Mr. Blanton - Yes; Mr. Meier - Yes; Mr. Slade - Yes; Mr. Mealy - Yes; Chair - Yes

Chris Farrell said just a point of order, because of its age it would have to be reviewed the Historic Commission before the town could dismantle it.

Roger Laporte said in the town of Bourne any structure that is 75 years or older there is a demo delay bylaw. It has to go before the Historic Commission. There is a provision in the Bylaw that if the Building Inspector declares it an unsafe building it can be demolished.

Michael Blanton said he feels uncomfortable taking on this matter without the owners present.

George Slade said these were all documents sent return receipt requested and they came back affirmative, it was a box number these were sent to and not a home address and wanted to be sure there was a level of confidence. Roger Laporte said we take the address from the tax records. Whatever that address is that the taxes are being sent to is the address on record of the owner that we have in town.

Jim Mulvey said once the hearing has been closed doesn't that mean only the Board Members deliberate. Don Pickard said the closing of the hearing the Board stops taking testimony from the applicant. Then the Board deliberates. The Board is allowed to ask questions of the professional staff. The Board asked an opinion from the professional staff. Michael Blanton said once the hearing is closed, we can solicit opinion from the professional staff that does not constitute as testimony.

Voted Stephen Mealy moved and seconded by Peter Meier to support going forward with the demolition of the property as requested by the Board of Survey, with the request that one additional notification of the demolition order be done by service in hand.
Roll Call Vote: Mr. Blanton - Yes; Mr. Meier - Yes; Mr. Slade - Yes; Mr. Mealy - Yes, Chair - Yes

12) Selectmen's Business

Michael Blanton said he attended a forum on Lyme disease. It may be prudent for us to entertain a discussion about town actions that we might take to support further investigation in this matter.

Mr. Slade spoke about attending a round table discussion with the Falmouth wants a Y group. I think they are leaning toward a facility in the North Falmouth, Hatchville area. This would help the people in the Pocasset, Cataumet, Monument Beach, and Bourne Village area.

Stephen Mealy attended the Cape Cod Canal Regional Transportation Study Group Meeting at the Mass Maritime. Mr. Mealy went over the highlights of that meeting. There will be another meeting in November. There is a website from Mass DOT that covers all this information.

13) Town Administrator's Report

Ton Guerino said he is in the final stages of looking at a Facilities Manager.

14) Selectmen's Reports

There is no meeting next week. There will be no meeting on the 18th because the Town Meeting is on the 17th. The next meeting will be on the 25th.

Peter Meier brought up the Barlow's Landing issue.

The next Bourne Selectmen meeting will be on Tuesday, October 25th at 7:00 P.M.

15) Adjourn

Voted Peter moved and seconded by Michael Blanton to adjourn. Meeting adjourned at 9:30 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.