

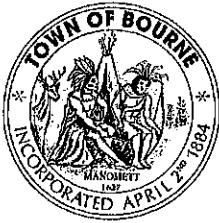


**SELECTMEN**

**2019**

**Vol. 1**





**TOWN OF BOURNE**  
**Board of Selectmen**  
24 Perry Avenue  
Buzzards Bay, MA 02532



**MEETING NOTICE**  
**Board of Selectmen**  
**and**

**Joint Session with Finance Committee for FY20 Budget Review**

**Monday, April 1, 2019 at 6:30 PM**  
**Bourne Veteran's Memorial Community Building**  
239 Main Street, Buzzards Bay, MA 02532

RECEIVED

2019 MAR 28 PM 3:31  
TOWN OF BOURNE

**NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.**

The Board of Selectmen will hold a public meeting on **Monday, April 1, 2019 at 6:30 PM** at the Bourne Veteran's Memorial Community Building.

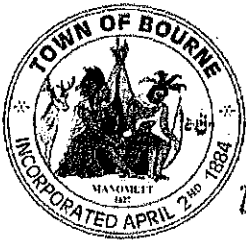
1. Call meeting to order - Note any excused/absent members
2. **Enter in Joint Session with the Finance Committee**
3. **Executive Session:** Enter into Joint Executive Session with Finance Committee:  

Motion to enter into Executive Session with Bourne Finance Committee to discuss strategy with respect to all of the Town's pending litigation pursuant to MGL Chapter 30A, Section 21 (a) (3), including litigation with Local 1717, the Buzzards Bay Playground, and the Haven Center: The Chair has declared that an open meeting may have a detrimental effect on the litigation position of the Town.

Roll call Vote to convene in Executive Session for the purposes stated. The Board of Selectmen/Finance Committee will reconvene in open session following the Executive Session at approximately 7:30 p.m.

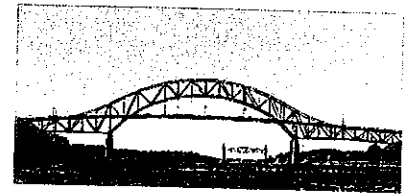
Roll call Vote to adjourn the Executive Session.
4. **Return to Open Session FY20 Budget Review and proposed Special and Annual Meeting Articles**
  - **7:30 pm Budget Public Hearing** – to hear public comment on FY20 budget
  - Review Legal Budget and all other budgets
  - Special Town Meeting Article –Additional funding for Wastewater Facility
  - Distribute or Discuss Any Updates or Follow Ups for Department Budgets or Sources and Uses, etc.
  - Review Budget and Staffing Priorities
  - Review and Discuss Annual Town Meeting Warrant articles
  - Review and Discuss Special Town Meeting Warrant articles
  - Public Comment (for informational purposes only)

*Adjourn Joint Session*  
Adjourn



Board of Selectmen  
RECEIVED  
Meeting Notice  
AGENDA

2019 MAR 29 PM 4:00



Date

April 2, 2019

~~TOWN CLERK BOURNE~~

Time

6:00 P.M.

Location

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

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

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

Moment of Silence for our Troops and our public safety personnel

Vision:

Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

Mission:

Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

**6:00 P.M Call Public Session to Order in Open Session**

**Executive Session:** Motion to enter into Executive Session to conduct strategy with respect to threatened litigation regarding the Buzzards Bay Playground. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

Motion to enter Executive Session to conduct strategy related to Fire Department Arbitration and Department of Labor Relations cases. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

Motion to enter into Executive Session to conduct strategy in regards to negotiations with respect to easements on:

Map 35.0 Parcel 143 – 4 Henry Drive Extension, Map 35.0 Parcel 144 – Henry Drive, Map 35.0 Parcel 145 – 3 Henry Drive; Map 51.3 Parcel 62 – 0 Squeteague Harbor Road; Map 23.0 Parcel 4 – 90 Main Street; Map 42.0 Parcel 89 – 11 Bassett's Island. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to the easements.

Board of Selectmen will convene in public session at the conclusion of the Executive Session.

Roll call Vote to convene in Executive Session for the purposes stated. The Board of Selectmen will reconvene in open session following the Executive Session at approximately 7:00 p.m.

Roll call Vote to adjourn the Executive Session

1. Salute to the Flag
2. Public Comment on Non-Agenda Items
3. Approval of minutes: 03.12.2019

Roll call Vote to adjourn the Executive Session

1. Salute to the Flag
2. Public Comment on Non-Agenda Items
3. Approval of minutes: 03.12.2019
4. Town Administrator Report
  - a. FY 2020 Budget – This will be an ongoing piece of this part of the agenda. New considerations are a recording/floating Administrative Support staff person and consideration of an additional Facilities Management professional. There will be a supplemental request in the Clerk's office for a 15 hour per week Admin. Support position for which the BOS has received earlier correspondence.
  - b. Annual/Special Town Meeting –The Board will review the Warrants later in this agenda.
5. Ryan Correia to update Board on Main Street property and actions to be taken by Mr. Correia or the Board
6. Mr. Sweeney to be present to update the Board on the Main Street property and actions to be taken by the Sweeney's or Board
7. Liquor - Seasonal Population
8. Licenses/Appointments
  - a. Council on Aging – Regular Member – Edith Hurd
  - b. Council on Aging – Alternate Member - Donna M. Pascarella
  - c. 4<sup>th</sup> of July Parade
9. Selectmen's Business
  - a. Review of the Draft Annual and Special Town Meeting Warrants.
  - b. Cable Television Advisory Committee Discussion
10. Correspondence
11. Adjourn



**Board of Selectmen  
Minutes of Tuesday, April 2, 2019  
Bourne Veterans' Memorial Community Center  
Buzzards Bay, MA**

.....

TA Tom Guerino  
ATA Glenn Cannon

**Selectmen**

Peter Meier, Chairman  
Judy Froman, Vice Chair  
James Potter, Clerk  
George Slade  
Jared MacDonald

RECORDED  
2019 APR 29 PM 1:02  
Bourne Veterans' Memorial Community Center

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**

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

**Executive Session:** Motion to enter into Executive Session to discuss strategy with respect to threatened litigation regarding the Buzzards Bay Playground. The Chair has declared that an open meeting may have a detrimental effect on the litigation position of the public body.

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The Board of Selectmen will reconvene in public session at the conclusion of the Executive Session.

Roll call vote to convene in Executive Session for the purposes stated. The Board of Selectmen will reconvene in opens session following the Executive Session at approximately 7:00 P.M.

Roll call vote to adjourn the Executive Session

**Chairman call public session to order in open session**

**Meeting Called to Order**

Chm. Meier called the meeting to order at 7:10 pm.

Atty. Troy reported on executive session. The executive session concerning the Buzzards Bay Playground, the Board took a vote. We anticipate with this vote that we will not be needing any further executive sessions on this matter. The vote is: After consultation with the town's insurance agent the Board of Selectmen voted to approve negotiations with respect to the Buzzards Bay Playground by the Buzzards Bay Playground Project Manager, and execute documentation memorializing the resolution of issues between the Town and Weston & Sampson and between the Town and Green Acres. The Board voted unanimously by roll call to approve this.

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

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**Mission:** Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsibility and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

**Public Comment – Non-Agenda Items**

None requested.

**3) Approval of Minutes: 3/12/19**

**Voted:** Judy Froman moved and seconded by Jared MacDonald to approve the minutes from March 12, 2019. Vote: 5-0.

**4) Town Administrator Report**

**a. FY 2020 Budget – This will be an ongoing piece of this part of the agenda. New considerations are a recording/floating Administrative Support staff person and consideration of an additional Facilities Management professional. There will be a**

**supplemental request in the Clerk's Office for a 15 hour per week Admin. Support position for which the BOS has received earlier correspondence.**

**b. Annual/Special Town Meeting - The Board will review the Warrant later in this Agenda.**

Tom Guerino spoke about the Finance Committee joint session. The Board heard of the need for additional assistance and hours within the office of the Town Clerk as it relates to inundation of public records request from all over the commonwealth, and the unanticipated amount of burden on the office of the Clerk. The request last evening from the Clerk was for an addition of a 19 hrs. Per week, part time, non-benefits position to assist with regular duties of the clerk, and to then be able to train a more seasoned professional within the Clerk's Office to assist with the monitoring, administration and review of public record documents. The 19 hours a week position was in the amount of \$19,571 for an additional to the clerk's budget. Given that the budget has been handed over to the Board of Selectmen any changes to that budget need to be decided by the Board. I support this request.

**Voted:** Judy Froman moved and seconded by Jared MacDonald to support this request.  
Vote: 5-0.

Tom Guerino said in response to issues brought up last evening, as it relates to the office of the Assistant Town Administrator and the HR Dept. I fully support notion of the reinstatement of an HR Department. Not sure if this is the Town Meeting to move forward with this. Would look towards a transition to that in the Fall Town Meeting. There was also discussion on how to fund that position. Don't know what the additional occupancy tax, if passes, will generate. Until the Select Board and the Town know what is going to come in as a revenue source, don't think we should anticipate expenditure of monies not received.

Judy Froman said I do support to have an HR position. Have been an advocate for planning ahead and making sure we have a description, location, and all the details worked out, but right now it would be too quick.

Peter Meier said we need to spend this summer going through the details of it with the Town Administrator.

Tom Guerino said, regarding recording secretaries, we did some interviews, we will be making an offer to a person before weeks end.

Peter Meier suggested to take agenda number 8 out of order.

**Voted:** Jared MacDonald moved and seconded by Judy Froman to take 8 a, b, and c out of order. Vote 5-0.

### **8) License/Appointments**

**a. Council on Aging - regular member - Edith Hurd**

**b. Council on Aging - Alternate Member - Donna M. Pascarella**

**c. 4<sup>th</sup> of July Parade**

- a. Edith Hurd spoke briefly about why she would like to serve on the Council on Aging.

**Voted:** Judy Froman moved and seconded by Jared MacDonald to appoint Edith Hurd to the Council on Aging, term to expire June 30, 2020. Vote: 5-0.

- b. The Board agreed to defer this item to the 16<sup>th</sup> of April, because Donna Pascarella couldn't attend tonight's meeting.

- c. Would like approval from the town for the following items:

- Use of town hall parking lot exclusively for parade participants, volunteers and town employees.
- Permission to close Main Street from Perry Ave to Academy Drive on July 4<sup>th</sup> from 9:45 until the end of the parade.
- Permission to enforce a parking ban on Main Street from Perry Ave to Academy Drive on July 4<sup>th</sup> from 9:45 until the end of the parade.
- Permission to enforce a parking ban for Cohasset Ave starting at 9:45 with parking/travel restrictions beginning at 9am.
- Permission to hang a banner over Main Street to be displayed approximately two weeks prior to parade.
- Insurance coverage from the town for parade day.
- Permission to place signs on Main Street and Pocasset. Also tent signs at various locations the week of the parade.

Remarks from Department of Public Works: Please call George Sala regarding trash. Recreation Department: Community Center will be open from 9:00a.m. to 12:00p.m. Police Department: All of these comments are the same as in years past; PD will staff as we deem appropriate. PD will not post signs. All signs must be removed immediately after the parade (responsibility of the parade organizers). PD controls street closures and when they will occur. Event organizer MUST contact and meet with Police Department administration 4 weeks before event to review final plans.

**Voted** Judy Froman moved and seconded by Jared MacDonald to approve the 4<sup>th</sup> of July Parade request subject to the conditions on the route slip. Vote: 5-0.

**5) Ryan Correia to update Board on Main Street property and actions to be taken by Mr. Correia or the Board**

Peter Meier said Ryan Correia is here to update the Board on the 95 & 97 Main Street property. Mr. Meier said there will be no discussion of the issue of the assessment of this property. It was dealt with a few weeks ago with the Board of Assessors at Town Hall. Ryan Correia said they haven't done anything because of the assessment, everything was postponed until the assessment was resolved. The same plan, not changing the foot print, renovating the building, siding roofing, trim, windows, no structural changes. We were in the

process of getting an engineered plan before it was stopped because of the assessment. We will now move forward again.

Peter Meier said he would like to see the plans in a few weeks. We need to see milestones and deliverables so we can have a track record of dates things will get completed by.

Ryan said he doesn't have a building permit yet; he was applying for a permit when the project was put on hold because of the assessment.

James Potter said it would be fair to say he could have a schematic plan within a month. Ryan Correia said he could produce a plan within 45 days if not sooner.

Judy Froman suggested to have Ryan Correia come in for the April 30<sup>th</sup> meeting and have the delivery dates from the engineer. Ryan Correia will email Tom Guerino the deliverable dates from the engineer

**Voted** Judy Froman moved and seconded by Jared MacDonald to have Ryan Correia email Tom Guerino the deliverable dates and then Mr. Guerino will send it to the Board Members. Vote 5-0.

**6) Mr. Sweeney to be present to update the Board on the Main Street property and actions to be taken by the Sweeney's or Board.**

Tim McNamara, Attorney for the Sweeney family, gave an update on the property. They do have a Purchase & Sales agreement with Ryan Correia, who is seeking to develop this property. The family has been trying to sell this property for at least 6 years. The issue now is, in the review of this property it was discovered, there were parcels that were moved around and individuals granted easements to one another, looking at the parcels it looks clear to who owns what, with the exception of the drive that passes from the post office to this parcel. That looks like an easement someone has been using it for some period of time. One issue is there is an apparent easement that the Post Office has tried to block off on numerous occasions. We have it blocked off at this point. There was a notation on a plan at some point that made a reference to some recorded document that there was in fact an easement on the property. To get clear title the attorney wanted that released. Everyone in the area was willing to participate in the mutual release process. There is an out of state owner of the Post Office property, they are leasing it to the Post Office. That owner got an attorney involved and that attorney has asked for vague reference to consideration. That attorney hasn't been cooperating well with us. Would like to get the Selectmen to authorize the Town Administrator to communicate to us directly or to the Findley organization directly explaining what the Town is trying to do in the area.

Peter Meier said our Town Counsel advised we couldn't get involved in this issue. What's before us is the building was deemed unsafe by the Board of Survey. The question is can we get this building torn down so no one gets injured or hurt in the abandon building. Is Mr. Sweeney in a position to tear it down? Mr. Sweeney said they are not in a position to tear it down.

Tom Guerino said the Board of Survey has ordered this building be torn down. The Select Board has been patient. Don't know if the real estate agreement is of concern to the Select Board as it relates to the building, or if it should just choose to alleviate the blithe that the Board of Survey brought to the Select Boards attention.

Peter Meier said the issue is the condition of the eyesore it's not about the real estate transaction. At some point we will have to make a decision - do we want to order this building torn down or do we move on and maybe the Board of Health will take up this issue, because they also have a blithe bylaw.

Tim McNamara requested to grant them an extension to complete the last step, we should get an answer. Mr. Correia is looking to solve the issue of the blithe and to enhance the value of the area. There are a lot of people working on this, we would like a little more time.

Jim Potter said the litigation concerns him because it could go on for a while. Could grant an extension but we will have to decide how long the extension would be. We are trying to enforce a bylaw that we have.

Jared MacDonald said the safety is a concern, we could give an extension for a short period of time, about 2-4 weeks. If it isn't taken care of we can make a decision to have either you remove it or we do it ourselves.

Peter Meier requested them to send the Select Board an update by email in two weeks to let them know what is happening.

Tim McNamara suggested the Board send a letter to him stating that the Select Board has agreed to give them 4 weeks to have it taken care of.

Peter Meier said maybe we can vote to turn this over to a national advertised hearing for the purposes of tearing it down and maybe that will get the owners moving forward; that could be an option. Tim McNamara said it might not concern them if that building is there or not.

Judy Froman reminded Mr. McNamara that these meetings have official minutes, this documentation will be on record. That can get presented, with the blithe bylaw and the Board of Survey information. We could go back in the minutes to see what meeting we talked about the Board of Survey so they understand the time frame. We have to get moving on this, it is a safety issue for that building.

Jared MacDonald reminded Mr. McNamara that the minutes are public records and he could use the minutes and that would alleviate the town having to get involved other than the fact that we gave you four weeks.

**Voted** Jared MacDonald moved and seconded by Judy Froman to continue this until April 30, 2019, and they will email the Town Administrator progress report two weeks from now.

Chris Farrell said the survey was done on three properties, why not give all the property owners the same deadline. Peter Meier said Mr. Michienzi is coming back on 4/30, Mr. Correia is coming back on 4/30, and Mr. Maxim is coming back before the Board. Judy Froman said each case that comes before us we have listened to their situation and we are trying to make progress with each to move forward.

**Vote: 5-0**

### **7) Liquor - Seasonal Population**

Tom Guerino spoke of the increased resident population for the summer. We have grown to 40,000+ for the summer, and we need to let the state know that our seasonal population rises.

**Voted** Judy Froman moved and seconded by Jared MacDonald to authorize the signature for the 2019 seasonal population increase estimation form.

Judy Froman said she would like an explanation on how the estimation of 40,000 is made. Tom Guerino said it is through the seasonal homes, what is vacant and what is not vacant. That information can be provided to you.

**Vote: 5-0**

**2019 Seasonal Population Increase Estimation Form**

7

City/Town: BOURNE

Date: April 2, 2019

Alcoholic Beverages Control Commission  
c/o Licensing Department  
239 Causeway Street  
Boston, MA 02114

To Whom It May Concern:

Acting under authority contained in M.G.L. Ch. 138, s17, as amended, our Board at a meeting held on

April 2, 2019

Date of Meeting

, estimated that the temporary increased resident population

of Bourne

City/Town Name

, as of July 10, 2019 will be

10,000

Estimated Population

This estimate was made and voted upon by us at a meeting called for the purpose, after due notice to each of the members of the time, place and purpose of said meeting, and after investigation and ascertainment by us of all the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief.

The above statements are made under the pains and penalties of perjury.

Very truly yours,  
Local Licensing Authorities

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This certificate must be signed by a majority of the members of the local licensing authority.

**9) Selectmen's Business**

- a. Review of the draft Annual and Special Town Meeting Warrants
- b. Cable Television Advisory Committee Discussion

b. Peter Meier said regarding the Cable Advisory Committee we have to put the charge on here, because we have to rewrite the charge.

James Potter said the Board can do it without the Cable Advisory Committee. If you want the Board to be active in what the negotiations are it should be kept with the Board.



Judy Froman said the model of having an advisory committee has some advantages. We can provide some direction. They can report back to us on a consistent basis. Happy to have them help out with some of the work.

Peter Meier said people have more experience with this than us. They will report back to us; we will be involved and can comment on the reports. This deserves more public scrutiny and dialog because it involves everyone in town that is a rate payer of that system

Tom Guerino said multi communities, on the cape, contracts end at the same time. The last time we negotiated the contract we were able to, through the commission, get together and talk about issues, there will be Bourne centric issues, but we were able to share a cable attorney. There is some advantage to working as a committee and reporting back to the Board, also working as a block with a number of contracts being up at the same time. If the Board wants to be the Advisory Committee, there may be some additional meetings.

James Potter said the lawyer does most of the negotiations.

Tom Guerino said there are some changes within the FCC on what cable companies may or may not be required to do, some are regulatory pieces that have been put in place others are proposed. A lot has to do with the PEG access (Public Educational Government).

Peter Meier said with the issues people have had with Comcast a Cable Advisory Committee would only help us with some of the problems.

**Voted** Judy Froman moved and seconded by Jared MacDonald to go forward with a Cable Advisory Committee format. Vote 4-1. James Potter opposed

a. Peter Meier spoke about joint meetings with the Finance committee regarding the discussion on these articles, and whether to continue those meetings on Monday nights when they go through the articles.

Judy Froman said there is value to having a large group discussion, there is also value to have the Select Board to have our own discussion on the articles.

Peter Meier suggested they could attend the Monday meeting to listen, then it can stay on the agenda for Tuesday's meeting so they can take any action if needed.

### **Annual Town Meeting Articles**

Tom Guerino went over the articles for the Annual Town Meeting.

**Article 1:** To see if the Town will vote the following regularly required authorizations or actions, or take any other action in relation thereto.

**Article 2:** To see if the Town will vote to fix the salaries and compensation of all elected officials of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General

Laws as amended, and raise and appropriate a sum of money therefore, or take any other action in relation thereto.

**Article 3:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to defray the regular annual expenses of the Town, or take any other action in relation thereto. Mr. Guerino said this is subject to change.

**Article 4:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Sewer Department, or take any other action thereto.

**Article 5:** To see if the Town will vote to appropriate a sum of money from funds received or to be received from the Commonwealth of Massachusetts for the construction, reconstruction and improvement on all approved public ways which qualify under the State Aid Highway (Chapter 90) guidelines adopted by the Public Works' Commission, said funds to be expended under the direction of the D.P.W Superintendent, with the approval of the Board of Selectmen, or take any other action in relation thereto.

**Article 6:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to establish a Reserve Fund, or take any other action in relation thereto.

**Article 7:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Integrated Solid Waste Management Program, or take any other action in relation thereto.

**Article 8:** To see if the Town will vote under authority of M.G.L, Chapter 44, Section 53E ½ to establish Revolving Funds to be known as described below or to take any action in relation thereto. Mr. Guerino said there is not ceiling on the revolving funds this year.

**Article 9:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purposes of funding Capital Improvements and Capital Projects, or take any other action in relation thereto.

**Article 10:** To see if the Town will vote to hear Reports and Recommendations of Committees and Town Officers, or take any other action in relations thereto

Peter Meier said we should make a public announcement to see if any Boards or Committees are interested taking up article 10 and make a report to email the Moderator or the Town Administrator to let the Moderator know so we can plan for it.

**Article 11:** To see if the Town will vote to transfer any sum of money received from the ISWM Host Community Fees in excess of \$600,000.00 in FY2020 to fund entitled "Capital Expenditure Stabilization Reserve Fund", or take any other action in relation thereto.

**Article 12:** To see if the town will vote to raise and appropriate or transfer from available funds a sum of money for the Community Events Committee, or take any action in relation thereto.

Tom Guerino said if this article is pulled then we would go to Article 22 and Article 23, which would be a contingent article.

**Article 22:** To see if the Town will vote to increase the room occupancy tax (Section 3A of M.G.L. c. 64G) from the current rate of 4% to 6%, or take any action in relation thereto.

**Article 23:** To see if the Town will vote to amend the Town of Bourne Bylaws by establishing a new Article 1.6 Community Events Committee, or to take any other action in relation thereto.

**Article 13:** To see if the Town will vote to close out and transfer available balances in previous Town Meeting Articles whose purposes have been satisfied or take any other action in relation thereto.

Tom Guerino said there were two articles this year. One is a \$600,000 balance in an ISWM Article. There is \$37,834.00 left in a prior contractual compensated absences budget. We will close the balance out of these.

**Article 14:** To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to fund the costs related to payments of accrued contractual compensated absences upon retirement, or take any other action in relation thereto.

**Article 15:** To see if the Town will vote, upon recommendation of the Community Preservation Committee, to appropriate a sum of money for the following Community Preservation Fund purposes, and to meet said appropriation, to transfer from available funds or reserve from the FY2020 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action relative thereto.

**Article 16:** To see if the Town will vote, upon recommendation of the Community Preservation Committee, to appropriate a sum of money for the purposes of the administrative and operating expenses of the Community Preservation Committee, or take any other action in relation thereto.

**Article 17:** To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to the Stabilization Fund, or take any other action in relation thereto.

Tom Guerino said this is to keep the Stabilization account at the financial policy levels that have been established by the Board.

**Article 18:** To see if the Town will vote to amend the existing Zoning Map of the Town of Bourne by rezoning the following property as specified: To rezone parcel 10 and parcel 6 of

Assessor's map 11 from SDD to VB, by extending the existing VB district line to encompass parcel 10 and parcel 6, or to take any action in relation thereto.

Tom Guerino said this is a petitioned article to extend the commercial district on 28A.

**Article 19:** To see if the Town will vote to appropriate a sum of money for the purposes of implementing a secure wireless electronic voting system configuration for the use by registered voters at an annual or special town meeting including, but not limited to, handheld voting devices, software, hardware, provide training to all persons involved in conducting the town meetings, and provide voter education, or take any other action in relation thereto.

**Article 20:** To see if the Town will vote to amend the Town of Bourne Bylaws, Article 3.1.17 Hawkers and Peddlers, by deleting it in its entirety and inserting a new Article 3.1.17 Hawkers and Peddlers; Door-to-Door Sales as printed below, or act anything in relation thereto.

**Article 21:** To see if the Town will vote to close out and transfer available balances in previous Town Meeting Articles whose purposes have been satisfied or take any other actin in relation thereto.

**Article 22:** To see if the Town will vote to increase the room occupancy tax (Section 3A of M.G.L c. 64G) from the current rate of 4% to 6%, or take any action in relation thereto.

**Article 23:** To see if the Town will vote to amend the Town of Bourne Bylaws by establishing a new Article 1.6 Community Events Committee, or to take any other action in relation thereto.

Tom Guerino said this will be transferred to the Bylaw Committee to have a hearing on the article at Town Meeting.

**Article 24:** To see if the Town will vote to amend the Town of Bourne Bylaw, Section 1.1.8 Time Limit, by adding the following: "Each Saturday session of an annual or special town meeting shall begin no earlier than 10:00 a.m." or take any other action in relation thereto.

**Article 25:** To see if the Town will vote to authorize the Board of Selectmen to grant NSTAR Electric Company, d/b/a Eversource Energy, its successors and assigns, an easement for electric service facilities located at 70 Trowbridge Road, Bourne, Massachusetts for the Bourne Intermediate School.

**Article 26:** To see if the Town will vote to authorize the Board of Selectmen to grant Verizon New England Inc. its successors and assigns, an easement for facilities located at 70 Trowbridge Road, Bourne, Massachusetts for the Bourne Intermediate School.

**Article 27:** To see if the Town will vote to authorize the Board of Selectmen to lease or sell the Hoxie School on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town, or take anything in relation thereto.

Tom Guerino said Council has advised, since it has been a while, you should get reauthorization from Town Meeting. Regarding some interest in Hoxie the Board may want to have an option to look at a lease arrangement again.

**Article 28:** To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money for the purpose of funding an amendment to Article 9: Item #22, Fire Station Operation and Feasibility Study, voted at the May 2016 Annual Town Meeting, or take any action in relation thereto.

Tom Guerino said the South Side Fire Station Committee voted \$400,000 to move forward. That will go before Capital. Peter Meier said the Chair of the Finance Committee is recommending \$250,000 that will take us through 60% of the design drawings. It was the pleasure of the Board to go to 100% at \$400,000. Tom Guerino said you can't get to 100% until you have a location.

**Article 29:** To see if the Town will vote to authorize the Board of Selectmen to grant to Clare H. Heffernan, and their successors in title, a perpetual easement to maintain, repair and replace a 30 square foot easement to access an existing structure shown on the plan on file with the Town Clerk's Office, or take any other action relative thereto.

Mrs. Noreen Michienzi, Gray Gables, spoke about the Special Town Meeting Articles Article 4 - leasing out spots at the marina. Back in March 2018 the town voted no to do that. Most business don't have parking, you had a grant to assess parking, why would you give up parking.

Article 5 - the town should know the Marine Life Center does sublease and they get paid. She gets paid \$45,000. Those spots should be for the Town.

Tom Guerino said town meeting 101, which is a public session before Town Meeting for us to go through the articles for the Special and Annual Town Meeting and for the public to make comments.

Chris Farrell said Town Meeting voted to not lease the property. Why is the Board of Selectmen considering it? James Potter said the Town did a really poor job of informing the voters that there was an arrangement with Mass Maritime. The map showed the whole parking lot. There is a better way to do this and let the voters decide. Chris Farrell said there should have been a map that outlines it, the exact dates. There should be an open session.

Tom Guerino said this was a license that was authorized back in 2002. Counsel said the license had gone on too long and should go back to Town Meeting. The map didn't show the parking spots correctly. This year it is going to be better defined. It will take into consideration when the Academy is in session, it also takes into consideration the Marina and the shoulder season issues.

Chris Farrell said you have to make sure people know the exact parameters around that. I'm not in favor of it. We don't have enough public parking. We need parking to encourage new business to come on Main Street.

James Potter said there is some discussions with Mass Maritime Academy moving forward. They have some parking that may be helpful to the Town. They are part of the community as much of the business in town.

Judy Froman spoke about the economic development workshop and looking at parking as a hole, from the working group, which includes representation from the Town, the Board, the Planning Board, Mass Maritime. They are looking at where are the spaces, how to optimize the amount of parking, how to work collaboratively. The Town Engineers are putting forward some ideas on ways to optimize parking.

Tom Guerino said we have secured some of that mitigation money that deals with parking and pedestrian issues.

Jim Mulvey said the Town has to start to hang on to land it has because land is getting scarce. This Town should hold onto land for the future use.

Vincent Michienzi said we don't have a parking problem; Mass Maritime has a parking problem. Some spots behind the Marine Life Center should go to the tax payers and the people who are paying taxes for the store fronts.

#### 10) Correspondence

James Potter brought the Board and the public up to date on the correspondence.

- A. Letter of interest from Stephen Mealy to be Bourne's Representative to the Cape Cod Commission
- B. Letter of interest from James Robinson, Jr. to be Bourne's Representative to the Cape Cod Commission
- C. Sharon Tucker Brown submitted a letter of resignation from the Council on Aging Board
- D. Upper Cape Cod Regional Technical School submitted Operating Budget for Fiscal Year ending June 30, 2020
- E. Letter from Massachusetts Clean Water Trust congratulating the Town of Bourne for having project(s) added to the 2019 Intended Use Plan
- F. Letter from DEP regarding Draft J-2 Range Eastern 2018; Environmental Monitoring Report and Draft J-2 Range Northern 2018 Environmental Monitoring Report - RCL.
- G. Planning Board voted unanimously to support the proposed project for four parking spaces with a gravel drive at 10 Aptucxet Road, Bourne
- H. Letter from Department of Conservation and Recreation regarding Bourne Rail Trail/Shining Sea Bikeway Extension
- I. Letter from Bean & O'Connor regarding 6 MacArthur Blvd, Bourne

- J. Letter of interest from Robert J Cronin, Jr. to be Bourne's Representative to the Cape Cod Commission.

**11) Adjourn**

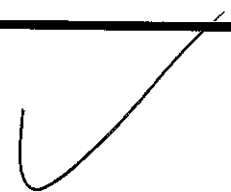
**Voted** Judy Froman moved and seconded by Jared MacDonald to adjourn. Meeting adjourned at 9:00 pm. Vote 5-0.

Respectfully submitted - Carole Ellis, secretary.

**Chapman, Wendy**

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**From:** Judge, Debbie  
**Sent:** Thursday, April 4, 2019 8:57 AM  
**To:** Chapman, Wendy  
**Subject:** Selectmen Executive Session

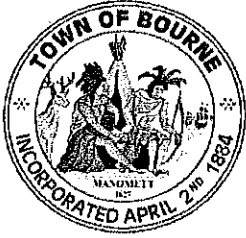


Good morning,  
The Board of Selectmen's Executive Session that was scheduled for April 4, 2019 has been cancelled.

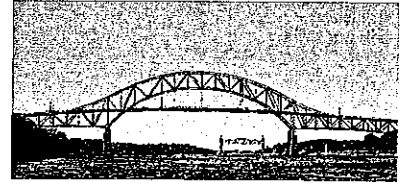
Thank you

Debbie Judge  
Town Administrator's Office  
Town of Bourne





# Board of Selectmen Meeting Notice AGENDA



Date  
April 4, 2019

Time  
6:30 P.M.

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

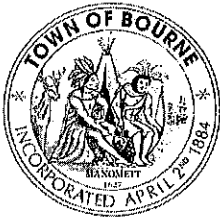
## 6:30 P.M Call Public Session to Order in Open Session

**Executive Session:** Motion to enter into Executive Session to conduct strategy with respect to threatened litigation regarding the Buzzards Bay Playground within Buzzards Bay Park. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

Roll call Vote to convene in Executive Session for the purposes stated. The Board of Selectmen will not reconvene in open session following the Executive Session.

*Cancelled*

RECEIVED  
2019 APR -2 AM 11:16  
TOWN CLERK BOURNE



**TOWN OF BOURNE**  
**Board of Selectmen**  
24 Perry Avenue  
Buzzards Bay, MA 02532



**MEETING NOTICE**  
**Board of Selectmen**  
and  
**Joint Session with Finance Committee for FY20 Budget and Special and Annual Meeting**  
**Articles Review**

**Monday, April 8, 2019 at 7:00 PM**  
**Bourne Veteran's Memorial Community Building**  
**239 Main Street, Buzzards Bay, MA 02532**

**NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.**

The Board of Selectmen will hold a public meeting on **Monday, April 8, 2019 at 7:00 PM** at the Bourne Veteran's Memorial Community Building.

1. Call meeting to order - Note any excused/absent member
2. Enter in Joint Session with the Finance Committee
3. Review FY20 Budget and Special and Annual Meeting Articles – and take votes as appropriate
  - Distribute or Discuss Any Updates or Follow Ups for Department Budgets or Sources and Uses, etc.
  - Review and Discuss Special Town Meeting Warrant articles
  - Review and Discuss Annual Town Meeting Warrant articles
  - Public Comment (for informational purposes only)

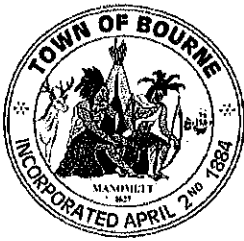
*Adjourn Joint Session with Finance Committee*

*Adjourn*

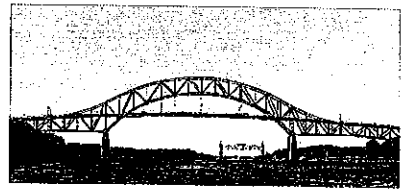
2019 APR 11 11:10:15

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# Board of Selectmen Meeting Notice AGENDA



Date

April 09, 2019

Time

7:00 P.M.

Location

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

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

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

Moment of Silence for our Troops and our public safety personnel

Vision:

Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

Mission:

Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

### 7:00 P.M Call Public Session to Order in Open Session

1. Salute to the Flag
2. Public Comment on Non-Agenda Items
3. Approval of minutes: 3.19.2019; 3.26.2019
4. Town Administrator Report
  - a. FY 2020 Budget – This will be an ongoing piece of this part of the agenda. New considerations are a recording/floating Administrative Support staff person and consideration of an additional Facilities Management professional.
  - b. Annual/Special Town Meeting – Warrant review with Board of Selectmen
5. Licenses/Appointments
  - a. Chamber of Commerce – Summer Concerts
6. Association to Preserve Cape Cod, Cape Cod Chamber of Commerce, Cape Cod & Islands Association of REALTORS and Housing Assistance Corporation – Occupancy Tax Use on region wide basis.
7. Selectmen's Business
8. Correspondence
9. Adjourn

30M00 30M00 30M00

2019 APR -5 PM 2:59

09/13/2019

**Board of Selectmen  
Minutes of Tuesday, April 9, 2019  
Bourne Veterans' Memorial Community Center  
Buzzards Bay, MA**

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TA Tom Guerino  
ATA Glenn Cannon

**Selectmen**

Peter Meier, Chairman  
Judy Froman, Vice Chair  
James Potter, Clerk  
George Slade  
Jared MacDonald

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

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

**Documents**

**7:00 p.m. Call Public Session to order in Open Session**

**Meeting Called to Order**

Chm. Meier called the meeting to order at 7:00 pm.

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

**Vision:** Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

**Mission:** Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsibility and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

**Public Comment – Non-Agenda Items**

None requested.

**3) Approval of Minutes: 3/19/19, 3/26/19**

**Voted** Judy Froman moved and seconded by James Potter to approve the minutes of March 19, 2016. Vote 5-0.

**Voted** Judy Froman moved and seconded by James Potter to approve the minutes of March 26, 2016. Vote 5-0.

**4) Town Administrator Report**

**a. FY 2020 Budget - This will be an ongoing piece of this part of the agenda. New considerations are a recording/floating Administrative Support staff person and consideration of an additional Facilities Management professional.**

**b. Annual/Special Town Meeting -Warrant review with the Board of Selectmen.**

Tom Guerino said there has been several comments wondering why after the Community Building has been open for a short time, why we are closing the gym to coat the gym floor. It is going to be an annual maintenance item; the company that does that is fitting us in before they do all the schools. They are going to be coming in June to put a new coat of clear on the gym floor; the gym will be closed for about a week to let it set. This will happen in June on an annual basis.

The budget was discussed last evening. You have a new Sources and Uses. The changes in Sources and Uses are: The part time Clerks position for \$19,292 and \$7196 as it relates to the negotiated contract for the Bourne Employees Association. Everything else relative to that contract was included in the Budget.

Judy Froman said the other item that was pulled out as a line item was the Excise for boats, so people could see that dollar amount.

Tom Guerino said there will be another \$9500-\$9700 that will go into the budget for summer wage work, the questions is whether it will go into the DPW Summer Wage or the Recreation Summer Wage.

Judy Froman questioned if there was a need for an intern for the summer to help out with the website, is that encompassed in? Tom Guerino said Yes, we can find 20 hours a week for the summer; Selectmen's Other Contracted Services, for future it should be a formal request for the budget.

Peter Meier wondered how long it is going to take to go through the articles. Tom Guerino said the majority of the Board present last evening voted to support a number of articles. Some articles were left aside for further discussion by the full Board. If the Board is just going to go through the articles that weren't voted last evening, we could probably get through those fairly quickly.

James Potter questioned Article 4 who is sponsoring the new request to Town Meeting. Judy Froman said we are sponsoring that Article.

Tom Guerino said article 4 was reworded to make it clearer. Mr. Guerino read article 4: To authorize the Board of Selectmen on terms and conditions deemed by the Board of Selectmen to be in the best interest of the town, to lease a certain portion of Town owned land located at the Bourne Marina in Buzzards Bay, as shown on a plan on file at the Office of the Town Clerk. We also tightened up the motion to read: (it is subject to change until it goes to press) Authorize the Board of terms and conditions to be in the best interest, lease a certain portion of Town owned land (80 parking spaces) located at the Bourne Marina in Buzzards Bay from Columbus Day to Memorial Day.

**4.b. 56:**

Tom Guerino said last evening when there was a majority of the Board present, the warrant tracker will show where the Board voted on particular articles. There are a number that need to be discussed.

**Special**

**Article 1: the Bourne High School Roof, it is before MSBA for reimbursement. The motion is MSBA Specific.**

**ARTICLE 1:** To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Committee for the **partial roof replacement** and related repairs or improvements at the Bourne High School located at 75 Waterhouse Road, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of forty-six and seventy-nine hundredths percent (46.79%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or take any other action in relation thereto. Sponsor - Capital Outlay Committee.

In the motion we have to account for the total cost overall, which is \$2,111,210, for the purpose of paying cost the partial roof replacement and related repairs or improvements at the Bourne High School. Tom Guerino said the A and C wing roofs may be eligible based on tomorrows actions by the MSBA for just under 47% reimbursement. In the bid that goes out there will be a bid alternate for the B wing roof, and if the sq. ft. price is appropriate it could bring the price of the roof down, if there is sufficient funding, we may be able to do the B wing also.

**ARTICLE 2:** To see if the Town will vote to **rescind the authorization for unissued debt** that has been determined is no longer needed for the completion of various projects, or take any other action in relation thereto. Sponsor - Finance Director

Last year we appropriated money to replace the A wing roof in the amount of \$400,000.00. Since we haven't spent it, the is article is to return that money to take it off the books.

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 2.  
Vote 5-0.

Peter Meier said Article 3 last night we voted 3-0. Does the Board wish to reconsider this article?

**ARTICLE 3:** To see if the Town will **amend the vote under Article 9** of the May 1, 2017 Annual Town Meeting Warrant or take any action in relation thereto.

Sponsor – Capital Outlay Committee

CAPITAL OUTLAY REPORT FOR FY2018					
	DEPART	PROJECT/DESCRIP- TION	AMOUNT	MGL BORROW STATUTE	FUNDING SOURCE
28	Sewer	Replace 24 year old Generator at Main Street Pump Station	\$28,000.00		Retained Earnings
29	Sewer	Replace 23 year old Generator at Hideaway Village Pump Station	\$40,000.00		Retained Earnings

**Voted** Jared MacDonald moved and seconded by Judy Froman to support this article.  
Vote 5-0.

**ARTICLE 4:** To lease a portion of Taylor's Point Marin, to see if the town will vote to authorize the Board of Selectmen on terms and conditions deemed by the Board of Selectmen to be in the best interest of the town. To lease a certain portion of town owned land located at Bourne Marina, Buzzards Bay, as shown on the plan on filed in the office of the Town Clerk or take any other action thereto. Sponsor – Board of Selectmen

Peter Meier read the Motion: We move that the town vote to authorize the Board of Selectmen, on terms and conditions deemed by the Board of Selectmen to be in the best interest of the town, to lease a certain portion of Town owned land (80 parking spaces) located at the Bourne Marina in Buzzards Bay, from Columbus day to Memorial day, as shown on a plan on file at the Office of the Town Clerk.

**Voted** Jared MacDonald moved and seconded by Judy Froman to move the motion forward. Vote 5-0.

Peter Meier said this is for the wastewater facility additional funding.

**ARTICLE 5:** To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money for the purpose of designing and constructing a **Wastewater**

**Treatment Facility**, Pump Station, Force Main, land acquisition, and for related legal, administrative and other pertinent expenses associated with the construction of the Buzzards Bay Wastewater Treatment Facility with Groundwater Discharge at the Queen Sewell Park/Bourne Police Station site to serve a portion of the Buzzards Bay area, including existing developed and sewered properties and future/ongoing development, including without limitation all costs thereof as defined in G.L. c.29C, §1; that such sum of money to be used to augment the \$6,558,000 appropriated and approved for borrowing under Article 2 of the October 30, 2017 Special Town Meeting; that to meet this additional appropriation and the total project cost including funds previously approved on October 30, 2017, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow a sum of money and to issue bonds or notes therefor in accordance with G.L. c.44 and G.L. c.29C, or any other enabling authority; that such bonds or notes shall be general obligations of the Town; that the Town be authorized to apply for, accept, and expend any state and/or federal grants and loans or other public or private funds that may be available for the project; that the Town be authorized to assess privilege fees in accordance with Chapters 80 and 83 of Massachusetts General Laws to recover a portion of the total project costs not reimbursed by any state and federal grant funds received for the project; that the Treasurer with the approval of the Board of Selectmen, is authorized to borrow all or a portion of the total project cost from the Massachusetts Clean Water Trust (hereinafter "Trust") established pursuant to said Chapter 29C; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen and/or the Board of Sewer Commissioners is authorized to enter into a Project Regulatory Agreement with the Department of Environmental Protection; to expend all funds available for the project or take any other action in relation thereto.

Sponsor – Capital Outlay Committee

James Potter said if we have a project that is going to be under the Sewer Commissioners, the Sewer Commissioners should be more in charge of the project, not Capital Outlay, in this instance. We are asked to justify the addition and we are not part of the cost increase, but we are part of this as an Economic tool. Hoping we can move forward and have some cost savings; or the idea we can expand this in the future.

Judy Froman said the committee was not formed until after the project started. It is a commitment to the infrastructure for the town, and for the next phase.

Tom Guerino said any bonded indebtedness as a result of this additional cost is absorbable within our debt schedule; so there is no override, there is no additional tax levy, it is going to be within the budget. It's not taking away from anything else in this budget year that we were considering doing. James Potter said it is taking away from what you could put toward the Stabilization Fund. Tom Guerino said it is within the policy guidelines of the indebtedness that the Board of Selectmen, the Finance Committee, the Town Treasurer, the Town Finance Director have agreed to. With the State Revolving Fund money, there may be a small principal forgiveness on this. We will be reaching out to our Legislative Delegation,



and to Mass Works to see if there is any enhancements we can find in the Mass Works Program.

James Mulvey said what upsets him is under no conditions this town should reach this point on an 8 million dollar project when all the details of the payment and who pays for it have not been predetermined. Before the point we are at now should have been, in detail, settled as to how this project would move forward and who would pay for it.

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 5.  
Vote 5-0.

**ARTICLE 6:** To see if the Town will vote to appropriate the sum of **\$343,000.00** for the purchase of **one new ambulance** to replace A-133, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$343,000.00 under M.G.L. Chapter 44, Section 7 or take any other in relation thereto.  
Sponsor - Capital Outlay Committee

Tom Guerino said this is an ambulance that was in an accident, and it needs to be replaced. There are two that are up for replacement this year, one now and one at the Annual Town Meeting.

Judy Froman questioned if there is any return on cashing in the old ones? Tom Guerino said there is but we don't know what that amount is so we always fund the full amount.

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 6.  
Vote 5-0.

**ARTICLE 7:** To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to raise and appropriate, borrow, or transfer from available funds, a sum of money for the following Community Preservation Fund purpose(s): for surveying, engineering and permitting services for the Bourne Middle School Inclusive Playground and Soccer Field Rehabilitation to support the construction of a proposed including playground and the rehabilitation of an adjacent soccer field including incidental costs related thereto; and further, the Community Preservation Committee are hereby directed and authorized to take any and all actions necessary to implement this vote, or take and other action in relation thereto. Sponsor - Community Preservation Committee

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 7.  
Vote 5-0.

**ARTICLE 8:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of **planning, design and construction of a Community Septic Disposal System to upgrade the Savary Community Septic System in North Sagamore**, said funds to be expended by the Board of Sewer Commissioners, and further, to authorize the Sewer Commissioners to assess betterments to recover any funds so expended and further, to authorize the Sewer Commissioners to

assess annual charges for the use of said Savary Community Septic System, including the cost of maintenance and repair and abandonment of said System, pursuant to Massachusetts General Laws Chapter 83, Section 16, and further to authorize the Sewer Commissioners to take any action to effectuate the purposes of this Article, or take any other action in relation thereto. Sponsor - Board of Sewer Commissioners

James Potter said we have to go forward with the warrant article because we have to anticipate that we will need permission from the town to replace the system.

**Voted** Jared MacDonald moved and seconded by Judy Froman to support Article 8. Vote 5-0.

**ARTICLE 9:** To see if the Town will vote to authorize the Board of Selectmen to amend the lease between the Town of Bourne and the National Marine Life Center on terms and conditions deemed to be in the best interest of the Town by the Board of Selectmen, or take any other act in relation thereto.

The motion is we move to authorize the Board of Selectmen to amend the lease between the Town of Bourne and the National Marine Life Center on terms and conditions deemed to be in the best interest of the Town by the Board of Selectmen, to permit the National Marine Life Center to sublet a portion of leased property for the purpose of providing additional parking in Buzzards Bay.

Tom Guerino said a no vote on this will stop any leasing parking by the National Marine Life Center. A positive motion on this would allow the Board of Selectmen to enter into negotiations relative to how it would be done.

James Potter said it needs to be tightened up. We shouldn't have "Sublet a portion of the leased property." We need to know what that is. We are asking Town Meeting to authorize the Board to negotiate part of the lease that states they can't sublet. Should they be negotiating the entire parking lot or to give some of that back to public parking. Peter Meier said we need to look at when the Planning Board approved the project. They had plans to expand their facility. If they expand we won't know how many spots will be left. Mr. Guerino said it is in their master plan for additional buildings. If they are able to do that over time the area for parking won't be available.

Jared MacDonald questioned how long ago was the agreement and how much has been done since.

Judy Froman agreed it should be tightened up. I read this as a lease, we can say it's a lease that would be a 2-year lease then we can revisit and make sure it still establishes the vision of the entire plan of the town for development. As the working group is working on parking and looking at it as a comprehensive parking plan in town; there are areas that are close to Main Street, that I would recommend that we not necessarily rent out and we keep as reserve for the town.

Peter Meier suggested we don't make any recommendation on this tonight; we need more information before we take a position.

Elmer Clegg, Planning Board, the National Marine Life Center was structured in 1995, there was an original lease between the town and the Marine Life Center, that was modified/thrown out and a new 50-year lease was put in place in 2003. On the Marine Life Center website there is a master plan with diagrams of what the campus was supposed to look like when fully built out. The area that is out back, that back parking lot accommodates 100 cars. In the master plan for the Marine Life Center development it would have 75 spaces. The only thing that has happened is the rehabilitation of the old Grossmans warehouse building and the building of the pump station out back.

Mr. Clegg went on to say I wrote a comprehensive plan on Main Street because this article is on the warrant and up for vote. The Marine Life Center property is Town property, that they have free use of. They had a master plan from 2003 to develop that whole campus, nothing has happened other than the pump station. Their business model is divided into three businesses. They run a hospital for marine animals. Their mission was to have a hospital facility for whales, porpoises, dolphins, seals, sea turtles. What they have today is a hospital for seals and turtles. The point I want to make is the Marine Life Center is sitting on the most valuable piece of public property that the town of Bourne has. If we are intent on developing Main Street commercially, I say the town has not lived up to its responsibility to produce public parking. When the growth incentive zone was approved by the Cape Cod Commission, a unique set of bylaws for the downtown district were put in place. The town was supposed to be producing public parking along with the developers, and the town hasn't produced any public parking. Now you are going to support an article that would continue the underutilization of town property that is paramount for providing parking spaces convenient to the downtown park and main street businesses.

Mr. Guerino said this isn't a fair discussion without a representative of the Marine Life Center here to discuss what they may have for plans.

Jared MacDonald said it is town property, we have a need for parking and this could resolve some of it, and they are subleasing when they weren't supposed to sublease.

Elmer Clegg said the town should take control of the front and back lots. The National Marine Life Center is subleasing 130 spaces. The Planning Board cannot approve any more development projects on Main Street until we come up with some parking. It is town property and that tenant is using it to produce revenue outside the scope of their business plan and their relationship envisioned in the lease from the town. The only time they need the parking lot is when they have a sponsored event which occurs during the summer. 80-90% of the days in the year those parking spaces are not used for the purposes of the Marine Life Center.

Peter Meier said this article was put on Town Meeting warrant to give the Board the authorization to negotiate in good faith. We should ask the Marine Life Center what the

percentage of their revenue source comes from this parking lot. If this subletting arrangement was taken away from them what would it do to their business.

Judy Froman said one concern she has is if we present it so there is no transition time for an organization that has been in town and that has an agreement with town for them to change or capitalize on some of economic development related to the Blue Water Economy and Marine Development. It is short sighted, don't want to see a plug pulled on any organization on short notice. If we move along hastily it doesn't serve the town well. It would be helpful to identify what parking spaces would be available to the public and which ones could be leased. It's important we talk about that with the town. What can we do to help the town that is a step in the right direction but helps to ease that transition?

James Potter said that parking is critical to downtown. Don't see this article as the Board supporting the subletting of the parking lot, but as the Board supports having a dialog with the Marine Life Center. We need authorization of Town Meeting as to what do the members support, do they want the lot sublette or do they want the board to change what is going on at that lot.

Tom Guerino suggested to put on this, withdraw this motion and say Motion will be made at Town Meeting, so we can put together a motion that meets the need of the Board.

Vincent Michienzi said the Marine Life Center broke the lease, and we aren't getting any money from them. That piece of property should be utilized, sold, or the town make use of it.

Tom Guerino suggest the Board should have its position ready by the Pre Town Meeting 101 session.

Noreen Michienzi said they could do events to raise money, and there should only be one-year terms for parking.

Peter Meier said at this time we will not take any position on this article; we will take a position closer to Town Meeting.

**ARTICLE 22:** To see if the Town will vote to amend the Town of Bourne By-laws by adding a new **Article 1.6 "Community Events Committee,"** or take any other action in relation thereto. Sponsor - Board of Selectmen

James Potter said the committee will consist of 3 residents at large, one member of the Bourne Cultural Council, one member of the Board of Selectmen, one member of the Finance Committee, and the Town Administrator or his or her Appointee. All voting members.

Section 1.6.1 is regarding Membership; Section 1.6.2 is regarding Officers; Section 1.6.3 is regarding Duties; section 1.6.4 is regarding Funding; and Section 1.6.5 is regarding Administration;

Duties: The Community Engagements Committee mission is to sponsor and encourage community events, projects, activities, services, programs, and public improvements which are of mutual interest to the visitors and residents of the Town of Bourne, and, which strengthen the Town by fostering community involvement and spirit. The Committee shall create an application for funding and invite organizations or individuals to submit on events or activities that will benefit the Town of Bourne and its citizens. In no event may a Member present a project before the Committee. The committee shall provide quarterly reporting to the Board of Selectmen and Town Administrator.

Funding: would be executed by Town Meeting in this case all moneys that are made available to it by appropriation, by gifts or grants, or by transfer of funds authorized by law. Administration: The Committee is authorized to spend up to five percent (5%) of the annual appropriation to the Community Engagements fund for advertising, publications, general administrative costs or other activities deemed appropriate by a majority vote of Committee.

Judy Froman said she would like us to consider the possibility of changing the name to Community Engagements Committee.

**Voted** Judy Froman moved and seconded by Jared MacDonald to change the name of the Community Events Committee to Community Engagements Committee. Vote 5-0.

**Voted** Judy Froman moved and seconded by James Potter to support Article 22. Vote 5-0.

**ARTICLE 23:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the **Community Engagements Committee**, or take any action in relation thereto. Sponsor - Board of Selectmen

**Voted** James Potter moved and seconded by Judy Froman to support Article 23.

James Potter said the 50,000 is directly related to the increase in the percentage that we are asking the voters to go from 4% to 6% on hotel tax. Judy Froman questioned should there be reference that it is related to the hotel tax. Peter Meier said it is coming from Free Cash. James Potter said it is up to us to explain to the Moderator which ones are essential to another.

**Vote:** 5-0.

**ARTICLE 10:** To see if the Town will vote to authorize the Board of Selectmen, on its behalf, to petition the General Court for passage of a special legislation regarding a **permanent easement from the Division of Capital Asset Maintenance and Management on land under the care and custody of the Massachusetts Armory Commission** as identified on Bourne Assessor's map as Parcel 181 on Map 19.4, and referenced at Barnstable County Registry of Deeds at Book 877, Pages 67 and 68, for purpose of replacing a subsurface municipal water line and all necessary supporting appurtenances and consistent with the

terms of the temporary license granted in January 2019, and further, to authorize Town Officials to take any action in relation thereto. Sponsor – Board of Selectmen

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 10.  
Vote: 5-0.

**ARTICLE 11:** To see if the Town will vote to authorize the Board of Selectmen to **grant easements for the design, construction, operation, and maintenance for the new Bourne Police Station** located at 35 Armory Road, Buzzards Bay, MA, or take any other action in relation thereto. Sponsor – Board of Selectmen

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 11.  
Vote: 5-0.

**ARTICLE 12:** To see if the Town will vote to transfer from available funds a sum of money for the replacement of a **2012 CAT D6T LGP Dozer**, or take any action in relation thereto. Sponsor – Capital Outlay Committee

Peter Meier read the Motion: We move that the town vote to appropriate the sum of \$500,000.00 for the purposes of this article and to meet this appropriation to transfer the sum of \$500,000.00 from ISWM Retained Earnings.

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 12.  
Vote 5-0.

**ARTICLE 13:** To see if the Town will vote to appropriate or transfer from available funds a sum of money to the FY19 Sewer Department Expense Budget, or take any other action in relation thereto. Sponsor – Town Administrator

Peter Meier read the Motion: We move the Town vote to appropriate the sum of \$55,000 to the Sewer Department Expense Budget FY19, and to meet this appropriation, to transfer the sum of money \$55,000 from the Sewer Enterprise Fund Retained Earnings Account.

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 13.

Tom Guerino said instead of going into the Reserve Fund it is going to go into the Sewer Expense Accounts.

**Vote:** 5-0.

**ARTICLE 14:** To see if the Town will vote to appropriate a sum of money for the purpose of the payment of **unpaid bills** from a previous fiscal year that are legally unenforceable due to the insufficiency of appropriation or take any other in relation thereto. Sponsor – Board of Selectmen

UNPAID BILLS		
Department	Vendor	Amount
Police	Falmouth Hospital	\$ 500.00
Police	Global Equipment Co., Inc.	\$ 24.26
DNR	Wenzel's Auto Body, Inc.	\$ 500.00
Finance	WB Mason	\$ 61.56
<b>Total</b>		<b>\$ 1,085.82</b>

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 14.  
Vote: 5-0

**ARTICLE 15:** To see if the Town will vote to authorize the Board of Selectmen to grant an **easement to construct, repair, replace and maintain a subsurface sewage disposal system at 594 Circuit Avenue** as shown on a Plan on file at the Office of the Town Clerk on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town, or take any other action in relation thereto. Sponsor - Board of Selectmen

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 15.  
Vote: 5-0

### **Annual Town Meeting Articles**

**ARTICLE 1:** To see if the Town will vote the **following regularly required authorizations** or actions, or take any other action in relation thereto. Sponsor - Board of Selectmen

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 1.  
Vote: 5-0

**ARTICLE 2:** To see if the Town will vote to fix the **salaries and compensation of all elected officials** of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws as amended, and raise and appropriate a sum of money therefore, or take any other action in relation thereto. Sponsor - Board of Selectmen

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 2.  
Vote: 5-0

**ARTICLE 3:** To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to defray the **regular annual expenses** of the Town, or take any other action in relation thereto. Sponsor - Board of Selectmen

Tom Guerino said Article 3 needs to be deferred. Peter Meier said to defer Article 3 until a later date.

**ARTICLE 4:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to **operate the Sewer Department**, or take any other action in relation thereto. Sponsor - Board of Sewer Commissioners

Peter Meier read the Motion: We move the sum of 1,034,370 to be authorized to be expended by the Sewer Commissioners for the operations of the Sewer Department for Fiscal Year July 1, 2019 to June 30, 2020 as follows:

Salaries & Wages: \$187,842.00

Expenses: \$796,528.00

Reserve Fund: \$50,000.00

And we further move that the sum of \$134,709.00 be transferred to the General Fund to offset Sewer Enterprise indirect expenses, and in order to meet this appropriation, we move a sum of \$1,119,079.00 to be raised from Sewer Enterprise Receipts and \$50,000 to be transferred from Sewer Retained Earnings.

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 4.  
Vote: 5-0

**ARTICLE 5:** To see if the Town will vote to appropriate a sum of money from funds received or to be received from the Commonwealth of Massachusetts for the construction, reconstruction and improvement on all approved public ways which qualify under the **State Aid Highway** (Chapter 90) guidelines adopted by the Public Works' Commission, said funds to be expended under the direction of the D.P.W. Superintendent, with the approval of the Board of Selectmen, or take any other action in relation thereto. Sponsor - D.P.W. Superintendent

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 5.  
Vote: 5-0

**ARTICLE 6:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to establish a **Reserve Fund**, or take any other action in relation thereto. Sponsor - Board of Selectmen

Peter Meier read the Motion: We move that the Town vote to raise and appropriate the sum of \$345,000 for the purposes of this article.

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 6.  
Vote: 5-0



**ARTICLE 7:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the **Integrated Solid Waste Management Program**, or take any other action in relation thereto. Sponsor – Board of Selectmen

Tom Guerino said he asked that this article be held off.

**ARTICLE 8:** To see if the Town will vote under authority of M.G.L., Chapter 44, Section 53E ½ to establish **Revolving Funds** to be known as described below, or take any other action in relation thereto. Sponsor – Board of Selectmen

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 8.  
Vote: 5-0

**ARTICLE 9:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding **Capital Improvements and Capital Projects**, or take any other action in relation thereto. Sponsor – Capital Outlay Committee

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 9.  
Vote: 5-0

**ARTICLE 10:** To see if the Town will vote to **hear Reports and Recommendations** of the Committee and Town Offices, or take any other action in relation thereto. Sponsor – Board of Selectmen

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 10.  
Vote: 5-0

**ARTICLE 11:** To see if the Town will vote to transfer any sums of money received from the **ISWM Host Community Fees** in excess of \$600,000.00 in FY2020 to fund entitled "Capital Expenditure Stabilization Fund", or take any other action in relation thereto.  
Sponsor – Board of Selectmen

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 11.  
Vote: 5-0

**ARTICLE 12:** To see if the Town will vote to **increase a local excise tax**, upon the transfer of occupancy of any room in a bed and breakfast establishment, hotel or motel, by any operator at a **rate of 6 per cent (6%)** of the total amount of rent for each occupancy, or take any other action in relation thereto. Sponsor – Board of Selectmen

Peter Meier read the Motion: We move that the Town vote to increase the room occupancy tax (Section 3A of M.G.L c. 64G) from the current rate of 4% to 6%.

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 12.  
Vote: 5-0

**ARTICLE 13:** To see if the Town will vote to **close out and transfer available balances** in previous Town Meeting Articles whose purposes have been satisfied or take any other action in relation thereto. Sponsor – Finance Director

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 13.  
Vote: 5-0

**ARTICLE 14:** To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to fund the costs related to payments of **accrued contractual compensated absences upon retirement**, or take any other action in relation thereto. Sponsor – Board of Selectmen

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 14.  
Vote: 5-0

**ARTICLE 15:** To see if the Town will vote, upon recommendation of the Community Preservation Committee, to appropriate a sum of money for the following **Community Preservation Fund purposes**, and to meet said appropriation, to transfer from available funds or reserve from the FY2020 estimated Community Preservation Fund Revenues a sum of money for the purposes of this article, or take any other action relative thereto. Sponsor - Community Preservation Committee

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 15.  
Vote: 5-0

**ARTICLE 16:** To see if the Town will vote, upon the recommendation of the Community Preservation Committee, to appropriate a sum of money for the purposes of the **administrative and operating expenses of the Community Preservation Committee**, or take any other action in relation thereto. Sponsor – Community Preservation Committee

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 16.  
Vote: 5-0

**ARTICLE 17:** To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to the **Stabilization Fund**, or take any other action in relation thereto. Sponsor – Board of Selectmen

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 17.  
Vote: 5-0

**ARTICLE 18:** To see if the Town will vote to **amend the existing Zoning Map** of the Town of Bourne by rezoning the following property as specified: **To rezone parcel 10 and parcel 6 of Assessor's map 11** from SDD to VB, by extending the existing VB district line to encompass parcel 10 and parcel 6, or take any other action in relation thereto. Sponsor – Kevin Brady and others

Tom Guerino said this should be left for the Planning Board to make recommendations.

**Voted** George Slade moved and seconded by Jared MacDonald to take no position.  
Vote 5-0.

**ARTICLE 19:** To see if the Town will vote to appropriate a sum of money for the purpose of implementing a **secure wireless electronic voting system** configuration for use by registered voters at an annual or special town meeting including, but not limited to, handheld voting devices, software, hardware, provide training to all persons involved in conducting the town meetings, and provide voter education, or take any other action in relation thereto. Sponsor - Town Clerk

This Article will be held until Thursday evening.

**ARTICLE 20:** To see if the Town will vote to amend the **TOWN OF BOURNE BYLAWS, ARTICLE 3.1 SECTION 3.1.17 ENTITLED "HAWKERS AND PEDDLERS," BY DELETING IT IN ITS ENTIRETY AND, SUBSTITUTING IN ITS PLACE, A NEW ARTICLE 3.1.17 HAWKERS AND PEDDLERS; DOOR-TO-DOOR SALES AS PRINTED BELOW, OR ACT ANYTHING IN RELATION THERETO.**  
SPONSOR - BYLAW COMMITTEE

This Article will be held until Thursday evening.

**ARTICLE 21:** To see if the Town will vote to **close out and transfer available balances** in previous Town Meeting Articles whose purposes have been satisfied or take any other action in relation thereto. Sponsor - Community Preservation Committee

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 21.  
Vote: 5-0

**ARTICLE 24:** To see if the Town will vote to amend the Town of Bourne By-laws, Article 1.1 Section 1.1.8 Time Limit, by adding the following:  
"Each Saturday session of an annual or special town meeting shall begin no earlier than 10:00 a.m.", or take any other action in relation thereto. Sponsor - Board of Selectmen

This Article will be held until Thursday evening.

**ARTICLE 25:** To see if the Town will vote to authorize the Board of Selectmen to grant to **NSTAR ELECTRIC COMPANY, d/b/a Eversource Energy, its successors and assigns, an easement for electric service facilities located at 70 Trowbridge Road, Bourne, Massachusetts for the Bourne Intermediate School** as shown on a Plan on file at the Office of the Town Clerk, or take any other action in relation thereto. Sponsor - Board of Selectmen

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 25.  
Vote: 5-0

**ARTICLE 26:** To see if the Town will vote to authorize the Board of Selectmen to grant **Verizon New England, Inc.**, its successors and assigns, an **Easement for facilities located at 70 Trowbridge Road, Bourne, Massachusetts for the Bourne Intermediate School** the right to access, construct, operate, maintain, connect, replace and remove facilities, which may be erected at difference times with the necessary conduits, cables, wires, poles, anchors, guys, supports, fixtures and appurtenances hereon for the transmission and/or distribution of telecommunications subject to the terms, conditions and covenants hereinafter set forth., The Licensee shall have the further right to enter said portion of Licensor's land by foot or by vehicle for all of the herein stated purposes and to connect said pole(s) wires and cables with the poles, conduits, cables and wires which are located or which may be placed in parcels of land as shown on a Plan on file at the Office of the Town Clerk, or take any other action in relation thereto. Sponsor - Board of Selectmen

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 26.  
Vote: 5-0

**ARTICLE 27:** To see if the Town will vote to authorize the Board of Selectmen to **lease or sell the Hoxie School** on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town, or take anything in relation thereto. Sponsor - Board of Selectmen

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 27.  
Vote: 5-0

**ARTICLE 28:** To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money for the purpose of funding an **amendment to Article 9: Item #22, Fire Station Operation and Feasibility Study**, voted at the May 2016 Annual Town Meeting, or take any action in relation thereto. Sponsor - Capital Outlay Committee

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 28.  
Vote: 5-0

**ARTICLE 29:** To see if the Town will vote to authorize the Board of Selectmen to grant Clare H. Heffernan, and their successors in title, a perpetual easement to maintain, repair and replace a 30 square foot easement to access an existing structure shown on the plan on file with the Town Clerk's Office, or take any other action relative thereto. Sponsor - Board of Selectmen

Tom Guerino said it is located at 0 Squeteague.

**Voted:** Judy Froman moved and seconded by Jared MacDonald to support Article 29.  
Vote: 5-0.

**5) Licenses/Appointments**

**a. Chamber of Commerce - Summer Concerts**

**Maria Oliva, Cape Cod Canal Region Chamber of Commerce, 70 Main Street, Buzzards Bay, MA 02532. 2019 Summer Concerts in the Park, Every Thursday evening, July and August 2019 [7/11/19 - 8/29/19] 5:30 p.m. - 8:30 p.m. Estimated Attendance: 200-300. Open to the public at no charge. Remarks: Planning Department - Temporary street banners require Selectmen approval per §2866. Department of Public Works - Would like to meet one month prior to event.**

Tom Guerino said it is the Town Administrator that grants the use of the park but the Board of Selectmen grant the waiver of the fee.

Maria Oliva stated the Cape Cod Canal Region Chamber of Commerce promotes and manages the concerts in the park which are free to the public; we have to raise money to help pay for the bands and to pay for people to staff the concerts, so we are hoping you can waive the fee this year so we can better utilize our monies. The Chamber has been doing the free concerts at the park for 30 years.

**Voted:** Judy Froman moved and seconded by James Potter to approve the waiver of the fee of \$75. Vote 5-0.

**Voted:** Judy Froman moved and seconded by Jared MacDonald to approve the route slip as submitted subject to conditions listed. Vote: 5-0.

**6) Association to preserve Cape Cod, Cape Cod Chamber of Commerce, Cape Cod & Islands Association of Realtors, and Housing Assistance Corporation - Occupancy Tax use on region wide basis.**

Andrew Gottlieb, Selectman from the town of Mashpee, Association for the Preservation of Cape Cod; and Ryan Castle, CEO Cape Cod & Islands Association of Realtors.

Ryan Castle gave an overview. Starting July 1<sup>st</sup> short term rentals will start collecting revenues on taxes based on your current room occupancy tax. We are proposing you have a warrant article that established that 50% of what you collect is set aside in a fund for certain purposes like housing, wastewater, transportation, broadband, and marketing. Good projects could apply for money and Town Meeting would have to appropriate that money out; it doesn't take money away from the town this new money is set aside for these purposes. As this money starts to be collected, want to make sure it is set aside for these purposes and is not rolled into Free Cash.

Andrew Gottlieb said when the short-term rental tax bill passed at the end of 2018 it provided an opportunity to expand the base of rental taxes that are paid to include not just hotel/motel taxes, but it now extends to home rentals. Individual municipalities will collect substantial new revenues beginning July 1<sup>st</sup>. What we suggested in the letter is taking a portion of that money and setting it aside using a provision of the State General Laws that

allows Town Meeting to adopt to create a special purpose Capital Reserve Fund by adopting that provision and direct a percentage of that money that comes in from the short-term rental tax directly into that fund. The remaining percentage from that money goes into your General Fund. The balance that is directed to the Reserve Fund will also remain within Town Meeting's control, but is subject to re-appropriation by Town Meeting for the purposes you specify in your Town Meeting Article. It creates some opportunity for Town Meeting to build up some reserve fund to deal with those problems (wastewater, transportation, housing, etc.) as they come forward in the future.

Ryan Castle said we want to make sure we have the workforce for the future for housing; can't do the housing without wastewater, can't do either without transportation infrastructure. We want to make sure we are setting aside for all this to make sure Cape Cod stays a sustainable year-round economy.

Andrew Gottlieb said because it is a rental tax it is largely paid by people who are not Cape residents. You take that money put it in a Capital Fund for projects that would otherwise be paid for by property tax, your providing a dollar for dollar reduction in property tax burden for a given project that you take money from this fund to pay for the project. The sooner this gets set up the less temptation people will have to spend this revenue source before next year budget cycles. With this money the voters get to decide what to put it aside for. This can work in tandem with CPA.

Tom Guerino said there has been some thought to this, using a Community Events Fund. They will be charged with distribution of funds for worthy activities. Relative to transportation issues, we are the only community on Cape Cod that pays into the MBTA. We are working with the Regional Transit Authority for next summer to work on a trolley system. For wastewater/water quality, I would advise the Board that we would need additional Health Inspectors, that may need to be funded from this, when we start inspecting all the rentals. Next budget season we will have a pretty good idea whether to put this into a fund or this Board may look into the additional 3% tax that's allowed which 35% of that must go into wastewater or affordable housing.

Ryan Castle wanted to clarify the short-term rental law does not require you to do inspections; that is up to the town, it grants the town the authority to do that but it isn't required. The Community Impact Fee isn't 3% on all short-term rentals. The Community Impact Fee is either you can do the extra 3% on just the individual room rentals within a home, or the other 3% option is if you have the same owner of multiple properties in the same town. For that option it would be hard to prove ownership, because they would probably be under different LLC. Rather than going to the voters every year and asking for money for the events, we are talking about putting money into the fund that you can pull from that is dedicated that won't be used for anything else.

Glenn Cannon questioned which towns have considered this? Andrew Gottlieb said Mashpee, Province Town, Sandwich, Orleans, and maybe Wellfleet. Ryan Castle said Barnstable and Yarmouth already have a law to allocate their money.

Tom Guerino said we have a Capital Stabilization account that was established for these types of purposes and the landfill helps with that. Think the town would want to look at this for the fall Town Meeting.

Andrew Gottlieb said the section we cited in the model bylaw takes advantage of provision of the Municipal Modernization Act that allows you to adopt a percentage and then it goes automatically. It doesn't require you to specify a dollar amount it only requires you to specify a percentage of revenue.

Ryan Castle said you won't know what is coming in as short-term rental money. You'll get your lodging tax back from DOR, but they won't tell you what is short-term rental money and what is lodging tax.

Andrew Gottlieb said we are happy to serve as a resource to let you how it is experienced in other towns.

Maria Oliva, Cape Cod Canal Region Chamber of Commerce said we have not brought this position to our Board of Directors yet, we have not said yes or no on this. Other Chambers may be familiar with it but there has been a disconnect between the organizations and the local chambers. It would be good to get input from local chambers of commerce, so they can make a determination and communicate with their Board of Selectman and the Town Administrators.

James Mulvey said he appreciates the forward thinking. Has this been discussed at a workshop by the Board of Selectmen or the Sewer Commissioners? James Potter said we have touched on the 2.75% that was been added as a wastewater fund under the same law, which is in addition to the tax that was just being discussed. There is another mechanism for wastewater currently that everyone will pay that tax 2.75%, unless a Town Meeting opts out.

Mr. Mulvey questioned has there been a rough estimate of what might be coming forth to the town. Tom Guerino said we are currently estimated to bring in this year about \$55,000 without the new tax; we are estimating it will be about \$150,000. James Potter said and add another \$50,000 from wastewater.

Jim Mulvey spoke about administrative costs and Compliance. James Potter said regarding the Compliance the state is spearheading that. They have a list that everyone has to register. Locally the Board of Health is working on something where they will have a duplicate list of these properties.

Tom Guerino said he forwarded a copy of a letter from Mr. Curry who is interested in having us look at that from the broadband perspective as it relates to cable.

6

FUTURE CAPE COD COALITION

February 22, 2019

Board of Selectmen, Town of Bourne

RE: Meeting municipal infrastructure and community investment needs with rental tax revenue

Dear Chairman Meier and Members of the Board,

Bourne is poised to receive a once-in-a-generation revenue infusion due to the inclusion of short-term rentals in the new occupancy tax law. We have one opportunity to ensure new revenue is used for long-agreed-upon, yet chronically underfunded infrastructure and community investment that Cape Codders need to thrive, now and into the future.

Our organizations, the Association to Preserve Cape Cod (APCC), Cape Cod Chamber of Commerce, Cape Cod & Islands Association of REALTORS® (CCIAOR), and Housing Assistance Corporation (HAC), have come together because we share a belief that the future of Cape Cod depends heavily on infrastructure improvements and community investment for future economic stability and environmental improvement. Now is the perfect time for local government to establish infrastructure banks and direct resources to long-term community investment. **We ask Bourne to adopt a local bylaw this spring directing at least 50% of the local option rooms excise tax to a discrete stabilization fund, earmarking that revenue for housing, wastewater, broadband, transportation, and competitive marketing of Cape Cod.** Making long-term investments will dictate the economic viability and sustainability of Cape Cod and defer the use of property tax revenues for these needed projects, saving Cape Codders money.

To do this, we have crafted a model bylaw, enclosed, to segregate and protect new revenue exclusively for such long-term investments. Setting aside the new revenue before it gets absorbed into general operating budgets and before the ability to invest strategically in long-term municipal needs is lost is critical. We therefore ask you to exercise your authority to put this model bylaw on the Spring 2019 Town Meeting warrant.

Adoption of this bylaw will achieve three goals:

1. Create a sustainable source of investment in long-term needs that are traditionally underfunded and vital to the sustainability of the community;
2. Ensure that critical investments are addressed without burdening taxpayers with increased property taxes. This will simultaneously increase property values, improve



- the environment and quality of life, and produce economic opportunity for all; and
- 3. Support your commercial and industrial property tax base with the potential to grow that base with activities that increase employment and businesses in your town.

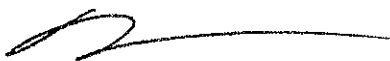
Unless the new rental tax revenues are protected, residents will not see any property tax relief. Dedicating this new money to long-term spending provides the town with more budget predictability and the ability to avoid relying on a fluctuating revenue source to fund fixed operating costs.

We must act now to ensure that year-round Cape Codders have access to housing, wastewater infrastructure is built swiftly, businesses and residents have access to high speed broadband, people can move around efficiently and reliably, and we invest in the region's tourism market share, in order to maintain this revenue stream.

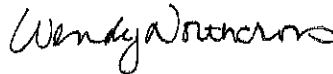
We understand the timing of your warrant is tight. With your discretion to add this topic for consideration, you can make an impact of long-standing investment and return for the town of Bourne. We would welcome the opportunity for one of us to meet with your Board and can also set up a meeting with Chairman Meier and Mr. Guerino, which can be coordinated through Stefanie Coxe at 508-360-9074 or [stefanie@nexuswerx.com](mailto:stefanie@nexuswerx.com) and of course, please don't hesitate to call any of us directly.

Thank you for your consideration and leadership in this matter.

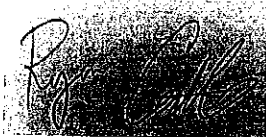
Sincerely,




Andrew Gottlieb, Executive Director  
Association to Preserve Cape Cod



Wendy Northcross, CEO  
Cape Cod Chamber of Commerce



Ryan Castle, CEO  
Cape Cod & Islands Association of REALTORS®



Alisa Galazzi, CEO  
Housing Assistance Corporation

**FUTURE CAPE COD****Model Bylaw**

Article to direct a portion of rooms tax to stabilization for certain capital expenses

To see if the Town will vote to accept Paragraph 4 of Chapter 40, Section 5B of the General Laws and dedicate, without further appropriation, into a special purpose Infrastructure and Community Investment Stabilization Fund, created herein for the purposes of meeting housing needs, implementation of the Town's wastewater management program, broadband infrastructure, transportation improvement, and competitive marketing of Cape Cod, fifty percent of the local option rooms excise tax that the Town receives on the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel, pursuant to its acceptance of General Laws Chapter 64G, Section 3A, as amended by Chapter 337 of the Acts of 2018; provided that said dedication shall take effect beginning in Fiscal Year 2020 which begins on July 1, 2019; and provided further that the Town may not revoke its acceptance of this Act for at least three fiscal years; or to take any other action relative thereto.

Explanation: The Municipal Modernization Act in 2016 allows a Town which accepts G.L. c. 40, §5B, to dedicate not less than 25% of the local rooms excise tax to any stabilization fund. This would include any new revenue generated from short-term rentals. The Town must accept paragraph 4 of §5B at Town Meeting (or by a vote of the Town Council), establish the stabilization fund (if an appropriate one does not already exist), and designate the percentage of the room excise (not less than 25%) to be deposited in the stabilization fund. No further appropriation into the fund is required to dedicate the funds. As with any appropriation from a stabilization fund, a two-thirds vote is required by Town Meeting (or Town Council). Once a town accepts the statute, the Town cannot revoke its acceptance for at least three fiscal years. This article creates a special purpose stabilization fund for housing needs, wastewater management, broadband infrastructure, transportation improvement, and competitive marketing of Cape Cod and directs 50% of receipts to this fund to offset the cost of them on the property tax.

**7) Selectmen's Business****8) Correspondence**

James Potter brought the Board and the public up to date on the correspondence

- A. Letter from Peter A. Zahka, II P.C. who represents Petruzziello Properties LLC, 586 Shore Road, Bourne regarding closure of bridge on Briarwood Road.
- B. Letter from Killian and Julian Harwood to Representative Vieira regarding taking Briarwood Bridge by eminent domain.
- C. Letter of resignation from James J. Coughlin Jr. from Council on Aging Advisory Board.
- D. Letter from Pocasset Village Association regarding possible construction of a Dog Park in Pocasset.

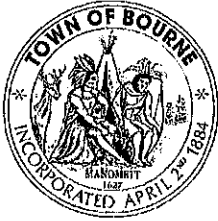
- E. Jed Johnson submitted a letter of interest to serve on the Bourne Cable TV Advisory Committee.

Elmer Clegg said regarding letter E, he can vouch for Mr. Johnson's credentials as a system engineer, his integrity, and professionalism and his style of collaboration.

**9) Adjourn**

**Voted** Judy Froman moved and seconded by Jared MacDonald to adjourn. Meeting adjourned at 10:00 pm. Vote 5-0.

Respectfully submitted - Carole Ellis, secretary.



**TOWN OF BOURNE**  
**Board of Selectmen**  
24 Perry Avenue  
Buzzards Bay, MA 02532



**MEETING NOTICE**  
**Board of Selectmen**  
and  
**Joint Session with Finance Committee for FY20 Budget and  
Special and Annual Meeting Articles Review**

**Thursday, April 11, 2019 at 7:00 PM**  
**Bourne Veterans' Memorial Community Building**  
**239 Main Street, Buzzards Bay, MA 02532**

**NOTE: This meeting is being recorded for live broadcast and television replay. If anyone in the audience is audio or videotaping, they need to acknowledge it at this time.**

The Board of Selectmen will hold a public meeting on **Thursday, April 11, 2019 at 7:00 PM** at the Bourne Veterans' Memorial Community Building.

1. Call meeting to order - Note any excused/absent member
2. **Enter in Joint Session with the Finance Committee**
3. **Review FY20 Budget and Special and Annual Meeting Articles – and take votes as Appropriate**
  - Distribute or Discuss Any Updates or Follow Ups for Department Budgets or Sources and Uses, Long Term Plan, etc.
  - Review and Discuss Special Town Meeting Warrant articles
    - STM Article 1 BHS Roof
    - STM Article 2 Rescind Prior Authorization BHS Roof
    - Any other STM Articles needing updates or votes
  - Review and Discuss Annual Town Meeting Warrant articles
    - ATM Article 3 Budget
    - ATM Article 4 Sewer Budget
    - ATM Article 7 ISWM Budget
    - ATM Article 18 Zoning Private Petition
    - ATM Article 20 By-law Hawkers and Peddlers
    - ATM Article 22 Bylaw Community Events Committee
    - ATM Article 23 Fund Community Events Committee
    - ATM Article 24 Bylaw Time for Saturday Town Meeting
    - ATM Article 27 Authorize Lease or sale of Hoxie School
    - ATM Article 29 Easement – Hefferman
    - Any other STM Articles needing updates or votes
  - Public Comment (for informational purposes only)

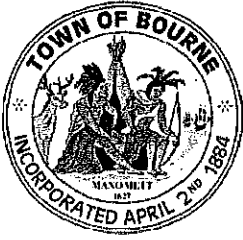
*Adjourn Joint Session with Finance Committee*

*Adjourn*

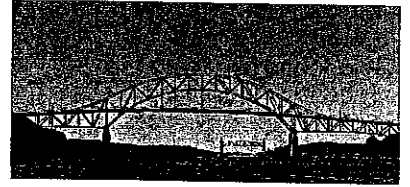
**TOWN CLERK BOURNE**

**2019 APR -9 AM 9:44**

**RECEIVED**



# Board of Selectmen Meeting Notice



Date  
April 12, 2019

Time  
1:45 P.M.

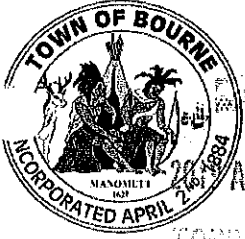
Location  
513 Broadway  
Newport, RI

If anyone in the audience is recording or video-taping, they need to acknowledge such at this time.

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

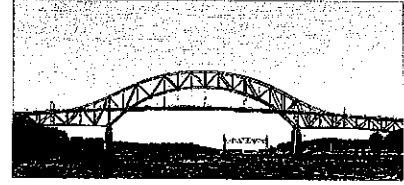
Board of Selectmen on site visit to discuss innovative business accelerator

RECEIVED  
2019 APR 10 PM 1:41  
TOWN OF BOURNE



# Board of Selectmen

## Meeting Notice AGENDA



APR 11 PM 4:23  
TOWN CLERK BOURNE

Date

April 16, 2019

Time

7:00 P.M.

Location

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

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

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

Moment of Silence for our Troops and our public safety personnel

Vision:

Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

Mission:

Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

### 7:00 P.M Call Public Session to Order in Open Session

1. Salute to the Flag
2. Public Comment on Non-Agenda Items
3. Approval of minutes: 02.11.2019 – Joint meeting with Finance Committee; 04.02.2019
4. Town Administrator Report
  - a. FY 2020 Budget – This will be an ongoing piece of this part of the agenda.
  - b. Annual/Special Town Meeting – Warrant review with Board of Selectmen
  - c. Debriefing of the Economic Summit held April 10, 2019
  - d. Parking Working Group update (Mr. Meier, Ms Froman, Mr. Guerino)
  - e. Upper Cape Towns' / Joint Base Cape Cod Wastewater update
  - f. Reminder Municipal Vulnerability Workshop Tues. and Wed. 12:30-4:30 p.m. and 9:00-1:00 p.m. respectively
5. Update, discussion and action related to the Briarwood Bridge (The MassDOT has made a determination)
6. Underground Battle Paint Ball – Discussion on groups use of the Stop and Shop Property
7. Bourne Recycling Committee – Heather DiPaolo: Hosting two cleanups this year in honor of Earth Day on April 27, 2019 from 10:00-12 p.m.
8. Appointment to the Cape Cod Commission: Term 4.25.2019 – 4.24.2022  
Candidates: Stephen F. Mealy; James J. Robinson, Jr.; Robert J. Cronin, Jr.

9. Presentation by Landfill Business Model Working Group – Financial Policy
10. Licenses/Appointments
  - a. Council on Aging – Alternate Appointment – Donna M. Pascarella
  - b. Election Worker – Vivian R. Stowe
  - c. Stomping Grounds Grille – Request to serve liquor 10:00 AM on Sundays for brunch
11. Selectmen's Business
  - a. Signing of Special and Annual Town Meeting Warrants
12. Correspondence
13. Adjourn

**Board of Selectmen  
Minutes of Tuesday, April 16, 2019  
Bourne Veterans' Memorial Community Center  
Buzzards Bay, MA**

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**TA** Tom Guerino  
**ATA** Glenn Cannon

**Selectmen**

Peter Meier, Chairman  
Judy Froman, Vice Chair  
James Potter, Clerk  
George Slade  
Jared MacDonald

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**

**Meeting Called to Order**

Chm. Meier called the meeting to order at 7:01 pm.

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

**Vision:** Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

**Mission:** Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsibility and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

**Public Comment – Non-Agenda Items**

Peter Meier released a statement on Buzzards Bay Park. Work began Monday to restore the Buzzards Bay Park to make it accessible for children with disabilities, as required by state and federal law. After months of negotiations between the town and Weston & Sampson and Green Acres Landscape and Construction Co. executed documents last Friday to work together cooperatively to remedy problems at the playground. The goal is to have the



playground open by Memorial Day this year weather permitting after the playground is inspected and certified as safe by a playground safety expert.

Kathy Zagzebski, Executive Director of National Marine Life Center, said the National Marine Life Center is a non-profit marine animal hospital and science and education center. Ms. Zagzebski spoke about what they do at the National Marine Life Center, regarding education, learning about marine animals, and visitors to the center. Ms. Zagzebski also spoke about the parking; they are interested in being part of the productive conversations and long-range comprehensive planning for parking in town, would like to get on the agenda sometime in the future.

Mr. Donovan, Heritage Commercial Park, said the easement is a violation of his rights. He would like to state his comments to the Board. He has been trying to come before this Board to fulfill a motion made by the Finance Committee when the easement was voted and approved and further to authorize the Board of Selectmen to take all necessary actions to implement the vote. It has now been over two years. I have a right to come before my elected official to discuss this item.

**3) Approval of Minutes: 2/11/19; Joint meeting with Finance Committee, 4/2/19**

**Voted** Judy Froman moved and seconded by Jared MacDonald to approve the minutes from February 11, 2019. Vote 4-0-1. Peter Meier abstained.

**Voted** Judy Froman moved and seconded by Jared MacDonald to approve the joint meeting from April 2, 2019. Vote 5-0.

**4) Town Administrator Report**

- a. FY 2020 Budget – This will be an ongoing piece of this part of the agenda.**
- b. Annual/Special Town Meeting –Warrant review with the Board of Selectmen.**
- c. Debriefing of the Economic Summit held April 10, 2019.**
- d. Parking Working Group update (Mr. Meier, Ms. Froman, Mr. Guerino)**
- e. Upper Cape Towns' / Joint Base Cape Cod Wastewater update**
- f. Reminder Municipal Vulnerability Workshop Tuesday and Wednesday 12:30 - 4:30 p.m. and 9:00 - 1:00 p.m. respectively**

**4.a.** Tom Guerino spoke about the budget; we will probably be looking at adding money to the budget under DPW or Recreation as it relates to the Buzzards Bay Playground area staffing. Have to figure out how much will be expended into the lifeguard area during the course of the summer to staff two beaches. It has been strongly recommended we have staff at the Buzzards Bay Park.

**4.c.** Tom Guerino said the Cape Cod Commission, the Planning Department did an outstanding job framing the forum for the day; continuing the economic vitality for the town and everything that contributes to our economy.

Judy Froman said it was a helpful conversation across departments and business. It was helpful identifying our uniqueness and tying it together with the Local Comprehensive Plan.

George Slade said it was nice having the present and potential stakeholders speak. We spoke about infrastructure, to make this town more inviting for people that want to invest in our town; as long as we have a commitment that we want to make this community more attractive.

Peter Meier said we forgot to include the Board of Health, when it comes to development in this town, we have to include the Board of Health. It was a great tool and a lot of people had input.

**4.d.** Tom Guerino said the Parking Working Group has been meeting. An idea was to bring in the Chamber Executive Director to this group because they have institutional memories as well as the lay of the land. As it relates to specific parking issues that have been brought up over the last several weeks, a subcommittee of the parking group will be meeting this week with people involved with the west end of Main Street specifically at the Marine Life Center to talk about what may or may not be possible for enhancing parking on Main Street.

Jared MacDonald questioned the number of spots in front of the Chamber of Commerce that are marked for private parking for apartment tenants, are they leased? Mr. Guerino said the Chamber has a number of spots that are granted to them by the Commonwealth. They have, for several years, provide parking in the front of that lot for the housing units. Not sure what kind of arrangement they have with those people.

Elmer Clegg, Planning Board Chair, spoke about the meeting he and Mr. Guerino had. Asked to bring Maria Oliva, chair of the Chamber onto the Working Group because she represents the businesses in the town and she does have an agreement with MassDOT. Would like to talk to her to find out what the nature of her agreement is and what areas of parking does she have control over.

James Potter said whatever the history is for how the parking has been arranged would have gone through our Planning Department, so there should be some record of that.

Peter Meier said this was from 15-16 years ago. There was nothing dedicated, in the master deed it didn't say anything about dedicated parking for these units and under the deeds for the individual units it said nothing about dedicated parking, so it had to have been an arrangement with the Chamber and the units. The only thing that has been documented is there is public parking available across the street for use.

Judy Froman said we have maps and we are in the process of making sure that we are very clear what spaces belong to whom. We will eventually be sharing that information with the public once we have the actual facts straightened out.

**4.e.** Mr. Guerino said we are working, as a junior partner, with the upper Cape towns as it relates to wastewater on the Base, primarily to protect the ability for ISWM at whatever time goes through new development that is approved by the Board of Health and by the Select Board and working group to protect any treated leachate or wastewater from being allowed to go into the outflow pipes and rapid filtration beds. We are looking at perhaps 100,000 gallons that would also take into consideration the property that is currently owned by the apparent company Stop & Shop at the rotary. There has been a draft Joint Powers Agreement that has been put together by Sandwich. We are trying to get the engineering group to come in to discuss where we have been since 2018. We haven't signed on but we have been an active participant. If the Base does give up that wastewater what does that do to the agreement made with the folks on the Base relative to the landfill. Since the town has the easement from the state, we secured 77 acres.

**4.f.** Tom Guerino said Sam Haines and Tracy Sullivan, conservation Engineering Office have done a fantastic job in putting this Municipal Vulnerability Workshop together with the Cape Cod Commission. It started today. It is talking about sea level rise, climate change, what the impact may be to its coastal community. There was about 25 people there.

**5) Update, discussion and action related to Briarwood Bridge (The MassDOT has made a determination)**

Peter Meier said in the packet there was letter stamped in, on April 8<sup>th</sup> from Astrid Glynn Rail and Transit Administrator. Peter Meier read: Although no one disputed the conclusion that the bridge is structurally deficient, it goes on to say that MassDOT arranged for an extensive search of deeds, assessing records and other property records concerning ownership and rights to use and maintain the bridge. The deeds and other real estate records confirm that the bridge is privately-owned and not the property of either the Commonwealth of Massachusetts or the Town of Bourne.

April 16, 2019



Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, MassDOT Secretary & CEO



RECEIVED

April 5, 2019

APR 18 2019

TOWN OF BOURNE  
BOARD OF SELECTMEN

Viriato M. deMacedo  
State Senator  
Plymouth and Barnstable  
State House, Room 313-C  
Boston, MA 02133

David T. Vieira  
State Representative  
Third Barnstable District  
State House, Room 167  
Boston, MA 02133

Re: Gardner Bridge Crossing

Dear Senator DeMacedo and Representative Vieira,

This letter follows up prior discussions and inquiries concerning the Gardner Bridge Crossing, and provides an update based on information gathered to date concerning the condition of the bridge and allocation of responsibility for its maintenance and repair. We appreciate the concerns that you and your constituents have voiced and the responsiveness that the Town has demonstrated as these issues were explored.

Concerns about the structural integrity of the Gardner Bridge Crossing were identified by the railroad during an inspection on December 29, 2018. This was followed up by an inspection by MassDOT's consultant on January 26, 2019, which confirmed the issues and recommended that the bridge be closed immediately to vehicular traffic. MassDOT provided the Town of Bourne with these inspection reports, which prompted the Town to close the bridge to vehicular traffic. MassDOT concurs with the Town's actions and until necessary repairs are made, agrees that the bridge should remain closed to all vehicular traffic. The structure is safe for bicycle and pedestrian traffic and can remain open for these modes of transportation.

On March 15, 2019, we met with residents and officials to discuss the findings and contents of the inspection reports. Although no one disputed the conclusion that the bridge is structurally deficient with respect to vehicular traffic and that repairs must be made, questions were raised concerning the allocation of responsibility for maintaining and repairing the bridge. To address that issue, MassDOT arranged for an extensive search of deeds, assessing records, and other property records concerning ownership and rights to use and maintain the bridge. The deeds and other real estate records confirm that the bridge is privately-owned and not the property of either the Commonwealth of Massachusetts or the Town of Bourne.

Ten Park Plaza, Suite 3510, Boston, MA 02116  
Tel: 857-368-8759  
[www.mass.gov/massdot](http://www.mass.gov/massdot)

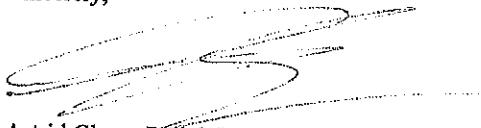
The information filed in the Barnstable County Registry of Deeds, and in records of the Town of Bourne and the Town of Sandwich, confirms that Gardner Road Bridge crosses the railroad right of way from Shore Road along a private driveway known as Briarwood Lane. All of the parcels on the westerly side of the railroad line have easement rights to maintain and use the bridge over the rail line, either as defined in their deeds or as defined in prior deed(s) in their chain of title, to reach Shore Road. The obligation of the property owners to maintain the private bridge are either expressed in their deeds or are implicit or devolve from the terms of the deeds in their chain of title.

Under Massachusetts law, owners of private bridges have the duty of maintaining them in such condition and repair as may be necessary. While the title search has confirmed private ownership of the bridge, MassDOT does not draw any conclusions with respect to the allocation of ownership and responsibility among the several private owners. Each owner's responsibility is derived from the specific terms and conditions of the applicable deeds. In addition, the process for apportioning responsibility for financing repairs to private bridges among multiple bridge owners is governed by M.G.L. c. 84, §§12-14.

Given the fundamental constitutional requirement that public funds may be used only for public purposes, MassDOT has no authority to expend public monies to repair private property. As a result, it cannot expend public funds for the maintenance and repair of the privately-owned Gardner Road Bridge in Bourne.

As long as the bridge remains closed to vehicular traffic, there are no immediate safety concerns for the railroad or for pedestrians and bicyclists using the bridge. However, if the bridge owners wish to have the bridge re-opened to vehicles, they will need to finance and repair the structural deficiencies. In that regard, MassDOT is available to offer technical assistance and advice to the bridge owners in developing an appropriate repair plan.

Sincerely,



Astrid Glynn, Rail & Transit Administrator  
Massachusetts Department of Transportation

Cc: Thomas M. Guerino  
Bourne Town Administrator

Peter Meier questioned where the documentation is that goes with this. This letter is incomplete. We need to pressure the Commonwealth to go back and take another look. We need documentation to back it up. Think we need to look into this further.

Tom Guerino said this letter was disconcerting based on some of the information that was provided to the folks at MassDOT. Recommend to reengage the Commonwealth relative to how they came to these conclusions. It is important from the town's perspective, we need to be sure that we can continue to bring in emergency vehicles when necessary and continue the municipal services, which we currently provide. Recommend to recontact the secretary of the agency and to sit down with Town Council as to what options are available to the town.

Jared MacDonald stated that bridge doesn't hold emergency vehicles. We should use some of our resources and do some research ourselves.

Peter Meier said we should have a motion authorizing a letter to go back to MassDOT asking they take a second look and give reasons why.

Chris Farrell said they rebuilt the bridge sometime around 1980 so if you look at town meeting articles there should be information.

Jean Campbell, Briarwood Lane, Director of the Town Archives, said she did a lot of research and sent the information to MassDOT, seems they do own the property. Peter Meier requested that information be sent to the Selectmen/Town Administrator.

Kevin O'Neil, Briarwood Lane said the residents sent a note to the selectmen. At the last meeting Rep. Vieira offered to submit legislation to help resolve this issue. Would like the town to support that legislation. The safety issue is paramount.

Loraine Schratz, Briarwood Lane, said it was not in the title that they bought a bridge. We are approaching the summer months, don't think our kind neighbor should have to allow our guests to travel through his property. Also spoke about overflow parking along Shore Road, when checking with the Police was told to park at the baseball fields.

**Voted** Judy Froman moved and seconded by Jared MacDonald to instruct the Town Administrator to request more information from the Department of Transportation regarding the Briarwood Bridge and the decision.

Peter Meier requested to contact Rep. Vieira and see what his intentions are regarding filing special legislation.

Vote 5-0.

#### **6) Underground Battle Paint Ball - Discussion on groups use of the Stop & Shop property**

Peter Meier said this is on the agenda because a letter to the editor suggested the Town take the property by eminent domain for the purposes of doing development on that property. Mr. Meier said that is not the position of this Board. Mr. Smith wanted to educate the public regarding what goes on at that property.

Robert Smith, owner Ultimate Battle Ground, wanted the opportunity to speak to the Board about that property; we have been operating at the Bourne Rotary since I bought it in 2009. The field has been in operation for 20 years, when it was originally Cape Cod Paint Ball. Wanted to share their positive impact to the local community, where families can go to have fun, year-round, and also spoke about non-residents who play there. Spoke about the games they offer, they are a unique entertainment venue on the Cape. We service Mass. Maritime Academy and Joint Base Cape Cod. We have a security system on premises.

**7) Bourne Recycling Committee - Heather DiPaolo: hosting two cleanups this year in honor of Earth Day on April 27, 2019 from 10:00-12:00 p.m.**

Jean Hill, Amy Sharpe, representatives from the Bourne Recycling Committee, updated the Board on their activities. They are sponsoring, along with ISWM and DPW, two clean-ups to celebrate Earth Day on April 27, 2019 from 10:00 a.m. until 12:00 p.m. One will be at Monks Park, the other will be at Keith Field, area around the field. Wanted to remind everyone that Recycling in Bourne is mandatory. Spoke about recycling and recycling bins at beaches and Keith Field.

**8) Appointment to the Cape Cod Commission: Term 4/25/2019-4/24/2022 - Candidates: Stephen F. Mealy; James J. Robinson, Jr.; Robert J. Cronin, Jr.**

Peter Meier thanked Mr. Conron for his service.

Each resident Robert Cronin, James Robinson, and Stephen Mealy gave a brief background on themselves, spoke about why they are requesting to be appointed to the Cape Cod Commission, and answered questions from the Board members.

Mr. Donovan spoke about Cape Cod Commission and Economic Development and questioned the candidates what their efforts are going to be to help the Commission with Economic Development. Each candidate answered the question.

**Voted** Judy Froman moved and seconded by Jared MacDonald to nominate Mr. Mealy, Mr. Cronin, and Mr. Robinson.

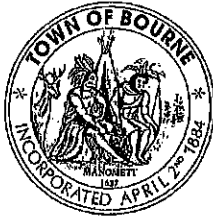
Jared MacDonald - Mr. Mealy; Judy Froman - Mr. Mealy; James Potter - Mr. Mealy; George Slade - Mr. Mealy; Peter Meier - Mr. Mealy  
Unanimous Vote - Mr. Mealy

**9) Presentation by Landfill Business Model Working Group - Financial Policy**

Representative Stanley Andrews, Chair of the Business Model Working Group, and Dan Barrett, Manager ISWM were present.

Stanley Andrews updated the Board on the landfill and the ISWM Financial Policy. Mr. Andrews said they hope the Board will endorse the Policy.

Tom Guerino said this Policy will take care of the needs of the landfill as it relates to its cashflow and its business, but does not abrogate the town's responsibility to oversee it as a town department.



**TOWN OF BOURNE**

24 Perry Avenue  
Buzzards Bay, MA 02532-3496  
www.townofbourne.com  
Phone 508-759-0600 – Fax 508-759-0420



**TOWN OF BOURNE**

**ISWM ENTERPRISE FUND FINANCIAL POLICIES AND GUIDELINES**

**I. INTRODUCTION**

The following financial management policies and guidelines set forth the framework for overall planning and management of the Town of Bourne, Integrated Solid Waste Management Enterprise Fund, overseen by the General Manager of the Town of Bourne, Department of Integrated Solid Waste Management. The policies are intended to be advisory in nature and serve as a point of reference for all policy-makers, administrators and advisors.

Responsibility for maintaining safe and environmentally sound operation of the Department of Integrated Solid Waste Management, that is in compliance with all Federal, State and local laws and regulations, is by the Charter, the responsibility of the ISWM General Manager. For each Fiscal Year, the General Manager shall prepare an overall financial management plan that includes an annual budget, administrative fee structure, capital outlay and debt management plan, and contributions to all funds within Retained Earnings. The ISWM General Manager will work closely with the Town Administrator and the Finance Director in the annual budget planning process and the implementation of the Financial Policies.

The policies are designed to ensure the sound financial condition of the ISWM now and in the future. Sound financial condition may be defined as:

- **Cash Solvency:** The ability to pay bills in a timely fashion and have a reserve to address unexpected increases in operational expenses
- **Long-Term Solvency:** The ability to pay future costs including all debt service and benefit costs beyond the life of the landfill
- **Service Level Solvency:** The ability to provide needed services for the residents and customers of the ISWM facilities in a safe and environmentally sound manner
- **Infrastructure Solvency:** The ability to maintain infrastructure, plan for future development and meet long term care obligations

**II. ANNUAL BUDGET**



- A. Components: The annual Operating Budget of ISWM shall include the Salaries and Wages, Expenses, Host Fee; and the Administrative Fee.
- B. Administrative Fee: Administrative Fee represents contributions from the ISWM Enterprise Fund, in a manner compliant with the MA Department of Revenue guidelines for Enterprise Funds, for Administrative expenses of the Town. The Administrative fee shall include ISWM fringe benefits, DPW expenses associated with the curbside collection program and other miscellaneous expenses such as accounting, management, postage and legal counsel.
- C. OPEB: ISWM will make contributes to the OPEB Trust Fund in accordance with the Town's Financial Policy on OPEB contributions.

### III. FISCAL RESERVES GUIDELINES

ISWM's accumulation of prudent reserves is critically important to the fiscal health of the community for many reasons. The Town will endeavor to establish and maintain the following accounts as part of Retained Earnings. The undesignated balance of Retained Earnings will be reviewed as needed and applied in a manner to enhance the financial stability of the Enterprise Fund, including reducing debt.

- A. Working Capital: Retained Earnings should be maintained at a minimum balance of 3 months operating expenses in cash. A month's operating expenses shall be calculated as the 12-month average from the previous fiscal year. The Finance Director shall be consulted and will make the annual determination of the amount required.
- B. Reserve Fund: The ISWM Reserve Fund will be budgeted at 5% of the ISWM Annual Operating Budget (Components defined in Section II. A.). Access to the Reserve Fund shall be for emergencies or other unanticipated budgetary needs that may arise as a result of unexpected circumstances and must be approved by a vote of the Finance Committee upon request of the ISWM General Manager. Any funds expended during the fiscal year may be replenished at a Special Town Meeting if recommended by the General Manager and the Town Administrator. The minimum annual allocation shall be \$600,000.
- C. Closure and Post-Closure Funds: To maintain closure accounts in compliance with state regulations that set aside adequate funds to close the landfill and/or transfer stations and further to maintain an account for the long-term post-closure care and monitoring required by regulations. Any annual calculation shall be done, in accordance with regulations, to determine the contributions from Retained Earnings into these accounts. Costs for closure and post-closure will be reviewed and updated at least every three

years. Withdrawals from closure accounts shall be made on the recommendation the General Manager and in consultation with the MA DEP. These funds are not to be used for any other purpose and are required to receive operating permits.

- D. Future Solid Waste Stabilization: Funds set aside to cushion the impact on the Town's Operating Budget after the landfill closes and Host Fee revenue will be less. This fund will pay for transportation and disposal of MSW and recycling after the closure of the landfill. There are currently no required contributions to the fund. A policy for the specific goals of the fund and funding mechanism or requirements should be established.
- E. Host Fee: ISWM shall contribute to the General Fund, in accordance with law, the minimum required annual host fee based on a per ton fee per qualifying ton. Said fee shall be calculated in accordance with the law utilizing the cited inflation factor published by the Federal government. The fee shall be part of the annual operating budget and will be based on projected qualifying tons and revenue for the coming Fiscal Year. The total qualifying tons multiplied by the established rate per ton is the determining factor for the host fee. If the General Manager determines that the qualifying tons in any Fiscal Year will not be sufficient to cover the budgeted Host Fee, the General Manager will notify the Town Administrator and the Finance Director as soon as the determination is made but no later than April 1 before the Fiscal Year end.

#### **IV. FINANCIAL PLANNING & MONITORING GUIDELINES**

Long-term financial forecasting and constant monitoring of current revenue and expenditure trends are vitally important to maintain quality service levels and fiscal discipline. As a result, it is the policy of the Town that ISWM undertake the following:

- A. Multi-Year Financial Forecasting: Establish and maintain an on-going financial planning model that projects revenues and expenses over the next five (5) years by using five (5) years of historical data and other fiscal trend analysis. ISWM shall endeavor to secure long-term contracts and other business arrangements to ensure that it has a steady source of revenue to meet its obligations.
- B. Monitor and Track Current Year Financial Activities: Constantly monitor revenue and expenditure activities and publish periodic reports for policy-makers, the Town Administrator and Finance Director. To meet this objective, ISWM should implement improved financial management systems to create the required revenue and expenditure reports, reduce duplication of effort, and maximize productivity of finance department staff.

**V. CAPITAL PLANNING & DEBT SERVICE MANAGEMENT GUIDELINE**

ISWM's ability to address its capital needs (infrastructure, facilities, equipment, etc.) is critical to meet contractual and regulatory obligations to provide safe and environmentally compliant facilities. ISWM is a unique operation in the state of MA for a municipal government and consideration must be given to the General Manager that ISWM has substantial expenditures for the purposes of keeping its facilities in good working order and to plan for the future. Therefore, ISWM shall undertake the following:

- A. **Capital Improvement Plan:** The Town shall establish and maintain a five (5) year capital improvements plan, to update the plan annually, to develop capital financing strategies consistent with these policies, and to integrate any new operating costs associated with capital projects into the annual operating budget. The Town should capitalize expenditures of at least \$20,000 and having a useful life of more than five years.
- B. **Debt Maturity Guidelines:** The Treasurer will strive to limit the maturity of ISWM's debt according to Mass General Laws and within the overall active life of the specific project or the landfill. A debt management plan will be developed for each fiscal year as part of the Operating Budget. This plan shall take into account the Fiscal Reserves that have been identified and that must also be fully funded.
- C. **Alternative Financing Strategies:** ISWM will continually pursue opportunities to acquire capital by means other than conventional borrowing such as grants, and other programs as may be available.
- D. **Reconciliation & Record keeping:** ISWM will annually reconcile debt-related records with the Finance Director/Treasurer and the Town Accountant before April 1 of each fiscal year to determine if any unissued bond authorizations need to be rescinded at the Annual Town Meeting.
- E. **Debt Issuance:** ISWM will work closely with the Finance Director and the Town's Financial Advisor and Bond Counsel to ensure that all legal requirements are met and that the lowest possible interest rate can be obtained.
- F. **Capital Budget:** The Capital Budget for ISWM shall be determined on an annual basis and shall include replacement of ISWM funded equipment utilized by the Department of Public Works to fulfill the duties of curbside MSW and recyclables collection. ISWM will include a 5-year capital plan as part of the annual capital outlay review.

**VI. REVENUE ENHANCEMENT GUIDELINES**

- A. ISWM will rapidly move to collect all receivables and close accounts of customers who do not pay. Further ISWM will notify the Town Administrator of accounts that require the Town to pursue full payment by all legal means.

**POLICY ENDORSEMENTS**

**Approved:**

\_\_\_\_\_  
 Town Administrator  
 Dated:

\_\_\_\_\_  
 Finance Committee Chair  
 Dated:

\_\_\_\_\_  
 Chairman, Board of Selectmen  
 Dated:

\_\_\_\_\_  
 Finance Director/Treasurer  
 Dated:

\_\_\_\_\_  
 Vice Chairman, Board of Selectmen  
 Dated:

\_\_\_\_\_  
 Town Accountant  
 Dated:

\_\_\_\_\_  
 Clerk, Board of Selectmen  
 Dated:

\_\_\_\_\_  
 ISWM General Manager  
 Dated:

\_\_\_\_\_  
 Board of Selectmen  
 Dated:

\_\_\_\_\_  
 Board of Selectmen  
 Dated:

Stanley Andrews said this year we have had a 30% increase in leachate disposal. These policies will prevent us from having to shut down another portion of our business unit.

Peter Meier questioned regarding item 3C Closure Post-Closure Funds if every 3 years is too long a time to go before reviewing. Dan Barrett said from a regulatory standpoint we have to review our closure post-closure every year internally; we have to submit to the State every two years.

James Potter said under Capital Planning section 5A, The Town shall establish and maintain a five-year Capital Improvements Plan, to update the plan annually; that annually needs to fall within our budget review cycle. We should put in a specific month; we could insert December so it falls within the other budgets being put together for January.

Tom Guerino said a date certain makes sense. December or January is fine, but wouldn't want to have this department held to a December date on its Capital Expenditure plan for the ensuing fiscal year because some things change. December is ok for the 5-year plan, but don't want to hold the annual expenditure plan until a little later in the budget season.

James Potter said he is concerned because anything past January 15<sup>th</sup> doesn't give the Board of Selectmen the actual 5-year Operational Plan that the Charter says we are supposed to have. If we are past January 15<sup>th</sup> for Capital Improvement then we are outside the Charter.

Dan Barrett said we already have a 5-year plan in place, we go by what Capital Outlay and Finance Committee like to see. We could be ready anytime you want the plan.

Tom Guerino said the Charter states that Budget with Capital will be turned over to the Board on that date certain. The Board at that point has the opportunity to make changes.

Judy Froman made a recommendation that we reflect the policy wording to say it is done on an annual basis based on the Town Charter deadline (budgetary deadlines in the Charter.)

**Voted** Jared MacDonald moved and seconded by Judy Froman to move this to second reading subject to the wording change in item 5a. (Update annually according to the Charter) Vote: 5-0.

## **10) License/Appointments**

- a. Council on Aging - Alternate Appointment - Donna M. Pascarella**
- b. Election Worker - Vivian R. Stowe**
- c. Stomping Grounds Grille - Request to serve liquor 10:00 a.m. on Sundays for brunch**

Donna Pascarella gave a brief background and spoke about why she wants to be considered as an alternate for the Council on Aging.

**Voted** Judy Froman moved and seconded by Jared MacDonald to appoint Donna M. Pascarella to the Council on Aging as Alternate Member, term to expire June 30, 2019. Vote: 5-0.

**Voted** Judy Froman moved and seconded by Jared MacDonald to appoint Vivian R. Stowe as an Election Worker, term to expire June 30, 2019. Vote: 5-0.

Tom Guerino requested a point of privilege related to the landfill and budget. The Charter states "Will file a budget within time fixed by Bylaw". The bylaw provides for when the budget is submitted. The budgets from the departments to the Town Administrator by December 8<sup>th</sup>. The Town Administrator shall submit the budget to the Board of Selectmen, proposed Operating Capital Budget for all departments including the school, on the 15<sup>th</sup> of January.

**10.C.** Tom Guerino said on July 27, 2010 the Selectmen voted to opt in to the provisions of application of Mass General Laws to allow individual licenses to apply for a 10:00 a.m. license on Sunday. We currently have six that the Board has allowed to do this. This just requires a vote of the Board.

Helene Rogers, owner Stomping Grounds Grille, explained why she is requesting the license change to serve liquor at 10:00 a.m. on Sundays for brunch.

**Voted** George Slade moved and seconded by Judy Froman to move forward to approve this request. Vote: 5-0.

## **11) Selectmen's Business**

### **a. Signing of Special and Annual Town Meeting Warrants**

Mr. Guerino said tonight the Board is voting to allow the Warrant to be posted. Judy Froman wanted to clarify we are voting the individual articles, but our end result is to vote the total warrant. James Potter said we have to vote affirmative to post the warrant.

**ARTICLE 3:** To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to defray the regular annual expenses of the Town, or take any other action in relation thereto. *Sponsor – Board of Selectmen*

The Selectmen agreed to postpone the vote on this item until next Tuesday

**ARTICLE 7:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Integrated Solid Waste Management Program, or take any other action in relation thereto. *Sponsor – Board of Selectmen*

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 7. Vote: 5-0.

**ARTICLE 19:** To see if the Town will vote to appropriate a sum of money for the purpose of implementing a secure wireless electronic voting system configuration for use by registered voters at an annual or special town meeting including, but not limited to, handheld voting devices, software, hardware, provide training to all persons involved in

conducting the town meetings, and provide voter education, or take any other action in relation thereto. *Sponsor - Town Clerk*

The Selectmen agreed to postpone the vote on this item until next Tuesday

**ARTICLE 20:** To see if the Town will vote to amend the Town of Bourne Bylaws, Article 3.1 Section 3.1.17 entitled "Hawkers and Peddlers," by deleting it in its entirety and, substituting in its place, a new Article 3.1.17 Hawkets and Peddlers; Door-to-Door Sales as printed below, or act anything in relation thereto. *Sponsor - Bylaw Committee*

Judy Froman said the question moving forward was do we, Selectmen, need to be the point of approval. Tom Guerino said the Board of Selectmen can defer the decision to the Town Administrator.

James Potter said it is important to go through the Board for the enforcement. If someone violates, they get brought before the Board and we can institute a fine, the Town Administrator wouldn't be able to do that.

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 20.  
Vote: 5-0.

**ARTICLE 24:** To see if the Town will vote to amend the Town of Bourne By-laws, Article 1.1 Section 1.1.8 Time Limit, by adding the following.

"Each Saturday session of an annual or special town meeting shall begin no earlier than 10:00 a.m.", or take any other action in relation thereto. *Sponsor - Board of Selectmen*

Tom Guerino said the reason to keep the word Annual in there is if you want to continue the Annual from a Monday night to a Saturday, it will still be considered the Annual Town Meeting.

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 24.  
Vote: 5-0.

Peter Meier said the warrant only has 0 Squeteague Road listed, but the email had 9 different easement addresses listed.

**ARTICLE 29:** To see if the Town will vote to authorize the Board of Selectmen to grant to Clare H. Heffernan, and their successors in title, a perpetual easement to maintain, repair, and replace a 30 square foot easement to access an existing structure shown on the plan on file with the Town Clerk's Office, or take any other action relative thereto.

Mr. Donovan said under Article 3 Section 3-3 of the Town Charter states The Board of Selectmen shall serve as the chief goal setting and policy-making agency of the town. Mr. Donovan said he did not want his easement blanked into all the easements because the easement he is talking about is a housekeeping matter. It is a defective, illegal, easement

that was put on the property in 1963. It was never voted in by Town Meeting. If we go with this Article to Town Meeting floor I will remove my land from that article then I will debate it on Town Meeting floor. I just want to discuss this one particular easement. I have the right to come before this Board and be heard. In 1963 someone gave the town of Bourne an easement 4 months before they owned the property, it was never voted at Town Meeting. If it hasn't been voted at Town Meeting then it is illegal and has never been accepted by the town. I'm asking you as the Board of Selectmen to look at this individually as a housekeeping matter. I want my public officials to give me my due process that I am entitled to. If I had not come to tonight meeting, who was going to tell me that I was back on the warrant?

James Potter said Town Meeting has to authorize easements, not the Board of Selectmen. We can negotiate on behalf of the town, if they so choose at Town Meeting through a warrant article to approve a negotiation.

Mr. Donovan said I sent everyone a copy of this on January 7<sup>th</sup>. I cc'd every Board Member. It was a unanimous decision at Town Meeting in 2017. I started this process in 2016. When the Town Council asked the Town Administrator to pull it because he was concerned about something undenounced to me. The following year I filed a private petition with the Town Meeting in May 2017. I got a unanimous decision. The Finance Committee voted 11-0 to endorse it. The Board of Selectmen voted 4-0-1 to endorse it. For 2 years I have not been allowed to come and negotiate and to explain to you that you have a letter from legal council that shows it is a defective easement. This easement that was put on my property in 1963 was never gone to Town Meeting. This easement only appeared in 2012 when I sold the land to Hydroid, someone found in the appendix an article that represented some termination. Mr. Donovan said Bob Troy is afraid the Town will be sued so he wants to blanket it in with the other easements.

Jared MacDonald said this is something that has never been corrected. We should take time to look at this and have Mr. Donovan back in. We have to address this based on the timeframes.

Mr. Donovan said the easement goes through 2 of his properties and through the property now owned by Hydroid.

Tom Guerino suggested the Selectmen vote Article 29 as it relates strictly to the Heffernan's. The Board of Selectmen still needs to have a session relative to negotiating position of the Board as it relates to the Donovan property and the easement relative to Basset's Island; two separate easements.

Mr. Donovan said in his email he requested the Selectmen not to go into executive session regarding his easement. That State Law and Open Meeting Law required you to vote individually on each easement to discuss it.

Mr. Donovan said you have the information before you now. If you want, I am more than willing to come back to the Board and have a discussion after you read the information. I



am disappointed that the Board of Selectmen have not in 2 years been able to afford me the time to come and speak before you. Mr. Donovan requested a time certain to come back to the Board. Peter Meier said the first meeting after the conclusion of Town Meeting, May 14<sup>th</sup>. Mr. Donovan said he would like a conversation prior to town meeting. The Town Administrator will contact Mr. Donovan by next Tuesday.



**C.C. Ventures, Inc.**

PO Box 1197 - 5 Benjamin Nye Circle  
Pocasset, MA 02559  
Tel: (508) 563-2740 Fax: (508) 563-2744

April 16, 2019

**Addendum**

- VISION STATEMENT: BOARD OF SELECTMAN
- POLICY ROLE: TOWN OF BOURNE CHARTER REVIEW
- EMAILS: TO TOWN ADMINISTRATOR AND SELECTMAN
- LETTER TO DEBRA JUDGE JANUARY 23, 2019
- LETTER OF WILLIAM ROSA ESQ JUNE 23, 2017
- PAGE 44 WARRANT MAY 2017 TOWN MEETING
- LETTER OF TOWN ENGINEER JULY 27, 2016
- LETTER OF TOWN PLANNER MARCH 21, 2012
- LETTER OF STEPHEN MEALY SELECTMAN MARCH 7, 2017



Town of  
**BOURNE** *Massachusetts*

Published on Bourne MA (<https://www.townofbourne.com>)

[Home](#) > [Boards & Committees](#) > [Selectmen](#)

## Selectmen

### Sewer Commissioners

#### Vision:

Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

#### Mission:

Bourne will maximize opportunities for the social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

#### Goals:

- 1: To improve the user-ability, organizational structure, and timely posting of the town website by January 2019.
- 2: To develop a town-wide unified economic growth plan by February 2019 with a five-year strategic implementation plan.
- 3: To implement financial software package for town services by May 2019.
- 4: To prioritize town policies for need and review by August 1, 2018, mapping out the timeline to address 10 policies by May 31, 2019.
- 5: To establish a multi-year financial and strategic plan involving Priority Based Budgeting and quarterly reporting with implementation by April 2019.

#### Goals working document

#### Board Members:

Peter J. Meier  
Judith MacLeod-Froman  
James L. Potter  
George G. Slade  
Jared P. MacDonald  
All Selectmen

**Staff Contacts:**

Judith MacLeod-Froman

**Phone:**

(508) 759-0600 Ext.1503

**Hours of Operation:**

Monday - Friday: 8:30 am to 4:30 pm

*Excluding Holidays*

**Address**

24 Perry Avenue

Buzzards Bay, MA 02532-3441

United States

See map: [Google Maps](#)

**When:**

Tuesday evenings

**Where:**

Bourne Memorial Community Center

**Time:**

7:00 pm

**Quick Links**

[Talent Bank Form](#)

Source URL: <https://www.townofbourne.com/selectmen>

TOWN OF BOURNE  
2010 CHARTER REVIEW COMMITTEE  
REPORT TO TOWN MEETING

By four-fifths vote, the Board of Selectmen may waive the aforementioned requirements for the special Town Meeting, in case of emergency.

(c) Availability of the Voter Handbook - The Voter Handbook shall include the text of any annual or special Town Meeting warrant with the recommendations and counted votes of the Finance Committee, Board of Selectmen, and any other appointed or elected board or committee proposing an article. In the Voter Handbook for the Annual Town Meeting the Selectmen shall include the recommended operating budget with revenue projections, the departmental goals for the upcoming fiscal year, and five year financial, debt and capital projections. The Voter Handbook shall be available to the public at town hall and the public library not less than fifteen (15) days prior to the Annual Town Meeting.

to

(b) Time for Closing Town Meeting Warrants - The Board of Selectmen shall close the Warrant not less than seventy-five (75) days prior to the date for the annual Town Meeting, and not less than forty-five (45) days prior to the date for any special Town Meeting. By four-fifths (4/5) vote, the Board of Selectmen may waive the aforementioned requirements for the special Town Meeting, in case of emergency.

(c) Availability of the Voter Handbook - The Voter Handbook shall include the text of any annual or special Town Meeting warrant with the recommendations and counted votes of the Finance Committee, Board of Selectmen, and any other appointed or elected board or committee proposing an article. In the Voter Handbook for the Annual Town Meeting the Selectmen shall include the recommended operating budget with revenue projections, the departmental goals for the upcoming fiscal year, and five (5) year financial, debt and capital projections. The Voter Handbook shall be available to the public at town hall and the public library not less than fifteen (15) days prior to the Annual Town Meeting.

**Article 3 Section 3-3: Policy Role**

The Board of Selectmen shall serve as the chief goal setting and policy-making agency of the town, keeping in mind the goals, policies and action items of the Local Comprehensive Plan (LCP), and shall appoint a Town Administrator to carry out such policies. Policies and goals specific to each policy shall be filed with the Town Administrator no later than 45 days after the regular spring town election. Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments ~~shall act through the adoption of broad policy guidelines~~ through the Town Administrator.

Nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of its members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act ~~only~~ through the adoption of broad policy goals, policies and action items, which are to be implemented by the Town Administrator.

to

The Board of Selectmen shall serve as the chief goal setting and policy-making agency of

TOWN OF BOURNE  
2010 CHARTER REVIEW COMMITTEE  
REPORT TO TOWN MEETING

the town, keeping in mind the goals, policies, and action items of the Local Comprehensive Plan (LCP), and shall appoint a Town Administrator to carry out such policies. Policies and goals specific to each policy shall be filed with the Town Administrator no later than sixty five (65) days after the regular spring town election. Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments **only** through the Town Administrator.

Nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of its members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act through the adoption of broad policy goals, policies, and action items, which are to be implemented by the Town Administrator.

**Explanation** – The 2007 Annual Spring Town Meeting approved the proposed change as part of Article 26 as amended by a vote of 184 to 2. When the proposed text of the change was transcribed the following errors were introduced:

- 1.) Paragraph 1- 45 days should be 65 days
- 2.) Paragraph 1- ~~shall act through the adoption of broad policy guidelines~~ is extraneous text and should be deleted
- 3.) Paragraph 1- the word **only** was deleted and should be added
- 4.) Paragraph 2- the word **only** was inserted and should be deleted.

The Massachusetts General Court approved the language as shown in Section 3-3. The purpose of this change is to restore the action of Town Meeting and send to the correct language to the General Court for their affirmation.

**Article 4 Section 4-1: Appointment; Qualification; Term**

The Board of Selectmen shall appoint a Town Administrator Search Committee of not fewer than 5 and not more than 9 residents of the community to assist the Board of Selectmen in the recruitment and selection of the Town Administrator. If the Board of Selectmen does not select one of the candidates presented by the search committee within thirty 30 days, then the search committee shall resume its search and submit an additional list of candidates to the Board of Selectmen within 60 days after it resumes the search.

The Board of Selectmen, by an affirmative vote of 4 members, shall appoint the Town Administrator for an indefinite term and fix the Town Administrator's compensation within the amount annually appropriated for this purpose. ~~The office of the Town Administrator shall not be subject to the Personnel by-law.~~ The Town Administrator shall be appointed solely on the basis of executive and administrative qualifications.

The Town Administrator shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training and previous experience in municipal administration. The Town Administrator shall have a Bachelors Degree, preferably a Masters Degree, in Public Administration, Business Management or

1/30/2019

Fwd: Easement

**From:** Thomas Donovan <dccldon@aol.com>  
**To:** IClarke <lclarke@lobstertrap.com>; henrydonovan <henrydonovan@hotmail.com>  
**Subject:** Fwd: Easement  
**Date:** Wed, Jan 30, 2019 9:43 am

---

-----Original Message-----

**From:** Thomas Donovan <dccldon@aol.com>  
**To:** TGuerino <TGuerino@townofbourne.com>  
**Cc:** PMeier <PMeier@townofbourne.com>  
**Sent:** Wed, Jan 30, 2019 9:42 am  
**Subject:** Re: Easement

Tom

As I have stated in my letter I believe there is NO legal reason to go into Executive session on the easement removal authorized by the Bourne Town Meeting and that this will be a violation of the Open Meeting Law and my Civil Rights. It is the intent of the Open Meeting Law that on Town issues not in litigation that they be open and transparent to the public and to those effected by decisions of a Town's elected officials (BOS). I stand by my request that discussion of the defective easement on our land and that of Hydold LLC should be held in a public forum and not in Executive Session along with 3 other easement requests to the Town. Our issue stands alone and needs to be addressed on its own merits. Thomas Donovan, CC Ventures Inc

-----Original Message-----

**From:** Guerino, Thomas <TGuerino@townofbourne.com>  
**To:** 'Thomas Donovan' <dccldon@aol.com>  
**Cc:** Meier, Peter <PMeier@townofbourne.com>  
**Sent:** Tue, Jan 29, 2019 1:11 pm  
**Subject:** RE: Easement

Tom:

The Board will not be discussing the easements on February 5 as previously thought. Other pressing issues are taking precedent and the Board will be meeting in Executive Session solely on these matters. I will schedule you to come before the Selectmen after the Board has had the opportunity to review the easement issue in Executive Session. As you know, there are new members to the BOS that need to be briefed on all of the easement related properties.

TG

**From:** Thomas Donovan [mailto:dccldon@aol.com]  
**Sent:** Thursday, January 24, 2019 10:57 AM  
**To:** Judge, Debbie <DJudge@townofbourne.com>  
**Cc:** Guerino, Thomas <TGuerino@townofbourne.com>; Meier, Peter <PMeier@townofbourne.com>; Froman, Judith <jfroman@townofbourne.com>; James L. Potter <jlpotter@townofbourne.com>; Slade, George <gslade@townofbourne.com>; MacDonald, Jared <JMacDonald@townofbourne.com>  
**Subject:** Easement

Hi Debra

Please see the attached letter and information to be put on the agenda for the Board of Selectman's meeting on February 5, 2019

Thank you

Thomas Donovan

<https://mail.aol.com/webmail-std/en-us/PrintMessage>

**C.C. VENTURES, INC.**  
 P.O. Box 1197 - 5 Benjamin Nye Circle, Unit #5  
 Pocasset, MA 02559  
 Tel: 508-563-2740 / Fax: 508-563-2744

January 23, 2019

Debra Judge  
 Executive Assistant  
 Town of Bourne  
 24 Perry Ave.  
 Bourne Ma. 02532

Email: Djudge@townofbourne.com

Dear Debbie

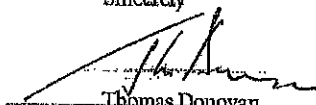
Please accept this email as my request to be put on the agenda for the Board of Selectman's meeting on February 5, 2019. I will be addressing the Board of Selectmen in regard to the removal of the easement on land owned by C.C. Ventures Inc. and Hydroid LLC.

As the board is aware the 2017 May Town meeting voted to remove this easement and for the Selectman to "negotiate in good faith" the removal of the easement. After two years, and at least 6 meetings and numerous phone calls to Mr. Guerino the town manager, I would like to address the board in a public meeting.

Mr. Guerino has indicated today the intent of the board to go into executive session to discuss different easement items on February 5 of which ours is one. My reading of the "Open Meeting Law Executive Session" section 6 is the board will need to vote on each specific easement to go into Executive Session and I believe I have the right as a tax payer to be heard prior to executive session.

In closing I believe the Selectman should allow a resident of the Town to be heard in public on a matter approved by Town Meeting and not in Executive Session. The other easement requests are completely different than ours and each one should be discussed individually. I have been more than patient and ask only for the due respect a public body should give to its residents.

Sincerely



Thomas Donovan  
 Treasurer/CC Ventures Inc.

Cc: Tom Guerino - Town Manager  
 Peter Meier - Chairman Board of Selectman  
 Members - Board of Selectman

P. Meier  
 @town of Bourne  
 J. Froman (com)  
 J.L. Potter  
 G. Slade  
 J. MacDonald

**WYNN & WYNN**  
ATTORNEYS

Patricia E. Couto  
Jeffrey D. Kesting  
Joni A. Landers  
Jeffrey L. Madison  
Kate A. Messinger\*  
Robert R. Mills  
John J. O'Day, Jr.  
Kevin J. O'Malley  
Raymond G. Pelote\*  
Corey T. Pontes  
Thomas B. Pontes  
Michael J. Princi  
Rebecca C. Richardson  
Janice B. Robbins  
William Ross\*  
Dina M. Swanson  
Djanna M. Williams  
Paul R. Wynn  
Thomas J. Wynn

*Of Counsel*

Gerald S. Garnick  
Hon. James R. McGillan, II (Ret.)  
Keough & Sweeney  
William K. O'Keefe  
Edward R. O'Brien, Jr.

*Admitted:*

\*Massachusetts and Rhode Island  
\*\*Massachusetts and New Hampshire

June 23, 2017

Robert S. Troy, Town Counsel  
Town of Bourne  
Troy Wall Associates  
90 Route 6A  
Sandwich, MA 02563

Dear Attorney Troy:

Please be advised that our office represents C.C. Ventures, Inc., relative to the abandonment of an easement located on Lots 6, 9 and 10 of Henry Drive and Henry Drive Extension in the Heritage Commercial Park in Bourne. It is my understanding that at the April Town Meeting, the Town voted to allow the Selectmen to negotiate the terms of the abandonment of this easement with my client. I am in receipt of your memo dated April 24, 2017, relative to the procedure you believe the Town is obligated to follow in cases in which they are releasing property rights in land previously granted to the Town.

As I am sure that you are aware, the history surrounding this parcel is a bit confusing. I believe that, because of the history, the Town's procedures may not apply in this particular situation. There appear to be defects in the initial grant of this easement, as well as in the Town's procedure relative to accepting the easement.

The first issue involves the fact that this property was deeded to the Town in March of 1963; however, Mr. Tuttle, who was the grantor in that deed, did not take title to the property until May of that year. The Doctrine of Estoppel by Deed may be applicable here; however, this was not a conveyance with monetary consideration or for value, and the Massachusetts courts are unclear as to the application of that Doctrine to quitclaim deeds not for value. The record title holder at that point due to tax lien foreclosure would have been aware that Mr. Tuttle was not the owner of record, and the Massachusetts courts have indicated that the Estoppel by Deed Doctrine is not applicable when the grantee is aware of the defect.

The second defect involves the Town's acceptance of the grant of easement. A search of the Town Meeting records does not indicate that the Town ever voted to accept this conveyance, a requirement in order for them to complete the receipt of any land intended to be conveyed to them.

For these two reasons, I believe that the initial conveyance is defective; and, therefore, good title to the property was never effectively conveyed to the Town. Accordingly, the Town was never able to take possession.



Robert S. Troy, Town Counsel  
Town of Bourne  
Troy Wall Associates  
June 23, 2017  
Page 2

Additionally, since the purported conveyance, the Town has never taken dominion or control over this property. It has never exercised any ownership rights, and the property remains in the exact same state in which it was originally conveyed - unused and unimproved. The indication from the Town Engineer is that the necessity of this easement no longer exists due to the development of land to which this easement is adjacent. Therefore, its original purpose, which was to potentially give access to Town land, is no longer in effect. Any Doctrine of Easement by Necessity or Prescription does not appear to be applicable.

The impact of these two defects makes the deed void; or, at least voidable.

For these reasons, I believe that it would be within the reasonable purview of the Town to convey whatever interest they may hold in this property to my client; and, that they may do so without the "new" appraisal rights, etc., which the Town has adopted. I would agree that in those instances where title is clear, there is a laudable purpose for the Town to receive as much value as they can for the conveyance of any Town lands.

However, in this instance, I do not believe that it would be unreasonable to have the Town waive that requirement in light of the fact that they, in effect, do not have good title, have no adverse possession claim over the property, and the conveyance which they will execute is merely one to clear the record, rather than an absolute conveyance of land appropriately owned by the Town. At a minimum the appraisal if required shall take into account the status of the title and its impact on value.

I thank you for your consideration in this matter. Should you have any questions, please feel free to contact me.

Very truly yours,  
WYNN & WYNN, P.C.

William Rosa

WR:djg

**ARTICLE 19:** To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to the Special Education Reserve Fund, or take any other action in relation thereto.

**Sponsor – Board of Selectmen**

**Finance Committee voted 11-0 to recommend approval of this article.**

**Board of Selectmen voted 4-0 to recommend approval of this article.**

**ARTICLE 20:** To see if the Town will vote to remove existing 40' wide access and utility easement on lots 9, 6 and 10 Henry Drive and Henry Drive extension recorded in Deed Book 1200 Page 76 shown on plan entitled "Amended to Definitive Plan, Heritage Commercial Park II drawn by Holmes and McGrath, Inc. and dated November 11, 2011", as shown on a plan on file in the Town Clerk's Office, or take any action in relation thereto.

**Sponsor – Thomas Donovan and others**

**Finance Committee voted 11-0 to recommend approval of this article.**

**Board of Selectmen voted 4-0 to recommend approval of this article.**

**See Appendix "C" Page 86**

**ARTICLE 21:** To see if the Town will vote to amend the Town of Bourne Bylaws CHAPTER 3, GENERAL REGULATIONS Article 3.1 Public Safety and Good Order Section 3.1.29 Licensing and Control of Dogs by removing g. Kennel License in its entirety and replacing it with a new Kennel License. To read as follows:

**g. Kennel License**

1. The owner or keeper of a dog kennel within the Town of Bourne must be renewed annually by January 1<sup>st</sup> of each year.

**2. Annual Fee**

Each license for a kennel shall be \$50.00 if four (4) dogs or less are kept in said kennel; \$75.00 if more than four (4) but not more than nine (9) dogs are kept in said kennel; \$150.00 if ten (10) or more are kept in said kennel.

**3. Substitute Kennel License Tag**



TOWN OF BOURNE  
ENGINEERING DEPARTMENT

24 PERRY AVENUE  
BUZZARDS BAY, MASSACHUSETTS 02532

( 508 ) 759 - 0600 extension #1518

July 27, 2016

To: Thomas Guerino, Town Administrator

From: Michael Litzel, Engineering

Re: Request from C.C. Ventures to abandon Town Easement between Town Forest and MacArthur Boulevard.

---

**BACKGROUND:** The easement was granted to the Town of Bourne by Winslow H. Tuttle in 1963. It was granted on an agreement between the Board of Selectmen and Mr. Tuttle involving a Tax Lien Case on the property on which this easement lies upon (see attached documents). I could find no records of this Easement being accepted under any article at a Town Meeting.

In 1963, this area was completely undeveloped and the easement was created for a future access/utilities point for the Town Forest from MacArthur Boulevard. Today, between the Town Forest and MacArthur Boulevard lies a developed residential subdivision and a developed commercial subdivision. The 2,000' long easement along the northerly line within these two subdivisions has never been used by the Town for the purpose of servicing the Town Forest. The intent of the easement has become outdated and is no longer needed.

I, WINSLOW H. TUTTLE, of that part of Bourne, Barnstable County, Massachusetts known as Pocasset, being unmarried, for consideration paid grant to the TOWN OF BOURNE, with QUITCLAIM COVENANTS, an easement for the purpose of travel by all modes and methods and without limitation as to amount and for the installation of utility lines of any kind and description under, on and over a strip of land forty (40) feet in width extending from MacArthur Boulevard to the northeasterly corner of the land of the Town of Bourne which is known as the Bourne Town Forest, over the land taken by the Town under an instrument of taking dated May 29, 1958 recorded with Barnstable County Registry of Deeds, Book 1006 at Page 27 and which tax title has been redeemed by the within grantor.

Witness my hand and seal this 16<sup>th</sup> day of March, 1963.

Winslow H. Tuttle

COMMONWEALTH OF MASSACHUSETTS  
BARNSTABLE, SS:

MARCH 16, 1963

Then personally appeared the above named Winslow H. Tuttle and acknowledged the foregoing instrument to be his free act and deed, before me.

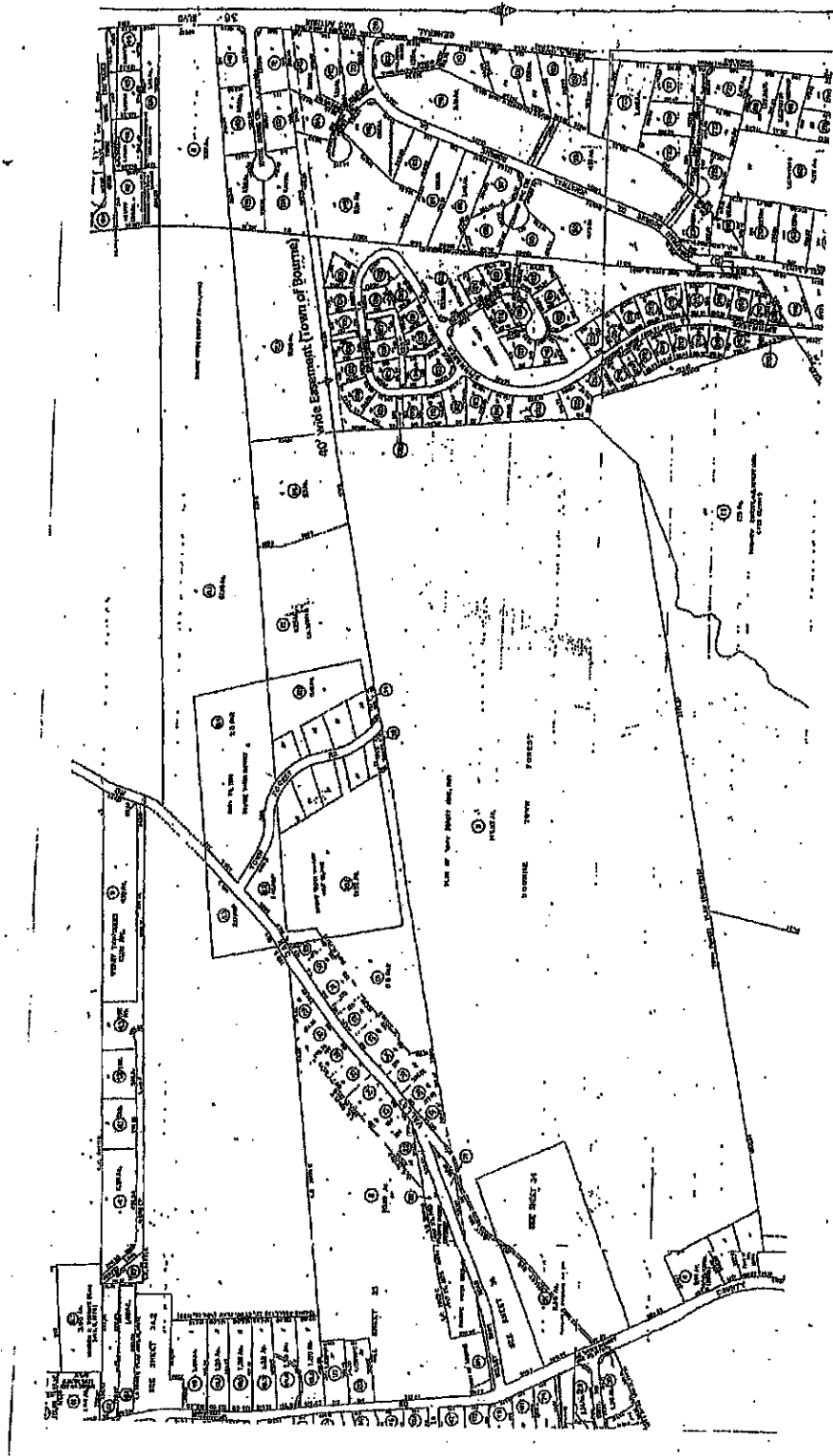
John B. Jenkins  
Notary Public

My Commission Expires Oct. 19, 1968

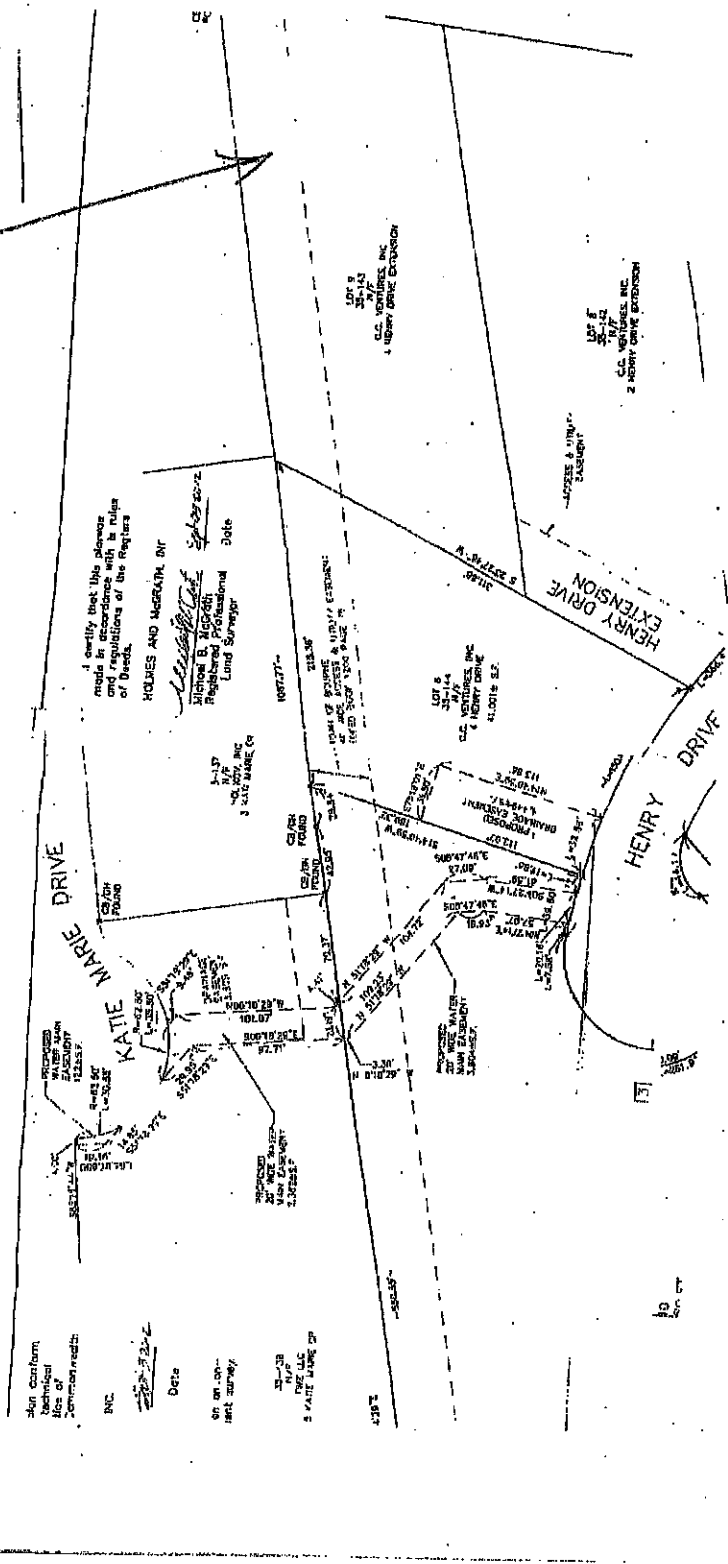
My commission expires:



Barnstable, ss., Received May 6, 1963, at 3 h. 55 m, P.M.,  
and is entered with Barnstable County Deeds in Book 1200, Pa. 7C



Town  
EASEMENT





**TOWN OF BOURNE**  
*Office of the Town Planner*

TOWN HALL  
24 PERRY AVE.  
BUZZARDS BAY, MA 02532  
PHONE: 508-759-0615 x4 • FAX: 508-759-8026  
Email: cmoore@townofbourne.com

March 21, 2012

Robert H. Ament Esq.  
Ament & Ament  
39 Town Hall Square  
Falmouth, MA 02540

RE: Town of Bourne Access and Utility Easement off MacArthur Boulevard- Lots 3, 4 & 5  
Henry Drive

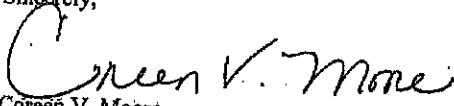
Dear Bob:

I am writing to you regarding the 1963 easement to the Town of Bourne from a certain Winslow H. Tuttle that runs along the northern property line of the proposed Hydroid parcel. To confirm what you stated in your letter, we also cannot find the easement on any plans of record. In addition we cannot find any town meeting action conveying or accepting the easement.

I have confirmed with Michael Leitzel of the Engineering department and he has not been able to find any town action on this easement. We have also contacted the Bourne Water District to make sure the District does not have an interest in the easement. The Town of Bourne does not intend to develop this easement. If the easement needs to be extinguished it would require a vote of Town Meeting. It appears that the purpose of the easement would be to create an access the Town Forest. The Town of Bourne has adequate access (including for utilities) along the existing roadways and that there is no present plan to develop this easement.

Please feel free to call me with any questions at 508-759-0615

Sincerely,

  
Coreen V. Moore  
Town Planner

Cc: Michael Leitzel, Engineering Department

EXHIBIT A

1200

76

Barnstable, ss., Received May 6, 1963, and is recorded.

I, WINGLOW H. TUTTLE, of that part of Bourne, Barnstable County, Massachusetts known as Pookasset, being unmarried, for consideration paid grant to the TOWN OF BOURNE, with QUITCLAIM COVENANTS, an easement for the purposes of travel by all modes and methods and without limitation as to amount and for the installation of utility lines of any kind and description under, on and over a strip of land forty (40) feet in width extending from MacArthur Boulevard to the northeasterly corner of the land of the Town of Bourne which is known as the Bourne Town Forest, over the land taken by the Town under an instrument of taking dated May 29, 1958 recorded with Barnstable County Registry of Deeds, Book 1006 at Page 27 and which tax title has been redeemed by the within grantor.

Witness my hand and seal this 16<sup>th</sup> day of March, 1963.

*Winglow H. Tuttle*

BARNSTABLE, ss: COMMONWEALTH OF MASSACHUSETTS MARCH 16, 1963

Then personally appeared the above named Winglow H. Tuttle and acknowledged the foregoing instrument to be his free act and deed, before me.

*John B. Jenkins*  
Notary Public

My commission expires: Barnstable, ss., Received May 6, 1963, and is recorded.

This recording instrument is presented in a file office for filing pursuant to the Uniform Commercial Code.

DEBTORE(S) (Last Name, First and Surname) <b>BOUGHTON, EDWARD S.</b> 370 Lincoln Street Abington, Massachusetts	CREDITOR(S) (Name, Title, Address and Filing Office) <b>WEBB, ALBERT E.</b> <b>LANZA, ANGELO, and</b> <b>HAYES, JR., HAROLD L.,</b> Tenants in Common, all of South Yarmouth, Mass.	Filing Office (Date, Time, Day, Month and Filing Office) 5/6/63 4:07PM #522 Registry of Deeds Barnstable, Mass. (1200-76)
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This recording instrument covers the following types (or names) of property:  
 All furniture, furnishings, fixtures, goods, equipment, and all other personal property of every name, nature and description now situated on the premises and/or in or upon any building or buildings owned by the debtors and located on the premises in Yarmouth (West), Barnstable County, Massachusetts, more particularly described in Certificate of Lien No. 1200-76, recorded in the Barnstable County Registry of Deeds, together with all such furniture, furnishings, fixtures, goods, equipment and other personal property as may be placed on the premises and/or in or upon any building or buildings of the debtors located on the premises described in said Certificate, whether in addition hereto or in substitution therefor, and used in any way in connection with the business conducted on said premises. Subject to a check of records of the Barnstable County Registry of Deeds, the Cooperative Bank, and the Barnstable County Registry of Deeds.

Filed with: Registry of Deeds

By: *Edward S. Boughton*      *Albert E. Webb*  
 Edward S. Boughton      Albert E. Webb  
 Debtor      Creditor

Filing Office Copy - Alphabetical

STANDARD FORM - UNIFORM COMMERCIAL CODE - FORM 1003A      Form may be purchased from Little & Warren, Inc., 145 State Street, Boston, Mass.

Barnstable, ss., Received May 6, 1963, and is recorded.



EXHIBIT B

**holmes and mcgrath, inc.**  
civil engineers and land surveyors  
362 gifford street  
falmouth, ma 02540  
508-548-3684 • 800-874-7373 • FAX 508-548-8872  
email: mcgrath@holmesandmcgrath.com

December 1, 2011

Robert H. Ament Esq.  
Ament & Ament  
39 Town Hall Square  
Falmouth, MA 02540

RE: Town of Bourne Access and Utility Easement off MacArthur Boulevard, Pocasset

Dear Bob,

Title research for the property that Hydroid is considering developing off of Henry Drive ("Hydroid parcel") in Pocasset, MA has uncovered an access and utility easement granted by a previous owner to the Town of Bourne ("Town easement"). The Town of Bourne took a parcel of land, a portion of which the Hydroid parcel now lies within, by a tax taking in 1958 (Deed Book 1006 Page 27). Winslow H. Tuttle purchased the land from the Town in May 1963 (Deed Book 1202 Page 498). Mr. Tuttle granted a 40 foot wide easement to the Town in March 1963 for access and utility connections between MacArthur Boulevard and the northeasterly corner of the Bourne Town Forest across the same referenced piece of property (Deed Book 1200 Page 76). A sketch of the property is attached.

The land changed hands a number of times in subsequent years and several divisions and redivisions of the land were proposed. The larger parcel was portioned off into smaller lots in coordination with many factors including the location of ancient ways, topography, and zoning boundaries. Roadways were constructed across the parcel to provide access around and throughout the individual subdivisions as well as routing available utilities.

The record plans for the subdivisions of Henry Drive and Spinnaker Lane do not show the Town easement. However, a 20-foot wide water line easement straddling the southerly property line of the Hydroid parcel is on the currently recorded subdivision plan to provide a potential water main loop connection between Jonathan Bourne Drive and Spinnaker Drive.

The Town easement is not specific as to the exact alignment of the easement, other than the starting and ending points. Open space for the Spinnaker Drive subdivision currently abuts the northeast corner of the Town Forest with access aisles connecting to the interior subdivision roadways. The attached sketch is an overlay of the 2009 aerial orthophotograph and the Bourne Assessors parcels. It shows physical access trails farther south than the northeast corner of the Town Forest property.

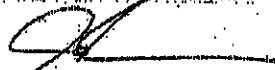
Our field survey of the Hydroid parcel did not uncover physical evidence of an access or utility easement between MacArthur Boulevard and the northwest corner of the Hydroid parcel along the northerly Hydroid parcel property line, the assumed route of the Town easement. The

Hydroid site has been disturbed by an unfinished development to the property. This route along the northerly property line would not be well suited for an access road or utilities due to the rolling topography and existing retaining walls constructed for developments on the adjacent property. It is possible that the Town of Bourne could extinguish the 1963 easement given that there is real and practical access along the existing roadways that serves the intent of the Town easement.

Please let us know if you have any comments or questions regarding this matter.

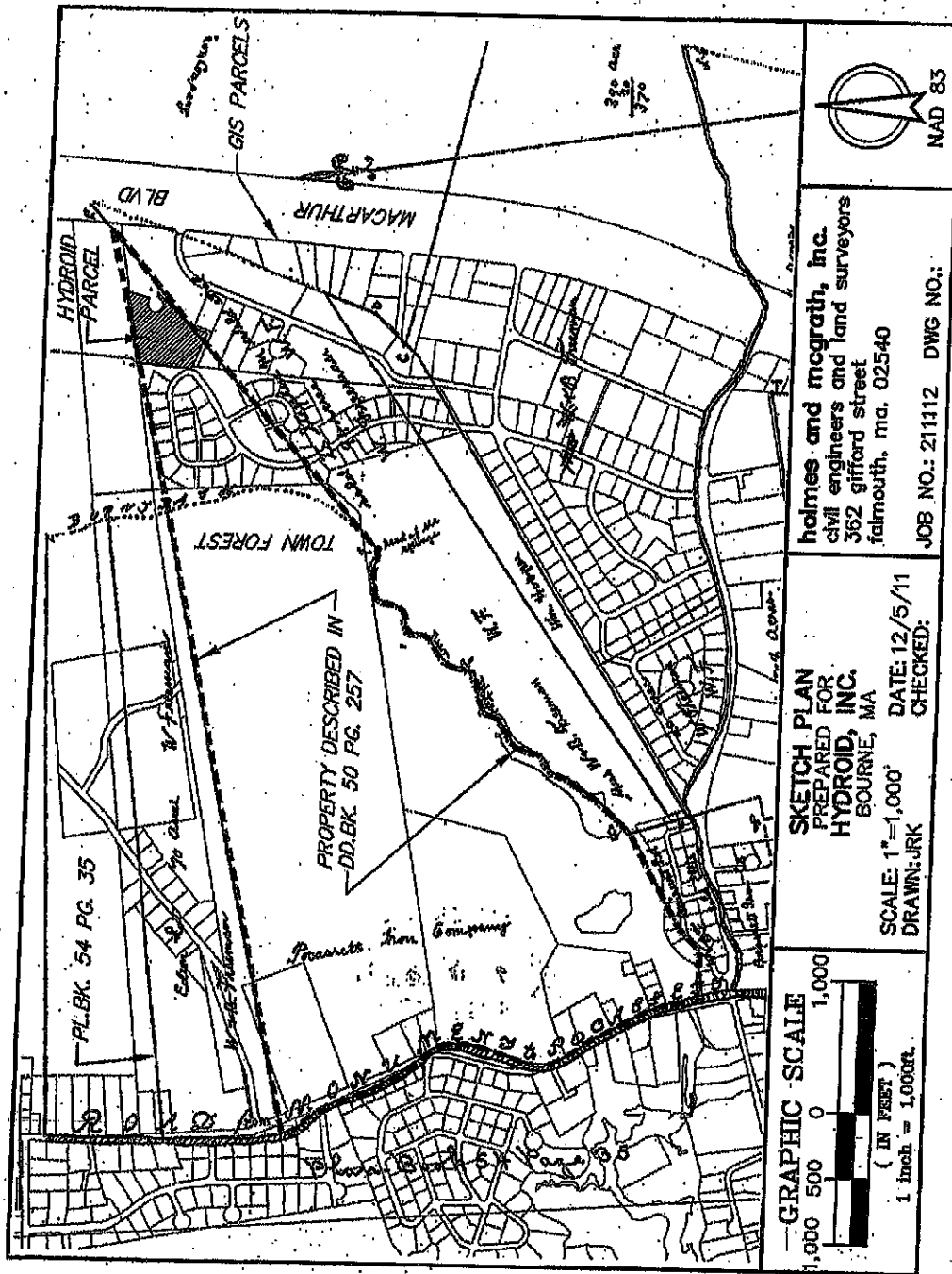
Sincerely,

Holmes and McGrath, Inc.



Joel Kubick, PE, PLS





5: To establish a multi-year financial and strategic plan involving Priority Based Budgeting and quarterly reporting with implementation by April 2019.

### Staff Contacts

### Board Members

Name	Title
Peter J. Meier	Chair (2019)
Judith MacLeod-Froman	Vice Chair (2020)
James L. Potter	Clerk (2021)
George G. Slade	Selectman (2019)
Jared P. MacDonald	Selectman (2021)
All Selectmen	

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#### About Meetings

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Cape Light Compact - 2.24.15

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#### Rules of Procedure

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Town of Bourne Traffic Rules and Orders

### Contact Info

**Hours of Operation:**

Monday - Friday: 8:30 am to 4:30 pm

*Excluding Holidays*

**Phone:**

(508) 759-0600 Ext.1503

**Address:**

24 Perry Avenue

Buzzards Bay, MA 02532-3441

United States

See map: [Google Maps](#)

**Meetings - When:** Tuesday evenings

Board of Selectmen Meeting March 7, 2017

Stephen F. Mealy, Member

Summary, Agenda Item 7, Extinguishing a Town Easement on 1 Henry Drive, Pocasset

**Private Petition Request**

The request from Mr. Thomas Donovan is to place by private petition on the 2017 Annual Town Meeting a warrant Article to remove a town-owned easement located along the northern property line of the proposed (reference Town Planner letter of March 21, 2012) Hydroid parcel.

**Background**

Title research for the property uncovered an access and utility easement granted by a previous owner (Mr. Tuttle) to the Town of Bourne. The Town took the parcel of land, a portion of which the Hydroid parcel now lies within, by a tax taking in 1958 (Deed Book 1006, page 27). Winslow H. Tuttle purchased the land from the Town in May, 1963 (Deed Book 1202, page 490). Mr. Tuttle granted the Town a 40-foot wide easement in March 1963 for access and utility connections between MacArthur Blvd and the northwestern corner of the Bourne Town Forrest across the property (Deed Book 12999, page 76).

The land has changed hands several times with several divisions and subdivisions being proposed and taking place. The larger parcel was portioned off into smaller lots recognizing many factors including ancient ways, unusual topography, and boundaries created by Zoning.

Roadways were constructed across the parcel to provide access around and throughout the individual subdivisions as well as providing available routes for utilities.

**Missing Easement**

The recorded plans for the subdivisions of Henry Drive and Spinnaker Lane do not show the Town Easement, but a 20-foot wide water line easement crossing the southern property line of the Hydroid parcel in recorded on the subdivision plans to provide potential water main loop connection between Jonathan Bourne Drive and Spinnaker Drive.

This recorded easement from Tuttle to the Town does not specify the exact location or alignment of the easement, only where the easement starts and stops, MacArthur Blvd and the Town Forrest.

**December 2011 Field Survey**

A field survey conducted by Holmes and McGrath Civil Engineers and Land Surveyors reported in December 2011 do not find any physical evidence of an access or utility easement between MacArthur Blvd and the NW corner of the Hydroid parcel or along the northerly property line of the Hydroid parcel, the assumed route of the Town Easement.

In their report of December 2011, Holmes and McGrath noted that the route along the northerly property would not be well suited for either a travel access roadway or a utility access way due to the rolling and uneven topography and existing retaining walls constructed for developments in the adjacent property.

Holmes and McGrath reported that the 1963 Tuttle Easement could be extinguished or given up identifying that there is no real access along the existing roadways as they exist that serves the original intent of the Town easement.

**Town Planner and Engineering Office Research, 2012**

The Town Planner confirmed on March 21, 2012 that through her investigation and that of Michael Leltzél, then Town Engineer, could not locate any town meeting action conveying or accepting the easement as recorded.

The easement was recorded on March 16 1963 in Deed Book 1200, page 76 by Winslow Tuttle an easement to the Town of Bourne for the purpose of a utility easement and travel from the town forest to MacArthur Blvd.

The Town Planner in her letter of March 21 2012 noted the following:

- No easement was located on any plans of record
- No action by Town Meeting action conveying or accepting the easement was found
- The Town Engineering Department could not locate any action on the easement
- The Bourne Water District was contacted and expressed no interest in the easement
- The Town of Bourne has adequate access for travel and utilities along existing roadways
- There is no present plan to develop this easement

**Recommendation**

Based upon the documentation provided by the Holmes and McGrath Civil Engineering and Land Surveyors, The Bourne Town Planner, the Bourne Town Engineering Department, I support the Article appear in the Warrant of the 2017 Annual Town Meeting for consideration by the voters to extinguish the easement as recorded in May, 1963 (Deed Book 1202, page 490) by Mr. Winslow H. Tuttle.

Peter Meier said the Board voted unanimously to support Article 29. Mr. Meier requested Article 29 be brought back up for discussion. How can we giving him an easement when the public can't use it. Tom Guerino said there is a beach way that goes to the side of that property to the beach. The intent was that Mr. Heffernan was going to clear that and make sure there was accesses allowed.

Bill Grant, Cataumet, said it would be a mistake to grant this easement. There is a walkway from Ocean Avenue to the public beach, which is overgrown. The public should know it is a public way and it should be repaired. Mr. Grant explained what happened. Don't understand why the Town allowed them to convert that property as an extension of their residence, it is public property. Now we are going to grant an easement for them to have stairs from their property to the beach while access for the rest of the public from Ocean Avenue isn't usable. Don't think this Board should sponsor this article. Urge the Board not to be a sponsor to this article. The walkway should be repaired and it should be posted pubic beach/public access.

Peter Meier suggested to withdraw the article or we can make a motion to IP it at Town Meeting.

**Voted** Judy Froman moved and seconded by Jared MacDonald to withdraw Article 29. Vote: 5-0.

Tom Guerino asked the Board to add \$22,000 to the Budget for the playground monitoring staff, so the amount would be \$68,513,405.

**Voted** Judy Froman moved and seconded by Jared MacDonald to support Article 3 of the Annual Town Meeting, in the amount of \$68,513,405. Vote: 5-0.

**Voted** Judy Froman moved and seconded by Jared MacDonald to sign the Annual and Special Town Meeting Warrant. Vote: 5-0.

## **12) Correspondence**

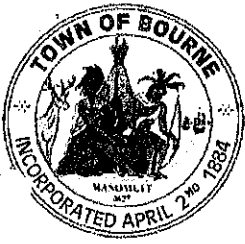
James Potter brought the Board and the public up to date on the correspondence.

## **13) Adjourn**

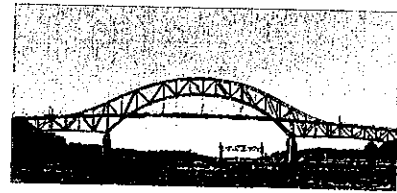
**Voted** Judy Froman moved and seconded by George Slade to adjourn. Meeting adjourned at 10:04 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.





# Board of Selectmen Meeting Notice AGENDA



Date  
April 23, 2019

Time  
7:00 P.M.

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

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

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

Moment of Silence for our Troops and our public safety personnel

Vision:

Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

Mission:

Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

### 7:00 P.M Call Public Session to Order in Open Session

1. Salute to the Flag
2. Public Comment on Non-Agenda Items
3. Approval of minutes: No minutes to approve
4. Release of Claim by the Town of Bourne – 30 Center Avenue, Buzzards Bay
5. Town Administrator Report
  - a. Final budget numbers/sources and uses review. Board to vote final budget
  - b. Town Meeting 101 – (we will go through the agenda and expectations)
  - c. Audit – the draft management letter is in. The Finance Director and I are reviewing and will provide the BOS a report on or before May 14th.
  - d. Meeting with Council on Aging Board
  - e. Parking Group update (Ms. Froman, Mr. Meier, Mr. Guerino)
  - f. Presentation on Regional Economic Seaport Council Grant Application – Dr. Michael Flynn will be present to discuss a proposal for a grant submission received by this office on Friday [April 19, 2019] for the Board to consider. The application is due on April 30<sup>th</sup>.
6. ISWM Enterprise Fund Financial Policies and Guidelines – Second Reading
7. National Marine Life Center – Presentation of activities

RECEIVED  
APR 19 PM 4:16  
TOWN CLERK BOURNE

**Board of Selectmen  
Minutes of Tuesday, April 23, 2019  
Bourne Veterans' Memorial Community Center  
Buzzards Bay, MA**

---

**TA** Tom Guerino – Left at 8:20  
**ATA** Glenn Cannon

**Selectmen**

Peter Meier, Chairman  
Judy Froman, Vice Chair  
James Potter, Clerk  
George Slade  
Jared MacDonald

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 and Beth Treffeisen Cape Cod Times.

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

**Documents**

**7:00 p.m. Call Public Session to order in Open Session**

**Meeting Called to Order**

Chm. Meier called the meeting to order at 7:00 pm.

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

**Vision:** Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

**Mission:** Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsibility and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

**Public Comment – Non-Agenda Items**

None requested.

APR 23 2019 7:00 PM  
Bourne Veterans' Memorial Community Center  
Buzzards Bay, MA

**3) Approval of Minutes:**

No minutes to approve

**4) Release of Claim by the Town of Bourne – 30 Center Ave, Buzzards Bay**

Peter Meier said we ordered a piece of property torn down because it was unsafe.

Tom Guerino said the amount is \$21,024.85, we put a lean on the property for that amount of money. The bank has paid that amount and it is now appropriate from Council to release that lean.

**Voted** Jared MacDonald moved and seconded by Judy Froman to sign the release of claim for this address. Vote 5-0.

**5) Town Administrator Report**

- a. Final budget numbers/sources and uses review. Board to vote final budget
- b. Town Meeting 101 – (we will go through the agenda and expectations)
- c. Audit – the draft management letter is in. The finance director and I are reviewing and I will provide the BOS a report on or before May 14<sup>th</sup>
- d. Meeting with Council on Aging Board
- e. Parking Group update (Ms. Froman, Mr. Meier, Mr. Guerino)
- f. Presentation on Regional Economic Seaport Council Grant Application – Dr. Michael Flynn will present to discuss a proposal for a grant submission received by this office on Friday [April 19, 2019] for the Board to consider. The application is due on April 30<sup>th</sup>.

**5.a.** Tom Guerino said we added \$22,000 to the budget to help staff the playground area at Buzzards Bay Park. We have been able to offset that amount out of the General Utilities Account, that is a shared account between all, by an additional \$22,000 so we can net out the budget where there is additional free cash being used or any other dollars being used. Because we were able to offset within the budget, I respectfully request the Board to revoke the total number in the budget back to \$68,491,405, which was the original amount prior to the \$22,000 being added in subsequent offset being made by the Finance Director.

**Voted** Judy Froman moved and seconded by Jared MacDonald for the total amount in the budget to go back to \$68,491,405. Vote 5-0.

**5.b. Town Meeting 101**

Tom Guerino said Town Meeting 101 will be held at the Bourne Community Building on May 2<sup>nd</sup> at 7:00 p.m. That meeting will be a trial run of what Town Meeting is about. Hopefully the Assistant Town Moderator will be present that evening. We will go through the articles with a brief explanation. This is not a venue to debate, or provide opinion. This is an opportunity to learn about what is on the Town Meeting and what will be debated on the 6<sup>th</sup> of May. It would be beneficial for folks who can't make it on the 2<sup>nd</sup> to take the opportunity to see it replayed on cable access. We will be doing some televised programed

on various aspects of the budget. We will do a quick run through of the Warrant Articles. We will be recording those on the 29<sup>th</sup> and they should be played for about a week after.

#### **5.c. Audit - draft management letter**

Tom Guerino said we just received the draft management letter. The Finance Director and myself will be responding to the draft, so the formal management letter can be forwarded. Hopefully the audit will come shortly after. We did two audits; one was a cash audit upon the retirement of the former Treasure. It will be 2-3 weeks by the time formal documents will be presented to the Selectmen.

#### **5.d Meeting with Council on Aging Board**

Tom Guerino said there have been changes to the Council on Aging board. Attended their last week's meeting.

#### **5.e Parking Group update**

Judy Froman spoke about the working group regarding parking. It was created under the leadership of the Town Administrator. On that group is the Town Administrator, Planning Board Chair, Planning Department, Engineering, and two Select Board Members. We are in the process of looking at short-term, medium-term, and longer-term parking topic issues/concerns. We are looking at what we already have, optimizing what we currently have, and considering different ideas. We are looking at collaboration with non-profits – Mass Maritime Academy, National Marine Life Center, and Mass. DOT. We want to be able to put forward educated plans. The short term will be wrapped up prior to Town Meeting.

George Slade questioned if there are minutes and if other Select Board members could attend. James Potter agreed he would like to attend, suggested we could make it a workshop. Mr. Guerino said other Select Board members could attend, he would just have to know 48 hours in advance so he could post it appropriately.

#### **5.f. Presentation on Regional Economic Seaport Council Grant Application**

Michael Flynn gave a brief background on himself, and an overview of how they got to where they are today. Mr. Flynn spoke about the Economic Development Programs, Project Type, Project Overview, Introduction. The town of Bourne is comprised of 10 villages with a population of 19,754 and a land mass of 52.9 square miles. The town serves as the gateway to Cape Cod via the Sagamore, Bourne, and Canal Railroad Bridges. All but a quarter-mile of Cape Cod Canal transverses the Town of Bourne. Abutting Bourne to the east is Cape Cod Bay and to the west is the Atlantic Ocean. Within downtown Bourne (Buzzard's Bay) lies the Massachusetts Maritime Academy. Also, in Buzzards Bay is an under-utilized rail line stop and several parcels of commercial property prime for mixed-use redevelopment. Within 5 miles of Bourne's downtown is an authorized, but undeveloped technology campus.

Project Overview: This Project seeks to implement a marine-centric economic engine within the town of Bourne with a public-private Massachusetts Marine Business Accelerator to assist small and medium-sized entities from concept and prototype through the 'valley of death' to the marketplace. The Co-Applicant to this Grant application

concluded that an Accelerator would be better suited to act as a conduit for local economic development given the science & technology nature of the region. Distinguished from that of an Incubator, an Accelerator promotes commercialization and encourages economic sustainability of its designated industry. Accelerators are highly selective in the candidates it chooses to enhance their Proof of Concepts or Prototypes, facilitate solicitation of private investment funds and ultimately move promising candidates to the commercial marketplace. An Accelerator does not seek to compete with or replace Incubators but to supplement them by considering the best of those entities who may have participated in an Incubator or are referred by Academia, R&D institutions or other existing private technology companies.

Crucial to the effectiveness of any Accelerator is its human capital (subject-matter experts/professionals) couple with all participating regional institutions that in unison should inspire cooperation and collaboration. Even more important is the location and nature of the facility in which the Accelerator is situated. It cannot be sufficiently expressed that physical proximity along with a conducive layout and state-of-art of equipment and communication is crucial to allow all participating stakeholders to create a dynamic 'think tank' environment.

Community Compact: Is your community engaged, or in the process of engaging in a Community Compact with the Commonwealth. Wanted to implement in Bourne a one of a kind rain maritime based accelerator. It will take technology commercialization to the marketplace. We titled it "Mass Marine Business Accelerator Operation Bourne in America" The objective is to Focus on Economic and Business Development. The accelerator is designed to create an economic engine that will drive growth and revenue opportunities. A market accelerator will draw people to the area, nationally and internationally and keep them here. Bourne is well suited because there are few incubators but there are no marine accelerators in the Commonwealth. An accelerator will not replace an incubator it just supplements it. An accelerator is a highly selected organization. Private investors will supply them the cash they need to get to the next stage. Regarding location, on this side of the canal we have Buzzards Bay, Mass Maritime, closed grade school, plant technology campus, an under-utilized rail line, downtown plan for revitalization for mixed-use. We have no business in this town. If we bring in these companies; we want to keep them here. Upper Cape Tech can supply us with the skilled workforce.

We drafted 2 Grants. One grant is the Local Maritime Economic Development Planning Grant. The second one is the State Maritime Economic Sector Strategy Grant. Mr. Flynn explained how the grant works. There is a big difference between a strategic plan and a local comprehensive plan. The local comprehensive plan is needed because that is where we get all the data, weaknesses, strengths, wants and needs. The Board should start thinking about a strategic plan and think of where we want to be 5 to 10 years from now. Tourism is our only form of economic development, but tourism is only four months of the year. An accelerator works all year round. There is nothing that precludes rebranding Bourne a town where you can work and play all year round. Recommended to contemplate implementing the Marine Maritime Accelerator as the catalyst to the town and the region's economic plan. It should draw private investment capital subject matters. If it has a well-

articulated economic development strategy strongly supported by state government, it will be successful. Also recommend to give thought to filing a Maritime Economic Sector Grant. That grant will then permit the state to provide the necessary funds to retain the various economic experts. See this as a two-phase process.

Tom Guerino said our goal is to become the fiscal agent for the grant. We need to go through some sections together, section 4, 5 and section 6.2. We need to go through them this week if the Board is willing to move forward with this. Tom Guerino questioned would we still need to come up with the 20% match of what the request was. Michael Flynn said he doesn't believe there is a 20% match on this.

Peter Meier said we should look into this for our future. Mr. Meier said there is a lot of re-development on Main Street. We are starting to bring business onto Main Street.

James Potter said with the deadline a week away it doesn't give us a lot of time to go over this. Mr. Potter spoke about the 10,000 sq. ft limit on buildings. There needs to be discussion on zoning, and actual location.

**Voted** George Slade moved and seconded by Judy Froman to support and move forward with this application, as long as there is no burned on the staff.

Jim Mulvey questioned is there an existing Committee/Board under who's purview this would fall or that can be brought on to work on this. Peter Meier said the Financial Development Corporation, Planning Board. Mr. Guerino said there is an internal working group, when these types of proposals come forward, that we can draw upon the expertise of the municipalities to add support to the elected Boards and the appointed Boards. Tom Guerino said this is an excellent opportunity to start scoping this avenue of development forward. Mr. Guerino said this 2<sup>nd</sup> grant came to us last week. Mr. Flynn said he wrote it a couple weeks ago, but wasn't sure what the process was.

James Potter questioned is this is a floating grant that will come back next year and the year after. Mr. Flynn said it depends on the needs. There is nothing that precludes us for just filing once. We can file multiple grants. The next application date will be October 31<sup>st</sup>. James Potter questioned would it make better sense to have someone on staff that's working towards this goal as opposed to filling out the application now, hiring someone later after we are in mid process. Will we miss anything if we wait.

Judy Froman said she asked Rep Vieira, who is encouraging us to move forward, his response was it doesn't hurt to get it out there that we are interested in putting ourselves on the map. If we don't get approved it gives us 6 months to hone in on what we want and get the leg work done.

Jim Mulvey spoke about the Green Campus, and the Hoxie School and Property. Peter Meier said there are limitations with Hoxie because it is in a residential area, it is zoned as educational use. The Planning Board would have to get involved.

Atty Jean Curry, Gray Gables, said his on the Board of Directors on the Cape Cod Chamber of Commerce, Board of Directors of Cape Cod Blue Economy Foundation, has some background on commercialization on Marine Technology. Briefly spoke about what he has done and briefly went over other accelerator projects that are going on.

**Vote: 5-0**

Tom Guerino said we will work with Dr. Flynn on the final edits on the application and send that off by weeks end.

**Voted** Jared MacDonald moved and seconded by Judy Froman to move agenda item 8 to the next item on the agenda. Vote 5-0.

**8) License/Appointments**

**a. 7:30 p.m. - Liquor Hearing - Sagamore Inn**

**Change from Seasonal Common Victualer All Alcoholic to Year-Round Common Victualer All Alcoholic; addition of 40' x 24' attached deck; Increased current tent size from 30' x 75' to 46' x 86'**

Peter Meier read the Public Hearing notice:

Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 12 that application has been received from KKP Inc. d/b/a The Sagamore Inn, Susan L Bilodeau, MGR., 1131 6A, Sagamore, Massachusetts to change the class of license from a Seasonal Common Victualer License for the sale of all kinds of alcoholic beverage to a Year Round Common Victualer License for the sale of all kinds of alcoholic beverages to be drunk on the premises. The license application also includes construction of a 40' x 24' attached deck to the left of the building and to increase the current tent size from 30'x75' to a 46'x86'. Description of the premises: 1<sup>st</sup> floor; 3 dining rooms & bar, office storage room, three restrooms, front, rear, and side outside decks, kitchen and kitchen preparation room, 2 walk-in coolers, 6 entrances and exits, 46'x 86' tented outside dining for functions, 2<sup>nd</sup> floor: 5 rooms; 3<sup>rd</sup> floor: 3 rooms, cellar used for storage. A hearing will be held at the Bourne Veterans Memorial community Center, 239 Main Street, Buzzards Bay, on Tuesday, April 23, 2019 at 7:30 PM.

Board of Selectmen: Peter J. Meier, Judith MacLeod Froman, James L. Potter, George G Slade, Jared P. MacDonald.

**Voted** Judy Froman moved and seconded by Jared MacDonald to open the public hearing. Roll Call Vote: Jared MacDonald - Yes; Judy Froman - Yes; Peter Meier - Yes; James Potter - Yes; George Slade - Yes.

KKP, Inc. d/b/a/ The Sagamore Inn, Suzanne L. Bilodeau, Mngr., 1131 Route 6A Sagamore, MA; Change from a Seasonal Common Victualer License for the sale of all kinds of alcoholic beverages to a Year Round Common Victualer License for the sale of all kinds of alcoholic beverages; to construct a 40'x24' attached deck to the left of the building and to increase their tented outside dinning for functions from a size 30'x75' to a 46'x86' tent, full application on file in the Selectmen/Town Administrator's Office. Remarks: Planning

Department – Improvements must conform with the ZBA variance 2015-V13. Fire Department – Tent will have to meet all fire codes and deck must not be allowed to be closed in. Will trigger all current sprinkler requirements once it becomes part of closed in. Tent will need inspection prior to occupancy as well as seating capacity allowed. Board of Health – The existing Board of Health Food Permit and septic system is adequate for these changes. The sewer disposal system at this address was installed on June 12, 2018 and was designed to accommodate the existing 3-bedroom apartment and a total of 190 seats for the restaurant/tavern, accounting for future deck expansion. The Sagamore Inn has been issued food permit #87-19 and passed inspection on March 15, 2019. We asked that the owner contact us in the future prior to any outdoor food events to go over the availability of portable toilets, water and all the utilities, and possible requirements depending on the type of food event.

Susan Bilodeau briefly went over the reason to go from Seasonal to Year-Round and what they are trying to do.

James Potter said he wanted to raise awareness that if neighbors complain that might trigger you back before the Board.

**Voted** Judy Froman moved and seconded by Jared MacDonald to close the public hearing. Vote 5-0.

**Voted** Judy Froman moved and seconded by Jared MacDonald to approve the application subject to the conditions on the route slip. Roll Call Vote: George Slade – Yes; James Potter – Yes; Peter Meier – Yes; Judy Froman – Yes; Jared MacDonald – Yes.

## **6) ISWM Enterprise Fund Financial Policies and Guidelines – Second Reading**

George Slade spoke about grammatical change, second paragraph second line change the word will to with so the line reads ...Integrated Solid Waste Management, that is in compliance with all Federal, State and local laws and regulations.... At the bottom of page on the last bullet Infrastructure Solvency: The ability to maintain infrastructure, plan for future development and meet long term care obligations; does that mean maintenance care? Delete the word care so it reads ...long term obligations.

Tom Guerino spoke about the changes from the Finance Committee Chair; the updates, the two-year review, and the Capital Plan.



Attached are my comments for the second reading based on last week's discussion.

Section III C. change three years to two years

- C. Closure and Post-Closure Funds: To maintain closure accounts in compliance with state regulations that set aside adequate funds to close the landfill and/or transfer stations and further to maintain an account for the long-term post-closure care and monitoring required by regulations. Any annual calculation shall be done, in accordance with regulations, to determine the contributions from Retained Earnings into these accounts. Costs for closure and post-closure will be reviewed and updated at least every two years. Withdrawals from closure accounts shall be made on the recommendation of the General Manager and in consultation with the MA DEP. These funds are not to be used for any other purpose and are required to receive operating permits.

Section V – change wording to reflect what ISWM will do and take out “to” as it did not read smoothly

- A. Capital Improvement Plan: In accordance with the Town of Bourne Charter, as amended, ISWM shall establish and maintain a five (5) year capital improvements plan, update the plan annually, develop capital financing strategies consistent with these policies, and integrate any new operating costs associated with capital projects into the annual operating budget. ISWM should capitalize expenditures of at least \$20,000 and having a useful life of more than five years.

MI

James Potter said he is concerned with the rewritten language; we still didn't commit to a finite month. It's fine to say in accordance with the town of Bourne Charter as amended, except the Charter and the Bylaw don't match up when it comes to Capital Outlay.

Judy Froman recalled it falls under the Charter we need to align the Bylaw with the Charter.

Tom Guerino said you will have a fall Town Meeting; you would need to bring the amendment of the bylaw to the Bylaw Committee and have that adopted by the fall Town Meeting. If that was not passed at Town Meeting then you can come back and amend this and put a date in.

**Voted** Judy Froman moved and seconded by Jared MacDonald to implement the recommended changes.

James Potter said as long as we remember to fix the issue of them aligning.

**Vote:** 5-0.

Peter Meier said we can move this to third reading or we can go by a motion to waive third reading.

**Voted** Jared MacDonald moved and seconded by Judy Froman to refer this to a third reading. Vote 5-0.

Tom Guerino said Capital Outlay request to the Capital Outlay Committee are due by November.

Tom Guerino left at 8:20.

### 7) National Marine Life Center – Presentation of activities

Kathy Zagzebski, Executive Director of National Marine Life Center, spoke about the Marine

Life Center's Mission, Vision, Values, Rehabilitation Program, Science Program, Education Program, Social Influence.

Andrea Bogomolni recorded a portion of this agenda item while Kathy Zagzebski was speaking.



NATIONAL MARINE LIFE CENTER

Caring for Stranded Marine Animals

Fact Sheet

Mission: The National Marine Life Center (NMLC) rehabilitates and releases stranded marine mammals and sea turtles in order to advance science and education in marine wildlife health and conservation.

Vision: The vision of the National Marine Life Center is to be a world leader in marine wildlife rehabilitation, conservation science, and STEM education.

Values: The Trustees, Staff, and Volunteers of the National Marine Life Center believe in humane care for stranded marine animals, thoughtful science that improves our understanding of wildlife health, and quality education programs that promote a conservation ethic. We carry out our work with respect for each other, our supporters, our partner organizations, our community, and the environment.

Rehabilitation Program:

- Care for an average of 110 endangered and protected marine animals every year
Total of 526 animals, including 193 sea turtles, 158 seals, 175 native turtles
Federally- or Commonwealth-protected species include Kemp's ridley turtles, Loggerhead turtles, gray seals, harbor seals, hump seals, hooded seals, box turtles, diamondback terrapins, red bellied cooters
Future plans to expand capacity with large tanks to rehabilitate dolphins, porpoises, and small whales

Science Program:

- Study wildlife health to learn more about animal health, environmental health, and human health
Nationally renowned marine mammal parasitology laboratory
Annually present at local, regional, and national conferences including the Cape Cod Natural History Conference, Northwest Atlantic Seal Research Consortium, the Greater Atlantic Regional Stranding Conference, the National Marine Animal Stranding Conference, the Massachusetts Marine Educators Conference, the National Marine Educators Association Conference, and the National Science Teachers Association Conference
Peer-reviewed scientific presentations in Aquatic Mammals, Journal of Wildlife Diseases, and Journal of Zoo and Wildlife Medicine

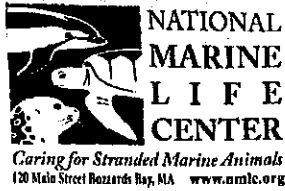
Education Program:

- Offers an average of 269 STEM programs reaching an average of 9,800 people every year
Total of 2,829 programs reaching 98,931 people (and counting)
Marine Animal Recovery Center welcome 19,300 people a year to Bourne
Total visitors of 168,509 people (and counting)
Offer hands-on job training to approximately 23 student spawees through internships
Students from a dozen Bourne to Bourne to Bourne programs in Florida, North Carolina, California, Canada

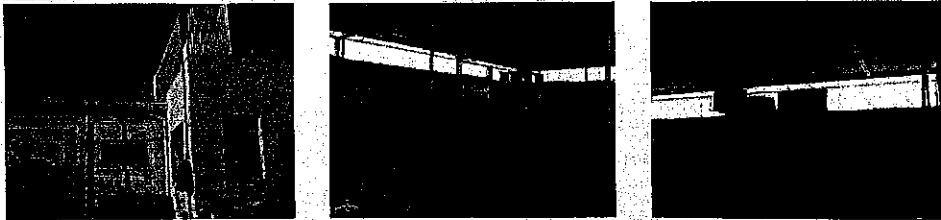
Social Influence:

- Provides meaningful volunteer experiences for an average of 100 people per year
Volunteers from a dozen Buzzards Bay to Bourne to Bourne to Bourne to Bourne to Bourne to Bourne
Volunteers spend an average of 16,343 hours per year on mission-related activities, mostly in Bourne
Employ 4 full-time staff and 10 part-time staff (total = 15.75 FTE)
Facebook = 318,396 likes, Instagram = 9,629 followers, Twitter = 31,400 followers

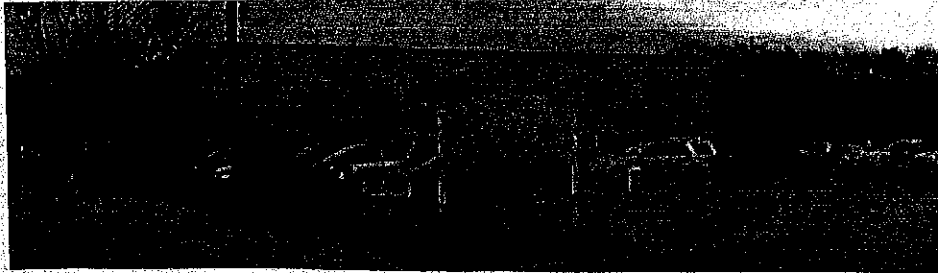
PO Box 2095, 20 Williams Street, Bourne, MA 01949, Massachusetts 02832-0209
Phone: (617) 218-9830, Fax: (617) 259-5472, Email: info@nmlc.org, www.nmlc.org



**National Marine Life Center took an abandoned, derelict property....**



**and turned it into a place of healing, learning, and discovery.**



Mrs. Zagzebski spoke about town property being used by the National Marine Life Center and the lease. She said the property has a conservation easement in perpetuity that is recorded with the Registry of Deeds. Mrs. Zagzebski said the easement states *The use of the*

*property shall be limited to facilities for the purpose of rescue, rehabilitation, and release of marine mammals and sea turtles, science, education and marine wildlife health and conservation and preserving and enhancing the natural environment and/or for the purpose of open space for public use and enjoyment thereof.* Over the years we have taken the derelict and abandon property and turned it into a place of healing. We are not drawing people to the Center because we do not offer events that visitors find appealing. We are open for marine mammal rehabilitation. Our core mission 365 days per year including holidays, we are there making sure the animals are taken care of. We are open for education programs 52 week a year. We have done education programs for all the schools and libraries. We are open daily throughout the summer, we are open weekends to the public throughout the fall, we are also open for February and April vacation week. We hold a number of networking and other events that bring other communities to the town. Next week we are bringing 30 education leaders from all over New England for a one-day professional development session at the National Marine Life Center through the New England Ocean Science Collaborative. We started hosting the Fresh Year Fund. The National Marine Life Center has always made our parking available for free to the community for casual use, for the events that go on along Main Street. We regularly offer parking to people who patronize the business locally on Main Street and the staff who work at these businesses. We have been offering parking to the Mass. Maritime Academy since 2009, it was in specific response to an expressed need from families. We do understand this arrangement is considered a sublease and is not allowed under our current lease. We look forward to working with the town to come up with a solution. We strive to be a good neighbor, a good partner, and a good advocate for the Town of Bourne. Mrs. Zagzebski invited residents to events coming up. We are releasing 3 seals tomorrow at Scusset Beach at noon. Community open house on next Thursday, May 2<sup>nd</sup> from 5:00-7:00 p.m.

Peter Meier said the issue with the lease has to go to Town Meeting to give us the authorization to fix it. Jared MacDonald said it is important that we work on the problem with the parking issue as a town.

Judy Froman said it is positive to bring you forward to share what you do.

Jim Potter thanked Kathy Zagzebski for coming in. Some disparaging remarks were made and that is inappropriate, you shouldn't have to defend your business. We don't want business in town to have to defend themselves and their character. Regarding the parking issue the warrant article is written to authorize us to not allow that or work out some other arrangement.

George Slade said we will deal with the issue and hopefully we will be able to move forward on this favorably for everyone.

Elmer Clegg, Chair Planning Board, is partially responsible for the parking, we are trying to balance public and private parking. Spoke about the need to have public parking downtown. Spoke about the healthy dialog with the Marine Life Center and their willingness to work with the town on the parking issue. We will have a parking solution to present at Town Meeting.

Katie Moore, International Fund for Animal Welfare, Deputy Vice President for an animal rescue program based in Yarmouth Port. We run the ambulance service that brings the animals to the National Marine Life Center. We made the decision not to undertake rehabilitation because rescue is a lot of work. It works because we have a partner with the National Marine Life Center. We average over 200-250 standings a year. Over the last 20 years we have had over 600-700 live seals come ashore. So many of those needed rehabilitation. The service the National Marine Life Center provides to us and to other members of the network that are federally authorized to deal with these animals, we need their services.

Jim Mulvey said he is disappointed that the parking issue came up, extolling the value of the Marine Life Center. Not in favor of dedicating town land to a non-tax paying institution at the expense of that same parking area for taxpaying residents and taxpaying businesses. There should be no question on who should have access to town property for parking, non-tax payers or the resident taxpayers, the visiting taxpayers, and the business taxpayers.

Andrea Bogomolni, Researcher at the Woods Hole Oceanographic Institution, spoke about how her career started at the Marine Life Center and the value of the Marine Life Center.

Peter Meier said this is an untapped resource, which should be marketed locally.

## **8) License/Appointments**

### **b. Buzzards Bay Transportation – Public Livery License for 2 limousines**

Buzzards Bay Transportation, LC, Paul Schlegel & Ping P. Chu, Managers; 304 Main Street, Buzzards Bay, MA 02532; Public Livery 2-2007 Lincoln Town Cars (Limousine Service) Limousines will be housed at 304 Main Street, Buzzards Bay. Remarks: Planning Department – Vehicles to be housed in south parking lot only. No vehicles are to be housed in west parking lot. Fire Department – All egress and fire lanes must be maintained at the site.

**Voted** Judy Froman moved and seconded by Jared MacDonald to approve this license request. Vote 5-0.

## **9) Selectmen's Business**

Peter Meier said we have an Executive Session Meeting tomorrow night. Next Monday night we have a joint Meeting with the Finance Committee.

James Potter said regarding Savory Ave we have to discuss the parking situation, the limited access to park on the system. Received correspondence on Hens Cove Boat Ramp; look at parking there. Shore Rd and Barlow's Landing.

Peter Meier brought up the power lines on Cotuit Road, by Cody School. James Potter questioned to the Administrator what do we own on the lines? Jared MacDonald said he thought those poles were put in for the school, but now they are used for more than just the

schools, but thinks those belong to the schools. Peter Meier said there is a binder that states who owns what.

James Potter said we may want to put some of these on an agenda, especially Savory Ave. Peter Meier said it can be put on the agenda for the first meeting in May.

Peter Meier said we receive a correspondence via email. Would like permission from the Board to talk to Town Council to see what options we have as a Board. Just want a sense from Board to talk to Town Council.

### **10) Correspondence**

James Potter brought the Board and the public up to date on the correspondence

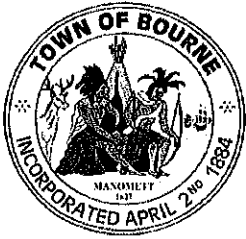
- A. William Nelson submitted 2 letters dated March 29, 2019 & April 16, 2019 concerns of visual and light pollution related to the Hampton Inn project.
- B. Letter from Christina Stevens that there will be an event at 1 Lighthouse Lane [the Wings Neck Lighthouse] on May 17, 2019 beginning at 5:00 PM and ending by 9:00 PM and will include approximately 30 guests. There will be no more than 5 cars parked at the property.
- C. Upper Cape Cod Regional Technical School submitted FY2018 Audited Financial Statements, FY2018 Report to the School Committee and Compliance Report for the End of Year Report FY2018 [Audit on file in the Town Administrator's Office].
- D. Letter from Comcast regarding Commencement of Renewal Process.
- E. Private Roads Acceptance Committee agenda for April 24, 2019.
- F. Letter of interest from Kathy Fox Alfano to service on the Bourne Cultural Council.

Peter Meier reminded the Board on Friday morning we have the Council on Aging Volunteer of the Year Appreciation.

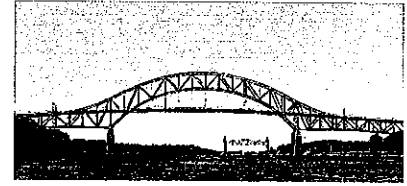
### **11) Adjourn**

**Voted** Jared MacDonald moved and seconded by Judy Froman to adjourn. Meeting adjourned at 9:11 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.



# Board of Selectmen Meeting Notice AGENDA



Date  
April 24, 2019

Time  
4:00 P.M.

Location  
Bourne Veterans Memorial  
Community Building  
239 Main Street  
Buzzards Bay, MA 02532

Call meeting to order.

1. **Executive Session** Contract negotiations for Non-Union personnel: Town Administrator. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to the discussion concerning negotiations.

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

The Board of Selectmen will not reconvene in open session at the conclusion of the Executive Session.

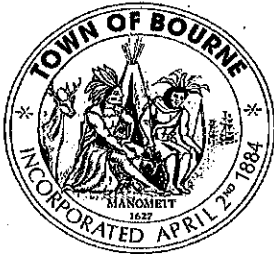
Roll call vote to adjourn Executive Session

2. Adjourn

TOWN CLERK

2019 APR 22 AM 9:55

RECEIVED



# Board of Selectmen Meeting Notice



## PRE-TOWN MEETING AGENDA

Date

Thursday  
April 25, 2019

Time

3:00 p.m.

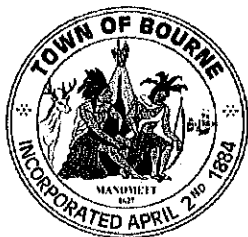
Location

Bourne Town Hall (downstairs  
meeting room)  
24 Perry Avenue  
Buzzards Bay, MA

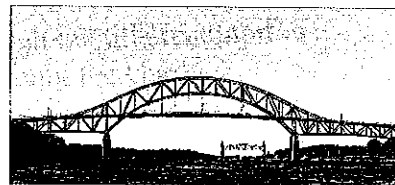
1. Discuss and prepare for the May 6, Special & Annual Town Meeting and act on any article as necessary
2. The Board of Selectmen will meet jointly with the Town Administrator, Town Counsel, Town Clerk, Finance Committee, Superintendent of Schools and Finance Director to participate, discuss and vote on the Special Town Meeting
3. Adjourn

2019 APR 22 AM 10:59  
TOWN OF BOURNE





# Board of Selectmen Meeting Notice AGENDA



Date

April 30, 2019

Time

7:00 P.M.

Location

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

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

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

Moment of Silence for our Troops and our public safety personnel

Vision:

Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

Mission:

Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

1. Salute to the Flag
2. Public Comment on Non-Agenda Items
3. Approval of minutes: No minutes to approve
4. Town Administrator Report
  - a. FY 2020 Budget – This will be an ongoing piece of this part of the agenda.
  - b. Meeting update of the Buzzards Bay Coalition joint wastewater discussion related to Wareham, Plymouth, Marion, etc.
  - c. Private Roads Acceptance Committee – reinvigoration – Mr Cannon, Mr. Slade
  - d. Town Meeting 101 update
  - e. Annual Town Meeting – Special Town Meeting Warrant Review and possible votes of the Board of Selectmen
5. ISWM Enterprise Fund Financial Policies and Guidelines -Third Reading
6. Licenses/Appointments
  - a. Bourne Cultural Council - Kathy Fox Alfano
7. Updates from owners of the following properties
  - a. Mr. Ryan Correia – 95-97 Main Street
  - b. Mr. Joseph Sweeney - 228 Main Street
  - c. Mr. Michael Maxim – 328 Main Street

TOWN CLERK BOURNE

2019 APR 26 PM 4:03

RECEIVED

# BOARD OF SELECTMEN

Date  
May 2, 2019

Time  
7:00 P.M.

Location  
Bourne Veterans' Memorial  
Community Building  
239 Main Street  
Buzzards Bay

This meeting is being televised by Bourne Community Television

1. Board to attend and participate in Town Meeting 101 Session.
2. Adjourn.

2019 APR 22 AM 10:58  
TOWN SELECTMEN BOURNE

**Board of Selectmen  
Minutes of Tuesday, April 30, 2019  
Bourne Veterans' Memorial Community Center  
Buzzards Bay, MA**

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TA Tom Guerino  
ATA Glenn Cannon

Selectmen  
Peter Meier, Chairman  
Judy Froman, Vice Chair  
James Potter, Clerk  
George Slade  
Jared MacDonald

RECEIVED  
TOWN OF BOURNE  
APR 30 2019

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

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

Meeting Called to Order  
Chm. Meier called the meeting to order at 7:00 pm.

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

Vision: Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsibility and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

Public Comment – Non-Agenda Items

George Seaver, military coordinator for the military section of Bourne's Fourth of July parade, asked to have the support of the town government. Requesting a note to be sent

stating you support the parade. Ask people in the audience and viewers to volunteer and submit their floats for the parade. Mr. Guerino said he will send the letter he sent last time.

Chief Sylvester, Fire Chief, Town of Bourne, wanted to respond to the articles that were put in the paper last week. Wanted to make sure the press got a valid response, regarding the Vote of no Confidence from Local 1717. Wanted to respond to the allocation against me. Mr. Sylvester read the letter he wrote.



Norman W. Sylvester  
CHIEF

### TOWN OF BOURNE

Fire/Rescue & Emergency Services  
51 Meetinghouse Lane  
Sagamore Beach MA 02562  
(508) 759-4412  
Fax: (508) 888-2658



April 29, 2019  
Peter J. Meier, Chair  
Board of Selectmen  
Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532-3441

Re: Unlon Vote of "No Confidence"

Dear Chair Meier and Board Members:

I want to thank each of the Selectmen, as well as the Town Administrator, for the support you have shown me in the face of the recent outlandish action by the union. I am also comforted by the "confidence" and support extended to me by the leadership and members of the Barnstable County Fire Chiefs Association as well as the Fire Chiefs Association of Massachusetts. As you can imagine, it has been difficult to sit quietly as news reports repeatedly recite the litany of baseless accusations the union has concocted. This has been difficult as well on my family.

First, I want to make it clear that I am proud to serve with a fine group of men and women on the Bourne Fire Department that do their jobs every day, caring for the fine citizens of this community. These days Fire Chiefs have to have thick skin and not become too distracted by union attacks that resemble a child's temper tantrum but do not truly reflect the concerns of all department members. If the union had any intention of trying to change things, or they had real concerns about their members' safety or well-being, they would have brought some or all of these matters to my attention long ago. The fact that they never even sent me a copy of their undated and un-signed "vote" undercuts their pretense of sincerity. By the time I first saw their letter, the story had been reported for two days in the local media. I could not comment on a document the union intentionally neglected to send to me.

Some have suggested that I remain calm and not address the union's accusations. Many have been telling me that most people will see this for what it is, a last-ditch effort by some disgruntled union leaders to put pressure on me and the Selectmen in matters that are more properly dealt with at the bargaining table or other forums. While I debated whether to issue a formal response to the union's assertions, I feel I must now do so, rather than let anyone think that by making no comment I was somehow acknowledging that some or all of the union's claims had any merit.

*"Smoke Detectors Save Lives"*

As you know, a vaguely worded "vote" such as this one is often the result of frustration resulting from other issues. And, as is typical, this one lacks not only specificity but also accuracy. This "vote of no confidence" route is generally seen as an out-of-date union tactic that most often backfired and has been discarded by most responsible unions across the country and in this state. You can tell by the poorly written litany of complaints that this "vote" was a product of certain local union leaders and not of their state or International union.

Let me comment on each allegation:

Complaint:

*the Chief of Department has lowered the bar on the level of training that is provided to new Bourne Fire Department recruits by allowing a part-time call/volunteer firefighter academy to take the place of a full-time recruit firefighter academy that has been the standard for over 25 years;*

Response:

Since taking over as Fire Chief in 2015, I have personally sent 21 firefighters to the Fire Academy. The members were sent to the Career Academy in Stow and presently a career academy in Brockton. The one firefighter not sent to the Academy was an individual who already went to a Call/Volunteer Academy and came out with the same certifications a Career Firefighter obtains. At no time was the intention to replace a full-time academy with a call academy if an individual didn't already have any training or certifications. This included a member who failed to complete the call academy or to obtain the proper certifications. He was sent to the Career academy even though he went to the call/volunteer academy. The alleged "standard" of sending people for over 25 years didn't include the fact the State started offering call academies with the proper certifications that are offered to full-time day academies.

If the union had simply asked, I could have cleared this up immediately.

Complaint:

~~*the Chief of Department has weakened the Bourne Fire Department public fire and life safety education program by returning almost \$7000 in Student Awareness of Fire Education (SAFE) and Senior SAFE grant funds back to the Commonwealth of Massachusetts; that grant funding*~~

*was intended to provide fire and life safety education to vulnerable populations in the town, including, but not limited to older adults and children; trained public fire and life safety educators were previously hired to teach education programs, they have now been replaced with on-duty firefighters who may not have had appropriate training, and who may have to leave to respond to emergencies;*

Response:

Let's recognize this complaint for what it is: the union is unhappy that I was able to provide the same training more cost-effectively by using available on-duty personnel rather than hiring off-duty union members at an overtime rate. Their complaint has nothing to do with safety. The exact same classes were delivered; the same "vulnerable populations" were covered; and, we were able to do so at virtually no additional cost to the taxpayers.

The idea of my weakening the SAFE Program (Student Awareness of Fire Education) and Senior SAFE program is absolutely false. We covered each training session with department staff members who are trained and qualified SAFE instructors while they were on duty. The duty crews were assigned to teaching the programs while on duty. The previous practice of hiring members at overtime while still having members on duty was stopped. A qualified SAFE instructor was sent to the appropriate training session and we covered shifts as needed with overtime.

This last Fall the training provided to all the schools and seniors cost the Town of Bourne only 4 hours of overtime. There was no lack of available on-duty firefighters. At no time did the crews leave during a training session because we filled with all off-duty firefighters prior to needing the crew assigned to the SAFE training. We have been using this model of filling shifts when the members are committed to training since 2015 when I took over as chief. We would fill when members were committed to boat and other vital training courses, with off duty staff. This allowed the members doing the required training to stay focused on their task and minimize the impact on our day to day operations.

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The idea of spending close to \$7,000.00 dollars of taxpayer's money when we could provide the exact same training to students and seniors while the members were on duty made absolutely no sense.

Complaint:

*that grant funding enabled the Bourne Fire Department to purchase smoke and carbon monoxide alarms for crews to install in homes that were identified as lacking proper smoke and carbon monoxide alarm protection;*

Response:

The 8 members that teach SAFE at no time came to me to complain or voice their concerns about how we would cover the cost of replacing smoke detectors and carbon monoxide detectors for those individuals who need them. We currently keep a certain number of detectors in the service vehicles and, when we run low, I replace them as needed. This minimizes the possibility of detectors becoming out dated while being stored.

The SAFE instructors also were paired up with the American Red Cross since I became Chief to put a list together and go out to homes and assist them with smoke/CO detector replacement program. This joint program was developed to get the word out to individuals or businesses about the importance of fire safety. We have provided the needed equipment whenever and wherever requested.

The bottom line here is that I have been able to provide the exact same level of service and training in a more cost-effective way. The same qualified instructors are used. The same populations are served. All this was done without sacrificing public safety. Let's call this what it is: certain disgruntled union leaders trying to fabricate an issue and pretending they are simply looking out for the financial well-being of their members. I have never been one that opposed paying firefighters well for the valuable service they provide. But I do not see my job as spending taxpayer funds needlessly. The program that we have been following for several years without incident now somehow becomes a basis for a union "lack of confidence." No one can be so naive as to believe that! The real reason for the complaint was that certain individuals

were no longer getting overtime for a function that could be done while on duty and has been done for several years without any adverse impact on the training program or departmental operational needs.

Complaint:

*the Chief of Department chooses to ignore nationally recognized standards and practices for the response to active shooter and hostile events; the Chief of Department refuses to provide proper training and equipment for Bourne Fire Department personnel to respond to active shooter and hostile events, and properly protect the residents of Bourne;*

Response:

The assertion of me not wanting to provide training to deal with active shooter responses and hostile events is baseless and offensive. No one should question my commitment or concern for the safety and well-being of the members of this department or the citizens of Bourne.

The union leadership should be aware that the NFPA 3000 standard is a New Standard which is constantly changing and evolving. The Bourne Fire Department held a training session on Active Shooter response offered by the Massachusetts Fire Academy on January 8, 2019 at the Massachusetts Maritime Academy Auditorium. I scheduled a Deputy Chief and a Bourne Police Officer to attend training scheduled at COMM Fire Department. This Course would include the most current standards and training techniques so that this information can be taught to the members of the Bourne Fire Department.

The "Stop the Bleed" course was taught to anyone who requested the training at all the Bourne Schools. This training included the Bourne Fire Department purchasing 10 "Stop the Bleeding Packs" out of my budget to be placed in the AED cabinets located at the schools. The last school will be scheduled once time permits.

In regards to equipment for the members, this is still being looked at and evaluated. Once a standard procedure is developed between local law enforcement and fire personnel, we will obtain the proper procedure equipment that is consistent with the NFPA 3000 standard and training. I am not going to allow members to purchase or obtain whatever equipment they feel is appropriate without having a standard or policy in place to make clear how and when to put this equipment to use. (We have already had one instance where an individual department member was told to remove a vest he brought into the station without getting any prior approval.)



Complaint:

*the Chief of Department refuses to ensure that the Bourne Fire Department is promptly notified of motor vehicle crashes, some requests for medical aid, downed power lines, and water leaks inside of structures;*

Response:

Notification of dispatch is a process established between the Bourne Police Department and the Barnstable County Dispatch. If there is any delay in notification or not being dispatched to calls, we would not know about it until after the situation occurred. I discussed this with the Police Chief and County Dispatch Supervisor and was assured neither one was holding calls or not giving us proper information. Until we get dispatch into one building there might always be a slight delay in transferring information from one dispatch to another dispatcher.

Complaint:

*the Chief of Department has jeopardized public safety by eliminating details once provided by the Bourne Fire Department for events such as high school graduations, ice skating shows, and one of the largest fundraising campaigns in the Commonwealth of Massachusetts—the Pan Mass Challenge, which brings an influx of riders, visitors, and volunteers to the Massachusetts Maritime Academy during an already busy summer weekend;*

Response:

The union leadership is aware of how inaccurate this complaint is. They intentionally left out an important reason why the detail policy changed at the Bourne Fire Department. The Local grieved the fact a member was held for a graduation detail last year and in the paper work they submitted they highlighted the members' need to be willing to work details. There was no provision for the Town of Bourne to go outside fire departments for assistance when the details couldn't be filled by Bourne Fire Department staff. The Union and I discussed ways to come up with a solution to the word "willing" in the contract. I tried to work with them until September without any solution. The details are voluntary and all parties involved were advised of the current situation. Since last September and continuing through the summer, any details that are required by the Fire Code are being covered. Outside private details are not required and such individuals or entities have been told to hire their own staff or personnel. The Bourne Fire Department has allowed outside vendors to work events for years without the union ever filing any grievances. The events that the Union contends I jeopardized public safety by not assigning staff on a detail basis are all private events and I assure you that we continue to cover all Town of Bourne events with Department staff members.

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Complaint:

*the Chief of Department has prevented members of the Bourne Fire Department from conducting fire and life safety inspections for any new construction at the Massachusetts Maritime Academy, which increases the risk to cadets and staff, because fire department members no longer witness testing of fire and life safety systems that are installed on campus; the Chief of Department prohibits Bourne Fire Department personnel from participating in joint inspections, personnel are not informed of new construction that takes place on a college campus that houses over 1,700 undergraduate students, which could significantly impact department operations during an emergency;*

Response:

This is another bogus issue. The Massachusetts Maritime Academy is a State-owned facility. The State uses their own inspectors to certify and maintain the safety of the students, staff and visitors.

We have no authority to sign-off or to validate their fire alarm systems or to test. We would like to assist the State inspectors with their building and system checks, but Town of Bourne inspections come first. The increased inspections we are required to perform is making it more difficult for us to take on additional responsibilities for complexes we have no control over. We continue and will continue to respond and provide fire and EMS services as needed to the MMA campus.

Complaint:

*the Chief of Department refuses to communicate any of his decisions in writing, which creates confusion and inconsistency within the department;*

Response:

The idea that information isn't being communicated is also false. Since taking over as Chief, I have upgraded from using a daily handwritten log book to using a computer-based system. The computer system now has all the Department's Standard Operating Procedures and Rules and Regulations.

This system also requires each member to sign off they receive any new notifications of important department changes. As with any organization that has four groups, certain information that only applies to one group wouldn't be discussed or transmitted to the other groups. The new current structure of Bourne Fire has added an Assistant Chief (Non-Union) With the addition of this position, the Shift Supervisors (Deputy) have been put more in line with what they do, i.e., oversee a shift and handle some day-to-day operations. The union leadership's complaint was not specific as to what decisions they want communicated to them so I am left to guessing what they are looking for or want. We made significant progress in

regards to updating SOP's and Regulations so that the members know to find them and how to use them.

Complaint:

*the Chief of Department refuses to follow the collective bargaining agreement that he participated in negotiating, resulting in numerous grievances, arbitrations, and unfair labor charges against the Town of Bourne; the Chief of Department fails to follow Massachusetts General Law, Chapter 150e, the collective bargaining law for public employees; the Chief of Department refuses to accept an arbitration award from the American Arbitration Association, which is the final and binding, previously agreed upon method to resolve contract grievances;*

Response:

In regards to matters involving the state's collective bargaining law, MGL Chapter 150E, the union leadership is not pleased with the Town's handling of the numerous matters the union has tried to have the state Department of Labor Relations handle. I am confident that this issue is being addressed competently by Town Counsel and the upper management in the Town of Bourne.

Complaint:

*the Professional Firefighters of Bourne, Local 1717 has pursued every available avenue to remedy these health and safety concerns, including requests to meet with the Town Administrator and Board of Selectmen; Therefore be it resolved that on Monday, April 1, 2019, by unanimous vote, the members of the Professional Firefighters of Bourne, Local 1717 declare that they have no confidence in the leadership of Chief Norman Sylvester, Jr., and call upon the Board of Selectmen, and Town Administrator Thomas Guerino to suspend the Fire Chief.*

Response:

As discussed above, few, if any, of these issues have been brought to my attention previously. Nor am I aware of any requests to discuss these with the Town Administrator or Selectmen.

The "no confidence" letter was not signed by any member of Local 1717 or even placed on the union's letterhead. It threatened to go to the media if I were not suspended, yet the document was distributed to the press before the Selectmen or I ever saw a copy.

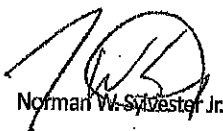
As a Civil Service Chief, I am entitled to due process. Nothing in the letter comes close to alleging any violations by me of any rules or standards of conduct.

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You know that I had planned on retiring in June of this year. At your Board's request I agreed to stay longer. One can only speculate that had we stuck with that time-table, the union leadership would have been less inclined to mount this attack. I can tell you one thing for sure: I do not shy away from a fight and I am proud to lead so many fine men and women in the Bourne Fire Department and will continue to do so even in the face of these shallow and misguided allegations.

Lastly, I want to speak from my heart. The courage and integrity your Board and the Town Administrator have shown in the face of these senseless attacks deserves recognition. Elsewhere, in similar situations other municipal officials have been too quick to scapegoat a chief to make themselves look better in the eyes of the public. My family and I truly appreciate your support. You are what President Kennedy called a "profile in courage".

Sincerely,



Norman W. Sylvester Jr.

Chief of Bourne Fire Department

CC: Town Administrator Thomas M. Guerino

Town Counsel

In the letter Mr. Sylvester addressed each allegation.

Mr. Sylvester went on to say I was going to retire the end of June 2019, but I was definitely not going to resign. I will be a Fire Chief for the next 12 years if you want me. In lite of this I would stay here and run the fire department.

Glenn Cannon said tomorrow night we have a Bourne Rail Trail Phase 1 public information meeting at 6:00pm at the Bourne High School Auditorium. The committee wanted the town to know what they have been up to for the past 6-7 months. They received Community Preservation Funds last year in the amount of \$50,000; they have applied that money.

**3) Approval of Minutes: No Minutes to approve**

**4) Town Administrator Report**

- a. **FY 2020 Budget - This will be an ongoing piece of this part of the agenda.**
- b. **Meeting update of the Buzzards Bay Coalition joint wastewater discussion related to Wareham, Plymouth, Marion, etc.**
- c. **Private Roads Acceptance Committee - reinvigoration - Mr. Cannon, Mr. Slade**
- d. **Town Meeting 101 update**
- e. **Annual Town Meeting - Special Town Meeting Warrant review and possible votes of the Board of Selectmen**

**4e.**

Barry Johnson, Town Clerk, spoke about Electronic Voting at Town Meeting. Mr. Johnson spoke about what the committee has been doing and why they are making this recommendation. This idea/presentation is not being given as a cost saving method; it will not save any money doing this. It will speed up the voting process, ensure the privacy of each town meeting attendee, it's a transparent process, it eliminates the intimidation factor, and encourages more participation at Town Meeting. The voting period will be shortened. We looked into this because we have been approached to do something to speed up Town Meeting. The committee feels a system would provide a greater accountability and communication.

How this would happen. When they check in and return each night they will be given a remote handset. They would vote by pressing yes or no, or a third button corresponding to abstain or present. Each handset would be numbered and assigned to the member who checked it out. Members would return the remote handset as they leave the meeting.

Electronic voting at town meeting produces an accurate and instant vote count. Results from an electronic vote may immediately be displayed and be easily published online for public review. Some concerns were; is the technology available, feasible, and easy to use - Yes. What does it cost to obtain and operate; we did an RFP for the lease of the equipment. We are estimating the use of 500 sets for 1 or 2 nights. The RFP is for \$17,749. We will only be charged for the actual sets that we use. On the second night the price may go down. In the RFP we have committed ourselves to give the company at least a week's notice of the number of devices we need.

Management of the handsets, handset check-in was rapid and did not cause backups at the door. Handsets are collected each night as members leave. We will be providing bins for rapid return.

We feel the savings in time and efficiency will offset the cost. If this project goes forward the committee and the company is committed to doing education, training, and demonstration, long before the start of any Town Meeting. That would continue as each Town Meeting goes forward, it will become less as more people get used to the handsets. We would go on local access channel to give a demonstration.

Appropriate accommodations would be made for people with physical disabilities at Town Meeting. It is the intention of the committee to meet with members of our own Commission on Disabilities to develop certain policies to address this issue.

Article 19 to appropriate fund for the electronic voter use equipment. The committee believes the contracting was a vendor will provide both the equipment and personnel to operate the equipment is the best long-term solution to start with. It would provide the most trouble-free operating equipment with no additional personnel to manage and authorize this special equipment.

Peter Meier said you can't put a price on a comfortable level for people to vote at Town Meeting. It speeds up efficiency and time. It's an option I think this town should support and try, if we don't like it we don't have to do it again.

Jared MacDonald said we need to try to bring more people in and younger people to Town Meeting. If the meetings are shorter, you'd give more people and younger people the time to come in and vote. This gives everyone a better opportunity to vote in a shorter period of time.

Jim Potter said we'd eliminate the counters. This concept at first is the way to do it, but long term maybe buying the handsets would be a better way to handle it, because it would increase attendance. Town Meeting is a community event, and we need to make that community event better.

Barry Johnson said we could put out an RFP for up to 2-3 years, and put out a lease/purchase option. Some people may love it and some people may hate it. We would be able to get more in-depth discussion on Articles. One question from last night was what happens, is my personal vote recorded. Mr. Johnson said No, all the handsets are cleaned out by the company, and only the votes are recorded.

George Slade said he agrees we have to engage younger voters. He is concerned about the learning curve.

Mr. Johnson said we'd like to try it, I hope you will support it. The Finance Committee did vote to support the article.

**Voted** Judy Froman moved and seconded by Jared MacDonald to support the article.  
Vote 5-0.

**Voted** James Potter moved and seconded by Jared MacDonald to take 8C out of order. Vote 5-0.

### **8.c Parking Working Group discussion – Mr. Meier and Ms. Froman**

Judy Froman said the parking working group is a temporary group that was formed by the Town Administrator. Ms. Froman said she is speaking on behalf of this because she attended the meeting and expect to speak on this matter at Town Meeting. Ms. Froman gave a brief summary of what they gathered as a working group.

We have a good problem...we need to talk about our parking.

To provide context, the Working Group is comprised of Town Administrator, Planning Dept, Engineering Dept, Planning Board Chair, and 2 Board of Select members, Mr. Meier and Ms Froman. Initially the idea of the group came out of our first economic development workshop, however the two articles on our STM forced the emphasis to be short term information gathering in preparation for the support of the motions. It's been significant and helpful fact gathering by a number of people.

The Group recognized the needs to be immediate, short term (2-4 years), and long term as it supports economic development of the Town of Bourne. The immediate attention has landed squarely on the potential growth of Buzzards Bay, the NMLC and MMA.

#### **What we know:**

##### **NMLC (National Marine Life Center)**

- Been leasing their parking lot to MMA since 2009 under the idea that the 'no subleasing' pertained only to the building.
- They worked with MMA as collaborators and saw the arrangement a win for both organizations in alleviating parking stresses in Town and on campus, providing a trustworthy landlord, and providing some cash to their budget.
- Only recently was it brought to light that they are in violation of their lease with the Town. They have been cooperative and open to discussion.
- The Board of Selectmen had a decision to make, either put forward a *cease and desist* or put the request for the Board of Selectmen to amend the lease. The Board voted to put the request to STM.
- Due to timing for the Warrant for the STM, the article had to be posted prior to the NMLC being on the agenda for the Board of Selectmen. The Working Group arranged for a meeting with NMLC and some of their Board. It was a candid and productive meeting.
- The land is "brown" land that Mobil Oil Corp gave to the Town under the express directive that the land be used for marine related endeavors (marine animal rehab, science and education programs) or for open space. If the Town no longer had NMLC

there, we would be very limited on what could happen there. The process would take some time to arrange. It would not likely be income generating.

- Income is approx. \$40,000
- NMLC currently does not stop the public from parking in its front lot and they have offered the back lot to the Town during the non-academic year. 130 spaces being leased to MMA directly. 40-44 spaces are available in the front lot.
- The NMLC Board has voted to support negotiating in good faith with Board of Selectmen
- Long term plan for NMLC includes building on some of the back parking and on the front parking.
- We can discuss payments in lieu of taxes to the Town, in our negotiations.
- There is conservation easement through the middle of the back lot. It is not likely that the easement could be used for parking. Tom to check with Troy.
- 9,000 in person visitors last year are documented to have visited NMLC.

#### **MMA**

- Currently have about 100 cadet cars at NMLC and 130-200 at Liberty Liquor lot
- Plan to increase enrollment 3% each year for 5 years...that's maybe 50 students a year.
- There is no first-year cadet parking provided by MMA.
- They appreciate the possible 80 spaces Columbus Day to Memorial Day at the Marina lot as discussed with the Town. On the Article being put forward.
- They would prefer having control over where their students parked, stickers, patrol, et
- Procurement Law 30b is applicable. Appraise the value and put out to bid. If rate is less than appraised value, then we could arrange for an offset (exchange of spaces could be an option. ie. 240 spaces at Taylor's Point (Mass Maritime Lot)
- 60 vehicles in MassDOT parked illegally. (The MassDot lot is located behind the Chamber of Commerce)

#### **MassDOT Lot**

- Controlled by license agreement between Chamber and the rail division of the MassDOT.
- Transient and tourism – 61 spaces
- The 6 spaces with the signs for the condos/apartments are not leased...The Chamber is just being a good neighbor; made their own signs
- We are confirming that the Chamber does have the right to sign and enforce overnight parking
- Cape Flyer is asking for parking. Marie Oliva will verify all this with MassDOT/rails.
- Board of Selectmen needs to review/revisit parking rules to enforce overnight parking

#### **Math**

**Town** needs 100 to 150 public parking spaces for the commercial support.

- 60 in MassDOT lot
- 40 in NMLC front lot



- \$15,000 from Cape Cod Commission to help plan efficiency of parking for GIZ (Growth Incentive Zone)

**NMLC** needs vary based on activities during the day. Open during the day.

**MMA** needs 300.

- 100-130 at NMLC
- 130-200 at Liberty Liquors lot
- 50 at St Peters

Working Group is looking for Immediate short-term plans.

"We don't want to be short-sighted because we don't have a long-term solution"

**At this stage we have 3 Choices**

1. Cease and desist NMLC (130 cars displaced)
2. NMLC can work with the Board of Selectmen to lease for 2-3 years benefiting from full revenue of 100-130 spaces
3. Shared benefit (between the town and the NMLC)

George Slade reiterated that he would like to attend some of the meeting. Tom Guerino said there has been additional request to be included in the working group. It is looking like it will be a large group where it will have to become a committee on parking. We need to get DPW involved, Chief Woodside or his designee should be involved. The business community has been attending but they should have a seat at the table. It would have to be a committee and subject to the open meeting law, and we will have to post meetings.

Judy Froman said with the goals the Select Board put forward in the summer time we talked about economic development. From that workshop there was a request and a need for more conversation about parking and a committee about parking. It would be better for the town to have it be broader in focus in terms of who is involved.

Tom Guerino said he can put together a draft of a working of a task, scope of service for this committee. It can be established through the administration or have a standing committee, through the Select Board.

Peter Meier said this needs to be a priority going forward. Would hate to see the progress we have made on Main Street fall apart because of parking.

Judy Froman would like the Board to weigh in on the need and looking at it from the town's perspective. It would be helpful if the Board voted or had a statement stating it is to the benefit of the town to vote in favor of article 12 and article 13.

Jared MacDonald said he wasn't trying to force a cease and desist to the National Marine Life Center. It is in our best interest as a town to work/negotiate with them for the best interest of the town.

Tom Guerino said we have been working on the west end but the Town Planner makes a good point there are issues on the east end as well. We have to look at the entire downtown area.

Peter Meier said we will make sure we have the town best interest.

James Potter said we have to take a more global approach. It would be helpful to have a parking study done. In a year the police station will be empty and there is property there that can be used for parking. There are also business in the future that will have parking of their own. We have to catch business when they come in for planning.

George Slade said we need to make this a village that people would like to visit and then to come back to.

Judy Froman said the Planning Board has been studying the parking and looking at zoning bylaws, and number of spaces for buildings. We have to work on parking management so we have enough parking for the appropriate types of businesses at the appropriate times.

Vincent Michienzi said this has been an issue for a while. There isn't plenty of parking. No one is here to fight the Maritime; but they are making their problems ours. We should be concerned about the tax payer first; the parking should be available for the taxpayers.

Elmer Clegg, Planning Board Chair, said regarding chain links, there are zoning bylaws that regulate what a permanent parking lot has to look like, it doesn't include chain link fence. Regarding parking studies - we have done parking studies, in 2007-2008 the town spent a lot of money on parking studies. The studies focused on the full build out of Main Street. They all concluded that when that happens, parking structures are going to be needed. There is an abundance of striped asphalt on downtown Buzzards Bay; the problem is the town doesn't control an adequate amount of it. The only parking lot the Town controls is the Marina parking lot. Getting a solution that involves designated public parking at the train station and designated public parking at the front lot of the Marine Life Center, 2 parking lots that sit on either side of our town park and within 300-400 feet walking distance of the downtown businesses in the west end, is a necessity. The Planning Board will not be able to approve the next project that comes before us where the landlord/developer is not able to provide the full amount of parking that is required. At Town Meeting people are going to voice opposition to giving any parking to Mass Maritime, and the Marine Life Center should not get revenue from parking on town parking. Please have a stated position on what you are going to attempt to achieve through negotiation with those two organizations as we move forward.

Jim Mulvey said parking is a problem in Buzzards Bay. All this discussion is centered on the continual expansion of student parking associated with the Mass Maritime. Their growth of students is going to continue, they show no indication of putting a cap on increasing the student body. The town will continually give way to the need of the academy by dedicating public lands, these are temporary solvents. The problem will continue to exist. When all

these spaces of public parking have been assigned to solve their problem, what do we do as downtown develops. What are we going to do when the town property is needed for the growth of the town's economy, its tax payers and its businesses? It has to be stopped.

Judy Froman said Mass Maritime Academy is not asking for additional spaces. They are asking for areas that are controlled, areas they can sell permits, they are asking us to work together in town so it's not on main street with chain link fences. The number of spaces the Mass Maritime Academy needs off campus is 300. We can accommodate and gain some income at the Marina of 80 spaces during a specific time frame from Columbus Day thru Memorial Day. We have been working with Maria Oliva at the Chamber of Commerce, the lots where there are 61 spaces where students are parking illegally, the Chamber is willing to work together with the town to make sure that lot is available to the town for public parking for the need specifically at the west end and rail. The area in back at the Nation Marine Life Center is not an area that can be used as public parking unless we negotiate that area. We are putting forward a short-term plan, 2-3 years max. We are determined to make sure we come up with a comprehensive management plan. Mass Maritime Academy is only seeing 3-5% enrollment growth.

Jared MacDonald said Mass Maritime Academy isn't taking these spaces, they are renting/leasing, they are providing income to the Marine Life Center, the town of Bourne. It is our job to work on this. Don't feel Mass Maritime Academy should be condemned for bring monies into our town and bring a support system into our community. They are the most willing participants to make it work for everyone. The lots they would like to have at the Marina are for freshmen and only during certain times of the year. This is important for everyone. Mass Maritime Academy is doing what they can to provide parking for students correctly. The problem isn't Mass Maritime Academy, the problem is the shortage of parking. The article going forward gives us the opportunity to negotiate to make it work for everyone.

James Mulvey said the Mass Maritime Academy is the problem, it is a teaching educational facility. It is a state non-tax paying organization. The Academy and the student contribute nothing of consequence to the town financially. They have on campus their own snack bar access to drinks; they have little reason to come to downtown. They pay no taxes on that state property. They wiped out 200 of tax paying houses on Taylor point to build that facility.

Roger Laporte wanted to clarify the state pays us money for the properties we don't get taxes from, and houses that Mass Maritime took. We get money in leu of taxes.

Chris Farrell, Monument Beach, said he was involved in the study of downtown Main Street. We have studied parking issues. We pointed out issues years ago. Two issues that are going to inhibit economic development for down town are wastewater and parking. If you lease the Marina parking lot, Columbus Day to Memorial Day, 80 cars, where are the cars from September 1<sup>st</sup> to October; they will find another place to park. We also looked at shared parking. On the West end we have to maximize the parking. The committee should look at

all the documents from when we did the parking study years ago. The old police station could be used as parking.

Tom Guerino said state owned land in lieu of tax payments in FY19 was \$573,392. It looks about level for FY20, that includes Joint Base Cape Cod, the Maritime, any state land. The Finance Committee voted 11-0 to support this article.

**Voted** Judy Froman moved and seconded by Jared MacDonald to support article 12 of the Special Town Meeting.

Judy Froman read the motion: We move to authorize the Board of Selectmen to amend the lease between the Town of Bourne and the National Marine Life Center on terms and conditions deemed to be in the best interest of the Town by the Board of Selectmen, to permit the National Marine Life Center to sublet a portion of the leased property for the purpose of providing additional parking in Buzzards Bay.

**Vote:** 5-0.

#### **4a. Budget**

Tom Guerino said the Finance Committee re-voted the motion, even though the dollars hadn't changed, on article 3 the budget article to re-affirm their vote. There is nothing more to report on the budget. Everyone from the Select Board and the Finance Committee are supportive of the budget article.

#### **4.b. Meeting update of the Buzzards Bay Coalition joint wastewater discussion related to Wareham, Plymouth, Marion, etc.**

Tom Guerino said there was a meeting last week, I attended. The group had a gentleman from Taunton to discuss IMA (inter-municipal agreements) as an approach to partnerships within these types of joint ventures. The prior month we had a discussion relative to governance boards/districts. It was the opinion of the committee members present that IMA was a more cumbersome way to go on a project of this size and scale, and looking at an overall governance board was the way to go. In addition to that I brought up the idea of a joint-powers agreement, Coreen Peterson was going to reach out regarding that.

#### **c. Private Roads Acceptance**

Glenn Cannon said they had a productive meeting last week. This committee has been around for a while. Tim Lydon put together an Unaccepted Road Betterment Guide. This is in relation to town bylaw 3.1.28 Temporary Repairs of Private Roads. This gives resident an idea how to get a betterment done, how to get paving done. This policy will have to come to the Board of Selectmen. He was also working on the bylaw for Layout and Acceptance of Private Ways.

George Slade said it was a committee that was dormant for a couple years. We have to think about making the directions more intuitive and put them on the website. Mr. Lydon has a map on the website which has what are accepted roads and what are unaccepted roads. We have about 100 miles of unaccepted roads.

**4.d. Town Meeting 101**

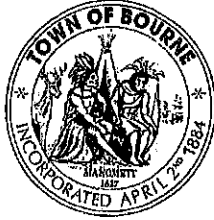
Tom Guerino said that will be Thursday night at 7:00 at the Community Building. It will be a review not a debate of the articles. We will provide information on each of the articles. The Town Meeting Warrant Book is available online. Mr. Guerino thanked George Slade for the idea of the road acceptance handbook.

**4.e. Annual Town Meeting – Special Town Meeting Warrant review and possible votes of the Board of Selectmen**

Tom Guerino said the article relative to reconvening a Special or Annual Town Meeting on Saturday was voted down by the Finance Committee last evening. The Saturdays in May are very busy month, traffic, first communion, confirmations, and spring sports.

James Potter said Town Meeting usually elects to continue to the next night; you'd have to be into at least a 3-night Town Meeting before you'd hit Saturday. We just wanted an option for a Saturday, doesn't mean it was for May, it was for any month.

### 5) ISWM Enterprise Fund Financial Policies and Guidelines – Third Reading



**3<sup>rd</sup> Reading**  
**TOWN OF BOURNE**  
24 Perry Avenue  
Buzzards Bay, MA 02532-3496  
www.townofbourne.com  
Phone 508-759-0600 – Fax 508-759-0420



#### TOWN OF BOURNE

#### ISWM ENTERPRISE FUND FINANCIAL POLICIES AND GUIDELINES

##### I. INTRODUCTION

The following financial management policies and guidelines set forth the framework for overall planning and management of the Town of Bourne, Integrated Solid Waste Management Enterprise Fund, overseen by the General Manager of the Town of Bourne, Department of Integrated Solid Waste Management. The policies are intended to be advisory in nature and serve as a point of reference for all policy-makers, administrators and advisors.

Responsibility for maintaining safe and environmentally sound operation of the Department of Integrated Solid Waste Management, that is in compliance with all Federal, State and local laws and regulations, is by the Charter, the responsibility of the ISWM General Manager. For each Fiscal Year, the General Manager shall prepare an overall financial management plan that includes an annual budget, administrative fee structure, capital outlay and debt management plan, and contributions to all funds within Retained Earnings. The ISWM General Manager will work closely with the Town Administrator and the Finance Director in the annual budget planning process and the implementation of the Financial Policies.

The policies are designed to ensure the sound financial condition of the ISWM now and in the future. Sound financial condition may be defined as:

- **Cash Solvency:** The ability to pay bills in a timely fashion and have a reserve to address unexpected increases in operational expenses
- **Long- Term Solvency:** The ability to pay future costs including all debt service and benefit costs beyond the life of the landfill
- **Service Level Solvency:** The ability to provide needed services for the residents and customers of the ISWM facilities in a safe and environmentally sound manner
- **Infrastructure Solvency:** The ability to maintain infrastructure, plan for future development and meet long term obligations

##### II. ANNUAL BUDGET

- A. Components: The annual Operating Budget of ISWM shall include the Salaries and Wages, Expenses, Host Fee; and the Administrative Fee.
- B. Administrative Fee: Administrative Fee represents contributions from the ISWM Enterprise Fund, in a manner compliant with the MA Department of Revenue guidelines for Enterprise Funds, for Administrative expenses of the Town. The Administrative fee shall include ISWM fringe benefits, DPW expenses associated with the curbside collection program and other miscellaneous expenses such as accounting, management, postage and legal counsel.
- C. OPEB: ISWM will make contributes to the OPEB Trust Fund in accordance with the Town's Financial Policy on OPEB contributions.

III. FISCAL RESERVES GUIDELINES

ISWM's accumulation of prudent reserves is critically important to the fiscal health of the community for many reasons. The Town will endeavor to establish and maintain the following accounts as part of Retained Earnings. The undesignated balance of Retained Earnings will be reviewed as needed and applied in a manner to enhance the financial stability of the Enterprise Fund, including reducing debt.

- A. Working Capital: Retained Earnings should be maintained at a minimum balance of 3 months operating expenses in cash. A month's operating expenses shall be calculated as the 12-month average from the previous fiscal year. The Finance Director shall be consulted and will make the annual determination of the amount required.
- B. Reserve Fund: The ISWM Reserve Fund will be budgeted at 5% of the ISWM Annual Operating Budget (Components defined in Section II. A.). Access to the Reserve Fund shall be for emergencies or other unanticipated budgetary needs that may arise as a result of unexpected circumstances and must be approved by a vote of the Finance Committee upon request of the ISWM General Manager. Any funds expended during the fiscal year may be replenished at a Special Town Meeting if recommended by the General Manager and the Town Administrator. The minimum annual allocation shall be \$600,000.
- C. Closure and Post-Closure Funds: To maintain closure accounts in compliance with state regulations that set aside adequate funds to close the landfill and/or transfer stations and further to maintain an account for the long-term post-closure care and monitoring required by regulations. Any annual calculation shall be done, in accordance with regulations, to determine the contributions from Retained Earnings into these accounts. Costs for closure and post-closure will be reviewed and updated at least every two

years. Withdrawals from closure accounts shall be made on the recommendation the General Manager and in consultation with the MA DEP. These funds are not to be used for any other purpose and are required to receive operating permits.

- D. **Future Solid Waste Stabilization:** Funds set aside to cushion the impact on the Town's Operating Budget after the landfill closes and Host Fee revenue will be less. This fund will pay for transportation and disposal of MSW and recycling after the closure of the landfill. There are currently no required contributions to the fund. A policy for the specific goals of the fund and funding mechanism or requirements should be established.
  
- E. **Host Fee:** ISWM shall contribute to the General Fund, in accordance with law, the minimum required annual host fee based on a per ton fee per qualifying ton. Said fee shall be calculated in accordance with the law utilizing the cited inflation factor published by the Federal government. The fee shall be part of the annual operating budget and will be based on projected qualifying tons and revenue for the coming Fiscal Year. The total qualifying tons multiplied by the established rate per ton is the determining factor for the host fee. If the General Manager determines that the qualifying tons in any Fiscal Year will not be sufficient to cover the budgeted Host Fee, the General Manager will notify the Town Administrator and the Finance Director as soon as the determination is made but no later than April 1 before the Fiscal Year end.

**IV. FINANCIAL PLANNING & MONITORING GUIDELINES**

Long-term financial forecasting and constant monitoring of current revenue and expenditure trends are vitally important to maintain quality service levels and fiscal discipline. As a result, it is the policy of the Town that ISWM undertake the following:

- A. **Multi-Year Financial Forecasting:** Establish and maintain an on-going financial planning model that projects revenues and expenses over the next five (5) years by using five (5) years of historical data and other fiscal trend analysis. ISWM shall endeavor to secure long-term contracts and other business arrangements to ensure that it has a steady source of revenue to meet its obligations.
  
- B. **Monitor and Track Current Year Financial Activities:** Constantly monitor revenue and expenditure activities and publish periodic reports for policy-makers, the Town Administrator and Finance Director. To meet this objective, ISWM should implement improved financial management systems to create the required revenue and expenditure reports, reduce duplication of effort, and maximize productivity of finance department staff.



**V. CAPITAL PLANNING & DEBT SERVICE MANAGEMENT GUIDELINE**

ISWM's ability to address its capital needs (infrastructure, facilities, equipment, etc.) is critical to meet contractual and regulatory obligations to provide safe and environmentally compliant facilities. ISWM is a unique operation in the state of MA for a municipal government and consideration must be given to the General Manager that ISWM has substantial expenditures for the purposes of keeping its facilities in good working order and to plan for the future. Therefore, ISWM shall undertake the following:

- A. **Capital Improvement Plan:** In accordance with the Town of Bourne Charter, as amended, ISWM shall establish and maintain a five (5) year capital improvements plan, update the plan annually, develop capital financing strategies consistent with these policies, and integrate any new operating costs associated with capital projects into the annual operating budget. ISWM should capitalize expenditures of at least \$20,000 and having a useful life of more than five years.
- B. **Debt Maturity Guidelines:** The Treasurer will strive to limit the maturity of ISWM's debt according to Mass General Laws and within the overall active life of the specific project or the landfill. A debt management plan will be developed for each fiscal year as part of the Operating Budget. This plan shall take into account the Fiscal Reserves that have been identified and that must also be fully funded.
- C. **Alternative Financing Strategies:** ISWM will continually pursue opportunities to acquire capital by means other than conventional borrowing such as grants, and other programs as may be available.
- D. **Reconciliation & Record keeping:** ISWM will annually reconcile debt-related records with the Finance Director/Treasurer and the Town Accountant before April 1 of each fiscal year to determine if any unissued bond authorizations need to be rescinded at the Annual Town Meeting.
- E. **Debt Issuance:** ISWM will work closely with the Finance Director and the Town's Financial Advisor and Bond Counsel to ensure that all legal requirements are met and that the lowest possible interest rate can be obtained.
- F. **Capital Budget:** The Capital Budget for ISWM shall be determined on an annual basis and shall include replacement of ISWM funded equipment utilized by the Department of Public Works to fulfill the duties of curbside MSW and recyclables collection. ISWM will include a 5-year capital plan as part of the annual capital outlay review.

**VI. REVENUE ENHANCEMENT GUIDELINES**

- A. ISWM will rapidly move to collect all receivables and close accounts of customers who do not pay. Further ISWM will notify the Town Administrator of accounts that require the Town to pursue full payment by all legal means.

**POLICY ENDORSEMENTS**

**Approved:**

\_\_\_\_\_  
Town Administrator  
Dated:

\_\_\_\_\_  
Finance Committee Chair  
Dated:

\_\_\_\_\_  
Chairman, Board of Selectmen  
Dated:

\_\_\_\_\_  
Finance Director/Treasurer  
Dated:

\_\_\_\_\_  
Vice Chairman, Board of Selectmen  
Dated:

\_\_\_\_\_  
Town Accountant  
Dated:

\_\_\_\_\_  
Clerk, Board of Selectmen  
Dated:

\_\_\_\_\_  
ISWM General Manager  
Dated:

\_\_\_\_\_  
Board of Selectmen  
Dated:

\_\_\_\_\_  
Board of Selectmen  
Dated:

**Voted** Judy Froman moved and seconded by Jared MacDonald to approve the ISWM Enterprise Fund Financial Policies and Guidelines.

James Potter questioned Mr. Barret how the budget has worked out this year. Dan Barret said we are doing well. We haven't had to consider hitting the Reserve Fund yet.

**Vote:** 5-0.

**6) License/Appointments**

**a. Bourne Cultural Council – Kathy Fox Alfano**

Kathy's activities include:

The Cultural Council for two terms, most as Chair, in Canton;  
Elected Library Board of Trustees for a decade, half as Chair, in Canton;  
Founded the Canton Community Theatre in 2002, serve as Chair for 10 years;  
Founded the Canton Writes Contest which is now in its 10<sup>th</sup> year;  
CPA as the Selectman's Representative over 5 years

**Voted** Judy Froman moved and seconded by Jared MacDonald to approve Kathy Fox Alfano to the Bourne Cultural Council, term to expire on June 30, 2021. Vote 5-0.

James Potter said there is still one more vacancy on the Bourne Cultural Council.

**7) Updates from owners of the following properties**

- **Mr. Ryan Correia – 95-97 Main Street**
- **Mr. Joseph Sweeney – 228 Main Street**
- **Mr. Michael Maxim – 328 Main Street**

**95-97 Main Street**

Mr. Ryan Correia said we have entered into a purchase and sale with Mr. Michienze. The plan is to take the building down.

Mr. Michienzi said the P & S has been executed this evening. We are giving the tenants 2 months to get out. Then we will tear it down. We will not be building anything until everything is finalized with the Planning Board.

Elmer Clegg, Planning Board, gave a Planning Board perspective for downtown. One of our major targets for downtown district is mixed use. If Mr. Michienzi tears down the building it will be one less mixed-use facility. Being on the Planning Board if someone comes before the Planning Board and wants to tear down a building that has mixed-use and wants to put in something that isn't mixed-use they will have a challenge getting my approval.

Roger Laporte said the only stipulation to leaving a tenant in that building is that the alarm has to be maintained at all times. That is the only safety thing left for those people because that building is unsafe, it has a red X.

Vincent Michienzi said the State is going to pursue an investigation. Said he bought the property for half the assessed value.

Roger Laporte suggested to continue this indefinite. He will work with the new buyer. If anything falls through, he will bring it back to the Board. Jared MacDonald suggested to postpone for 3-6 months, because there are tenants for 2 months. Suggested having them back for September 3<sup>rd</sup> for an update.

**Voted** Jared MacDonald moved and seconded by Judy Froman to continue this to the meeting on September 3, 2019. Vote 5-0.

**228 Main Street**

Tom Guerino said the Board has been proved emails from the representative of Mr. Sweeney, Mr. Sweeney and myself, which were forward to the Select Board Members this evening.

Mr. Sweeney said the Sweeney family is still committed to the sale of 228 Main Street, as soon as the issue of right of way reference is agreed to. The court closing date is set for May 15, 2019. Mr. Sweeney said Ryan Correia is going to handle the demolition when they purchase the property. There is an easement, the owner of the Post Office property doesn't want to release the easement. We'd like to have the easement released then proceed with the sale so we can present Ryan Correia with a clean title. The easement is no longer needed.

Judy Froman questioned what will happen between now and May 15<sup>th</sup>. Mr. Sweeney said his brother has been dealing with the issues, and ongoing options. They are willing to participate in any conference call within the next week if that would help resolve any questions.

Judy Froman said we set this date for an update three weeks ago. Understand these take time, but we have had this discussion for removal of that property for many months. Is there a way the two entities can work something out?

Ryan Correia said we will do the demolition once we own the property.

Peter Meier said one option is we can vote to move ahead with a Board of Survey hearing for a specific date. Then we can decide if we want to tear it down or continue. If we move forward with a hearing date, we may push people along.

Jared MacDonald it could be a safety issue along with blight and at this point we may need to move forward. Mr. Sweeney said the building is not occupied and is locked up.

Roger Laporte said we have been working on this problem for over a year, the Board of Survey went out last March. There is an easement on the property but it has nothing to do with the building. The building is unsafe, it is a hazard to the town. Knocking the building down has nothing to do with Mr. Correia or the easement. The problem with unsafe structures is that is hurts the entire town.

We are being audited by ISO (Insurance Services Office) on how we do with code enforcement. This regulates the rates we pay for our property insurance. Even though it is unoccupied and locked up it is still an unsafe building. We have to decide whether we are going to take action on it, no matter who buys it, or if the easement gets cleared up.

**Voted** Judy Froman moved and seconded by Jared MacDonald to have a public hearing regarding the demolition of 228 Main Street based on the Board of Survey assessment, for May 28, 2019 at 7:15 pm.

Jim Mulvey questioned when an easement is granted is it granted for a specific use and is it in perpetuity. Roger Laporte said this is an easement to traverse across a piece of property. The easement does not affect the building. It is a deed restriction so in order to remove the deed restriction whoever has the rights to it has to sign off.

James Potter said the building falls under the blight bylaw. The blight bylaw is very thorough. This Board hasn't fined any property, but there is a section on fines for consecutive days until the property is brought back into an occupied structure.

Mr. Sweeney requested to be read the structural report.

Tom Guerino said the Building Inspector was clear. The notion that the Board of Selectmen gets an engineering report the day of a meeting/hearing that has been known for 3 weeks is bad practice. It's not fair to the Board or to the staff to have to review information the day of the meeting and come to some determination. Nothing has happened for 3 weeks, it all happened today. It is disingenuous to give an engineering report the day of the meeting.

**Vote: 5-0**

**328 Main Street.**

Tom Guerino said Mr. Maxim informed him last week that he will not be able to attend the meeting and asked for a delay. I told Mr. Maxim that I wasn't in a position to delay this any further.

Jared MacDonald said he did suggest a coat of paint or some lawnmowing services could have stalled this process.

Judy Froman moved to have a public hearing for the demolition for 328 Main Street on May 21, 2019.

Ms. Froman withdrew the motion.

**Voted** Judy Froman moved and seconded by Jared MacDonald to move the discussion of 328 Main Street to a Board of Survey hearing on May 28, 2019 at 7:30 p.m.

Vote 5-0.

George Slade questioned can we asses these fines and what we have forgone since we didn't enforce the fines.

**8) Selectmen's Business**

- a. **17 Harrison Avenue – convey property back to owner through tax title redemption**

- b. Board to discuss and consider action on the following regarding the Gardner Bridge: The Board of Selectmen support the Commonwealth in the eminent domain taking of the Briarwood Bridge and urge the Great and General Court to take action necessary to achieve the taking**
- c. Parking Working Group discussion – Mr. Meier and Ms. Froman**

Tom Guerino said the check is at Town Hall ready to be deposited. Nancy has met with these folks and so has the collector's office. Recommend the town allow them to redeem.

**Voted** Judy Froman moved and seconded by Jared MacDonald to convey the property back to the owner allowing the property owner to redeem 17 Harrison Ave provided the check clears.

Roll Call: Jared MacDonald – Yes; Judy Froman – Yes; Peter Meier – Yes; James Potter – Yes; George Slade – Yes.

**8.b Board to discuss and consider action on the following regarding the Gardner Bridge: The Board of Selectmen support the Commonwealth in the eminent domain taking of the Briarwood Bridge and urge the Great and General Court to take action necessary to achieve the taking.**

Tom Guerino said this is asking our local legislators to file legislation for this. Even if it happens there is no guarantee that something from MassDOT will occur, this is one step in a process. This is a recommendation that came with discussion with some of our legislators last Friday.

**Voted** Jared MacDonald moved and seconded by Judy Froman to authorize the Board of Selectmen to write a letter of support asking our legislators to file an eminent domain on behalf of the residents of Briarwood Lane.

Roll Call: Jared MacDonald – Yes; Judy Froman – Yes; Peter Meier – Yes; James Potter – Yes; George Slade – Yes.

## **9) Correspondence**

James Potter brought the Board and the public up to date on the correspondence

- A. Letter from Local 1717 is hereby presenting this Vote of No Confidence against Chief Sylvester.
- B. Letter from TEC Associates regarding Massachusetts Coastal Railroad 2019 Vegetation Control Program [Copy of the Yearly Operational Plan 2019 on file in the Town Administrator's Office]
- C. Notice from Department of Agricultural Resources on Yearly Operational Plan that has been submitted for: Massachusetts Coastal Railroad
- D. Letter from Mary Jane Mastrangelo regarding ongoing concern of the Board of Selectmen related to the different dates for Capital Outlay Reports between the Charter and the Bylaws.

- E. E-mail from Thomas Shields, South Coast Shellfish Project Leader regarding Requested Adjustment to B-120 2019 Work Plan.
- F. Notice from Eversource on planned and scheduled vegetation maintenance work on the transmission right-of-way this year at 0 Winston Avenue, Sagamore.
- G. Town of Barnstable Weights and Measures Program submitted quarterly report from January 1, 2019 to March 31, 2019 and Memorandums of Understanding - Weights and Measures Administrative Costs.
- H. Cape Cod Commission Hearing Notice - Development of Regional Impact, Canal Street Crossing, 21 Hunters Brook Road, Sagamore Beach to be held May 9, 2019.
- I. Draft copy of the Advisory Board Budget Committee CCRTA Fiscal Year 2020 Budget [Copy of full report on file in the Town Administrator's Office].
- J. Letter from FEMA requesting them to determine if a property located at 80 Rocky Point Road, Bourne is located within an identified Special Flood Hazard Area.

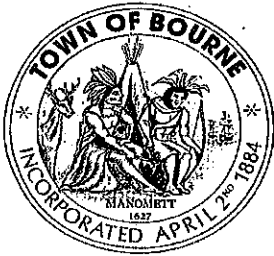
Judy Froman said regarding letter H is the town voted for an overlay district on Hunters Brook Road. There is a hearing coming forward from Cape Cod Commission. There is an initial hearing on May 9<sup>th</sup> but the public hearing is on May 15<sup>th</sup>.

Peter Meier said he will be available on Friday from 10:00 am-12:00 pm to have conversations with any residents at the Pocasset Village Association. From 1:00 pm to 3:00 pm he will be at the Sagamore Fire station in their meeting room.

#### **10) Adjourn**

**Voted** Judy Froman moved and seconded by Jared MacDonald to adjourn. Meeting adjourned at 9:24 pm. Vote 5-0.

Respectfully submitted - Carole Ellis, secretary.



# Board of Selectmen Meeting Notice



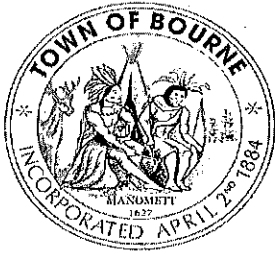
## AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Monday May 6, 2019	6:15 p.m.	Bourne High School Student Services Room (opposite library) 75 Waterhouse Road Bourne

1. Call Meeting to Order
2. Discuss and prepare for Town Meeting and act on any article as necessary
3. Recess to High School Auditorium
4. The Board of Selectmen will meet to participate, discuss and vote on the Special and Annual Town Meeting on stage of the High School Auditorium each session until conclusion
5. Adjourn

2019 APR 22 AM 10:59  
TOWN CLERK JOURNAL  
CCLM/STW





# Board of Selectmen Meeting Notice



## AGENDA AMENDED

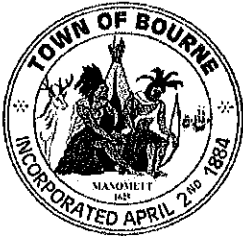
2019 MAY 06 PM 7:02  
TOWN OF BOURNE

Date  
Monday  
May 6, 2019

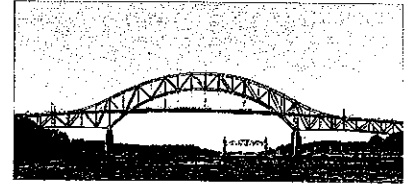
Time  
6:15 p.m.

Location  
Bourne High School  
Student Services Room (opposite library)  
75 Waterhouse Road  
Bourne

1. Call Meeting to Order
2. Signing of 2019 Annual Town Election Warrant
3. Discuss and prepare for Town Meeting and act on any article as necessary
4. Recess to High School Auditorium
5. The Board of Selectmen will meet to participate, discuss and vote on the Special and Annual Town Meeting on stage of the High School Auditorium each session until conclusion
6. Adjourn



# Board of Selectmen Meeting Notice AGENDA



Date

May 7, 2019

Time

6:30 P.M.

Location

Bourne High School  
Student Services Room (opposite library)  
75 Waterhouse Road, Bourne

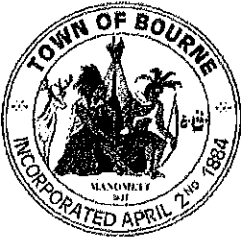
**6:30 P.M Call Public Session to Order in Open Session**

**Executive Session:** Motion to enter into Executive Session to conduct strategy with respect to threatened litigation regarding the Buzzards Bay Playground within Buzzards Bay Park. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

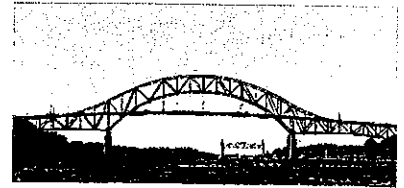
Roll call Vote to convene in Executive Session for the purposes stated. The Board of Selectmen will reconvene in open session following the Executive Session to participate, discuss and vote on the Special and Annual Town Meeting on stage of the High School Auditorium each session until conclusion.

Roll call Vote to adjourn Executive Session.

RECORDED  
2019 MAY -6 PM 3:25  
TOWN OF BOURNE



## Board of Selectmen Meeting Notice AGENDA



Date  
May 8, 2019

Time  
4:30 P.M.

Location  
Bourne Veterans Memorial  
Community Building  
239 Main Street  
Buzzards Bay, MA 02532

Call meeting to order.

1. **Executive Session** Contract negotiations for Non-Union personnel: Town Administrator. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to the discussion concerning negotiations.

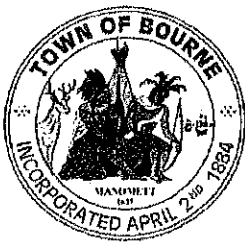
Roll call Vote to convene in Executive Session for the purpose stated.

The Board of Selectmen will not reconvene in open session at the conclusion of the Executive Session.

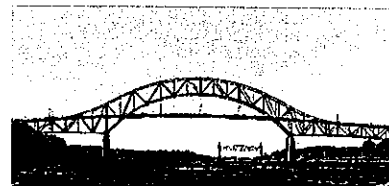
Roll call vote to adjourn Executive Session.

2. Adjourn

2019 MAY -8 PM 4:06  
TOWN OF BOURNE  
688 001 222



## Board of Selectmen Meeting Notice AGENDA



Date

May 13, 2019

Time

5:30 P.M.

Location

Bourne Veterans Memorial  
Community Building  
239 Main Street  
Buzzards Bay, MA 02532

Call meeting to order.

1. **Executive Session** Contract negotiations for Non-Union personnel: Town Administrator. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to the discussion concerning negotiations.

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

The Board of Selectmen will not reconvene in open session at the conclusion of the Executive Session.

Roll call vote to adjourn Executive Session.

2. Adjourn

2019 MAY -5 AM 11:03  
TOWN OF BOURNE



# SELECTMEN'S TASK FORCE ON LOCAL POLLUTION AND PHASE II STORMWATER MANAGEMENT COMMUNITY OVERSIGHT GROUP

## MEETING NOTICE

**Location:** Pocasset Community Club  
314 Barlows Landing Road, Pocasset, MA

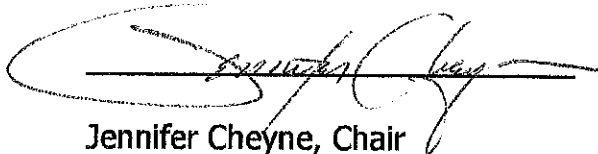
**Date:** Monday – May 13, 2019

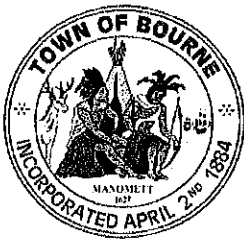
**Time:** 7:00 P.M.

2019 MAY -8 PM 12:30  
TOWN CLERK BOURNE  
1000 211 1000

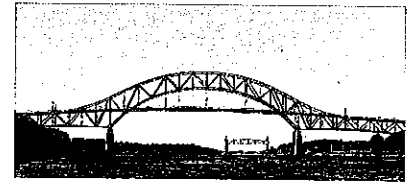
### Agenda Topics

- 1) Comment period for non-agenda items
- 2) Approve minutes from last meeting on 4/8/19-
- 3) Review and finalize particulars for second presentation, re: Joint Base Cape Cod Group Pocasset Groundwater Cleanup
- 4) Stormwater Bylaw Regulations, Issues, Updates, re: MASSTC (The Massachusetts Alternative Septic System Test Center)
- 5) Boat Bottom Paint (aka antifouling paint)
- 6) Alternative Venues for Membership Recruitment
- 7) Future Agenda Items
  - a) Review Compliance Reports
  - b) Report to the Selectmen
  - c)
  - d)
- 8) Date and Time of Next Meeting
- 9) Adjourn

  
Jennifer Cheyne, Chair  
May 7, 2019



# Board of Selectmen Meeting Notice AGENDA AMENDED



Date  
May 14, 2019

Time  
6:00 P.M.

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

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

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

Moment of Silence for our Troops and our public safety personnel

**Vision:**

Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

**Mission:**

Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

**6:00 P.M. Call Public Session to Order in Open Session**

**Executive Session:**

Motion to enter into Executive Session to conduct strategy with respect to threatened litigation regarding the Buzzards Bay Playground within Buzzards Bay Park. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

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

Motion to enter Executive Session to conduct strategy related to Fire Department Arbitration, Superior Court issues, and Department of Labor Relations cases. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

Roll call Vote to convene in Executive Session for the purposes stated. The Board of Selectmen will reconvene in open session following the Executive Session at approximately 7:00 p.m.

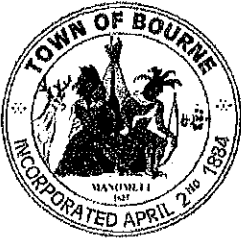
Roll call Vote to adjourn Executive Session.

1. Salute to the Flag
2. Public Comment on Non-Agenda Items
3. Approval of minutes: April 9, 2019; April 23, 2019; April 30, 2019
4. Buzzards Bay Park Update

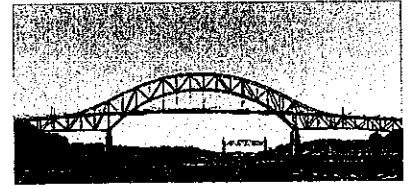
MAY 10 PM 3:25

RECEIVED

5. 7:15 p.m. to 8:10 p.m. Joint Base Cape Cod - Annual Update on Base Missions and activities
6. 8:15 P.M. Rod Taylor – Upweller (this hearing will be opened and closed with no action. The proponent is reassessing the best tract to work on and has withdrawn at this time.)
7. Mass DOT Presentation and Review of Belmont Circle Improvement plans
8. Licenses/Appointments:
  - a. Eastwind Seafoods, Inc. Entertainment License
  - b. Council on Aging – Linda H. Kelley
  - c. Election Worker – Patricia A. Kavanaugh
  - d. Election Worker – William J. Kavanaugh
9. Town Administrator Report – Town Meeting Wrap up and actions to be taken.
10. Selectmen’s Business
11. Correspondence
12. Adjourn



## Board of Selectmen Meeting Notice AGENDA



Date  
May 14, 2019

Time  
4:30 P.M.

Location  
Bourne Veterans Memorial  
Community Building  
239 Main Street  
Buzzards Bay, MA 02532

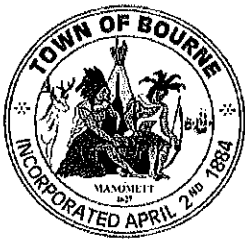
Call meeting to order.

### Executive Session:

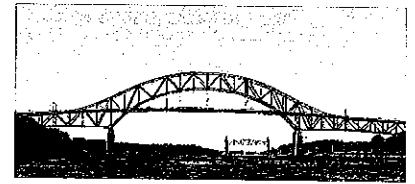
1. Motion to enter into Executive Session to conduct strategy with respect to contract negotiations for Non-Union personnel: Town Administrator. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to the discussion concerning negotiations.
2. Roll call Vote to convene in Executive Session for the purpose stated.
3. The Board of Selectmen will not reconvene in open session at the conclusion of the Executive Session.
4. Roll call vote to adjourn Executive Session.
5. Adjourn

RECEIVED  
2019 MAY 10 PM 2:10  
TOWN CLERK BOURNE





# Board of Selectmen Meeting Notice AGENDA



Date  
May 14, 2019

Time  
6:00 P.M.

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

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## **6:00 P.M. Call Public Session to Order in Open Session**

### **Executive Session:**

Motion to enter into Executive Session to conduct strategy with respect to threatened litigation regarding the Buzzards Bay Playground within Buzzards Bay Park. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

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

Motion to enter into Executive Session to conduct strategy with respect to threatened litigation regarding Cumberland Farms. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

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

Motion to enter Executive Session to conduct strategy related to Fire Department Arbitration, Superior Court and Department of Labor Relations cases. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

Roll call Vote to convene in Executive Session for the purposes stated. The Board of Selectmen will reconvene in open session following the Executive Session at approximately 7:00 p.m.

Roll call Vote to adjourn Executive Session.

1. Salute to the Flag
2. Public Comment on Non-Agenda Items
3. Approval of minutes: April 9, 2019; April 23, 2019; April 30, 2019
4. Buzzards Bay Park Update

RECEIVED  
MAY 10 PM 5:33

RECEIVED

5. 7:15 p.m. to 8:10 p.m. Joint Base Cape Cod - Annual Update on Base Missions and activities
6. 8:15 P.M. Rod Taylor – Upweller (this hearing will be opened and closed with no action. The proponent is reassessing the best tract to work on and has withdrawn at this time.)
7. Mass DOT Presentation and Review of Belmont Circle Improvement plans
8. Licenses/Appointments:
  - a. Eastwind Seafoods, Inc. Entertainment License
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9. Town Administrator Report – Town Meeting Wrap up and actions to be taken.
10. Selectmen’s Business
11. Correspondence
12. Adjourn

**Town of Bourne**  
24 Perry Ave.  
Buzzards Bay, Massachusetts 02532  
(508) 759 – 0600, ext. 1307

2019 MAY -3 AM 8:39  
TOWN OF BOURNE  
TOWN CLERK OFFICE

**PUBLIC HEARING NOTICE**

Notice is hereby given in accordance with provisions of Chapter 130, Section 60 of MGL as amended and Rules and Regulations and Application Requirements promulgated by the Board of Selectmen, that Amanda Haines, 276 County Road, Monument Beach, MA 02553, filed an application on March 29, 2019 to establish an aquaculture site within the municipal waters of the Town of Bourne within Buzzards Bay. The applicant is proposing four Floating Shellfish Upwellers that will be located in boat slips at the Kingman Yacht Center located at 1 Shipyard Lane Cataumet, MA 02534. The application, including a plan showing the specific location of the proposed upwellers, can be viewed at Town Hall.

A public hearing will be held on May 14, 2019 at 8:15 pm in the Bourne Veterans' Memorial Community Center, 239 Main Street Buzzards Bay, MA 02532

**BOARD OF SELECTMEN**  
Peter J. Meier, Chm.  
Judith MacLeod-Froman, V. Chm  
James L. Potter, Clerk  
George G. Slade, Jr.  
Jared P. MacDonald

For publication in the May 3, 2019 edition of the Cape Cod Times.

**Board of Selectmen  
Minutes of Tuesday, May 14, 2019  
Bourne Veterans' Memorial Community Center  
Buzzards Bay, MA**

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TA Tom Guerino - left at 8:04  
ATA Glenn Cannon

**Selectmen**

Peter Meier, Chairman  
Judy Froman, Vice Chair  
James Potter, Clerk  
George Slade  
Jared MacDonald

RECEIVED  
2019 JUN 14 PM 4:10

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**

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

**Executive Session:** Motion to enter into Executive Session to discuss strategy with respect to threatened litigation regarding the Buzzards Bay Playground within Buzzards Bay Park. The Chair has declared that an open meeting may have a detrimental effect on the litigation position of the public body.

Roll call vote to convene in Executive Session for the purposes stated.

Motion to enter into Executive Session to discuss strategy related to Fire Department Arbitration, Superior Court issues, and Department of Labor Relations cases. The Chair has declared that an open meeting may have a detrimental effect on the litigation position of the public body.

Roll call vote to convene in Executive Session for the purposes stated. The Board of Selectmen will reconvene in open session following the Executive Session approximately 7:00 P.M.

Roll call vote to adjourn Executive Session

**Chairman call public session to order in open session**

**Meeting Called to Order**

Chm. Meier called the meeting to order at 7:20 pm.

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

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**Public Comment – Non-Agenda Items**

Mr. Nelson spoke regarding the vegetation removal at the new Hampton Inn. Mr. Nelson suggested that whatever is done should be minimal so not to disrupt the existing vegetation and the view. Consideration should be given to putting in some type of appropriate landscaping where the vegetation has been removed to soften the impact. Mr. Nelson also spoke about the lighting pollution, the horizontal lighting, glares. Do not want to detract from the general ambiance of the area.

**3) Approval of Minutes: April 9, 2019; April 23, 2019; April 30, 2019**

**Voted** Judy Froman moved and seconded by Jared MacDonald to approve the April 9, 2019 minutes. Vote: 5-0.

**Voted** Judy Froman moved and seconded by Jared MacDonald to approve the April 23, 2019 minutes. Vote: 5-0.

**Voted** Judy Froman moved and seconded by Jared MacDonald to approve the April 30, 2019 minutes. Vote: 5-0.

**4) Buzzards Bay Park Update**

Attorney Troy read the following motion into the record:

Motion to waive the doctrine of attorney-client privilege and work product doctrine relating to a redacted Playground Audit regarding the Buzzards Bay Playground and communicate this action to the Records Access Officer and have said redacted safety report entered into the minutes of this Executive Session. The vote was unanimous.

Barry Johnson, Chairman of the Community Preservation Committee, Records Access officer; said he is currently dealing with a public records request, that is encompassing over

10,000 emails related to this project. The Playground will open in the immediate future once final inspections are complete, and the remaining work finished. Playground has been inspected and a report will be issued by an independent CPSI, hired by the Project Manager and paid for by the town. The CPC will post a final meeting on the playground project. Playground remediation was accomplished by the contribution of the engineering firm, and contractor along with transfers from existing appropriated but unspent funds. No additional funds were sought by Town Meeting or by Finance Committee Reserved Fund Transfer. The CPC will issue a final accounting after its final meeting to close out the project. As Chairman of the CPC, want to thank the Board, Glenn Cannon, Tom Guerino, and Town Council, that I have been consulted and that I have agreed with the decisions relating to the remediation of the Playground.

Wayne Del Pico, Project Manager for the rehabilitation of the Buzzards Bay Playground said we are very close to being complete. The goal of the project was to correct the issue that were addressed in an earlier audit by a CPSI to the town and to address the safety concerns. By the time the playground opens they will be complete. There are a few outstanding issues that we will take care of. The town, the Engineering Firm Weston & Sampson, and the Contractor Green Acres all cooperated to get the work done and in a timely manner. We should meet the opening date of a week from this Friday. The mitigation avoided a legal challenge, an uncertain outcome, and a delay in the re-opening of the playground. The project has been successful.

Peter Meier thanked Wayne Del Pico, Barry Johnson, and Town Council to get this to a resolution. It should be open by Memorial Day weekend.

Atty. Troy said there will be a complete financial report which will encompass the contributions by Weston & Sampson, Green Acres and the balance which is the overwhelming amount of expenses funds that were transferred from Unexpended Appropriations. That process is not complete until the final meeting of the CPC, before the end of this month. After that vote the CPC will issue a complete financial statement which explains the transactions.

**5) 7:15 p.m. to 8:00 p.m. Joint Base Cape Cod - Annual Update on Base Missions and Activities.**

Chris Faux, the Assistant Adjutant General for Air National Guard Operation in the Commonwealth and the Executive Director for Joint Base Cape Cod, said they share the pride and the relationship they have with the Town of Bourne.

Chris Faux went over Joint Base Cape Cod. Military Installations Economic Impact, Management: Joint Installation Partnership Agreement, Joint Oversight Group. Items of interest: Police Academy/Fire Academy, Utilities/Land, PFOS/PFOA, Future vision for the JBCC.

**Joint Base Cape Cod  
Commanders Briefing**

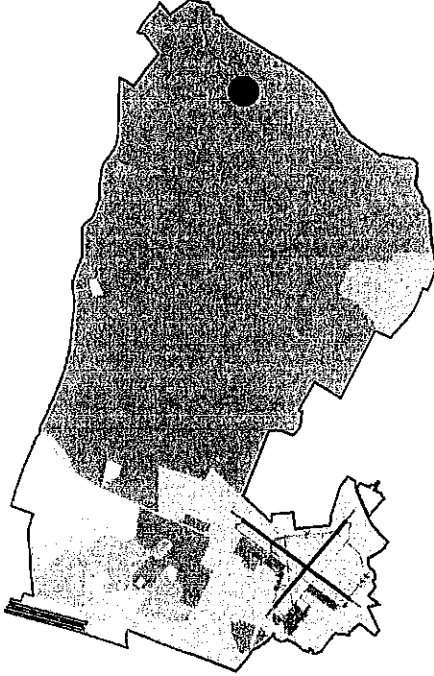
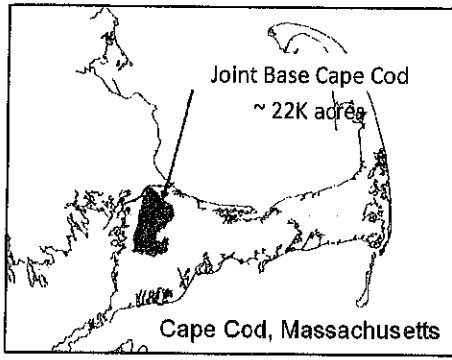
**Town of Bourne  
14 May 2019**



**Joint Base Cape Cod  
Military Organizations and Commanders**

- 
**Massachusetts National Guard**  
 - JBCC Executive Director: BG Chris Faux  
 - JBCC Executive Officer: Mr. Paul Rendon
- 
**Army National Guard - Camp Edwards**  
 COL Patrick Keefe
- 
**Air National Guard - 102<sup>d</sup> Intelligence Wing**  
 Col Virginia Gaglio
- 
**Air Force - 6<sup>th</sup> Space Warning Squadron**  
 Lt Col James Roberts
- 
**Coast Guard**  
 - Base Cape Cod: CAPT Michael Hudson  
 - Air Station Cape Cod: CAPT Scott Langum

## Joint Base Cape Cod

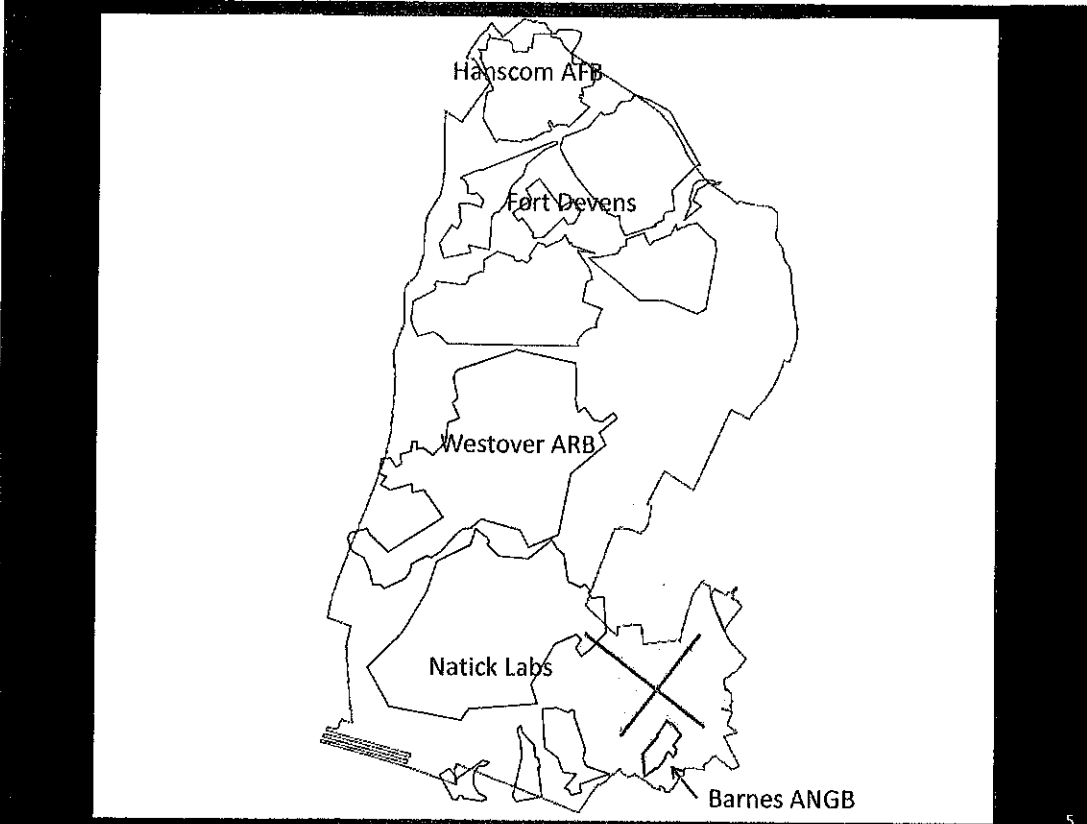


### Massachusetts Military Installations Economic Impact

- **Fort Devens**
  - 3,027 total employees
  - \$183,691,626 total economic impact
- **Westover Air Reserve Base**
  - 3,990 total employees
  - \$323,966,628 total economic impact
- **Barnes Air National Guard Base**
  - 1,648 total employees
  - \$197,720,739 total economic impact
- **Hanscom Air Force Base**
  - 16,229 total employees
  - \$6,086,408,580 total economic impact
- **US Army Natick Soldier Systems Ctr**
  - 14,569 total employees
  - \$5,567,413,562 total economic impact
- **Joint Base Cape Cod**
  - 4,751 total employees (FY18)
  - \$552,283,319 total economic impact (FY18)

FY2013 Total Economic Impact: \$13 billion and over 43,000 jobs





### Joint Base Cape Cod

#### Management

- Joint Installation Partnership Agreement
- Joint Oversight Group

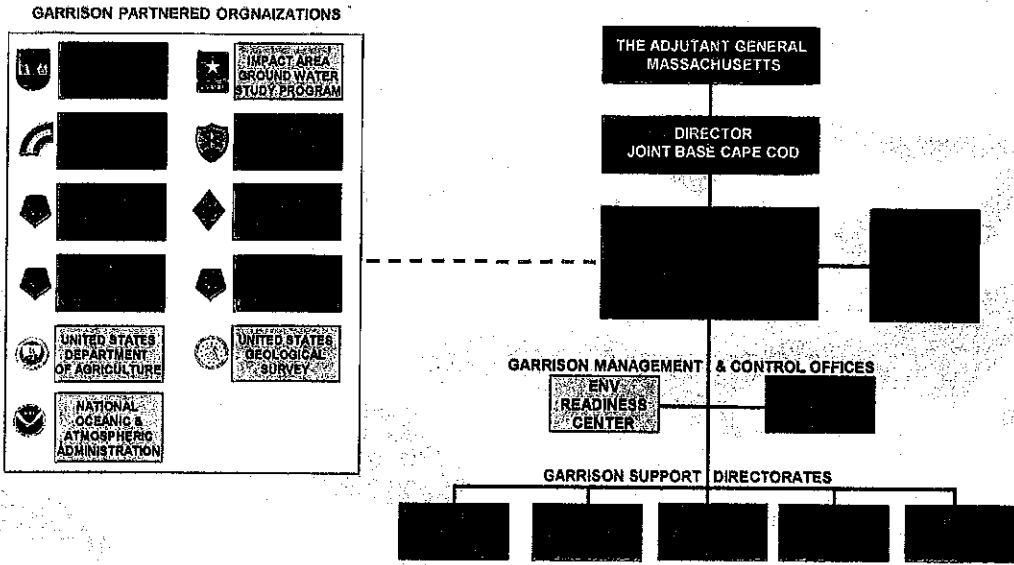
#### Items of Interest

- Police Academy/Fire Academy
- Utilities/Land
- PFOS / PFOA
- Future vision for the JBCC





**ARMY NATIONAL GUARD TRAINING SITE  
GARRISON COMMAND**



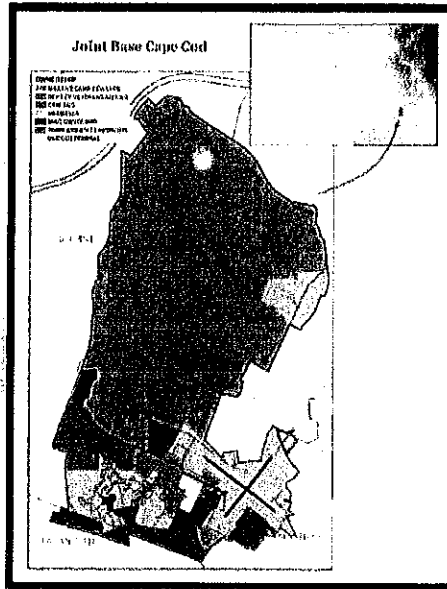
HEADQUARTERS, ARMY NATIONAL GUARD TRAINING SITE, CAMP EDWARDS

UNCLASSIFIED

## CAMP EDWARDS TRAINING SITE CAPABILITIES

### CAMP EDWARDS CAN SUPPORT:

- Brigade-sized operations
  
- Live, Virtual, and Constructive Integrated Training Environment
  
- Mission Command Simulation Center
  
- Asymmetric Threat Training Support Program (Regional Support), C-IED Integration Cell and Virtual Battle Space Suite

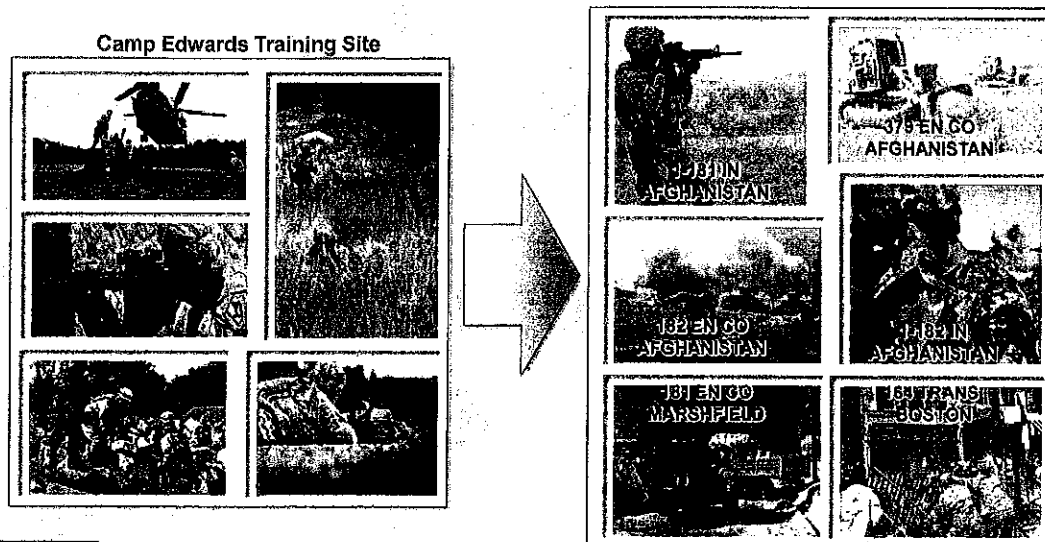


HEADQUARTERS, ARMY NATIONAL GUARD TRAINING SITE, CAMP EDWARDS

UNCLASSIFIED

## CAMP EDWARDS DIRECTLY IMPACTS READINESS

Successful training on Camp Edwards has resulted in numerous successful deployments domestically and internationally in difficult wartime and peacetime conditions including the Boston Marathon Bombing, Winter Storm Emergency Activations, and contingency operations in Kuwait, Iraq, Afghanistan, Kosovo, and Egypt.



HEADQUARTERS, ARMY NATIONAL GUARD TRAINING SITE, CAMP EDWARDS

UNCLASSIFIED

## ENVIRONMENTAL AND SAFETY

### Prescribed Fires

- 540 acres burned in 2019;
- Enhanced conservation for rare species;
- Success from mutual aid and coordination with local towns;
- \* Pre-burn notices will be sent out through media.

### Physical Security

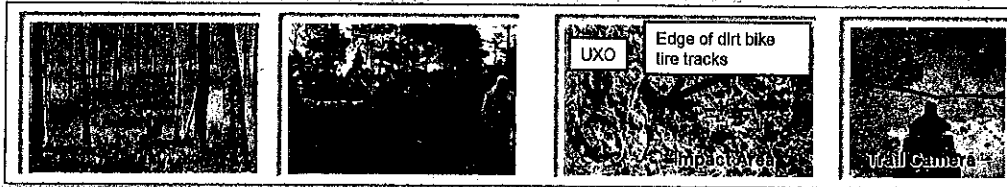
- Restricted Access
- Increase public awareness
  - \* Dangerous Area
  - \* Protect water treatment plants
  - \* Request your support to advise populace it is NOT AUTHORIZED for ATV, Dirt Bike, or Mountain Bike Recreation

### Recreational Hunting

- 60 Deer and 25 Turkey harvested
- 300 man-days of hunters
- Semi-annual nature tours

### Unexploded Ordnance

- Majority of UXO found in training areas or along buffers of impact areas;
- Recognize, Retreat, Report!



HEADQUARTERS, ARMY NATIONAL GUARD TRAINING SITE, CAMP EDWARDS

UNCLASSIFIED

## HIGHLIGHTS

- Largest Army National Guard Training Site in New England. Environmental successes have created a sustainable training environment supporting our mission, the environment, and our community while leading DoD initiatives.
- Trained over 46,000 Soldiers and 2,000 Civilians, in 2018. Trained over 15,000 Soldiers for mobilizations since September 11, 2001.
- Employs full-time and part-time personnel to support over 45 drilling weekends and 3 months of annual training with 25 Active Duty Soldiers; 36 Title-32 Technicians; 1,100 M-Day Soldiers; and, 70 Civilians.
- Maintains a cumulative operating budget of approximately \$8 million, and up to an additional \$6 million in capital investment from the National Guard and the Commonwealth.
- Over \$65 Million in MILCON construction in 2015 and 2020. Projected \$100M in capital investment over the next 25 years.
  - Unit Training & Equipment Site
  - Regional Training Institute
  - 3 Ground Water Treatment Systems
  - Multi-purpose Machinegun Range
- The Army and Air Force have invested over \$1.1 Billion in environmental clean-up and restoration since 1990. These programs continue to invest \$15-25 million, annually.
- Winner of the 2017 Army Community Partnership Award.



HEADQUARTERS, ARMY NATIONAL GUARD TRAINING SITE, CAMP EDWARDS

UNCLASSIFIED

Col Virginia Gaglio, 102d Intelligence Wing went over 1,260 Airmen in 5 groups, 420 fulltime personnel, 840 drill status guardsmen, Intelligence, Surveillance & Reconnaissance; Cyberspace Intelligence, General Med Support, Field Medical For Homeland Response; Civil Engineers, Communication, Personnel Security Logistics Services; Engineering & Installation; 102d Intelligence Wing Military Operations 2018-2019; 102d Intelligence Wing Ongoing Initiatives.

**102d Intelligence Wing**

The graphic displays the 102d Intelligence Wing's organizational structure. At the top left is the wing's crest. The main title "102d Intelligence Wing" is centered at the top. Below it, a central box labeled "102d Intelligence Wing" branches into five main functional areas, each with a representative image and a list of sub-functions:

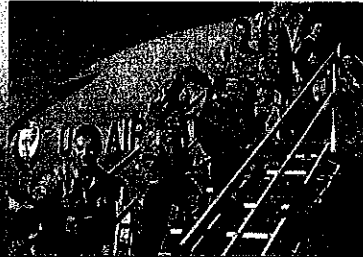
- Intelligence, Surveillance & Reconnaissance:** Includes "Beachhead" and "U-2, RQ-4, etc. exploitation".
- Cyberspace Intelligence:** Represented by an image of a computer keyboard.
- General Med Support:** Includes "Field Medical For Homeland Response".
- Civil Engineer, Communication, Personnel Security, Logistics Services:** Represented by an image of a person working at a computer.
- Engineering & Installation:** Represented by an image of a person working on a structure.

At the bottom of the graphic, a summary line reads: *1,260 Airmen in 5 Groups; 420 fulltime personnel, 840 drill status guardsmen*



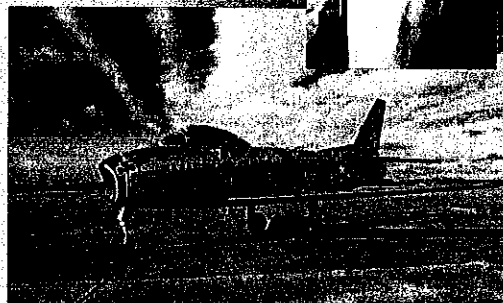
## 102d Intelligence Wing Military Operations 2018-2019

- Mobilization of Security Forces, Engineers, other Support Specialties
- Operations "employed in place" intelligence mission at Distributed Ground Combat Airbases - pivoting to problem centered operations
- New Cyber-Intelligence Mission to initial Operational Capable - 2025 Full Operational Capability
- Signed partnership with University of Massachusetts Dartmouth
- Domestic Operations - Response to Gas Explosion in Merrimack Valley, Medical team and Security Forces deployed for Boston Marathon/Esplanade. Conducted VIGILANT GUARD 2019 exercise.





## 102d Intelligence Wing Ongoing Initiatives

- Divest/excess 102IW property to reduce land footprint
- Exploring privatization of Sewer/Water utility/Electric
- Intergovernmental Support Agreements
- Connery Avenue re-pavement
- Micro-grid IOC
- Historical Refurbishment & Memorialization



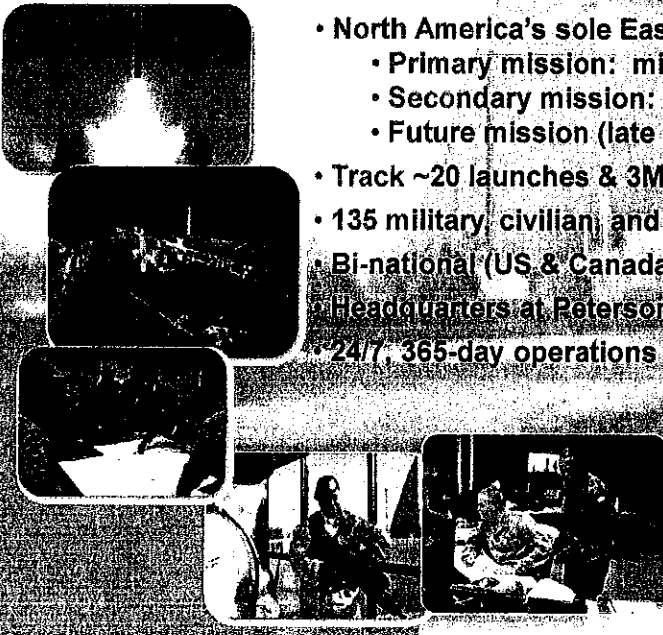
Lt. Col. James Roberts, Commander for Cape Cod Air Force Station, went over Cape Cod Air Force Station Home of the 6<sup>th</sup> Space Warning Squadron, Primary Mission - missile warning, and Secondary Mission - space surveillance, Future Mission (late 2019) - missile defense; Track about 20 launches and 3M satellite passes per year, 135 personnel onsite, Bi-national (US & Canada) active duty squadron; Headquarters at Peterson AFB in Colorado Springs; 24/7, 365-day operation since 1980; Budget, Partnership and Community Support, Significant Milestones and Projects.




## Cape Cod Air Force Station

Home of the 6<sup>th</sup> Space Warning Squadron

- North America's sole East Coast early warning radar
  - Primary mission: missile warning
  - Secondary mission: space surveillance
  - Future mission (late 2019): missile defense
- Track ~20 launches & 3M satellite passes per year
- 135 military, civilian, and contractor members
- Bi-national (US & Canada) active duty squadron
- Headquarters at Peterson AFB in Colorado Springs
- 24/7, 365-day operations since 1980





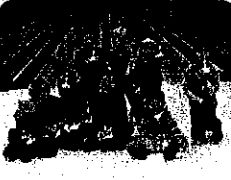



## Cape Cod Air Force Station

Home of the 6th Space Warning Squadron





- Maintain \$4.1M operating budget
- Partnerships and Community Support
  - Reliant on JBCC facilities, housing, clinic, etc.
  - Support agreements with fire & law enforcement
  - Support to/from local clubs, businesses, schools, & charitable organizations
- Significant Milestones and Projects
  - ✓ Wind turbines offset electricity requirements
  - ☐ \$125M Upgraded Early Warning Radar On-going

Brian McLaughlin, went over Coast Guard Base and Air Station Cape Cod; People, Proficiency, Partnerships, 176 active duty & civilian personnel, 3MH-60T, 3 HC-144A & 3 mission system pallets valued at \$200M; Only USGS aviation resource provider in First District, Fixed-wing SAR support in Great Lakes Region, FY 2018, Auxiliary Air Fleet of 40+ aircraft 200+ members; Air Station Cape Cod - Major Events, Major Search and Rescue Cases, Major Law Enforcement Cases, National Recognition; other Operations: Hurricane Florence Response, Counter Drug Operations, Training Programs.





Homeland Security



U.S. Coast Guard



# Coast Guard Base and Air Station Cape Cod



Homeland Security

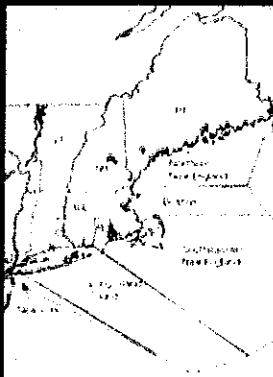


U.S. Coast Guard



## Air Station Cape Cod

*People – Proficiency – Partnerships*



- 176 active duty & civilian personnel
- 3 MH-60T, 3 HC-144A & 3 mission system pallets valued at \$200M
- Only USCG aviation resource provider in First District
- Fixed-wing SAR support in Great Lakes Region
- In FY 2018:
  - 210 SAR cases
  - 4,513 hours flown
- Auxiliary Air fleet of 40+ aircraft & 200+ members (largest in the CG)



Homeland Security



U.S. Coast Guard



## Air Station Cape Cod

### Major Events

- Major Search And Rescue (SAR) Cases
  - F/V Sea Star
  - F/V Aaron & Melissa II
- Major Law Enforcement Cases
  - 4 Counter-drug deployments in 2018
  - \$18M cocaine seized
- National Recognition
  - DHS Secretary's Award for Valor
  - Naval Helicopter Association



Homeland Security



U.S. Coast Guard



## Air Station Cape Cod

### Operations

- Hurricane FLORENCE Response
  - 1/3 unit assets deployed
  - 20 lives saved
- Counter Drug Operations
  - 4 Counter-drug deployments annually
- Training Programs
  - Ice Rescue Training
  - Joint Training
    - Urban Search and Rescue
    - OPs Vigilant Guard & Hard Knox
    - Barnstable Police
  - 2018 Standardization Excellence Award



Captain Michael Hudson, Commanding Officer of Coast Guard Base Cape Cod went over Base Cape Cod Background: Regional Support Base Established 2014, BCC Tenant Commands, Regional Supported Commands; Base Cape Cod Services, Comptroller/Base Operations, Facilities Engineering, Procurement and Contracting, Health, Safety & Work-Life, Electronic Support, and Personnel.

**Base Cape Cod Background**

- Regional Support Base Established 2014
- BCC Tenant Commands
  - Air Station Cape Cod
  - Maritime Safety and Security Team CC
  - Port Security Unit 301
  - Northeast Regional Fisheries TC
  - FORCECOM Armory/Range
  - Marine Safety Det Cape Cod
- Regionally Supported Commands
  - Sector Southeastern New England
  - 8 Stations, 4 Patrol Boats, and others

**Base Cape Cod Services**

- Comptroller/Base Operations
- Facilities Engineering
- Procurement and Contracting
- Health, Safety & Work-Life
- Electronics Support
- Personnel:
  - Housing (On-base and Off)
  - Morale, Wellness, & Recreation
  - Servicing Personnel Office
  - Admin

Peter Meier spoke about possibly having a Selectmen meeting on Joint Base Cape Cod. Chris Faux suggested to use their welcoming center, reminder they are a Federal facility and they have limitations that don't exist in the community.

**6) 8:15 p.m. Rod Taylor - Upweller (this hearing will be opened and closed with no action. The proponent is reassessing the best tract to work on and has withdrawn at this time.)**

**7) Mass DOT Presentation and Review of Belmont Circle Improvement Plans**

Tom Currier, Mass Dot Highway Division Project Manager for the Belmont Circle and Rob Hicks, TranSystems, Design Consultant went over the project.

Mr. Currier said the estimated advertising date is March 7, 2020. Halfway done with the design and permitting process, and the right-of-way acquisition process.

Mr. Hicks went over the presentation. Project Evolution, 25% submittal 8/8/17, 75% submittal 2/15/19; History of Public Outreach, January 6, 2014 Road Safety Audit, 2014-2015 Working Group Meetings; Project Area; Approximate limits of work; Why we need this project; Existing Issues: Deficient Bicycle / Pedestrian Accommodations, Pavement/Markings Signing; Project Goals: Improve Pedestrian and Bicycle Accommodations, Minor Geometric Improvements, Improve striping and signing through the rotary; Project Scope; Existing Sidewalks; Proposed Shared Use Path; Crosswalks, Pedestrian Signal Upgrade; Retaining Wall; Utility Relocations: Relocate utility poles and overhead wires, relocate hydrants and sections of sewer along south side of circle, relocate gas, water and sewer services as required; Right-of-Way Impacts: Minor Strip takings, permanent easements, temporary easements; How will traffic be affected: No work on roadway between Memorial Day and Labor Day, Minimal lane closures; Stage 1 Construction & Stage 2 Construction; Traffic Impacts; Environmental Permitting; Project Schedule.



# Thank You

## Q&A

Traffic and Multi-Modal Improvements  
Belmont Circle at Routes 6/ 25/ 28  
Bourne, MA | Project File No. 606900

**Board of Selectmen  
Meeting**  
Bourne Memorial Community Center  
May 14, 2019 | 7:00PM



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

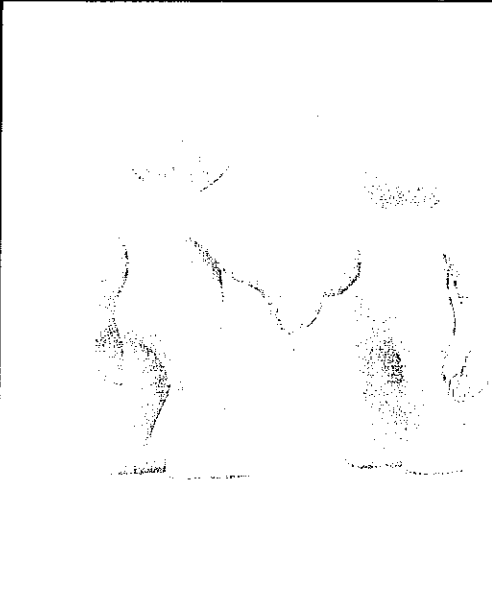
## Introduction

- MassDOT Project Manager: Tom Carrier
- Design Consultants: TranSystems
  - Project Overview: Rob Hicks



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

# Project Team



**MassDOT's Highway Division**  
Responsible for administering Design and Construction and providing Resident Engineer Services

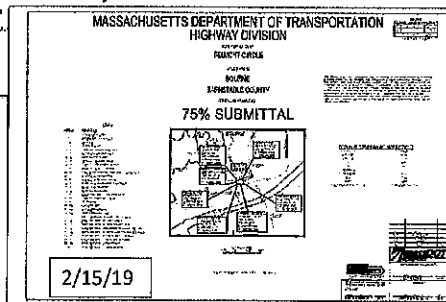
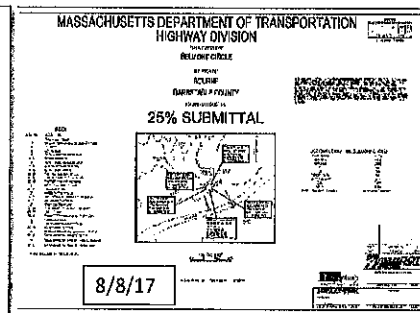
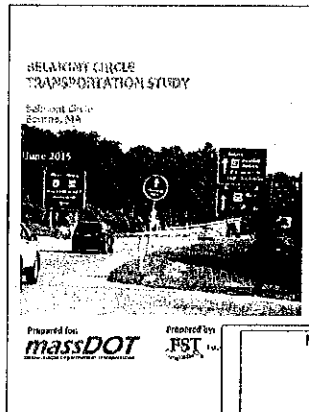
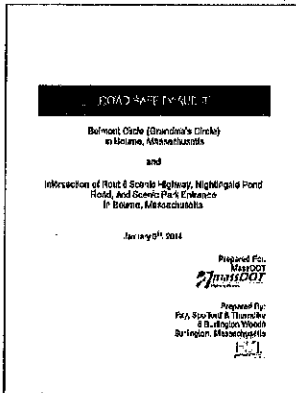
**Consultant Engineering Firm**  
TranSystems

**Municipality**  
Town of Bourne



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

# Project Evolution





Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

# History of Public Outreach

- **January 6, 2014: Road Safety Audit**
- **2014 - 2015: Working Group Meetings**



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

# Project Area



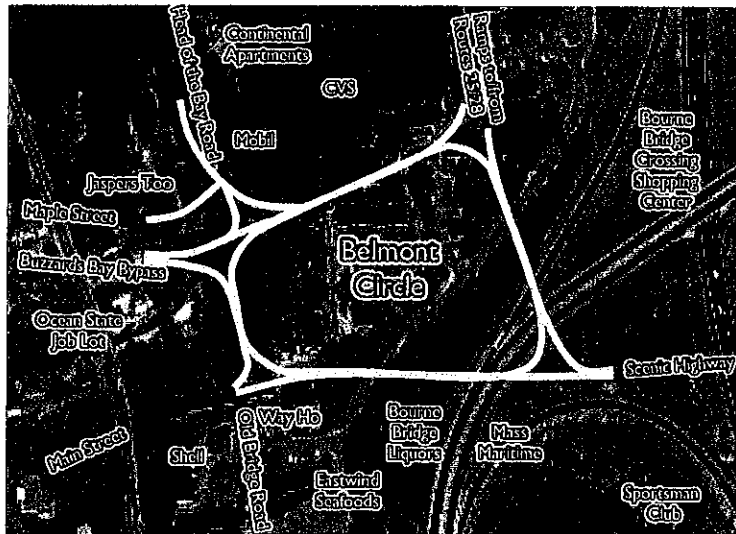
Project Area

Bourne, MA



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

## Project Area



Bourne, MA

Approximate Limits of Work



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

**Why do we need  
this project?**







Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

## Existing Issues

- Deficient Bicycle/  
Pedestrian  
Accommodations



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

## Existing Issues

- Pavement  
Markings/Signing





Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

## Project Goals

- Improve Pedestrian and Bicycle Accommodations
- Minor Geometric Improvements
- Improve striping and signing through the rotary



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

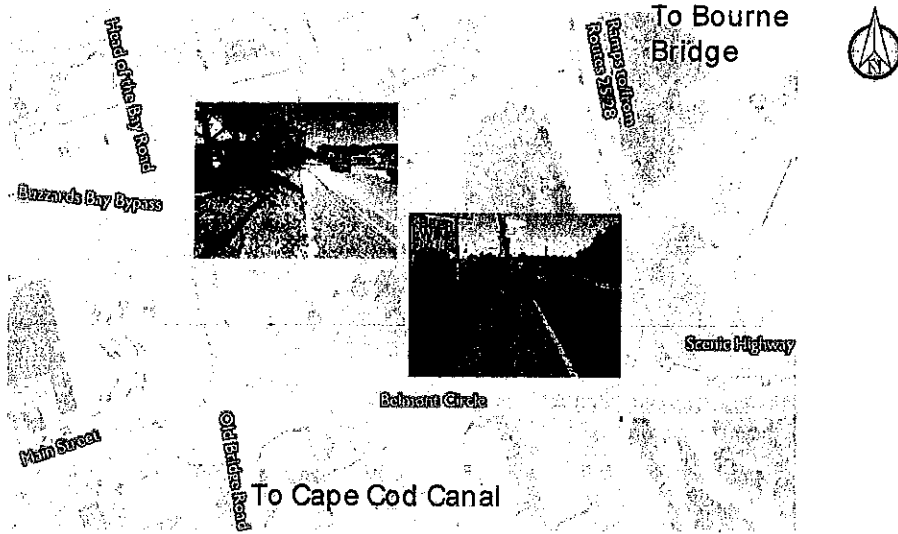
## Project Scope





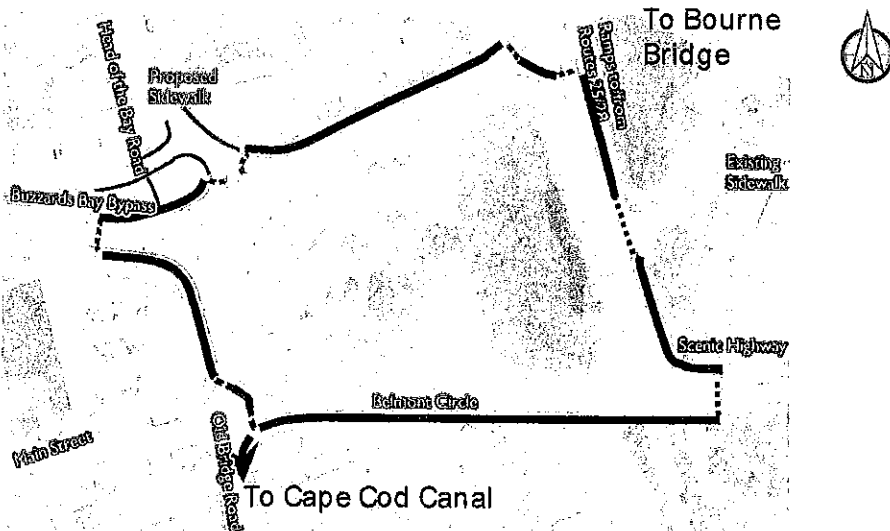
Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

# Existing Sidewalks



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

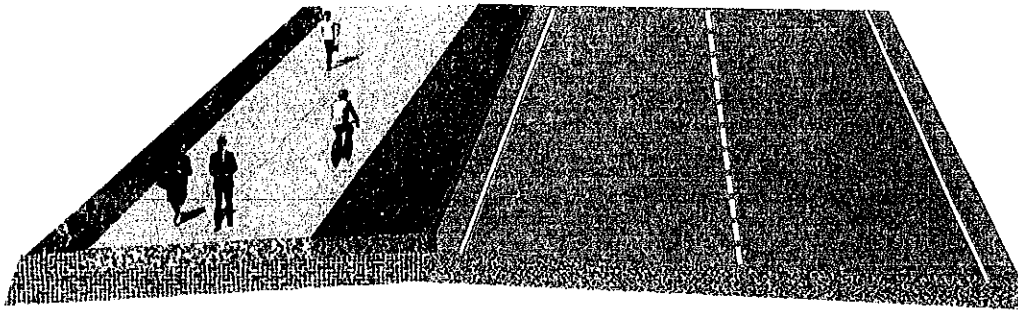
# Proposed Shared Use Path





Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

# Shared Use Path



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

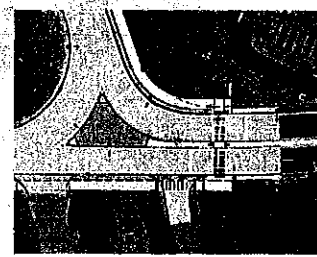
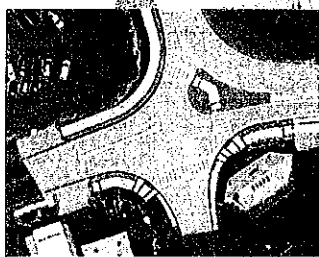
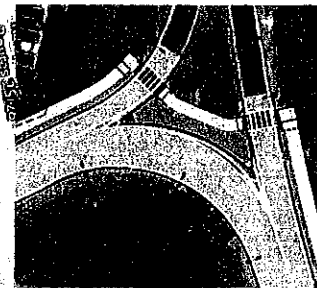
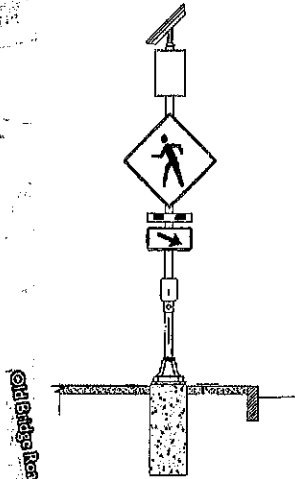
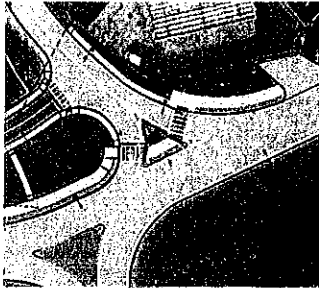
# Crosswalks





Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

# Crosswalks

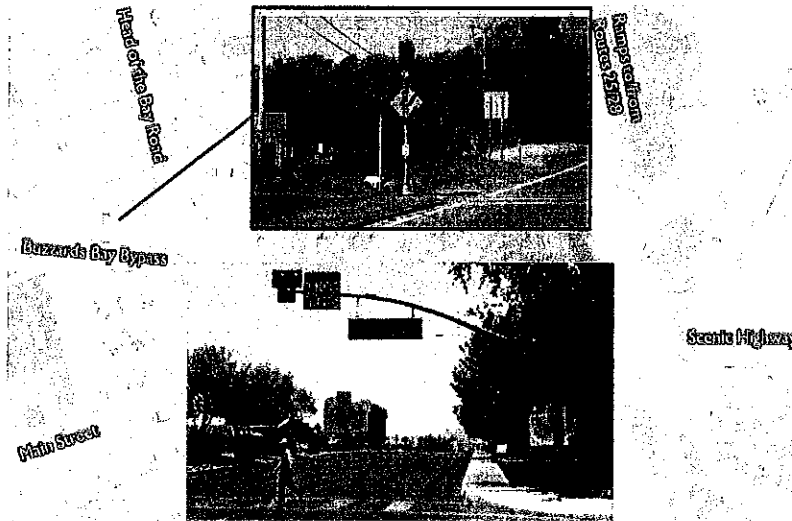


Rectangular Rapid Flashing Beacon (RRFB)



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

# Pedestrian Signal Upgrade





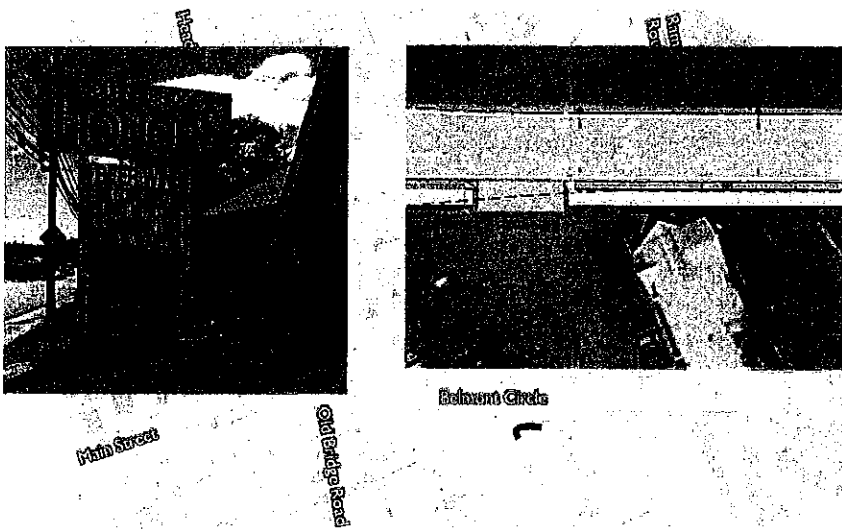
Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

# Retaining Walls



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

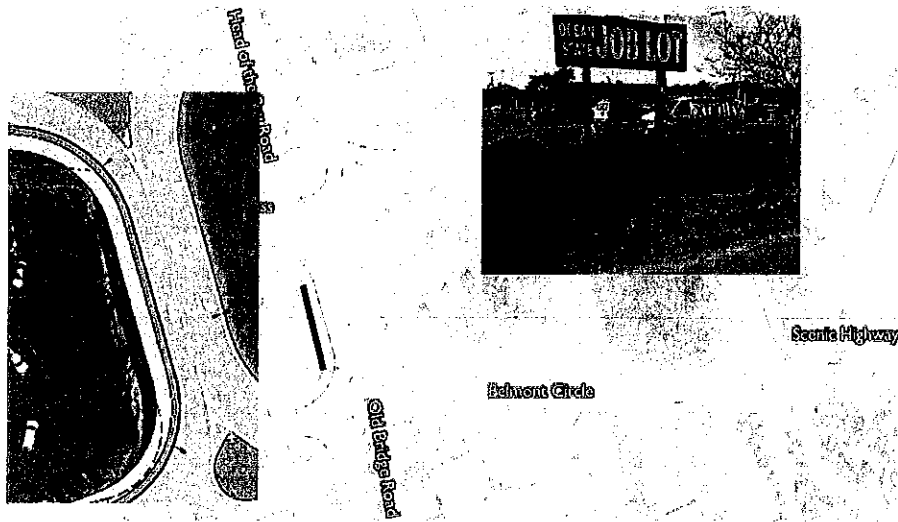
# Retaining Walls





Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

# Retaining Walls



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

# Utility Relocations

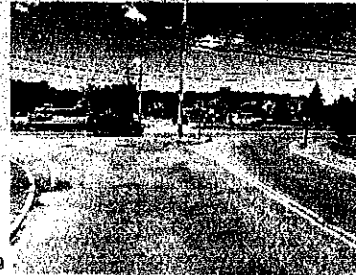




Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

## Utility Relocations

- Relocate Utility Poles and Overhead Wires
- Relocate Hydrants and Section of Sewer along South Side of Circle
- Relocate Gas, Water and Sewer Services as required



Main Street

Old Bridge Road

Belmont Circle



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

## Right-of-Way Impacts





**massDOT**  
Massachusetts Department of Transportation  
Highway Division

Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

# Right-of-Way Impacts

- Minor Strip Takings
- Permanent Easements
- Temporary Easements

**massDOT**  
Massachusetts Department of Transportation  
Highway Division

Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

# How will traffic be affected?



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900



# ALERT: Traffic Impacts

- No Work on Roadways Between Memorial Day and Labor Day
- Minimal Night Time and Off-Peak Lane Closures

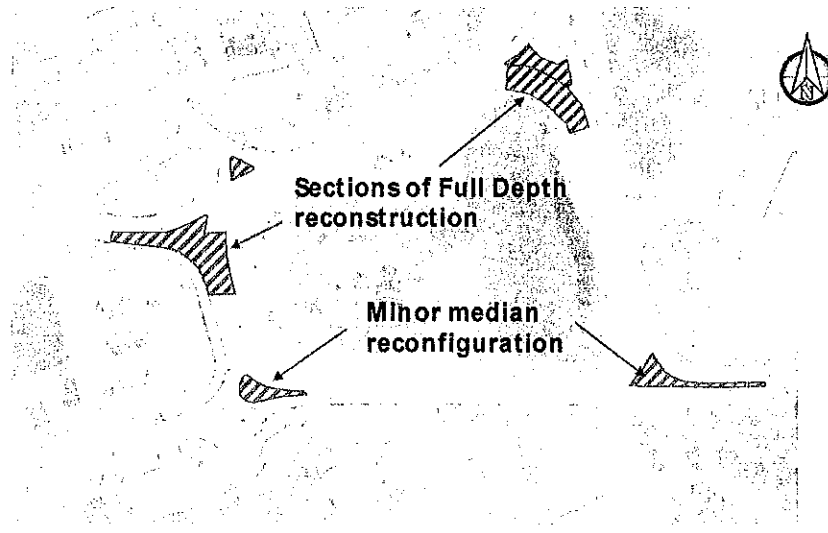


Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900



# ALERT: Traffic Impacts

Stage 1  
Construction



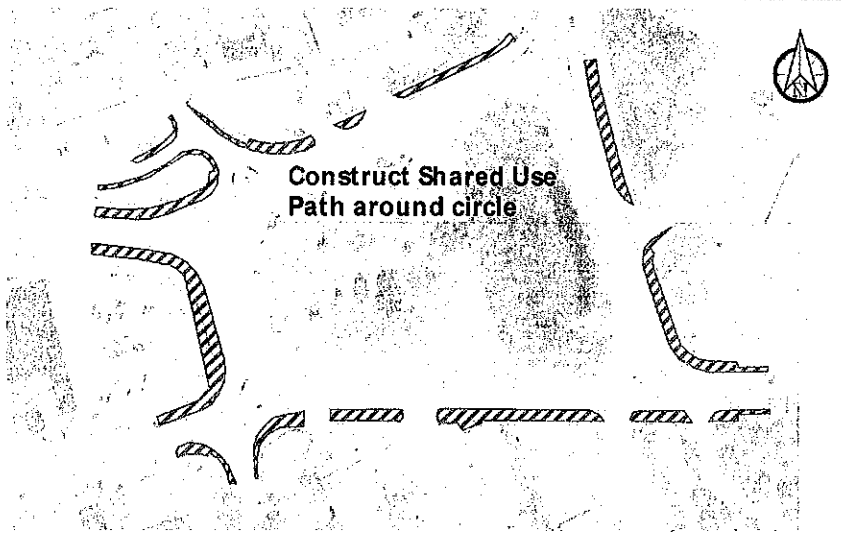


Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900



# ALERT: Traffic Impacts

Stage 2  
Construction



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900



# ALERT: Traffic Impacts

End  
Condition





Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900.

## Environmental Permitting

- Categorical Exclusion (CE) Checklist
- Notice of Intent (NOI)
  - land subject to coastal storm flowage
  - buffer zone to bordering vegetated wetlands



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

## Project Schedule

25% Design  
Submittal  
08/08/2017

75% Design  
Submittal  
02/15/19

Final Design  
Submittal  
Fall of 2019

Design Public  
Hearing  
8/15/2018

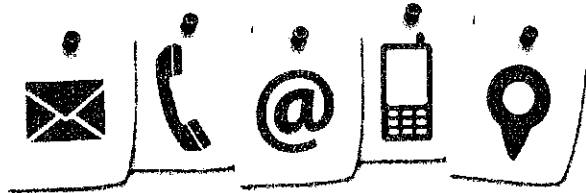
100% Design  
Submittal  
Summer of 2019

Construction Starts  
Summer of 2020



Traffic and Multi-modal Improvements  
Belmont Circle at Routes 6/25/28  
Bourne, MA | Project File No. 606900

## Contact Information

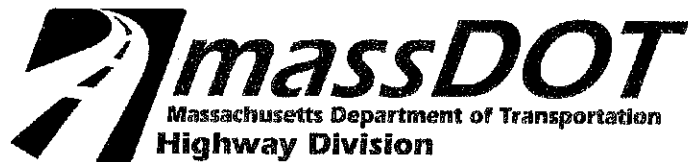


MassDOT Project Manager:

Tom Currier

[thomas.currier@state.ma.us](mailto:thomas.currier@state.ma.us)

(857) 368-9348



## Thank You

### Q&A

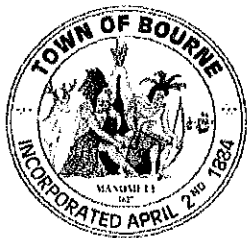
Traffic and Multi-Modal Improvements

Belmont Circle at Routes 6/25/28

Bourne, MA | Project File No. 606900

## Board of Selectmen Meeting

Bourne Memorial Community Center  
May 14, 2019 | 7:00 PM



## Board of Selectmen Meeting Notice AGENDA



Date

May 20, 2019

Time

4:30 P.M.

Location

Bourne Veterans Memorial  
Community Building  
239 Main Street  
Buzzards Bay, MA 02532

Call meeting to order.

1. **Executive Session** Contract negotiations for Non-Union personnel: Town Administrator. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to the discussion concerning negotiations.

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

The Board of Selectmen will reconvene in open session at the conclusion of the Executive Session.

Roll call vote to adjourn Executive Session.

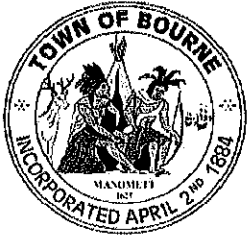
2. Executing a Temporary Construction License for a 594 Circuit Avenue under Section 3.1.2 (Digging on Public Land) for a subsurface sewage disposal system.
3. Adjourn

TOWN OF BOURNE

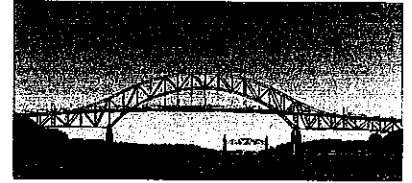
2019 MAY 16 AM 11:54

RECEIVED

# AMENDED



## Board of Selectmen Meeting Notice AGENDA



Date

May 20, 2019

Time

4:30 P.M.

Location

Bourne Veterans Memorial  
Community Building  
239 Main Street  
Buzzards Bay, MA 02532

Call meeting to order.

1. **Executive Session** Contract negotiations for Non-Union personnel: Town Administrator. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to the discussion concerning negotiations.

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

The Board of Selectmen will reconvene in open session at the conclusion of the Executive Session.

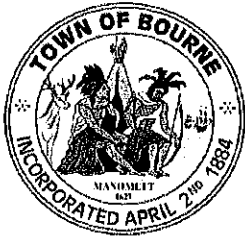
Roll call vote to adjourn Executive Session and reconvene in open session.

2. Board to report on actions taken in Executive Session and ratify such actions, if any.
3. Executing a Temporary Construction License for a 594 Circuit Avenue under Section 3.1.2 (Digging on Public Land) for a subsurface sewage disposal system.
4. Adjourn

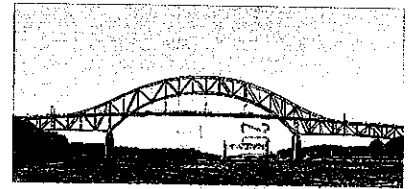
TOWN OF BOURNE

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# Board of Selectmen Meeting Notice AGENDA



Date  
May 28, 2019

Time  
6:00 P.M.

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

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

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

Moment of Silence for our Troops and our public safety personnel

Vision:

Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

Mission:

Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

## **6:00 P.M. Call Public Session to Order in Open Session**

### **Executive Session:**

Strategy session with respect to litigation for Cumberland Farms, Inc. v. Daniel Doucette et al, Land Court Department Case No. 17MISC000063; inasmuch as the Chairman has declared that an open meeting will have a detrimental effect of the litigation position of the Town;

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

Motion to enter Executive Session to conduct strategy related to Fire Department Arbitration, Superior Court issues, and Department of Labor Relations cases. The Chair has declared that an open meeting may have a detrimental effect on the litigating position of the public body.

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

Motion to enter into Executive Session to conduct strategy in regards to negotiations with respect to easements on:

Map 35.0 Parcel 144 – Henry Drive, Map 35.0 Parcel 145 – 3 Henry Drive; Map 51.3 Parcel 62 – 0 Squeteague Harbor Road; Map 23.0 Parcel 4 – 90 Main Street; Map 42.0 Parcel 89 – 11 Bassett's Island. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to the easements.

Board to report on actions taken in Executive Session and ratify such actions, if any.

Board of Selectmen will convene in public session at the conclusion of the Executive Session.



## Reorganization of the Board of Selectmen - Chair, Vice Chair, Clerk

1. Salute to the Flag
2. Public Comment on Non-Agenda Items
3. Approval of minutes: 4.16.2019
4. Town Administrator Report
  - a. Central Business Area Parking Committee
  - b. Town Administrator Search RFQ
  - c. FY 21 Capital and Budget
  - d. CVEC – Electric Charging Station and possible solar canopy at BVMCB
5. Licenses/Appointments
  - a. Cape Cod Regional Transit Authority Appointment
  - b. 7:45 PM Hampton Inn –Year Round Innholder Alcoholic Beverages Liquor License
  - c. Commission on Disabilities – Patricia A. Morley to fill unexpired term
  - d. Whistle Stop – change in ownership – Common Victualer Food License for Don & Wanda Myers
6. Sam. Haines Conservation Agent (20 Minutes)
  - a. Presentation of the Bourne Municipal Vulnerability Workshop Report
  - b. Update on Bourne’s MS4 Storm water Management Plan
7. Sagamore Highlands – Crab Rock Way request on bank stabilizing plan.. The Board will be asked to allow this to move forward to the Conservation Commission for a determination. Since the Town owns the beach below the BOS will have to allow this to move to Con. Com without any recommendation by the BOS. (Attorney Jack Vaccaro)
8. Local Comprehensive Plan – DRAFT – Mr. Wes Ewell (40 minutes)
9. Selectmen’s Business
  - a. Chapter 218 Section 22A ¾ - Designated Veterans’ parking space for Town Hall and Bourne Veterans’ Memorial Community Center.
  - b. Community Engagement Committee
10. Correspondence
11. Adjourn

**Board of Selectmen  
Minutes of Tuesday, May 28, 2019  
Bourne Veterans' Memorial Community Center  
Buzzards Bay, MA**

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TA Tom Guerino  
ATA Glenn Cannon

**Selectmen**

Peter Meier, Chairman  
Judy Froman, Vice Chair  
James Potter, Clerk  
George Slade  
Jared MacDonald

RECEIVED  
2019 DEC 20 PM 3:19  
TOWN CLERK BOURNE

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 and Beth Treffeisen Cape Cod Times.

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

**Documents**

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

**Executive Session:**

Strategy session with respect to litigation for Cumberland Farms, Inc v. Daniel Doucette et al, Land Court Department Case No. 17MISC000063; inasmuch as the Chairman has declared that an open meeting will have a detrimental effect of the litigation position of the Town.

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

Motion to enter into Executive Session to conduct strategy related to Fire Department Arbitration, Superior Court issues, and Department of Labor Relations cases. The Chair has declared that an open meeting may have a detrimental effect on the litigation position of the public body.

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

Motion to enter into Executive Session to conduct strategy in regards to negotiations with respect to easements on:

Map 35.0 Parcel 144 – Henry Drive, Map 35.0 Parcel 145 – 3 Henry Drive; Map 51.3 Parcel 62 – 0 Squeteague Harbor Road; Map 23.0 Parcel 4 – 90 Main Street; Map 42.0 Parcel 89 – 11 Bassett's Island. The Chair has declared that an open meeting may have a detrimental effect on the negotiating position of the public body with respect to the easements.

Board to report on actions taken in Executive Session and ratify such actions, if any.

The Board of Selectmen will convene in public session at the conclusion of the Executive Session.

**Chairman call public session to order in open session**

**Meeting Called to Order**

Chm. Meier called the meeting to order at 7:16 pm.

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

**Vision:** Bourne is a community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community, embraces excellent education, and the amenities that it affords and offers to citizens a healthy, active lifestyle.

**Mission:** Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsibility and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

**Public Comment – Non-Agenda Items**

None requested.

Erin Perry, Cape Cod Commission, wanted to invited the Select Members to the 6<sup>th</sup> Annual One Cape Summit. We will be at the Wequassett Resort on July 29 & 30<sup>th</sup>. On July 30<sup>th</sup> the Cape Cod Selectmen and Counselors' Association will be hosting a breakfast, we would like to invite the Selectmen to join us for that session as well as any other times you can attend the two days of the Summit.

**3) Approval of Minutes: April 16, 2019**

**Voted** Judy Froman moved and seconded by George Slade to approve the minutes from April 16, 2019. Vote 5-0.

**Reorganization of the Board of Selectmen – Chair, Vice Chair, Clerk**

**Nominations**

**Voted** Judy Froman moved and seconded by Jared MacDonald to nominate George Slade as Clerk of the Board of Selectmen. Vote 5-0.

**Voted** Jared MacDonald moved and seconded by Judy Froman to nominate Jim Potter as Vice Chair of the Board of Selectmen. Vote 5-0.

**Voted** Jared MacDonald moved and seconded by George Slade to nominate Judy Froman as Chair of the Board of Selectmen. Vote 5-0.

Judy Froman briefly spoke about Chairing the Select Board.

**4) Town Administrator Report**

**a. Central Business Area Parking Committee**

**b. Town Administrator Search RFQ**

**c. FY 21 Capital and Budget**

**d. CVEC Electric Charging Station and possible solar canopy at BVMCB**

Tom Guerino spoke about the Central Business Parking Area, the working group needs to be a standing committee, established by the Town Administrator, until the job is complete. Put a draft of the Board together, 9-person committee, members appointed by the Town Administrator to serve without compensation. 2 members of the Board of Selectmen, 1 member of the Planning Board, Chair of the Bourne Transportation Committee, Chief of Police or his designee, Public Works Director, Town Planner, Director of the Cape Cod Canal Region Chamber of Commerce, and the Town Administrator. The members shall serve for terms of 1 year commencing on June 1, 2019.

4A

**Buzzards Bay Central Business Area Parking  
Assessment and Advisory Committee**

1. There is hereby created a committee, to be known as the Buzzards Bay Central Area Parking Assessment and Advisory Committee, established by the Town Administrator. The Committee will consist of nine (9) members appointed by the Town Administrator to serve without compensation.
  
2. The membership of the Committee shall consist of 2 members of the Board of Selectmen, One member of the Planning Board, the Chair of the Bourne Transportation Committee, Chief of Police or his designee, Department of Public Works Director, the Town Planner, the Director of the Cape Cod Canal Area Region Chamber of Commerce, the Town Administrator. The members shall serve for terms of one year commencing on June 1, 2019. In the case of a vacancy in any year, the Administrator may appoint to fill the vacancy through May 31<sup>st</sup>.
  
3. The Committee is authorized to call upon other department heads, town employees and members of the business and not for profit community to provide information and materials, as the Committee deems necessary or appropriate to carry out its function.
  
4. The Parking Advisory Committee shall have the following responsibilities on parking-related needs and projects both short and long term proposed by the town and others and shall include, but not limited to new and shared parking lots, on street parking, new parking facilities, land and lot research for potential new areas, traffic and parking regulations, rail services, bus services, shuttle services and other potential parking needs.
  - To study and develop parking improvement proposals to be presented to the federal, state and/or county agencies on behalf of the Town of Bourne.

Page 2.

- To solicit input from town officials, department heads, Regional Transit Authority, state and county officials, Cape Cod Commission staff, and citizens on parking needs and proposals to be sponsored by the Town.
  - To recommend to the Town Administrator and Select Board parking related proposals and solutions to be sponsored by the Town, and to advocate those positions if so authorized by the Board of Selectmen.
  - To study and evaluate major transportation proposals of the United States Government, Massachusetts Executive Office of Transportation & Construction, Massachusetts Highway Department, developers and other parties that directly or indirectly impact parking needs in and through the retail and commercial district of Buzzard Bay Village.
  - To solicit input from town officials, department heads, Regional Transit Authority, Joint Regional Transit Committee, state and county officials, Cape Cod Commission staff, and citizens on such major proposals, as deemed necessary.
  - To recommend to the Town Administrator and Select Board the position to be taken by the Town with respect to substantive proposals under consideration and to advocate those positions if so authorized.
5. The Committee's charge and work shall continue in effect until suspended, modified or revoked.

Peter Meier suggested to have a member of the public because there are residential property owners on the west end of Main Street that would be affected. Jared MacDonald agreed that a member of the public should be on the committee. Mr. Guerino questioned if this should be increased to 11 and have 2 members at large, that the Board could choose to appoint.

James Potter would like more time to think about this.

Judy Froman suggested to have the Public Works Director be invited as needed, have one Board member and a resident.

Mr. Guerino said to have changes back to himself or Glenn Cannon by Thursday afternoon so they can rewrite it and have it ready for the packet for next week.

George Slade said he is interested in attending the meetings as an audience member.

James Potter suggested to have a Scope for the committee. Mr. Guerino suggested Rotary to Rotary.

**4.b.** Tom Guerino spoke about the Search for the new Town Administrator. This was an amicable and agreeable solution. Mr. Guerino presented to the Board Members a draft of an Executive Recruitment RFQ.

Judy Froman said to have feedback this week so we can have a draft for next Tuesday's meeting. Mr. Guerino requested to have the changes to himself by Monday morning so he can incorporate the changes so the members can review it before Tuesday evening's meeting.

**4.c.** Tom Guerino requested Capital and Budgets be sent to him by the end of this Fiscal Year, and a rough draft of the budget be submitted by Labor Day. Have members of the Capital Outlay Committee meet with the Select Board to work out timelines that are acceptable to the Board as it moves forward.

**4.d** Mr. Guerino said they are working with CVEC as it relates to an electric charging station to be located at the Community Building. On the west end of the building at the first two parking spaces on the side. It would be large enough for an accessible vehicle to be able to charge. Also looking at the possibility of a solar canopy in the parking lot at the west end of the building. We didn't look at the east end because the waste water plant pump station force main and generator hookups will be going somewhere on that side of the building. NSTAR is a participant in this, they will be laying the conduit and the lines

## **5) License / Appointments**

### **a. Cape Cod Regional Transit Authority Appointment**

### **b. 7:45 PM Hampton Inn – Year-Round Innholder Alcoholic Beverage Liquor License**

### **c. Commission on Disabilities – Patricia A. Morley to fill unexpired term**

### **d. Whistle Stop – change in ownership – Common Victualer Rood License for Don & Wanda Myers**

**5. b.** Bourne Hotel Inc. d/b/a Hampton Inn Cape Cod Canal, Diane Gomes, Manager. 12 Kendall Rae Place, Buzzards Bay, MA 02532 for a Year-Round Innholder's License for the sale of all kinds of alcoholic beverages to be drunk on the premises. The applicant is seeking a pledge of the liquor license, stock and inventory. Description of premises: 68,462 sq. ft. building consisting of 100 rooms on 5 floors. 1<sup>st</sup> floor – 5 rooms, storage area, and 5 public restrooms; 2<sup>nd</sup> floor – 23 rooms, and 1 public restroom; 3<sup>rd</sup> floor – 24 rooms; 4<sup>th</sup> floor – 24 rooms; and 5<sup>th</sup> floor – 24 rooms. Lobby Bar, Lower Patio Area enclosed by a four-foot fence, rooftop terrace, 1<sup>st</sup> floor meeting room, 2<sup>nd</sup> floor meeting room and treat shop, 10 entrances and exits. Complete file is available at the Selectmen/TA's Office.

Remarks: Board of Health – Pending approval by Board of Health for hotel, swimming pool, and food permits. Town Clerk – No need to file Business Certificate. Assessors -FOL filed. Police Department – No issues, but no familiar with a “pledge of the liquor license.” Fire Department – Must follow all crowd management regulations.

Judy Froman read the Hearing Notice:

Notice is hereby given in accordance with Massachusetts General Laws Chapter 138, Section 12 that application has been received from Bourne Hotel, Inc., d/b/a Hampton Inn Cape Cod Canal, Diane Gomes, Manager, 12 Kendall Rae Place, Buzzards Bay, MA 02532 for a Year-Round Innholder's License for the sale of all kinds of alcoholic beverages to be drunk on the premises. The applicant is seeking a pledge of the liquor license, stock and inventory. Description of premises: 68,462 sq. ft. building consisting of 100 rooms on 5 floors. 1<sup>st</sup> floor – 5 rooms, storage area, and 5 public restrooms; 2<sup>nd</sup> floor – 23 rooms, and 1 public restroom; 3<sup>rd</sup> floor – 24 rooms; 4<sup>th</sup> floor – 24 rooms; and 5<sup>th</sup> floor – 24 rooms. Lobby Bar, Lower Patio Area enclosed by a four-foot fence, rooftop terrace, 1<sup>st</sup> floor meeting room, 2<sup>nd</sup> floor meeting room and treat shop, 10 entrances and exits. A public hearing will be held at the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, MA 02532 on Tuesday, May 28, 2019 at 7:45 p.m. Board of Selectmen: Peter J. Meier; Judith MacLeod Froman; James L. Potter; George G. Slade, Jr., Jared P. MacDonald.

**Voted** Peter Meier moved and seconded by Jared MacDonald to open the public hearing. Roll Call Vote: Jared MacDonald – Yes; George Slade – Yes; Judy Froman – Yes; James Potter – Yes; Peter Meier – Yes.

Tom Guerino said the application is withdrawing the liquor license application without prejudice at this time, that was scheduled for tonight's Select Board meeting. They will refile at a later date.

**Voted** Peter Meier moved and seconded by Jared MacDonald to close the public hearing. Roll Call Vote: Peter Meier – Yes; James Potter – Yes; Judy Froman – Yes; George Slade – Yes; Jared MacDonald - Yes

**Voted** Peter Meier moved and seconded by Jared MacDonald to accept the letter of withdrawing without prejudice. Roll Call Vote: Jared MacDonald – Yes; George Slade – Yes; Judy Froman – Yes; James Potter – Yes; Peter Meier – Yes.

**a. Cape Cod Regional Transit Authority Appointment**

**Voted** Peter Meier moved and seconded by George Slade to appoint Thomas M. Guerino as a member to the Cape Cod Regional Transit Authority, term to expire September 30, 2019. Vote 5-0.

**c. Commission on Disabilities – Patricia A. Morley to fill unexpired term**

**Voted** Jared MacDonald moved and seconded by George Slade to appoint Patricia A. Morley to the Commission on Disabilities, term to expire June 30, 2019. Vote 5-0.



**d. Whistle Stop – change in ownership – Common Victualer Rood License for Don & Wanda Myers**

Don and Wanda Myers spoke briefly about becoming the new owners of the Whistle Stop Ice Cream Shop.

D&P Myers Enterprise, LLC d/b/a Whistle Stop Ice Cream Shop, 430 Shore Road, Monument Beach, MA 02553; Common Victualers [food] License. Remarks: Board of Health – Approved by Board of Health 5/22/2019. Assessors – 5/21/19 rcvd fol by JPotter. Fire Department – Need full inspection prior to occupancy also new contact information sheet filled out.

**Voted** Peter Meier moved and seconded by Jared MacDonald to approve subject to the condition on the rout slip. Vote 5-0.

**6) Sam Haines Conservation Agent (20 Minutes)**

**a. Presentation of the Bourne Municipal Vulnerability Workshop Report**

**b. Update on Bourne's MS4 Stormwater Management Plan**

Sam Haines, Conservation Agent, said he is available discuss these issues, updated the Select Board on the Municipal Vulnerability Workshop.

Municipality Vulnerability Workshop: Mr. Haines spoke about what they identified as the top 5 hazards which include: Storms - flooding from storm surge, erosion, drought, sea-level rise, and water-table rise. Mr. Haines also spoke about the 6 issues they should move on: Assessment and planning for low lying roads, utility vulnerability assessment, changing to zoning bylaws and regulations, restore saltmarshes and beaches, development of an integrated resource management, and develop and implement or improve our dedicated communication and outreach program.

**6.b** Mr. Haines spoke about Stormwater: Have been working with the Stormwater Working Group. Filed the notice of intent in September. We now have a draft of the stormwater management plan prepared, which is due on July 1<sup>st</sup>. Will be available on the Conservation Town of Bourn website. Opening it up to a 21-day public review period. To meet with the standards of the MS4 requirement we will have to update some of our existing bylaws. Our Zoning Bylaw does not meet the standards currently required by the EPA permit. The Conservation Bylaw will have to be updated.

Just finished the grant for the \$80,000 to coordinate with Mass Maritime Academy for sampling stormwater outfalls. The DPW will be providing the man-power match for the grant. The staff will be trained in how to properly sample catch basins. We need to sample every one of our outfalls in the town. We also need to know all the interconnections, and the individual watersheds for these basins. We are going to be putting the tablets in the DPW trucks. They will be able to photograph outfalls, catch basins, and they will be able to document it.

Mass Maritime Academy will be providing Staff Students, we will get a stormwater manager to work with that staff, Buzzards Bay National Estuary Program is committed to helping the staff. They donated some lab space.

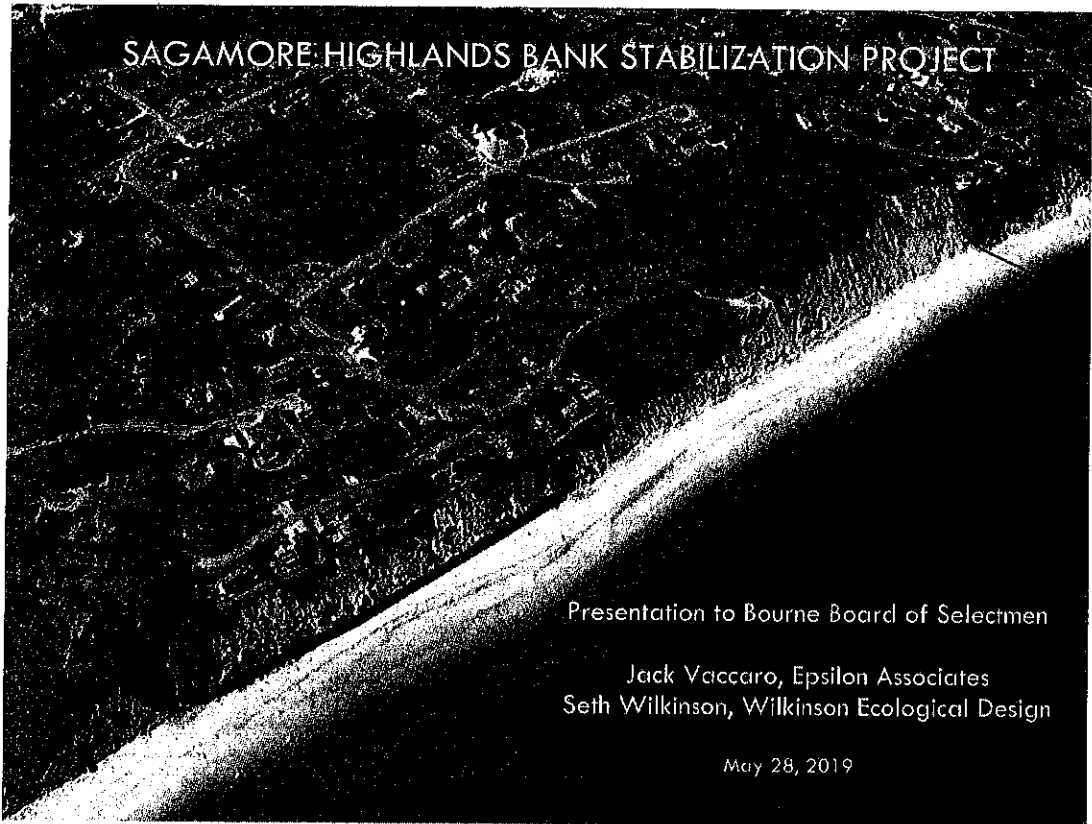
Public Education requirements - Dog waste, goes into stormwater basins. Please pick up your dog's waste and dispose properly. These dog waste bag containers are available at the Town Clerks office, when you get your dog license, at conservation, and DNR will have them in the animal truck.

**7) Sagamore Highlands - Crab Rock Way request on bank stabilizing plan. The Board will be asked to allow this to move forward to the Conservation Commission for a determination. Since the Town owns the beach below the BOS will have to allow this to move to Con. Com. Without any recommendation by the BOS (Jack Vaccaro)**

Jack Vaccaro, Epsilon Associates, Coastal Ecologist  
Seth Wilkinson, Wilkinson Ecological Design

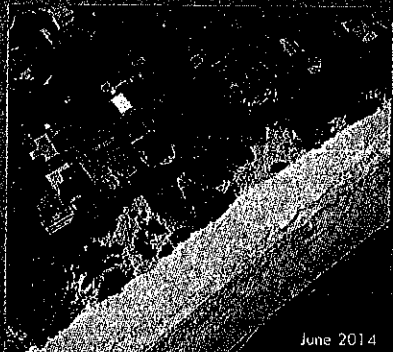
Jack Vaccaro said they would like to get a vote from the Select Board to allow them to advance the project to permitting, before the Conservation Commission. Not looking for approval of the project just the opportunity to advance the project further for town reviews with Conservation Commission and this Board.

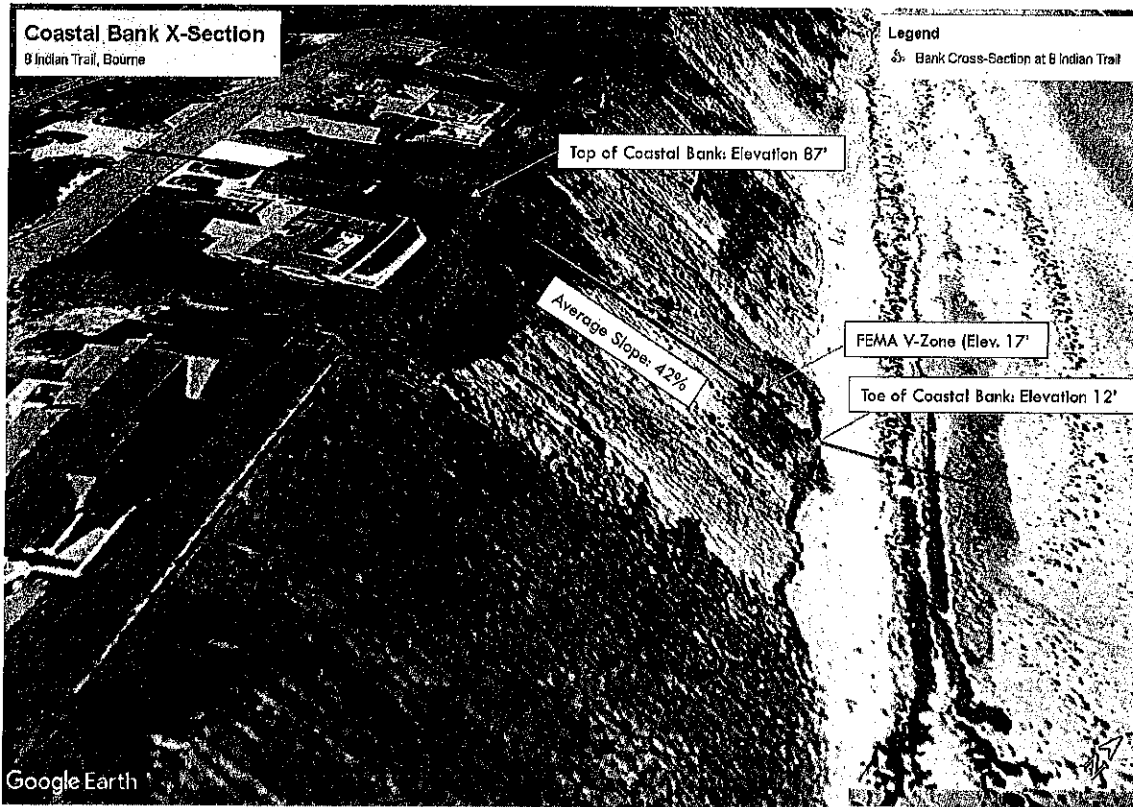
Mr. Vaccaro spoke about Sagamore Highlands and erosion; the project purpose and need: to slow the erosion down. The group of homeowners they represent are seeking to install and maintain some tow protection, some sort of stabilizing system along the base of the slope. The area is on town open space. The town owns the property, but it is under the care and custody of the Bourne Conservation Commission; Public Open Space Consideration. Will need separate authorizations from the Select Board for any easements, licenses, or other authorizations that will be required to allow this project to take place. Also spoke about bank stabilization alternatives they considered.



### PROJECT PURPOSE AND NEED

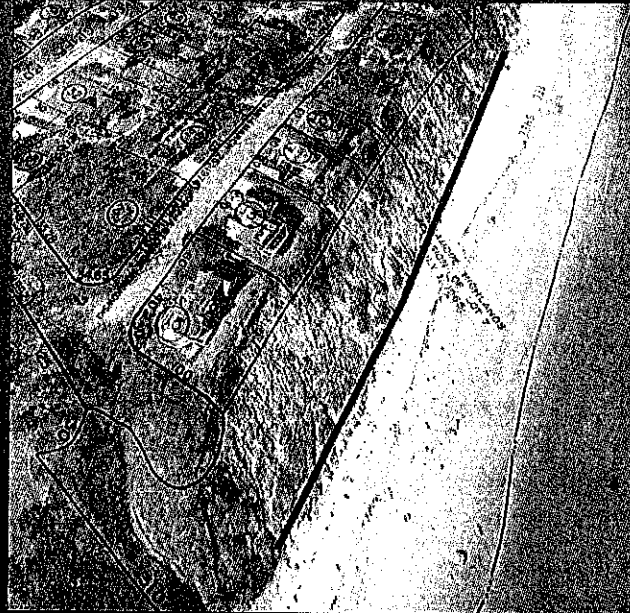
- Erosion at the base of the coastal bank of Indian Trail has resulted in slope failure and substantial loss of vegetation that had previously helped stabilize the steep slope.
- Attempts to revegetate denuded areas of the bank have failed largely due to scour at the toe of the bank and resulting slope instability above.
- Continued erosion in recent years is threatening private properties at Indian Trail and elsewhere in Sagamore Highlands.
- A group of Indian Trail homeowners are seeking to install and maintain a bank stabilization system along the toe of the bank and replant the slope above to reduce the rate of erosion.





## PUBLIC OPEN SPACE CONSIDERATIONS

- The project will require construction on the town owned parcel that is managed under the care and custody of the Bourne Conservation Commission.
- The Conservation Commission will review the project with respect to potential wetland impacts, and also for consistency with their management plans.
- Separate authorization will be sought from the Board of Selectmen for any easements, licenses, or other authorizations that may be required for the project.
- At this time, the Indian Trail homeowners are seeking a preliminary determination from the Board of Selectmen that authorizes them to file of Notices of Intent with the Bourne Conservation Commission for this project.



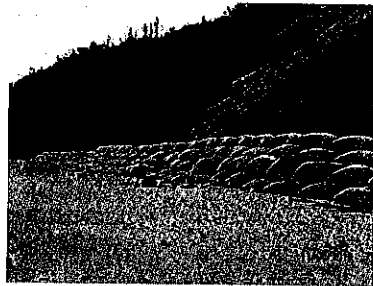
# BANK STABILIZATION ALTERNATIVES CONSIDERED



Cobble Berm



Stacked Gabions



Geo-textile Sand Bags



Sand-Filled Envelopes



Revetment/Groin



Geo-tubes

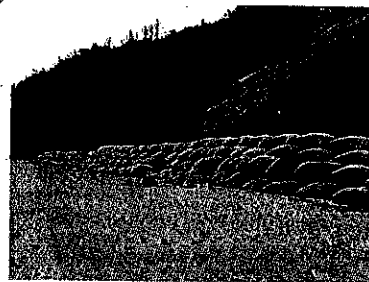
# BANK STABILIZATION ALTERNATIVES CONSIDERED



Cobble Berm



Stacked Gabions



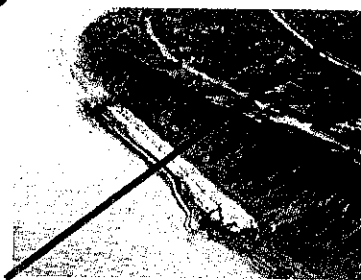
Geo-textile Sand Bags



Sand-Filled Envelopes



Revetment/Groin



Geo-tubes

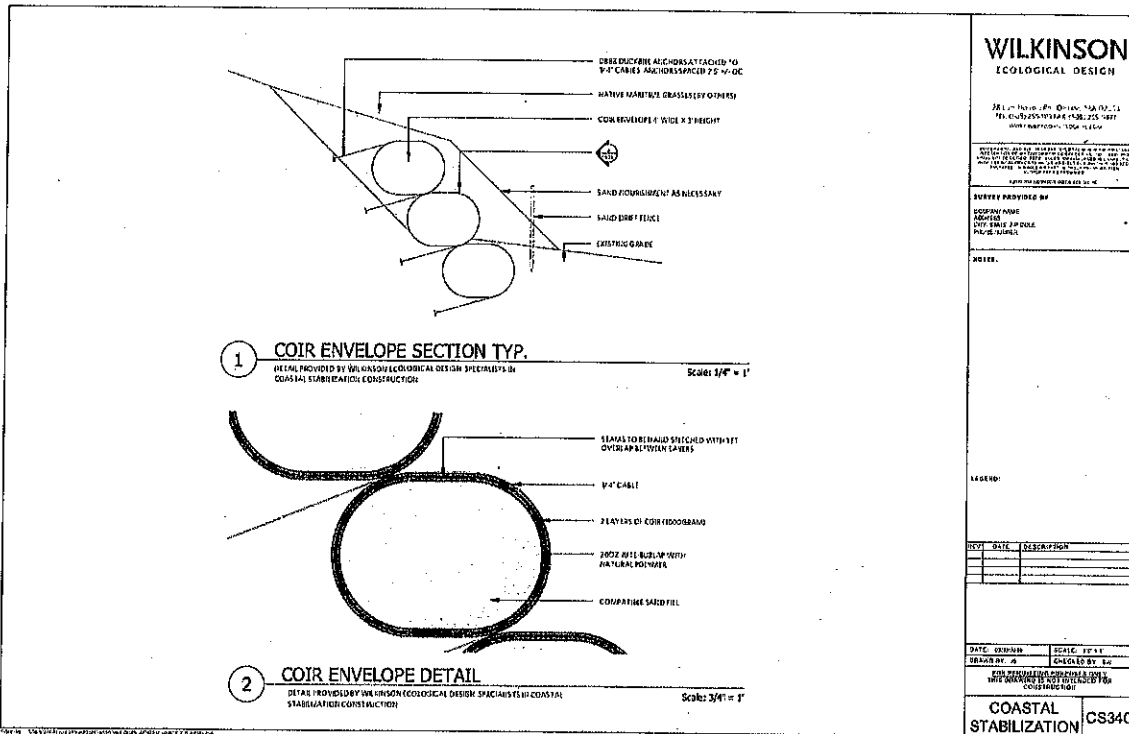
Seth Wilkinson spoke about the design element. The different options: Sand Filled Envelope installation and Cobble Berm Bank Stabilization;

### INTENSIVE BANK PLANTING



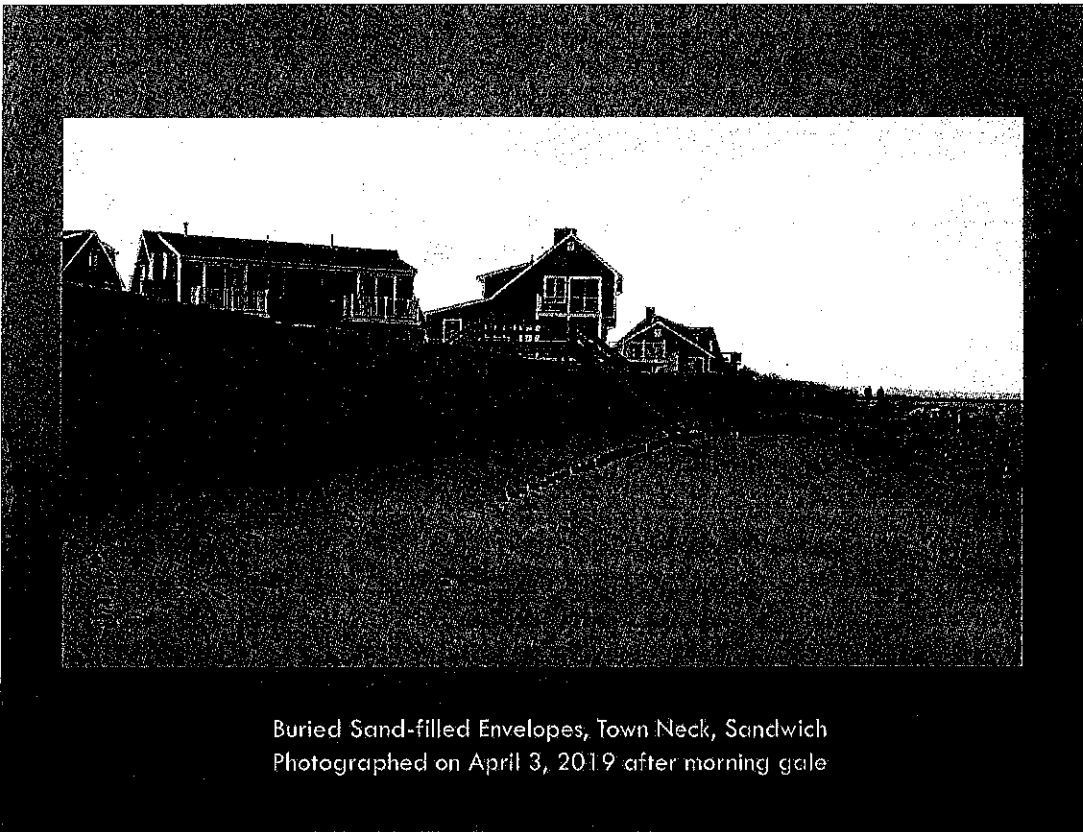
Intensive planting of bank above toe stabilization to re-establish deep-rooted vegetation will be incorporated into the project's final design.

### OPTION II SAND FILLED COIR ENVELOPES



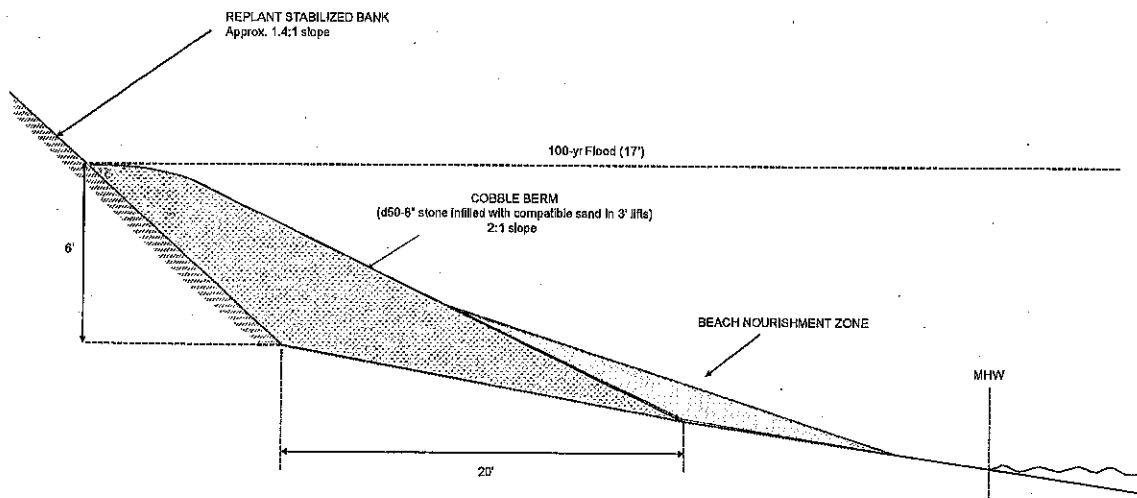
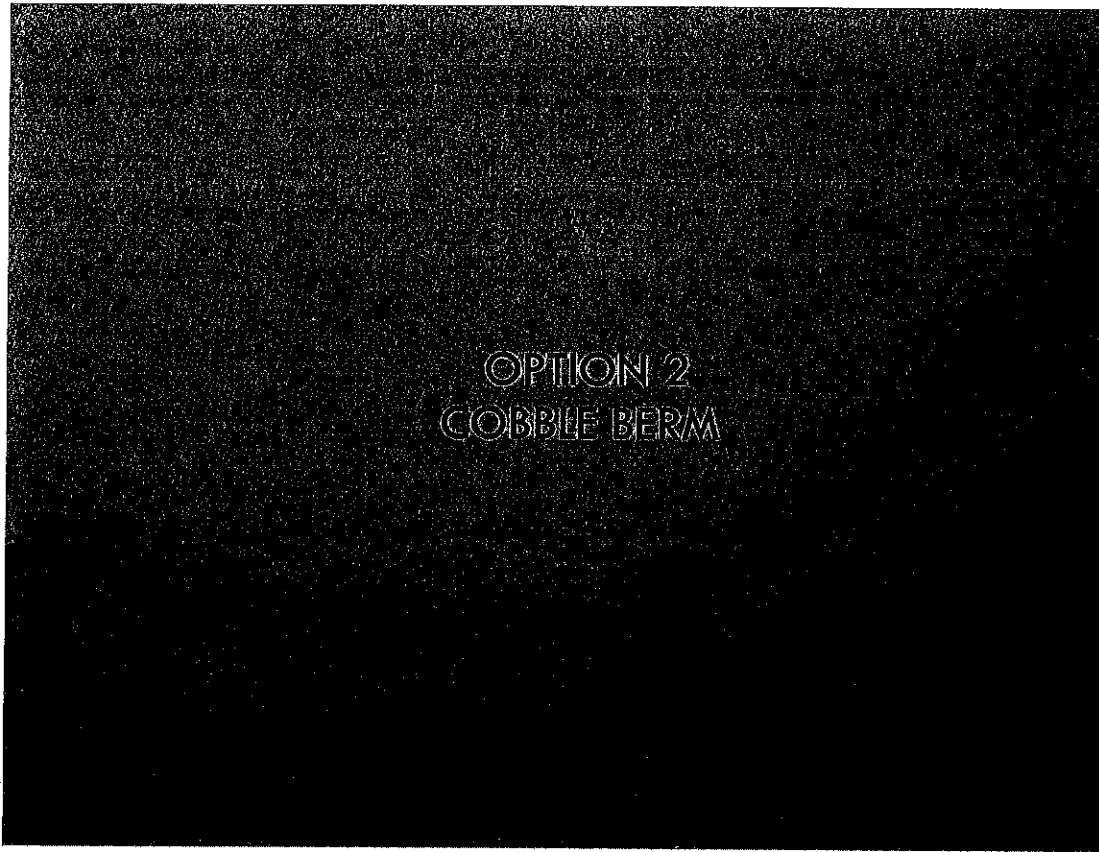


Sand-filled Envelope Installation  
Town Neck, Sandwich, March 29, 19



Buried Sand-filled Envelopes, Town Neck, Sandwich  
Photographed on April 3, 2019 after morning gale

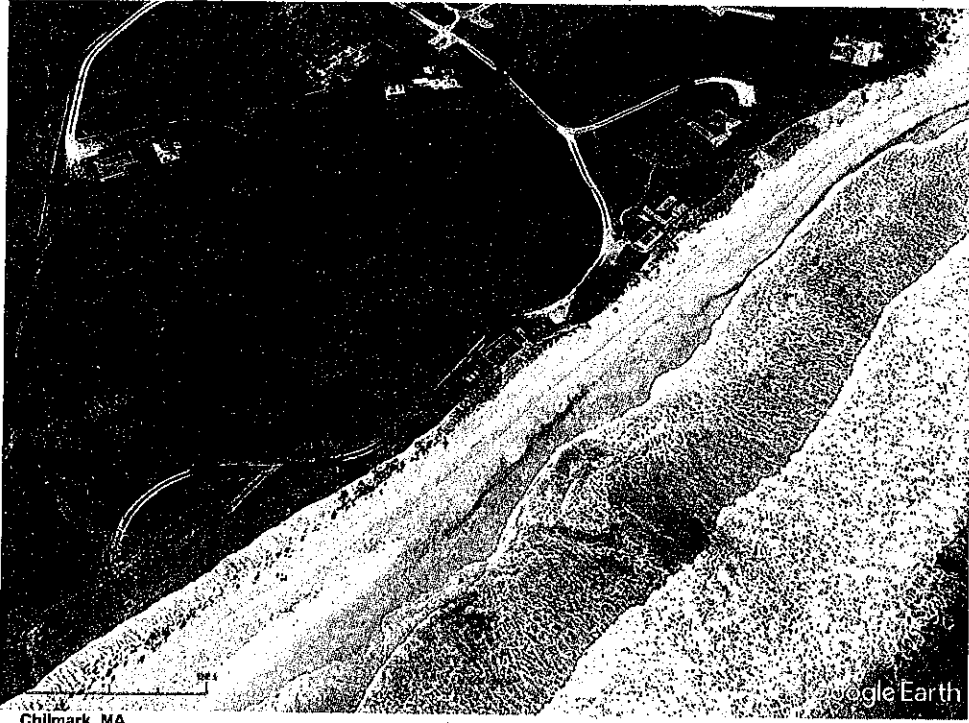




Indian Trail Bank Stabilization Bourne, Massachusetts



Figure 1  
Cobble Berm Bank Stabilization Scenario



Chilmark, MA

**Epsilon**

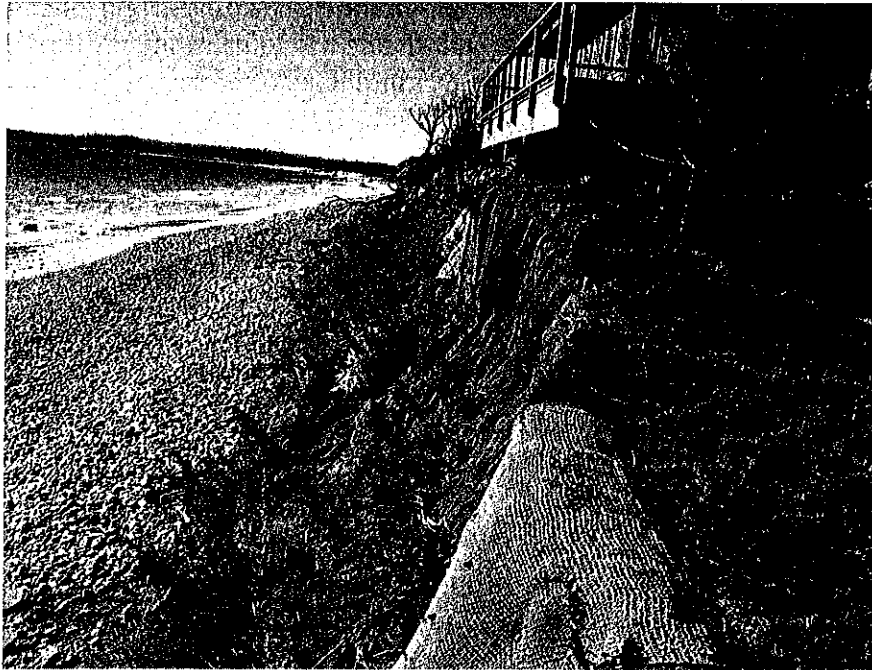
Figure 2  
Cobble Berm



Chilmark, MA

**Epsilon**

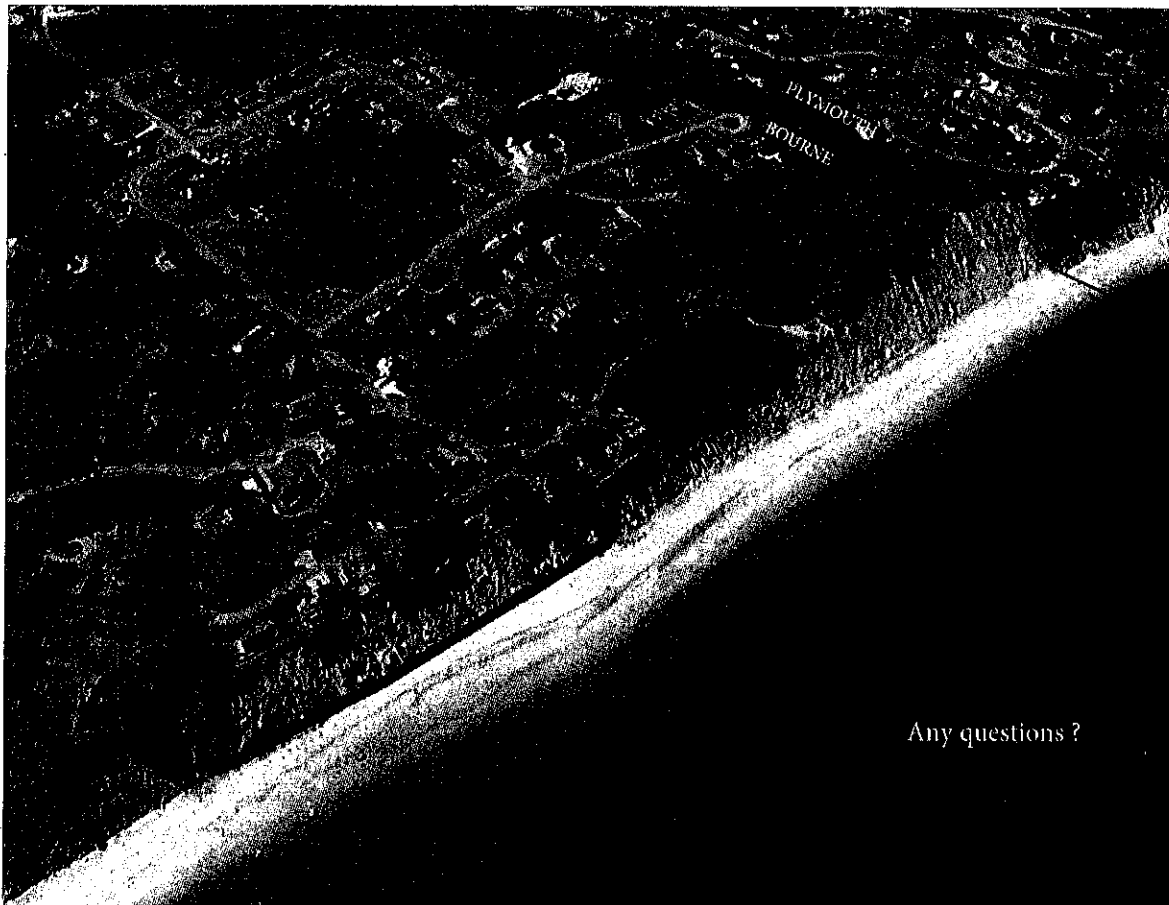
Figure 3  
Cobble Berm



Chilmark, MA

**Epsilon**

Figure 4  
Cobble Berm



Any questions ?

whatever changes need to be made as a result of the public hearing, then will be submitting it to the Commission. We want to give them 90 days to review it and work on it over the summer, get it back to us in September so we can get it on the warrant for Town Meeting in October. Any grant you apply for will have a question on the grant application that is "How is this grant application consistent with your local Comprehensive Plan."

This is called a Local Comprehensive Plan but it is comprehensive only in that it covers all the major subject areas of issues that the town is dealing with. It is not comprehensive in that it doesn't go into great depth of those issues. In the back in the appendix all the action items are listed along with the assignment of who is primarily responsible for getting them done, when we expect to get them done, and what the priority is. Mr. Ewell said he would like the Board to look at those between now and the public hearing, and if you disagree with any of them let him know. The entire document as a PDF is now available on the town website, it is also available at [townofbourne1cp.com](http://townofbourne1cp.com)

There are four sections; the first one is Development of the plan. The second one is Natural Systems, which includes: Water Resources, Ocean Resources, Wetland Resources, Wildlife and Plant Habitat, and Open Space. The next section is Built Systems, which includes: Community Design, Coastal Resilience, Capital Facilities and Infrastructure, Transportation, Energy, and Waste Management. The fourth section is Community Systems, which includes: Cultural Heritage, Economy, Housing, Recreation, Human Services, and Education.

Elmer Clegg, Planning Board Chair, said Planning Board members, when they were able, attended the committee meetings, we posted the meetings. A lot of the Planning Board members provided valuable input.

We should be taking our near term (3-5 years) action decision on the basis that this town will have commuter rail services. Suggested the Board Members look at the action items to see if they should be improved or changed.

## **9) Selectmen's Business**

### **a. Chapter 218 Section 22A $\frac{3}{4}$ - Designated Veterans' parking space for Town Hall and Bourne Veterans' Memorial Community Center**

### **b. Community Engagement Committee**

Peter Meier said this is part of the Brave Act that was signed by the governor which gives a municipality the option to designate a parking space near town hall for the parking of a veteran in a motor vehicle that is owned and operated by the veteran and that displays a veteran registered plate issued pursuant to section 2 of chapter 90. The parking space shall be available during the normal business hours of Town Hall for use by such veteran without charge.

This is the minimum we can do under the state law, but would like to look into expanding this and do it locally as a bylaw. It would be a great tool to give recognition to our veterans. Maybe consider parking for those who have served but may not have Veteran license

plates; by providing 1 or 2 parking spots at town owned properties, the Community Building, Town Hall.

Jared MacDonald reminded the Board that we have to be cognizant of where we put reserved spaces.

Judy suggested to maybe add it to the Working Group Parking Committee to discuss it more.

Peter Meier said he will get more documentation.

George Slade questioned what is the population that we would be offering this to?

**Voted** Peter Meier moved and seconded by George Slade to continue this to the first meeting in July. Vote 5-0.

#### **9.b. Community Engagement Committee**

Tom Guerino said he put this on the agenda because Town Meeting was over and we need to start moving on this.

#### **9.c.**

Peter Meier suggested to possibility create a bylaw that would allow the town DPW to do temporary repairs on roads that are unaccepted or private. It would come out of our operating budget. The people that live on these roads are tax payers to the community. Maybe this could be an option to look at and to bring this to Town Meeting in October.

George Slade said the Road Acceptance Committee is looking at ways to make it easier to upgrade roads. We can add that as an agenda item for one of our meetings.

#### **10) Correspondence**

James Potter brought the Board and the public up to date on the correspondence

- A. Fire Chief Sylvester Jr. submitted letter and have decided not to retire as expressed in previous letter.
- B. Upper Cape Cod Regional Technical School District Committee minutes dated April 4, 2019
- C. Letter of interest from Joe Donatelle to serve on the Council on Aging Board of Directors.
- D. Letter from Massachusetts Historical Commission regarding National Register of Historic Places – Cataumet Schoolhouse.
- E. Letter from FEMA regarding FEMA Coastal Erosion and Sea Level Rise Study – Field Reconnaissance.
- F. Letter of interest from Janice Marks to serve on the Selectmen's Energy Advisory Committee.
- G. Mark McMahan will be retiring from the Town of Bourne effective May 13, 2019

- H. Letter of interest from Kathleen Georgeson to serve on the Council on Aging Advisory Board.
- I. Upper Cape Cod Regional Technical School submitted Operating Budget and Capital Budget for fiscal year ending June 30, 2020.

Jared MacDonald spoke about Mass DOT and the discussion about the east rotary, Belmont Circle, Scenic Highway and the different lights on the bypass, the cross walks, and how fast people are driving.

**11) Adjourn**

**Voted** Peter Meier moved and seconded by Jared MacDonald to adjourn. Meeting adjourned at 9:41 pm. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.

