

SDW 8/30/17

2012

**Bourne Veterans Memorial
Community Ctr**

By-Law

Cable TV Advisory

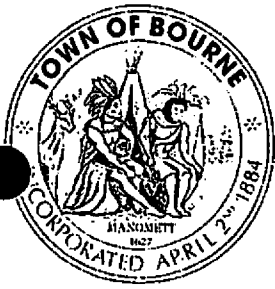
Capital Outlay

Charter Compliance

Community Preservation Comm.

Conservation Committee

Council on Aging



020

Town of Bourne

Bourne Veteran's Memorial Community Center
239 Main Street
Buzzards Bay, MA 02532

JAN 26 PM 9 33

TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Veteran's Memorial Community Center Trustees Meeting
Tuesday, January 31, 2012
4:30 pm

AGENDA

1. Call to order-attendance
2. Correspondence
3. Acceptance of November 29, 2011 meeting minutes
4. Director's report
5. Presentation and discussion-proposed staffing and operation of Supportive Day and Council on Aging Programs in FY 2013
6. Policy discussion-continuation from November 2011 meeting
7. Trustees' reports/requests
8. Public Comment
9. Adjournment

Bourne Veterans Memorial Community Building Trustee Meeting

January 31, 2012 4:30 PM

2012 MAR 2 AM 9 43

Called to order by Chairman Charles Noyes,

TOWN CLERK'S OFFICE

#1) Present- Charles Noyes, Ray Parrott, James Stowe, Stanley Andrews, Don Pickard, Lisa Plante.
Excused George Sala.

#2) Correspondence: e-mail from Barry Johnson on 2 openings for trustee's in the election. E-mail from the building inspector in regards to 237 Main St. issues. A letter from the architect on the roof.

#3) Minutes for November 29, 2011 Moved approval by Ray and seconded by Charlie. 3 in favor and 2 abstentions.

#4) Directors report: A plaque from the women's club to be mounted in the lobby, Will contact the sheriff's dept. about the columns or the vocational school.

#5) HR and Don Pickard gave an explanation to the proposed changes in the operation of the supportive day program.

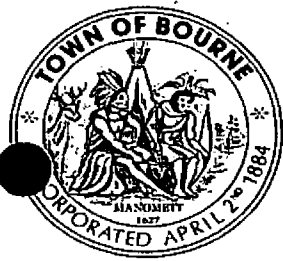
#6) Discussions on the draft for building policies. Discussion around usage and allocating and the director running the day to day, and availability of existing space.

#7) Trustee's reports: Don Pickard spoke about getting a secretary for the meetings so that the clerk could be more involved in the discussions and deliberations, he will discuss this with the town administrator.

#8) Public comments: None

#7) James moved to adjourn and seconded by Ray, all in favor to adjourn.

CLERK



Town of Bourne
Bourne Veteran's Memorial Community Center
239 Main Street
Buzzards Bay, MA 02532

2012 FEB 23 AM 11 37

Bourne Veteran's Memorial Community Center Trustees Meeting
Tuesday, February 28, 2012
4:30 pm

TOWN CLERK'S OFFICE
BOURNE, MASS

AGENDA

1. Call to Order-attendance
2. Acceptance of January 31, 2012 Meeting Minutes
3. Director's Report
4. Correspondence
 - Veteran's Agent
5. Policy Discussion-Vote
 - Mission statement
 - Building use
5. Trustees' requests/comments
6. Public Comment
7. Adjournment

Bourne Veterans Memorial Community Building Trustee Meeting

2012 MAR 30 AM 10 06

February 28, 2012 4:30 PM

Called to order by Chairman Charles Noyes,

TOWN CLERK'S OFFICE
BOURNE, MASS

#1) Present- Charles Noyes, George Sala, James Stowe, Stanley Andrews, Lisa Plante. Excused Ray Parrott, Don Pickard.

#2) Minutes for January 31, 2011 Moved approval by James Stowe and seconded by Charles Noyes. 3 in favor and George abstained.

#3) Directors report: The capital outlay committee is not going to look at funds for the roof until the litigation on the roof is resolved. George spoke to the understanding that all funds from the building fund have been closed out. Discussions about the litigation and town councils role, and the need for regular updates. Charlie will ask the town Administrator to give an update from Town Council. Lisa has called Gen Flex about the leak, which sends them on to Flagship, the contractor, about 6 times in the last year. UCTS has taken measurements for book shelves for the front lobby. This project will have a cost of materials only; the friends have offered to help with the costs. Lisa is looking for slightly used furniture for the building as the existing furniture is worn out and in need of replacement. James asked for an update to the coulombs from Lisa and she has not received an answer of that project at this time. Kay Donovan spoke to the furniture in regards to the store going out of business at the Pocasset rotary. Jim Mulvey spoke to the trustee's responsibility under Care Custody and what recourse they have with the roof when delays in the process arise. He also suggested that we see if there is any help that can be given from the states veterans' affairs Dept.

#4) Correspondence: Letter from Tom Guerino in regards to the Veterans Agent possibly moving to the building and if we could accommodate. Charlie spoke positively on the request. Stanley, George, and James also agreed. A discussion as to the security and other needs was had, several possibilities were discussed and it was agreed that the trustees' would tour the building and evaluate the options so as to take action at the next meeting. Discussion on possible relocating the recreation office at the gym and the possibility of more offices needed in the future for existing departments and there forthcoming request. A long range utilization plan for the building should be looked at. The Medical storage room was also talked about and Jim Mulvey asked what that name of the room was meant for and Charlie spoke to that as the building was designed that that was a name given by the architect. This will be put on the next meeting and all the building occupants will be asked to attend. A meeting will also be set up with the veterans agent to tour the building.

#5) Mission/ Policies: Charlie read the draft and spoke to its conforming to the buildings spirit. Stanley spoke to how these are applied now and that they are written and known for the public to see. James moved and George seconded that the Mission Statement and Policies be approved as presented, the vote was unanimous.

#6) Trustees reports: None

#7) Public Comments: None

#8) George moved to adjourn and seconded by James all in favor to adjourn.

Respectfully submitted by;

Stanley Andrews

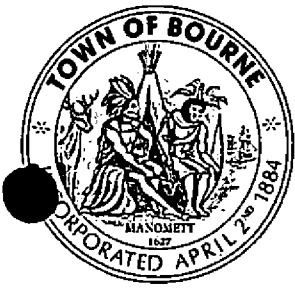
Bourne Veteran's Memorial Community Center

Mission Statement 2 AM 9 43

The mission of the Bourne Veteran's Memorial Community Center is to provide the residents of Bourne cultural, educational, recreational, social, community service activities, and veteran recognition areas.

Policies

1. Any entity requesting space for an extended period of time within the community building shall submit a written request to the Board of Trustee, who shall vote at a public meeting.
2. Space for extended time shall be issued and assigned to local government entities that meet the mission statement.
3. The Building Director may assign daily space usage to outside groups and organizations after meeting the needs of the buildings occupants.
4. A member of the community building staff knowledgeable with the building systems, shall be present at all times that the building is open, both public and private events.
5. The trustee's, with the assistance of the Building Director shall develop and maintain a maintenance plan that is updated annually containing long range planning.
6. Nothing shall be affixed or altered to or in the building without a request and positive vote of the trustee's.



Town of Bourne
Bourne Veteran's Memorial Community Center
239 Main Street
Buzzards Bay, MA 02532

2012 MAR 23 AM 10 05

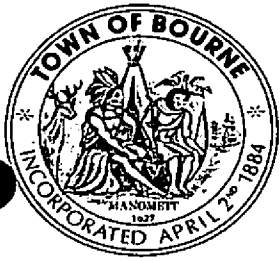
TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Veteran's Memorial Community Center
Board of Trustees Meeting
Tuesday, March 27, 2012
4:30 pm

AGENDA

1. Call to Order/Attendance
2. Correspondence
3. Acceptance of meeting minutes
4. Director's Report
5. Veteran's Agent Office- discussion and vote
6. General Leonard Wood-Memorial Wall, discussion
7. Building Usage Policies-discussion
8. Trustees' Reports
9. Public Comment
10. Adjournment

Charles K. Noyes,
Chairman



Town of Bourne

Bourne Veteran's Memorial Community Center
239 Main Street
Buzzards Bay, MA 02532
2012 MAR 30 AM 10 08
TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Veteran's Memorial Community Center Trustees Meeting
Tuesday, April 3, 2012
4:30 pm

AGENDA

1. Site visit-Community Building proposed Veterans Agent Office
2. Call to Order-attendance
3. Veterans Agent Office, assignment of space
4. Public Comment
5. Adjournment

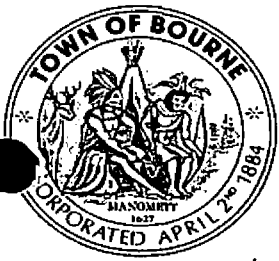
Bourne Veteran's Memorial Community Center Board of Trustees

Mission Statement

The mission of the Bourne Veteran's Memorial Community Center is to provide the residents of Bourne cultural, educational, recreational, social, community service activities, and veteran recognition areas.

Building Policies

1. Any entity requesting space for an extended period of time within the community building shall submit a written request to the Board of Trustee, who shall vote at a public meeting.
2. Space for extended time shall be issued and assigned to local government entities that meet the mission statement.
3. The Building Director may assign daily space usage to outside groups and organizations after meeting the needs of the buildings occupants.
4. A member of the community building staff knowledgeable with the building systems, shall be present at all times that the building is open, both public and private events.
5. The trustee's, with the assistance of the Building Director shall develop and maintain a maintenance plan that is updated annually containing long range planning.
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Town of Bourne
Bourne Veteran's Memorial Community Center
239 Main Street
Buzzards Bay, MA 02532

~~2012 APR 20 AM 10 16~~

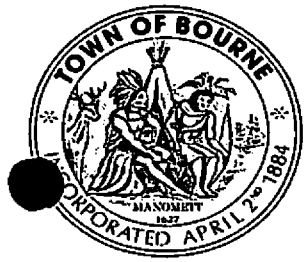
Bourne Veteran's Memorial Community Center Trustees Meeting
Tuesday, April 24, 2012
4:30 pm

TOWN CLERK'S OFFICE
BOURNE, MASS

AGENDA

1. Call to Order-attendance
2. Acceptance of March 27, 2012 & April 3, 2012 Meeting Minutes
3. Director's Report
4. Town Administrator, Thomas Guerino
 - Request for office space-Assistant for Human Resources/Recreation Department
 - Proposed renovations to accommodate new Assistant position
5. Town meeting articles relative to Community Building- Discussion
6. Building Use- Discussion
 - Veteran's Agent office- renovations
 - Friends of Bourne Council on Aging
 - Café
7. General Leonard Wood- update
8. Trustees' requests/comments
9. Public Comment
10. Adjournment

C/KW



Town of Bourne
Bourne Veteran's Memorial Community Center
239 Main Street
Buzzards Bay, MA 02532

~~2012 MAY 24~~ AM 10 26

Bourne Veteran's Memorial Community Center Trustees Meeting
Tuesday, May 29, 2012
4:30 pm

TOWN CLERK'S OFFICE
BOURNE, MASS

AGENDA

1. Call to Order-attendance
2. Reorganization of Board of Trustees
3. Acceptance of April 24, 2012 Meeting Minutes
4. Building Director's Report
5. Human Resources office space- determination of room assignment
and any necessary renovations
6. Trustees' requests/comments
7. Public Comment
8. Adjournment

Bourne Veterans Memorial Community Building Trustee Meeting

May 29, 2012 4:30 PM

2013 OCT 23 AM 10 45

Called to order by Chairman Charles Noyes,

TOWN CLERK'S OFFICE
BOURNE MASS

#1) Present – Charles Noyes, George Sala, Stanley Andrews, Don Pickard, Gary Maloney, Building Director Ms Lisa Plante. Not present – Ray Parrott.

#2) Reorganization of Board - Mr Sala moved Mr Noyes remain as chair, seconded and voted so – 4-0, Mr Parrott not present. Mr Pickard moved Mr Sala as Vice Chairman, seconded and voted so, 5-0 Mr Parrott absent. Mr Sala moved to nominate new board member Mr Maloney as secretary, seconded and voted so – 4-0, Mr Parrott absent. New secretary's email address is garymaloney@hotmail.com Mr Andrews asked the chair if monies were available to have professional staff be assigned to record meeting activities. Mr Pickard stated that having the secretary record the meeting potentially detracted from that members ability to fully participate in dialog while simultaneously taking notes for the record. Lisa Plant will inquire with the Town Administrator.

#3) Acceptance of meeting minutes, April 24, 2012 - Minutes accepted with the correction of a incorrect item number. Final item is renumbered #10. Was originally labeled a duplicate #4.

#4) Building Directors Report – Director informed the board the roof fix is slated to begin after July 1, 2012 but no bids as of yet. Mr Andrews inquired to specifications of fix. Director answered that fix is to original specifications.

Report continued with information on leak in lobby entrance. This will be fixed with insurance monies. Contractors will also be working Town Meeting approved building changes for additional office space.

The generator test was conducted May 18, 2012. A complete list of items tested was recorded and emailed by the chair, in his function as Bourne Emergency Management, to Building Director on the day of the test. Copy attached. The building will be retested.

#5) Human Resources office space determination and necessary renovations – The chair provided a draft of various options and associated costs, see the attached Office Space Assignment Options. Mr Andrews moved the item for discussion and was seconded by Mr Sala. After discussion of the various listed options, Mr Pickard made a formal motion to accommodate the request for office space for the Town HR assistant. Mr Sala seconded the motion. Vote was 5-0, approved, Mr Parrott absent.

Once the HR assistant accommodation was approved discussion moved on in greater detail to the listed options as well as the continued functionality/disruption of services for the current users if moves were initiated. Mrs Caron provided details of the Recreation Department seasonal needs and number of users as well as computer/fax/office equipment issues - attached. She stated she could not operate with a subdivision of her office space. Mr Andrews asked about the use or potential use of the medical storage are. Ms Plante stated this space is currently being used by COA for bus driver desk, mail room, photocopier and a refrigerator.

Mr Maloney questioned the need for any moves at this time. This is based upon hiring of temporary(?)

HR position is -not until July and hours of their presence in the directors office vs. time spent at Town Hall with other tasks is yet to be determined or provided to the board. Mr Pickard made a motion that the Town Administrator provide detailed office space requirements for all organizations using the building to the board of trustees by June 15th. Mr Sala seconded the motion. Vote was 5-0 YES, with Mr Parrott absent. Mr Mulvey asked that the COA be given a heads up on the issue and the chair held up the publicly posted and disseminated agenda showing discussion of these moves.

After discussion, Mr Andrews made a motion, seconded by Mr Pickard that Option 1A, No additional space assignment – New assistant shares Human Resource Directors office. Assistant leaves office to allow for private conversations between Director and employees/clients. Cost \$0. Vote was taken 4-1 approved. Mr Noyes – no, Mr Parrott absent.

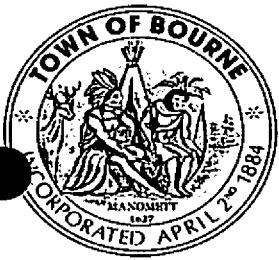
#6) Trustees' requests/comments - Mr Pickard stated this was his final meeting as a member of the board of trustees due to Board of Selectmen reorganization. Mr Andrews requested the current status of non-town entities/individuals using the building. He went on to ask for full building use policy adherence by the start of the fiscal year; July 1, 2012. Mr Sala asked about current status of the Friends status with the Cafe. Chair answered that Town Meeting vote dictated COA will take over and monies recorded appropriately. Mr Sala thanked Mr Pickard for his time on the board. Mr Maloney commented that secretarial help would be appreciated.

#7 Public comment – Mr Mulvey asked the status and location of all building keys. Chair recognized comments but did not entertain further discussion.

#8 Motion made to adjourn, voted 5-0 YES, Mr Parrott absent. Meeting adjourned

Respectfully submitted,

Gary Maloney



Town of Bourne
Bourne Veteran's Memorial Community Center
239 Main Street
Buzzards Bay, MA 02532

Bourne Veteran's Memorial Community Center Trustees Meeting
Tuesday, June 26, 2012
4:30 pm

AGENDA

1. Call to Order-attendance
2. Acceptance of May 29, 2012 Meeting Minutes
3. Building Director's Report
4. Office Space needs-
Town Administrator, Tom Guerino
5. Human Resources office space- determination of room assignment
and any necessary renovations
6. Friends of the Council on Aging - status update
7. Trustees' requests/comments
8. Public Comment
- 8: Adjournment

Charles K. Noyes,
Chair

2012 JUN 21 AM 10 37
TOWN CLERK'S OFFICE
BOURNE, MASS

Approved
7/31/12
CKW

Bourne Veterans Memorial Community Building Trustee Meeting

June 26, 2012 4:30 PM

#1) Called to order by Chairman Charles Noyes, 2012 AUG 1 AM 9 00

Present – Charles Noyes, George Sala, John Ford, Ray Parrott, Gary Maloney, Building Director Ms Lisa Plante. Not present – Stanley Andrews, TOWN CLERK'S OFFICE BOURNE, MASS

#2) Acceptance of meeting minutes, May 29, 2012 - Minutes accepted 3-0, Mr Ford abstained, Mr Andrews not present.

#3) Building Directors Report – Lisa Plante submitted written notes – attached. No additional comments

#4) Office space needs – Mr Guerino. Genral discussion of Town Administrator's request for H.R. Department space needs. At the conclusion of Mr Guerion's briefing Chairman stated maintaining full current use capabilities along with requested additions is the boards priority.

#5) Human Resource Office Space room assignment/renovations – Logical continuation of the previous agenda item. Following a general discussion Mr. Parrott made a motion: Moved that storage room 013 be designated as the Human Resources Director's office, that room 015 be designated as the Assistant Director's office, and that a doorway be cut in the partition between room 013/015. Motion seconded by Mr. Sala. Approved 5-0 Mr Andrews not present.

#6) Friends of Council on Aging status update – Correspondence includes email from Mr Carr, Treasurer, Friends Bourne COA on potential dual municipal facility occupancy in other Massachusetts communities. Mr Guerino stated that as of July 1, 2012, Town employees will be present in the core COA area. The Town will be undertaking the programs and financial obligations for supportive daycare and the Cafe'. This will include the collection and tracking of funds as approved at Town Meeting. The Financial Director, Linda Marzelli, stated that best course of action is to keep Friends fund raising activities physically separate from the municipal functions for auditing purposes/transparency.

After a lengthy discussion of the history and current issues, the Chairman suggested a meeting involving all parties; Town Administrator, COA, Friends of COA, and trustees to map out both the physical and financial issues moving forward. Chairman Noyes and Mr Parrott will attend. Date TBD

#7) Trustees comments – Mr Parrott thanked the community for the movement of the monuments from the west end rotary to the Town Hall. He asked a general question about available funds for trustee's meeting secretary. Mr Guerino stated funds available for one meeting a month if manpower located.

#8) Public Comment – Kay Donovan donated an American Flag to the center. Lisa Plante and trustees thanked her for the donation.

#9) Adjournment – Mr Ford motioned and Mr Sala seconded, meeting adjourned 5-0

Respectively submitted Gary Maloney

Director's Report
June 26, 2012

2012 AUG 1 AM 9 00

1. Emergency Generator update

TOWN CLERK'S OFFICE

Kinsman Electric began on June 27 to add necessary amp age to the generator. Added amp age will consist of lights and electrical outlets in 2 meeting rooms (room 2 and 3), building director's office and custodian closets and outlets in the gymnasium. The initial load test conducted by South Shore Generator on May 18 determined that both boilers (natural gas) were on the emergency panel for generator power; however the circulating pumps were not.

Kinsman Electric found that the circulating pumps are on generator power, however the 2 heating units (forced air) on the gym roof are not. The HVAC technician will need to be present to add the 2 units to emergency power to provide heat in the gym, provided there is enough amp age remaining on our current generator.

Monies to pay for the work (not including the 2 HVAC units on the gym roof) will be taken from the Emergency Management budget.

Total cost: \$3246.00

2. The main lobby roof leak has been fixed. Repairs to the interior will begin the first week in July.
3. According to Mr. Guerino there have been no submissions of bids for the repair of the gymnasium roof to his office. I have also not received any requests.
4. Melchionda Construction from Sagamore Beach will be doing the renovations for the Veteran's Agent Office. Projected start is the second week of July.
5. Bourne Veteran's of Foreign Wars, Post 5988 will provide an Assistance and Information Booth manned by Lt. Colonel U.S. Army Retired, Tony Manfredi from 9:00 AM to 12:00 PM during the 4th of July Parade. The booth will be set up outside the front entrance of the building. For inclement weather the booth will be located adjacent to the Veteran's Memorial Wall.
6. New furniture has been ordered through the state bid. Estimated time of arrival is mid August. Two round tables will replace the damaged couches in the Veteran's Memorial Wall area.

#3

CKW

CW

Recreation Department Space Needs:

The following staff will be using the Recreation Office located by the gym (Summer):

- Full-Time Program Coordinator (May – August)
- Full-Time Camp Director (works in the office from May – June)
- Full-Time Lifeguard Coordinator
- Full-Time Head Lifeguard/Head Swim Instructor.
- The Program Coordinator and the Lifeguard Coordinator will both be working 40 hours/week handling administrative/supervisory functions for the Department.

The following staff will be using the Recreation Office located by the gym (Fall/Winter):

- Part-Time Program Coordinator
- Part-Time Program Director (Basketball)
- Part-Time Basketball Division Coordinators (Volunteers)
- Part-Time Program Director (Learn to Skate)
- Part-Time After-School Activities Director

Importance of a suitable private office for the Director:

- Confidential meetings with parents/families and staff members.
- Confidential phone calls with parents, school social workers, social services, etc.

It is critical that the Recreation Director have a private area, of suitable size to accommodate meetings with parents and their children, staff, and members of the community.

Having office space at 2 opposite ends of the building is not a problem for the Recreation Department. Employees of the Department have been hired to perform certain tasks, many of them administrative. Having separate office space allows for maximum productivity.

2012 AUG 1 AM 9 01
TOWN CLERK'S OFFICE
BOURNE, MASS

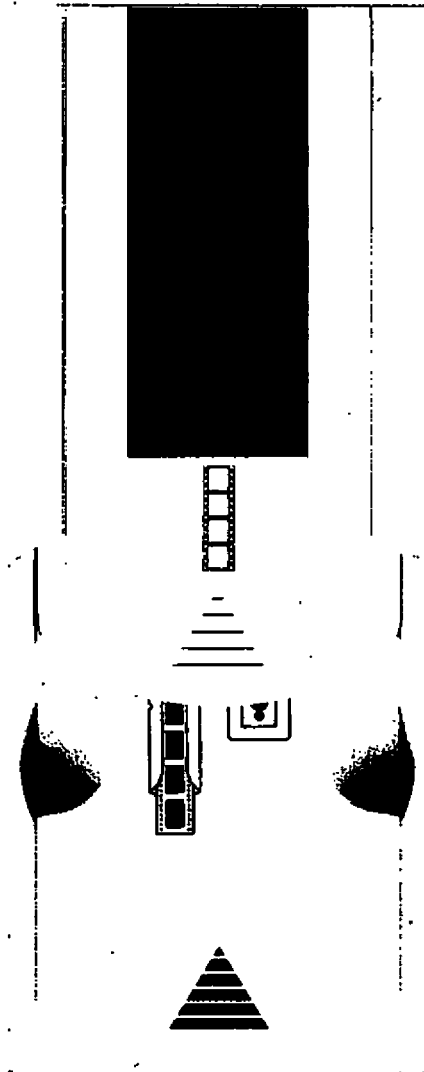
CKW

MR. CHAIRMAN

I MOVE THAT STORAGE ROOM 013 BE DESIGNATED AS THE HUMAN RESOURCES DIRECTOR'S OFFICE, THAT ROOM 015 BE DESIGNATED AS THE TOWN CLERK'S OFFICE ASSISTANT DIRECTOR'S OFFICE, AND THAT A DOORWAY BE CUT IN THE PARTITION BETWEEN ROOMS 013 & 015

MINIBSL

RAY PARROTT



CKN

#6

Noyes, Charlie

From: Charles Noyes [cknoyes@aol.com]
Sent: Tuesday, June 26, 2012 7:18 AM
To: Noyes, Charlie
Subject: Fwd: FriendsBCOA presence 2012 AUG 1 AM 9 01

TOWN CLERK'S OFFICE
BOURNE, MASS

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

From: John Ford <jford171@verizon.net>
To: Town Administrator <tguerino@townofbourne.com>
Cc: cknoyes <cknoyes@aol.com>
Sent: Mon, Jun 25, 2012 6:53 pm
Subject: FW: FriendsBCOA presence

From: ACarrAUSS@aol.com [mailto:ACarrAUSS@aol.com]
Sent: Monday, June 25, 2012 6:04 PM
To: EBaldwin@townofbourne.com; JFord@townofbourne.com; PMeier@townofbourne.com;
DPickard@townofbourne.com; LZuern@townofbourne.com
Cc: macmimi6@verizon.net; lJaine1@verizon.net
Subject: FriendsBCOA presence

I have been concerned with the issue of the Friends Bourne Council on Aging having an employee in a municipal facility and the Friends BCOA functioning in that facility. My concern has prompted me to call the State Office of Elder Affairs several times, have a conversation with the MA Office of the Secretary of State, and have multiple conversations with several offices of the State Attorney General.

The conversations focused mostly on two issues: 1) a non-profit FBCOA employee working in a municipal facility; and, 2) continued FBCOA functions in a municipal facility selling items or services that benefit the mission of the Council on Aging, the seniors of Bourne, and offset the need to more taxpayers funds to run COA programs and functions.

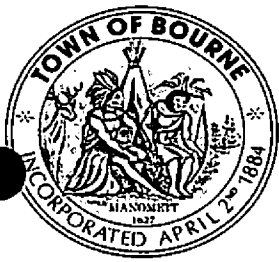
* In summary, the municipal branch of the Office of the Attorney General which is located in Worcester, said they were not aware of any law prohibiting such functions.

I also discussed the matter of similar programs wherein the Friends of Councils on Aging and Councils on Aging function jointly in municipal facilities. This discussion was primarily with the State Office of Elder Affairs. They mentioned that this was very common and usual. The Commissioner also mentioned a minimum of three municipalities in just the vicinity of Metro-West Boston that have stores run by Friends within a municipal building. The store sold gifts and materials for the benefit of funding Council programs and functions.

Regarding the latter, there is precedent.

From my observations, removing Friends operations from a common facility will severely harm the smooth function of the Council on Aging and the supportive Friends Council. The result will add confusion, inefficiency and frustration. The loss will be most severely felt by those that these Councils and staffs are intent on serving: **the seniors of Bourne.**

H. Arnold Carr
Friends Bourne Council on Aging
Treasurer



Town of Bourne
Bourne Veteran's Memorial Community Center
239 Main Street
Buzzards Bay, MA 02532

Bourne Veteran's Memorial Community Center Trustees Meeting
Tuesday, July 31, 2012
4:30 pm

AGENDA

1. Call to Order-attendance
2. Acceptance of June 26, 2012 Meeting Minutes
3. Building Director's Report
4. Building Repairs- Front pillars, downspouts
5. Friends of the Council on Aging - status update
6. Trustees' requests/comments
8. Public Comment
8. Adjournment

2012 JUL 27 AM 9 53
TOWN CLERK'S OFFICE
BOURNE, MASS

Charles K. Noyes,
Chair

Bourne Veterans Memorial Community Building Trustee Meeting

July 31, 2012 4:30 PM

#1) Called to order by Chairman Charles Noyes,

Present – Charles Noyes,, John Ford, Ray Parrott, Gary Maloney, Building Director Ms Lisa Plante.
Not present – George Sala, Stanley Andrews,.

2013 OCT 23 AM 10 45
TOWN CLERK'S OFFICE
BOURNE, MASS

#2) Acceptance of meeting minutes, June 26, 2012 - Minutes accepted 4-0, Mr Andrews, Mr Sala not present.

#3) Building Directors Report – Ms Plante stated the Human Resource office space construction is not yet under way. Awaiting procurement of all required supplies to complete the job. Similar situation for the required cosmetic repairs to the main lobby.

The Director is also seeking quotes for 9 slot bike racks for both the front and rear entrances.

Mr Parrott moved that the directors report be accepted, Mr Ford seconded. Report accepted 4-0, Mr Andrews, Mr Sala not present.

#4) Building Repairs - Front pillars, downspouts Ms Plante briefed the trustees on the condition of the pillars and downspouts on the front of the building. Damages have resulted from accidents or vandalism and need to be repaired. A discussion of the history and previously explored solutions followed. The building director and trustees will continue to explore options to find a resolution.

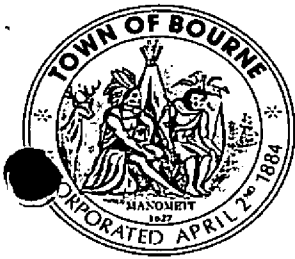
#5) Friends of Council on Aging status update – No changes to Friends building usage issue since the last meeting. All interested parties did meet and continued a dialog to find a solution to the issue. The Town Administrator stated that the new accounting system for the Council on Aging is in place. Operations for the kitchen will continue -- “as is program” for 90 days. After a lengthy discussion, the Town Administrator, Building Director, Council on Aging, Friends of the COA and Trustees shared the same opinion going forward. All were in agreement to give the new Council on Aging director Felicita Monteiro a period of time to address the Friends space usage issue.

#6) Trustees comments – Chairman, Mr Noyes, stated that funds and manpower are available to have meeting minutes prepared by a Town employee. This will begin at the next Board meeting.

#7) Public Comment – No comments.

#8) – Adjournment – Mr Parrott motioned and Mr Ford seconded, meeting adjourned 4-0

Respectively submitted Gary Maloney



Town of Bourne
Bourne Veteran's Memorial Community Center
239 Main Street
Buzzards Bay, MA 02532

2012 SEP 21 AM 11 20

TOWN CLERK'S OFFICE

Bourne Veteran's Memorial Community Center Trustees Meeting
Tuesday, September 25, 2012
4:30 pm

BOURNE, MASS

AGENDA

1. Call to Order-attendance
2. Acceptance of July 31, 2012 Meeting Minutes
3. Building Director's Report
4. Council on Aging Director
Felicitia Monteiro
5. Trustees' requests/comments
6. Public Comment
7. Adjournment

Charles K. Noyes,
Chair

**Bourne Veteran's Memorial Community Center Trustees
Minutes of September 25, 2012
Bourne Veteran's Memorial Community Center
Bourne, MA 02532**

Call to Order – attendance

Lisa Plante, Building Director

Charles Noyes, Chairman

Ray Parrot

Stanley Andrews

George Sala

Gary Maloney

John Ford (excused)

2012 NOV 29 PM 2 08
TOWN CLERK'S OFFICE
BOURNE, MASS

Guests

Troy Thompson, HR Director

Audrey Melow, HR Assistant

Earl Baldwin

Krissanne Caron

Members of the Friends

Acceptance of 7/31/12 minutes

Parrot MOVED and SECONDED by Maloney to approve minutes of 7/31/12. VOTE 3-0-2 (abstentions by Stanley Andrews and George Sala)

Building Director's Report

Renovations HR office and Veteran's agency office complete. There was an issue with the interior doors as they were no longer made which needed to be special ordered. The hardware that came with the door were the wrong size, and thus the reason for the delay.

Damaged window in Meeting Room 1. This is the decorative window, the top part of the window. There was a seal failure; a crack with water seeping in. Anderson window carries a 20 year warranty. The town pays for labor only. Windows are a special order and will be in by the next couple of weeks.

Gymnasium roof. An architect and engineering firm scanned a thermal image of the roof. They found areas to be compromised. Mr. Kurt Raber will be back at a date to be determined to take samples of roof. There was an issue with 9/18/12 wind/rain storm in which water came in through the roof. This was reported to Mr. Raber.

DISCUSSION

Stanley Andrews - asked what the timeframe is for getting out to bid as he is concerned about the floor. Ms. Plante was not given a timeline and agreed the floor is warped and damaged. It will need to come up. Ms. Plante will follow up with a date to Mr. Raber.

George Sala – asked about the floors and when will they be worked on. Ms. Plante said the floor will be done separately in the future, but will be done after the roof is fixed. She will follow up in email to TA Guerino and Mr. Raber with regard to timeframe.

Gary Maloney – raised concern about programs not being able to use the room during the work. Ms. Caron said basketball will be end at the end of January.

Column and down spout. Ms. Plant is writing specifications for repairs. Downspouts need to be ordered and protected. She thought of wooden enclosure to match the appeal of the current columns, saving as much of the existing materials as possible. Wood and paint to enclose the down spouts, starting with the main front of the building.

DISCUSSION

George Sala – asked if MAP came in. Ms. Plante said MAP replaced the downspouts and as a temporary solution she is looking into covering for protection.

Gary Maloney – asked about the cost of the down spouts. Ms. Plante said \$1,200 including labor and will look into someone making the down spout covers.

Maintenance for consideration. Review of remaining finances to restore other areas of the building. TA Guerino approved the utilization of funds.

Order of priority:

1. Cafeteria - café floor needs to be finished and protected.
2. Meeting Room 3 – only meeting room that is carpeted; it is damaged with non-removable stains. Ms. Plante would like to rip up carpet and replace with a low maintenance tile and will follow up with a quote.

DISCUSSION

Stanley Andrews – the carpets are 10 years old and heavily used. Ms. Plante added this is due to regular wear and tear and have been professionally cleaned multiple times.

3. Community Building property.

Adjacent neighbor is now a different neighbor. Ms. Plante spoke with DPW Superintendent Rickie Tellier about getting large stones from the landfill to place on the grass area where abutters are driving over the grass into the parking lot from their property. The grass area is turning to mud.

DISCUSSION

Stanley Andrews – suggested sending a letter to abutter prior to remedy to stop traffic.

George Sala – suggested placing 2 or 3 stones to set on the property line – this includes digging a hole for each stone for stability. The abutters are renters.

Charles Noyes – suggesting sending a letter before adding the stones.

George Sala – warned about the irrigation in the area and can be damaged.

Stanley Andrews **MOVED** and **SECONDED** by George Sala that Ms. Lisa Plante request the DPW set three 1-cubic stones. **UNANIMOUS VOTE.**

4. Bicycle racks

Delivered today and will be placed in the front and rear entrances of the building and will be installed within a week or two.

Council on Aging Director – Felicita Monteiro

Chm. Charles Noyes introduced new Council on Aging Director. Ms. Monteiro is getting familiar with the department, staff and programs/activities. In October she anticipates to notify the board of the needs and changes of the COA.

DISCUSSION

Stanley Andrews – asked about the status of occupancy of the COA corridor and other groups occupying spaces (Friends). Ms. Monteiro said the Friends are transitioning out of the building. One staff person is in the building and will be moving out of the COA office.

He also asked about the space and if it is satisfactory. Space needs is satisfactory. She has an idea to maximize use of the area – to organize and clean out.

Chm. Charles Noyes – discussed joint meeting with TA Guerino, Lois Carr, Ms. McDonald with ideas, thoughts and concerns. The consensus of that meeting was to wait for a new COA Director. No decisions were made. In July, at the last board's meeting, discussion of joint meeting held. At that time the new COA director was selected, but did not begin work. The consensus was to let Ms. Monteiro understand the COA department operations and report back as needed at the Trustees meetings beginning in October.

Trustees' request/comments

No comment at this time.

Chm. Charles Noyes – thanked Lisa Plante for her effort in the building's projects.

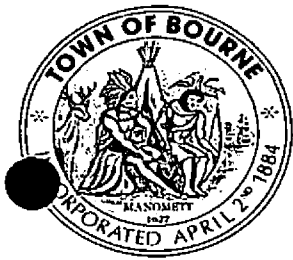
Public Comment

No comment at this time.

Adjournment

Andrews MOVED and SECONDED by Sala to adjourn meeting. Meeting adjourned at 5:00 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Town of Bourne

Bourne Veteran's Memorial Community Center

239 Main Street

Buzzards Bay, MA 02532 2012 OCT 26 AM 11 30

TOWN CLERK'S OFFICE

BOURNE, MASS

Bourne Veteran's Memorial Community Center Trustees Meeting

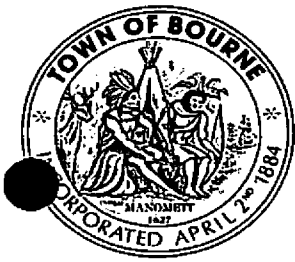
Tuesday, October 30, 2012

4:30 pm

AGENDA

1. Call to Order-attendance
2. Acceptance of September 25, 2012 Meeting Minutes
3. Correspondence
4. Building Director's Report
5. Trustees' requests/comments
6. Public Comment
7. Adjournment

Charles K. Noyes,
Chair



Town of Bourne
Bourne Veteran's Memorial Community Center
239 Main Street
Buzzards Bay, MA 02532

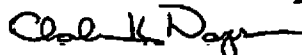
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TOWN CLERK'S OFFICE

Bourne Veteran's Memorial Community Center Trustees Meetings
Tuesday, October 30, 2012
4:30 pm

AGENDA

1. Call to Order-attendance
2. Acceptance of September 25, 2012 Meeting Minutes
3. Correspondence
4. Building Director's Report
5. Trustees' requests/comments
6. Public Comment
7. Adjournment



Charles K. Noyes
Chair

CANCELLED



Town of Bourne

Bourne Veteran's Memorial Community Center

239 Main Street
Buzzards Bay, MA 02532

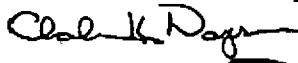
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TOWN CLERK'S OFFICE

Bourne Veteran's Memorial Community Center Trustees Meetings
Tuesday, October 30, 2012
4:30 pm

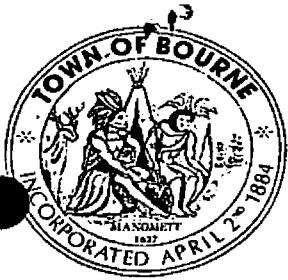
AGENDA

1. Call to Order-attendance
2. Acceptance of September 25, 2012 Meeting Minutes
3. Correspondence
4. Building Director's Report
5. Trustees' requests/comments
6. Public Comment
7. Adjournment



Charles K. Noyes
Chair

CANCELLED



Town of Bourne

Bourne Veteran's Memorial Community Center

239 Main Street
Buzzards Bay, MA 02532 2012 OCT 26 AM 11 30

TOWN CLERK'S OFFICE

BOURNE, MASS

Bourne Veteran's Memorial Community Center Trustees Meeting

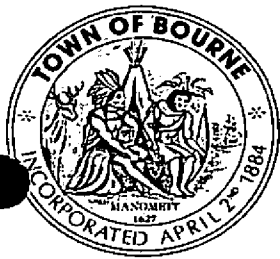
Tuesday, October 30, 2012

4:30 pm

AGENDA

1. Call to Order-attendance
2. Acceptance of September 25, 2012 Meeting Minutes
3. Correspondence
4. Building Director's Report
5. Trustees' requests/comments
6. Public Comment
7. Adjournment

Charles K. Noyes,
Chair



Town of Bourne
Bourne Veteran's Memorial Community Center

239 Main Street
Buzzards Bay, MA 02532

2012 NOV 21 AM 10 59

TOWN CLERK'S OFFICE

Bourne Veteran's Memorial Community Center Trustees Meeting

Tuesday, November 27, 2012

4:30 pm

AGENDA

1. Call to Order-attendance
2. Acceptance of September 25, 2012 Meeting Minutes
3. Correspondence
4. Building Director's Report
5. Non-Profit use of common areas discussion
6. General Leonard Wood update
7. Trustees' requests/comments
6. Public Comment
7. Adjournment

Charles K. Noyes,
Chair

**Bourne Veteran's Memorial Community Center Trustees
Minutes of November 27, 2012**

**Bourne Veteran's Memorial Community Center
Bourne, MA 02532**

2013 FEB 27 AM 9 02

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TOWN CLERK'S OFFICE
BOURNE, MASS

Call to Order – attendance

Lisa Plante, Building Director

Charles Noyes, Chairman
Ray Parrott
Stanley Andrews (excused)
George Sala
Gary Maloney
John Ford
Krissanne Caron

Guests: Mr. Jonathan Nelson, Facilities Manager and Ms. Monteiro, COA Director

Meeting Called To Order

4:30 pm by Chm. Noyes.

Acceptance of 9/25/12 minutes

Parrot MOVED and SECONDED by Maloney to approve minutes of 9/25/12 as amended. VOTE 3-0-1 (Ford abstained). *Mr. Sala not available to vote at this time.*

Correspondence

None at this time.

Building Director's Report

1. Gym roof survey report provided by Briggs Engineering and Testing on 11/6/12. Bid advertisement for the gym roof provided by Brown Lindquist Fenuccio and Raber Architects, Inc.
 - a. Bid and contract forms will be available at the Office of the Town Administrator/Board of Selectmen at Town Hall after 12:00 pm on Wednesday, 12/5/12. All bids will be delivered to the Office of the TA/Board of Selectmen at Town Hall.
 - b. A Pre-Bid Meeting Walk Through on the gym roof will take place at 10:00 am on Wednesday, 12/12/12.
 - c. General bids deadline is Thursday, 12/20/12 at 2:00 pm.

2. Downspouts/protective covers – Winter 2012/Column repairs – Spring 2013. Currently awaiting quotes from contractors.
3. Room 3 – Remove carpet and install tile to match other meeting rooms for \$1,720.22. Ms. Plante will use the remaining monies (\$1,720.22) from the building renovations article. This job is a 2-day project and will take place over the weekend not to interfere with meetings and programs.
4. Funds needed to be requested at Town Meeting to repair the café floor at a later date. Ms. Plante acquired 2 quotes to get a general idea of what the cost will be. Oil base refinishing (approximately \$1,200) costs twice as much as water base (\$500) refinishing; however, the finish lasts longer for better protection.

Discussion

Gym roof survey. Mr. Nelson explained the report shows part of the east side roof has failed, showing water retention and damage.

Maloney – asked if the Recreation Department is going to help with future upkeep with the building. Chm. Noyes explained that in speaking with Ms. Caron, the Recreation expenses go back into their expenses and not to the building – most of the programs are self-funding and there is no profit margin. The building is something the town as a whole is responsible for. For example, if the gym floor needs repairing, we need to go to Town Meeting to ask for money for repairs.

Ford – added that most of the Recreational money goes towards scholarships which is accounted for by the Financial Director.

Mr. Nelson, Facilities Manager, will be reviewing the building's Emergency Power System within the month. Ms. Plante will send updates on the add-ons from last year to Mr. Nelson.

Non-Profit Use of Common Areas Discussion

Ford – discussed with TA Guerino and it was recommended to bring forth to the committee for a consensus about the common areas.

Ms. Plante – recommended addition to common area, since no set fee.

Chm. Noyes – the only issue he believes that may come up if if we have multiple groups to utilize the lobby for extended periods of time – do we allow one group and not the other or subdivide the area? Personally he would not like to see fundraising on a continuing time in front of the memorial.

Ford – suggested to use the first come, first serve basis; others will have to work around the group that is already scheduled. He suggested the Building Director facilitate.

Maloney – would not like to see anything permanently in place after the event. Ford said that was established already. Maloney raised another issue about supervision of the front lobby items displayed. Ms. Plante explained it is supervised during the day, but not taken down. Mr. Maloney said it is an honor system, but something may get broken or taken.

Ford MOVED and SECONDED by Parrot that the use of the Common Area Main Entrance be available for non-profit organizations for fundraising on a first come, first serve basis and the scheduling to be facilitated by the Building Director. UNANIMOUS VOTE.

General Leonard Wood Update

Chm. Noyes – it was confirmed and established that General Leonard was a Bourne resident which makes him eligible for inclusion on the Memorial in lobby in the WWI category. Additionally, a recognition plaque will highlight the General's extreme contribution to the country in a variety of ways.

Trustees' request/comments

Maloney – commented about the monies for the recording secretary; had he known how much it would cost, he would have continued to take the minutes to save money and would not have approved the administrative expenditures. The monies could be used towards the landfill, for example.

Ford - if money isn't used for secretarial uses, the monies not used will go back into the General Fund. He will check with TA Guerino on the budgeted amount.

Chm. Noyes – explained having a recording secretary was previously discussed and makes it easier for full member participation.

Chm. Noyes - recognized that Ms. Monteiro attended tonight's meeting. No issues.

Next Meeting

There will be no meeting in December, unless needed.

Public Comment

Mr. Mulvey – commented on the term "Secretary" as the board has an elected secretary and suggested using the term "Recording Secretary" for differentiation.

Adjournment

Sala MOVED and SECONDED by Maloney to adjourn meeting. Meeting adjourned at 5:30 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

BY-LAW COMMITTEE MEETING NOTICE

Date DEC 28 AM 8 49
Wednesday
TOWN CLERK'S OFFICE
January 4, 2012
BOURNE, MASS

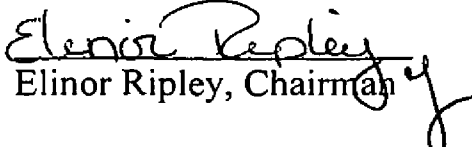
Time
4:30 PM

Location
Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Upper Conference Room

AGENDA

1. Call to order
2. Announce that Meeting is being taped
3. Review and approve minutes of December 7, 2011.
4. Review and possibly take action on proposed Town Meeting Articles:
 - a) Opportunity to review article proposing deleting Article 3.1.4 Railroad and Auto Overpasses which prohibits jumping from or swimming under bridges.
 - b) Update from C. Farrell on article limiting outdoor lighting
 - c) Proposed new bylaw restricting storage of more than one unregistered vehicle. (attached)
 - d) Proposed new Section 3.4.2 Unsanitary Conditions. (attached)
 - e) Review and vote on recommended fines agreed upon but not voted upon at the 12/7/11 meeting. See attached list.
 - f) Any other proposed articles.
5. Review Bylaw Sections 3.4.3 Prohibiting Feeding of Waterfowl, 3.4.4 and 6.1.2 for appropriate language vis a vis Mass. General Law, Chapter 40, Section 21D..
6. Continue Review of General Bylaws Public Safety and Good Order, Waterways, Wetlands and Natural Resources Protection, Underground Storage, Solid Waste Management and Sections 3.11 through 3.15 as time permits. Left off at Section 3.4.4 at last meeting.
7. Discuss future agenda items.
 - a. Invite Tim Mullen and Brian Mullaney to review Wetland Regulations?
8. Public Comment.

Adjourn


Elinor Ripley, Chairman

cc: Town Clerk & Selectmen

BY-LAW COMMITTEE MEETING NOTICE

Date

Wednesday
January 4, 2012

Time

4:30 PM

Location

2011 DEC 28 AM 11 56
Bourne Town Hall
24 Perry Avenue
Bourne, MA
TOWN CLERK'S OFFICE
Upper Conference Room

AGENDA AMENDED

1. Call to order
2. Announce that Meeting is being taped
3. Review and approve minutes of December 7, 2011.
4. Review and possibly take action on proposed Town Meeting Articles:
 - a) Opportunity to review article proposing deleting Article 3.1.4 Railroad and Auto Overpasses which prohibits jumping from or swimming under bridges.
 - b) Update from C. Farrell on article limiting outdoor lighting
 - c) Proposed new bylaw restricting storage of more than one unregistered vehicle. (attached)
 - d) Proposed new Section 3.4.2 Unsanitary Conditions.(attached)
 - e) Review and vote on recommended fines agreed upon but not voted upon at the 12/7/11 meeting. See attached list.
 - f) Any other proposed articles.
5. Review Bylaw Sections 3.4.3 Prohibiting Feeding of Waterfowl, 3.4.4 and 6.1.2 for appropriate language vis a vis Mass. General Law, Chapter 40, Section 21D..
6. Continue Review of General Bylaws Public Safety and Good Order, Waterways, Wetlands and Natural Resources Protection, Underground Storage, Solid Waste Management and Sections 3.11 through 3.15 as time permits. Left off at Section 3.4.4 at last meeting.
7. Discuss future agenda items.
 - a. Invite Tim Mullen and Brendan Mullaney to review Wetland Regulations
8. Public Comment.

Adjourn

Elinor Ripley
Elinor Ripley, Chairman

cc: Town Clerk & Selectmen

Proposed Unregistered Vehicle Bylaw:

Section 3.1.41 (new) Unregistered Vehicles

- a. No person shall permit more than one unregistered motor vehicle or trailer or major part thereof, except for farm vehicles, to remain ungaraged on any lot owner, occupied or controlled by him/her at any time, unless under a Class 1 or Class 2, or Class 3 license for sale of Motor Vehicles authorized by the Board of Selectmen, or a Department of Public Utility Towing permit. In no event shall an unregistered motor vehicle or trailer or parts thereof, be stored in a front yard, or in the case of a corner lot, in any visible side or rear yard.
- b. 2 This bylaw shall be administered by the Chief of Police. Any person violating any of the provisions of this Bylaw shall be fined one hundred dollars (\$100.00) for each offense, and each day of violation shall be considered a separate offense

Proposed rewording of Article 3.4 Public Health, Section 3.4.2 Unsanitary Conditions

Section 3.4.2

Unsanitary Conditions. The creation and/or maintenance of any nuisance, source of filth, or cause of sickness is prohibited. For that purpose due regard shall be paid to the proper maintenance of all septic systems (Title 5 or cesspools), swimming pools, garbage collection areas, and storage units. Any violation of this section will result in a fine of \$300.00 and each day of offense shall be considered a separate violation.

Agreed upon but not voted on December 7, 2011

Section 3.1.31 Blocking Fire Hydrants and Fire Department Connections

Add: "Anyone who refuses to remedy the situation after notification by the Police shall be subject to a fine of \$300."

Section 3.1.34 Sidewalk sales

Replace part c. with : "Violation of this bylaw shall be subject to a fine of \$100 for the first offense and \$300 for each subsequent offense."

Section 3.1.35 Motor Vehicle Junkyard

Add part h.: "Violation of this bylaw shall be subject to a fine of \$300 per day."

BY LAW COMMITTEE

MINUTES January 4, 2012

2012 FEB 21 PM 3 11

Meeting convened in the upper conference room at Town Hall

TOWN CLERK'S OFFICE

BOURNE, MASS

Members in attendance: Elinor Ripley, Chair; David Gay, Vice-Chair; Cynthia Coffin, Secretary; Frank Kodzis, and Michael Butler. (Mr. Butler arrived at 4:40 PM) Dennis Woodside was also present as a non-voting member, Bourne PD. Mr. Carney was excused and Mr. Farrell was absent.

Ms. Ripley opened the meeting and stated that per the Open Meeting Law she was announcing that the meeting was being taped.

Ms. Ripley stated that the minutes of the December 7, 2011 meeting needed to be approved. Mr. Gay made a motion to approve the minutes, Ms. Ripley seconded the motion. It was a unanimous vote to approve the minutes. Mr. Butler was not present for this vote)

Ms. Ripley then stated that Items 4a and 4b had been put on the agenda as placeholders just in case any discussion was necessary but nothing has been brought back to the committee at this time

Next item for discussion was 4c—proposed new bylaw restricting storage of more than one unregistered vehicle. Ms. Coffin has drafted a proposed bylaw to address the issue raised by the committee at the last meeting. Ms. Ripley had sent Ms. Coffin bylaws from a few other Towns as a starting point and Ms. Coffin stated that this draft is a compilation from those other bylaws. Mr. Gay brought up the point that garages who didn't sell cars but that worked on cars and might have unregistered vehicles on their lot should be exempted. Garages do not necessarily have a Class 1, 2, or 3 licenses. Chief Woodside asked if we could add 'in residential areas' but Mr. Gay stated that this Committee could not put forward a regulation with that wording because then we would be getting into Zoning. Mr. Gay stated that it has to be a blanket statement that is worded properly. Chief Woodside stated that the bylaw is not going to be used for heavy-handed enforcement and most likely we be used for residential complaints and concerns. It was discussed again that if a garage were selling cars they would need a Class 1, 2, or 3 license if they weren't selling and were only working on cars the members didn't think that there were any licenses issued in that case, except for a business certificate from the Town Clerk. A Class 1 license is for selling new cars; Class 2 is for selling used cars; and Class 3 is for junkyards. Each classification has its own set of regulations. Mr. Gay offered to check with the Town Clerk to see if there were any licenses issued to garage facilities that were not selling cars and if there aren't any he will insert language into the proposed bylaw to exempt them.

Next item was 4d- Proposed new Section 3.4.2 Unsanitary Conditions. Ms. Coffin submitted the draft based on a reworking of the existing bylaw. She took out some of the archaic language and added a reference to swimming pools, septic systems, garbage collection areas and storage units. Mr. Gay stated that he liked the wording of the daft and made a motion to approve the proposed bylaw. Ms. Coffin seconded the motion. The vote was 4 to approve with 1 abstention. (Approved Section 3.4.2 attached)

Next item was 4e- Review and vote on recommended fines agreed upon but not voted upon at last meeting on 12/7/2011. Proposed change to Section 3.1.31 was to add the wording “Anyone who refuses to remedy the situation after notification by the Police shall be subject to a fine of \$300.00. Ms Coffin made a motion to approve. Mr. Gay seconded. It was a unanimous vote (5-0)to approve.

Section 3.1.34. Sidewalk sales. Proposal is to replace part (c) with “Violation of this bylaw shall be subject to a fine of \$100.00 for the first offense and \$300.00 for each subsequent offense. “ There were no fines for this Section before. The Town would get these fines rather than the court system. Mr. Gay made a motion to approve the change. Ms. Coffin seconded. It was a unanimous vote (5-0) to approve the changes.

Section 3.1.35. Motor Vehicle Junkyard. Add part (h) “Violation of this bylaw shall be subject to a fine of \$300.00 per day.” Ms. Coffin made a motion to approve. Mr. Gay seconded the motion. It was a unanimous vote (5-0) to approve the bylaw change.

Item 5 was next on the agenda for discussion. The members reviewed Section 3.4.3. Prohibiting Feeding of Waterfowl, 3.4.4 and 6.1.2 for appropriate language vis a vis Mass. General Laws, Chapter 40, Section 21D. The members discussed the actual wording of the MGL Chapter 40, Section 21D. It appears that this wording is what is in the Bourne Bylaws Section 6.1.2. There had been previous discussion to change the wording in 6.1.2. Mr Woodside got a copy of his ticket book and read the actual wording on the ticket. After much discussion among the members, it was decided that it would be best to leave that wording alone as it references the MGL as written. Mr. Gay stated that Section 21D doesn't really appear to be written as accurately as it could be as it does not seem to reflect the actual process. Chief Woodside agreed. Mr. Ripley mentioned that the committee had discussed changing the fine in 3.4.3 from \$50.00 to \$100.00. Mr. Gay agreed that the fine should be increased. Mr. Gay made a motion to increase the fine to \$100.00. Ms. Coffin seconded the motion. It was a unanimous vote (5-0) to approve the increase. The members then looked at Section 3.4.4. Ms. Ripley found some grammatical problems with the wording of subsection 3. After discussion it was decided to change Section 3 to: “ In addition to procedures otherwise provided by law for enforcement of this Section, the provisions of this section 3.4.4 may be enforced pursuant to Massachusetts General Laws, Chapter 40, Section 21D.” Ms. Ripley made a motion to approve this change. Mr. Gay seconded the motion. It was unanimous (5-0) to accept the changes to Section 3.4.4.

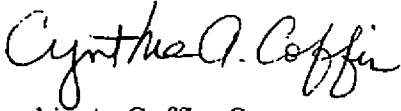
Next item for discussion was #6, to continue review of the General Bylaws regarding Public Safety and Good Order, Waterway, Wetlands and Natural Resources Protection, Underground Storage; Solid Waste Management and Section 3.11 through 3.15. Ms. Ripley said that she thought that Tim Mullen the DNR Director and Brendan Mullaney, the Conservation Agent, should be asked to the next Bylaw Committee meeting to discuss the section of wetlands and waterways. Ms. Coffin asked about Section 3.11.2. She stated that the Board of Health has always had an issue with the fact that a restaurant owner who leases a building from a landlord can be held up on his licensure just because the landlord has not paid his taxes. Chief Woodside stated that it is another way to put pressure on a property owner to pay his taxes. Mr. Gay stated that he has similar concerns in another Town his is counsel for. Ms. Ripley said that she thought it would be best if all the

members reviewed Sections 3.11 to the end of the bylaws, Section 8.1.6 for discussion at the next meeting. Most of the members had not yet reviewed these sections.

It was decided that the next meeting would be February 15th at 4:30 in the Upper Conference Room of the Town Hall.

Ms. Coffin made a motion to adjourn. Mr. Gay seconded the motion. It was a unanimous vote to adjourn (5-0). The meeting adjourned at 5:35 PM.

Submitted by



Cynthia A. Coffin, Secretary

2/15/21

BY-LAW COMMITTEE MEETING NOTICE

Date 2012 FEB 10 AM 8:45
Wednesday TOWN CLERK'S OFFICE 4:30 PM
February 15, 2012 BOURNE, MASS

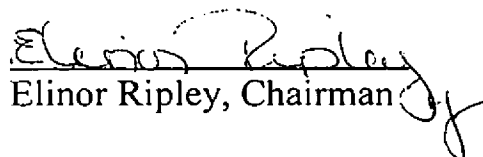
Location
Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Lower Conference Room

AGENDA

1. Call to order
2. Announce that Meeting is being taped
3. Review and approve minutes of January 4, 2011.
4. Review and possibly take action on proposed Town Meeting Articles:
 - a) Opportunity to review article proposing deleting Article 3.1.4 Railroad and Auto Overpasses which prohibits jumping from or swimming under bridges.
 - b) Update from C. Farrell on article limiting outdoor lighting
 - c) Revised language for proposed new bylaw restricting storage of more than one unregistered vehicle.
 - d) Review and vote on request to amend Section 3.4.4 paragraph b. to establish fines for second, third and subsequent offenses that are the same as those specified by the Board of Health.
 - e) Any other proposed articles.

5. Continue Review of General Bylaws Public Safety and Good Order, Waterways, Wetlands and Natural Resources Protection, Underground Storage, Solid Waste Management and Sections 3.11 through 3.15 as time permits. Left off at Section 3.4.4 at last meeting.
6. Discuss future agenda items.
7. Public Comment.

Adjourn


Elinor Ripley, Chairman

cc: Town Clerk & Selectmen

BYLAW COMMITTEE

2012 MAR 12 PM 2 56

MINUTES February 15, 2012

TOWN CLERK'S OFFICE

BOURNE, MASS Meeting convened in the upper conference room at Town Hall

Members in attendance: Elinor Ripley, Chair; David Gay, Vice-Chair; Cynthia Coffin, Secretary; Frank Kodzis, and Gerry Carney. Chief Dennis Woodside was also present as a non-voting member, Bourne PD.

Mr. Farrell was absent.

Ms. Ripley opened the meeting and stated that per the Open Meeting Law she was announcing that the meeting was being taped.

Mr. Carney made a motion to approve the minutes of January 4th. Mr. Gay seconded the motion. It was a unanimous vote to approve.

Ms. Ripley stated that the deadline for submitting articles for the Town warrant is next week. Ms. Ripley opened with discussion of the proposed bylaw restricting the storage of more than one unregistered vehicle. She stated that Mr. Gay was going to review the wording and other Town bylaws. Mr. Gay stated that he didn't rewrite the proposal and feels that the suggested wording is similar to what he has seen in other Towns. Ms. Coffin stated that she has submitted the draft wording based on a compilation of several other bylaws. She asked Chief Woodside if he was okay with the wording and he stated that he was. Ms. Coffin, therefore, made a motion to approve the proposed bylaw, Section 3.1.41. Unregistered vehicles. (see attached) Mr. Carney seconded the motion. It was a unanimous vote to approve.

The next item for discussion was a request by Ms. Coffin to amend Section 3.4.4 paragraph by to establish fines for second, third, and subsequent offenses so that the bylaw will have the same fines as an existing Board of Health fine regulation. There was some discussion and Chief Woodside agreed that it only made sense that the regulation and the bylaw have the same wording, even though the Board of Health regulation is probably what the Board of Health would use to issue any fines. Mr. Gay made a motion to accept the amendment to Section 3.4.4. (see attached) Mr. Carney seconded the motion. It was unanimous.

The members discussed the other items that had been placed on the agenda for possible action. The woman who had originally brought forward the proposal to delete Article 3.1.4 Railroad and Auto Overpass, which prohibits jumping from or swimming under bridges, decided not to come back before the Bylaw Committee and, instead, filed her article directly with the Selectmen. The Bylaw committee will need to take a vote on that article at some point before Town meeting. Ms. Coffin asked if the committee should make a motion tonight but Ms. Ripley stated

that she will get all the articles together for one of the next meetings so that the committee can take a vote. The Bylaw Committee needs to take a vote before the articles are presented to the Finance Committee in March.

Ms. Ripley stated that she had gone over the Police detail bylaw and had intended to make some grammatical changes. However, she looked at the bylaw for Foxboro and found that the wording was exactly the same. She decided that it was best to keep the wording as presented since the Foxboro bylaw has already stood the Attorney Generals review. She has already presented it as written and submitted. Chief Woodside stated that he doesn't believe that the bylaw will be used much but that it still will be good to have it on the books as an enforcement tool, if needed.

Ms. Ripley stated that she will present a list of the proposed warrant articles to the Committee at the next meeting. It was decided that the next meeting will be Wed. March 7th, 4:00 PM in the upper conference room. Tim Mullen from DNR and Brendan Mullaney from the Conservation Commission will be present at that meeting as we review the bylaw sections on Waterways, Wetlands and Natural Resources Protection. The Board discussed that Town Meeting is May 7th.

Ms. Coffin made a motion to adjourn. Mr. Carney seconded the motion. It was unanimous and the meeting ended at 7:05 P.M.

Respectfully submitted,

Cynthia Coffin,
Secretary.

Cynthia A Coffin
03/7/12

**BY-LAW COMMITTEE
MEETING NOTICE**

2012 FEB 23 AM 8 41

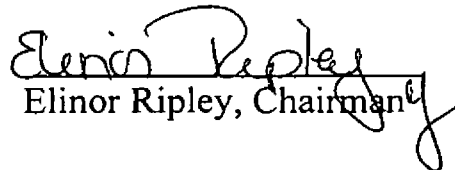
Date
Wednesday
March 7, 2012

Time
4:00 PM

Location
CLERK'S OFFICE
Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Lower Conference Room

AGENDA

1. Call to order
2. Announce that Meeting is being taped
3. Review and approve minutes of February 15, 2012
4. Review Article 3.6 Use of Waterways and Article 3.7 Wetland and Natural Resources Protection with Tim Mullen and Brendon Mullaney
5. Review and possibly take action on proposed Town Meeting Articles:
 - a) Update from C. Farrell on article limiting outdoor lighting
 - b) Any other proposed articles
6. Continue Review of General Bylaws Public Safety and Good Order as time permits. Left off at Section 3.4.4 at last meeting
7. Discuss future agenda items
8. Public Comment
9. Adjourn


Elinor Ripley, Chairwoman

cc: Town Clerk & Selectmen

BYLAW COMMITTEE

MINUTES March 7, 2012

Meeting convened in the downstairs conference room at Town Hall

2012 MAR 22 AM 9 50

TOWN CLERK'S OFFICE
BOURNE, MASS

Members in attendance: Elinor Ripley, Chair; David Gay, Vice-Chair; Cynthia Coffin, Secretary; Michael Butler, Chris Farrell, and Gerry Carney (who arrived at 4:18). Frank Kodzis was excused. Chief Dennis Woodside was also present as a non-voting member, Bourne PD.

Ms. Ripley opened the meeting and stated that per the Open Meeting Law she was announcing that the meeting was being taped.

Mr. Gay made a motion to approve the minutes of February 15th. Ms. Ripley seconded the motion. It was a vote of 4 to approve, with 1 abstention.

Ms. Ripley discussed that the Committee needed to review the private petition articles proposed for Town meeting. One article was Article 26, requesting the deletion of the existing Article 3.1.4 Railroad and Auto Overpasses. The proponents were not at the meeting for the presentation. She did not believe that anything had changed from what had been presented to the bylaw committee previously. The next article for discussion is the proposed Article 35, which is a private petition to amend the existing by law by adding a new Section 3.9.1 Mooring Permits. Ms. Ripley stated that she is hoping that the proponents can come before the committee at a meeting on March 19th at 4 PM if the committee members can make an additional meeting. That way the group won't have to meet before Town meeting. It was decided that the bylaw committee would meet on March 19th at 4:00 pm. Ms. Coffin stated that if the nothing had changed with Article 26 she would make the motion not to support said article as the committee had serious problems with the bylaw and concerns of liability at the time of the original presentation. Mr. Gay seconded the motion. It was unanimous not to support.

Ms. Ripley stated that Tim Mullen, DNR Director, and Brendan Mullaney, Conservation Commission Agent were present to make comments as the committee discusses the Waterways and Wetland sections of the Town Bylaws. Ms. Ripley asked the two department heads to look at fines too and make suggestions they thought necessary. Mr. Mullen stated that the Town had already looked at a lot of the bylaws and rescinded many of them and incorporated them instead into the Waterways regulations. He would like to see the same thing done eventually with the remaining bylaws. Ms. Ripley said that until these changes are made the bylaw committee would be able to make any changes the Mr. Mullen would like to see, but they wouldn't go before the Town until the Special Town meeting in the fall. Mr. Mullen stated that the Board of Selectmen would be the ones to approve anything going into the Waterways Regs. The only suggestion that Mr. Mullen made was for Section 3.6.2. Enforcement. Mr. Mullen stated that he would like the fine to be \$100.00 for any violation. Ms. Coffin made that a motion and Mr. Butler seconded the motion. It was unanimous to approve that change. Mr. Mullen then addressed Section 3.6.1. He stated that he really has a problem with the Little Bay area in Monument Beach being an area designated for waterskiing. He does not believe that the area is large enough to accommodate skiers, jet skiers, and swimmers. Ms. Ripley commented on the jet skiers she has seen in the area when she has been sailing. Everyone agreed that the situation could lead to a severe accident. There was also discussion about the posting of the waterskiing area and Mr. Mullen stated that it really doesn't matter where it's marked unless the Town is capable of enforcing it. He stated that everyone used the whole bay. Mr. Farrell made a motion

to remove number 4 'Posted area of Little Bay, Monument Beach' from 3.6.1. Mr. Gay seconded the motion. It was a unanimous vote to remove #4 from Section 3.6.1. There was some discussion regarding this vote. Mr. Mullaney suggested that it might be better to leave the bylaw as is. Mr. Mullen can decide to amend the Waterways regs at any time. Mr. Farrell withdrew his motion on Section 3.6.1. Mr. Gay seconded. It was unanimous to reverse the previous vote. It was decided that no action would be taken at this time on the rest of Article 3.6 Use of Waterways. The committee will look at removing 3.6.1 at the Fall Special Town meeting.

Mr. Mullaney discussed Article 3.7, Wetland and Natural Resources Protection. Mr. Mullaney is concerned about taking a vote on anything at this juncture. He does not want to open discussion on the entire bylaw on Town meeting floor. Ms. Ripley stated that this would not be the case and if any changes were brought up by the bylaw committee, the discussion and vote at Town meeting would only be about those specific changes. Mr. Mullaney stated that he thinks it's good to have this section in the Town bylaws even though the Conservation Commission has its own Wetlands regulations. He also stated that he feels the same way about the Waterways regulations. He stated that we need to be careful because if regulation changes are left solely in the hands of the Board of Selectmen with no back up in the Town Bylaws, then one or two people could affect a change that might not be in the best interest of the Town as a whole. Mr. Mullaney believes that what the Town has in place has worked well. He stated that the Conservation Commission already made changes to the dinghy dock section in 2009 and he doesn't feel that any other changes are warranted at this time. Chief Woodside asked Mr. Mullaney if he was okay with the fine structure presently in the bylaws. Mr. Mullaney stated that he did not believe that he had the authority to issue fines anyway. There was further discussion. Mr. Gay discussed how the fines would be paid and that any appeal of the bylaw would go to the Superior Court. Under the Wetlands regulations, the appeal for any fine would go to District Court. Mr. Gay stated that under 3.7.6, Mr. Mullaney can issue a fine. He would recommend changing of the wording in Section 3.7.6 to remove 'commission members' or as it is stated in the bylaw "its members". He does not believe that any individual member should have the right to fine but that the Agent or the Conservation Commission as a whole could do so. Mr. Mullaney stated that the fines under the Wetlands Protection Act are significant and can be up to \$25,000. Ms. Ripley suggested increasing the bylaw fines. Ms. Ripley made a motion to delete "its member" from Section 3.7.6 and to also change the fine to \$300.00 for each offense. Mr. Gay seconded the motion. It was a unanimous vote to make the changes. Mr. Mullaney stated that he will have an agenda item for an upcoming meeting so that his Board can review all the wetland bylaws for anything that might want to be done at the Fall Special Town-meeting.

Mr. Farrell made a motion to adjourn. Ms. Coffin seconded the motion. The meeting adjourned at 5:00 P.M.

Respectfully submitted,

Cynthia Coffin,
Secretary

Cynthia Coffin

*Committee
Approved
12-19-12*

**BY-LAW COMMITTEE
MEETING NOTICE**

2012 MAR 12 AM 8 58

TOWN CLERK'S OFFICE
BOURNE, MASS

Date
Monday
March 19, 2012

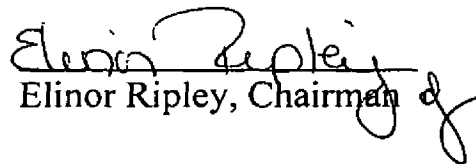
Time
4:00 PM

Location
Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Lower Conference Room

AGENDA

1. Call to order
2. Announce that Meeting is being taped
3. Review and approve minutes of March 7, 2012.
4. Review and possibly take action on proposed Town Meeting Articles:
 - a) A proposed new Bylaw providing for transfers of mooring permits among family members.
 - b) Any other proposed articles.
5. Continue Review of General Bylaws Public Safety and Good Order as time permits. Remaining are Section 3.5 Food Vendor's License and Sections 3.8 and subsequent sections.
6. Discuss future agenda items.
7. Public Comment.

Adjourn


Elinor Ripley, Chairman

cc: Town Clerk & Selectmen

BYLAW COMMITTEE

2012 JUN 8 PM 1 56 MINUTES March 19, 2012

Meeting convened in the downstairs conference room at Town Hall
TOWN CLERK'S OFFICE
BOURNE, MASS

Members in attendance: Elinor Ripley, Chair; David Gay, Vice-Chair; Cynthia Coffin, Secretary; Frank Kodzis and Gerry Carney. Chief Dennis Woodside was also present as a non-voting member, Bourne PD. Michael Butler is excused and Ms. Ripley stated that he will be resigning from the Committee as a new job requires out of state travel.

Ms. Ripley opened the meeting and stated that per the Open Meeting Law she was announcing that the meeting was being taped.

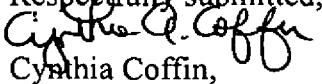
Mr. Gay made a motion to approve the minutes of March 7, 2012. Ms. Coffin seconded the motion. It was a unanimous vote to approve the minutes.

The article for discussion before the Committee is the private petition article submitted by John Fisher. The Article 35 references the addition of a new section to the bylaws, Section 3.1.9 Mooring Permits. Mr. Fisher discussed that the present regulation allows the transfer of mooring permits to surviving spouses only. He went before the Board of Selectmen with his proposal in December but it was voted down 3-2. His proposal is for a bylaw is to add wording that the current holder of a mooring may allow the transfer of one, and only one, mooring permit to his or her sibling, child, or grandchild. If a current holder of multiple mooring permits transfers a mooring permit to a sibling, child or grandchild and subsequently transfers mooring permits to his or her spouse, the spouse may not transfer further permits to anyone. Mr. Fisher brought the bylaw proposal to the Committee because he feels that the voters should decide at Town meeting whether they are for or against the proposal. Mr. Fisher stated that he realizes that the language could be tidied up but he wants to expand the transferability. He has researched other Towns and has found that Barnstable, Marion, Falmouth and Dartmouth all have bylaws that allow the transfer of all mooring permits to immediate family members. He is only proposing the transfer of one permit. Mr. Fisher wants the waterways to remain accessible but is concerned with limited public access to harbors. He also believes that the waterfront property owners are the largest taxpayers. He stated that there are 30 people on the waiting list for moorings in Hospital Cove and 9 of those are waterfront property owners. He realizes that some of the negative comments are that the bylaw will result in an increase in the waiting list. Mr. Fisher believes that death is not the only way that mooring get surrendered. People sell their properties too. There was more discussion as to the number of people on the waiting list for mooring throughout the Town. Chief Woodside asked what the current rule was today and Mr. Fisher stated again that the transfer is to the surviving spouse. He also stated that he was aware that Towns had adopted similar bylaws did see that their waiting list increase. Chief Woodside stated that a mooring could be with the same family forever. Mr. Mullen stated that a person can have three moorings.

2012 JUN 8 PM 1 56

TOWN CLERK'S OFFICE
BOURNE, MASS

If you had more before the regulation changed then that ownership is grandfathered. Chief Woodside stated that it is his understanding that any business can have multiple moorings and rent them out, like the marinas do. Ms. Coffin questioned why there wasn't a distinction that the child or sibling referenced in the bylaw had to be a resident. There was discussion that there can't be any discrimination as to whether someone who holds a mooring is a resident or not. Tim was also discussed that a person holding a mooring cannot rent out that mooring. Chief Woodside stated that he saw the proposed bylaw as a way to circumvent the existing Waterways regulation and he was not sure that this was appropriate. He also stated that when the Town changed the regulation previously to allow the transfer of the mooring to the surviving spouse that this move was seen as a compromise or at least a happy medium for all involved. Mr. Mullen agreed and stated that this is why the change was made in 2006. Previously the transfer had been made at the discretion of the harbormaster. Mr. Mullen also stated that 20 years ago mooring were often transferred to family members, whether legally or not, but at that time there were no waiting lists either. He further stated that he believes that the current waiting list process is the most fair. He stated that in Wild Harbor in Falmouth, because of the mooring transfer process, there have been no new moorings since 1989. In Barnstable there is a lottery just to get placed on a waiting list. Falmouth is actually looking at going back to only allow the transfer to a spouse. Chief Woodside asked if the mooring permit was only in one name and Mr. Mullen answered yes and that a permit could not be issued to a trust. There was further discussion about access from the Shore and Harbor Committee members present. Mr. Mullen stated that the Shore and Harbor Committee looked at the issue and decided to leave the regulation as is. He stated that circumvention of the waterways regulations should not be allowed. Ms. Ripley stated for the record that the actual Section number of this article should refer to 3.6.5 and she will see that this is changed in the warrant. Mr. Gay made a motion to change the Section reference to 3.6.5 and to change the first line of the proposed bylaw to read "Mooring permits are transferable to the spouse...". Ms. Ripley seconded the motion. On this motion alone, the vote was unanimous to approve the changes. Ms. Coffin made a motion that the bylaw committee not support the proposed article. She felt that the wording was an issue and she felt that the Committee should listen to the Natural Resources Director who stated that he did not believe that this bylaw change was a good one. Mr. Carney seconded the motion. It was a vote of 3-2 that the Bylaw Committee not support the proposed bylaw. Mr. Gay made a motion to adjourn and Mr. Carney seconded the motion. It was unanimous and the meeting adjourned at 5:00 PM.

Respectfully submitted,

Cynthia Coffin,
Secretary

**BY-LAW COMMITTEE
MEETING NOTICE**

2012 JUN 4 AM 9 41

TOWN CLERK'S OFFICE
BOURNE, MASS

Date

Wednesday
June 6, 2012

Time

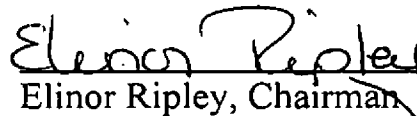
4:30 PM

Location

Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Upper Conference Room

AGENDA

1. Call to order
2. Announce that Meeting is being taped
3. Review and approve minutes of March 19, 2012.
4. Review status of Annual Town Meeting bylaw proposals
5. Review and possibly take action on proposed future Town Meeting Articles:
 - a) Update from C. Farrell on article limiting outdoor lighting
 - b) Update on any other proposed articles.
6. Continue Review of General Bylaws Public Safety and Good Order. Left off at Section 3.4.4 at last meeting
7. Discuss future agenda items.
8. Public Comment.
9. Adjourn


Elinor Ripley, Chairman

cc: Town Clerk & Selectmen

BYLAW COMMITTEE

MINUTES June 6, 2012

Meeting convened in the 2nd floor conference room at Town Hall

2012 SEP 6 AM 9 48

TOWN CLERK'S OFFICE,
BOURNE, MASS

Members in attendance: Elinor Ripley, Chair; Cynthia Coffin, Secretary; Frank Kodzis and Gerry Carney. Chief Dennis Woodside was also present as a non-voting member, Bourne PD. Mr. Gay was excused and Ms. Ripley reiterated that Mr. Butler had stated that he would be resigning from the Committee. Mr. Farrell was absent.

Ms. Ripley opened the meeting and stated that per the Open Meeting Law she was announcing that the meeting was being taped.

Mr. Kodzis made a motion to approve the minutes of March 19, 2012. Mr. Carney seconded the motion. It was a unanimous vote to approve the minutes.

The next item for discussion was to review the status of the Annual Town meeting proposed bylaws. Ms. Ripley stated that Ms. Coffin and Chief Woodside did an excellent job presenting the bylaws before Town Meeting and answering any questions that arose. Ms. Ripley stated that the two bylaws proposed by the Town Moderator had failed. The one to reduce the number of voters required to request a secret ballot failed on the floor, but the one regarding the Town Moderator not needing to take a count for a 2/3rds vote was postponed by the moderator himself. Moderator Parady wanted to rewrite the bylaw and bring it back before the Town at a later date. It was discussed that the bylaw to remove the bridge jumping bylaw failed resoundingly. The members discussed that there was a great deal of discussion regarding the unregistered vehicles bylaw. Ms. Ripley stated that Ms. Coffin did a good job answering questions on the bylaw and Ms. Coffin stated that it also helped that Roger Laporte, the building inspector, spoke to back up the bylaw as well. The members discussed that a lot of the discussion wasn't really specifically about the fines but was more because many people didn't realize that the bylaws were already on the books.

Ms. Ripley stated that she believes that there will be a new bylaw coming before the committee regarding home owners allowing people to rent out their homes for private parties. Ms. Coffin stated that she believes that she has already seen that proposal and that it may have come from Coreen Moore, the town planner. Ms. Ripley stated that she believed the bylaw was written by Ms. Moore. It was also discussed that Mr. Farrell keeps mentioning a bylaw on outdoor lighting but nothing is before the committee yet. Several members agreed that such a bylaw would be a good thing. Ms. Coffin and Chief Woodside stated that at any future Town meetings it might be a good idea to have someone from the bylaw committee speak to the residents and explain what the goal of the bylaw committee has been in reviewing all the bylaws and in updating any fines to make Bourne be more in line with other surrounding towns.

Mr. Carney asked if anyone had brought anything in about a proposal on speed bumps. Chief Woodside stated that he had received questions about the same thing. Evidently the Planning Board had a hearing on the speed tables, which are not as severe as speed bumps that had been put in by the developers of Brookside. The Planning Board made a ruling that the speed tables needed to be removed and the residents of Brookside were not happy. Chief Woodside stated that fire apparatus can go over the speed tables but that the vehicles really need to slow down. Mr. Kodzis said that the speed bumps or tables were not encouraged by the Fire Department in

Boston. Mr. Kodzis stated that he does know of a speed table on a public street in Milton but that is only because it is near a playground.

The Committee members then proceeded to review the remaining bylaws that had not already been discussed. The Committee had left off at Section 3.4.4. It was decided that Article 3.5 on Food Vendors would be left alone. Mr. Kodzis asked if it was the Committee's intention just to review the fines and up them to be in line with other towns. Chief Woodside and Ms. Coffin explained that their work started as a review of all the bylaws in general to see which ones were outdated, which ones might need a change in language or correction. For reasons of enforcement the committee also looked at the fines in the bylaws. Ms. Ripley showed Mr. Kodzis the chart that she had created to compare the fines issued by various Towns for similar bylaws.

The next section reviewed was Article 3.6, Use of Waterways. There was some discussion on a ruling from Town Counsel on who could make rules, the Harbormaster or the Selectmen. The committee had voted to remove subsection 4 regarding Little Bay and Chief Woodside suggested that we delete the whole section and just let the Harbormaster regulate the issues under the Waterways Regulations. He said that even if the bylaw was to remain that the Police Department did not have the equipment to enforce such a bylaw. Ms. Ripley stated that the Shore and Harbor wanted the bylaws so that it would not be easy to change any regs, such as can be done under the Waterways Regulations alone. Ms. Coffin read from the Bylaw meeting minutes of March 7th where the bylaw committee actually voted to reverse its decision to take any action on Section 3.6.1. The members decided that it would be best to email Tim Mullen, the DNR Director to see if he has any issues with the existing bylaws and to have him come before the bylaw committee again on Article 3.6. It was further stated by Ms. Coffin that she thinks that Section 3.6.3 needs to be reworded. As it is, at first it appears to be a definition section but then goes on to talk about mooring attrition. It is very confusing. Ms. Coffin then read from the minutes of the March 7th meeting concerning the next Article 3.7, Wetlands and Natural Resources Protection. Conservation Commission Agent Brendan Mullaney had stated at that meeting that he would like to see the section remain as it was. He did not want to open up discussion for any changes. At the March 7th meeting the bylaw committee did vote to remove "its members" from Section 3.7.6 and to change the fine to \$300.00 for each offense.

Article 3.8, Underground Storage Tanks, was up next for review. Ms. Coffin stated that this bylaw is really enforced by the Barnstable County Health Department's Underground Storage Tank-section. She stated that we might want to consider having a fine in the bylaw. Mr. Kodzis volunteered to research this topic further and to see what bylaws other towns have in this regard. He will also look at existing DEP regulations.

The next Article for review was 3.10, Solid Waste Management. Ms. Coffin stated that she thought that perhaps Dan Barrett should review these sections. Chief Woodside left the meeting at 5:15. Article 3.11 is Licenses and Permits and it was discussed that perhaps Town Counsel should look at this section. The members discussed Article 3.12, Prohibition of Smoking in Certain Places Within the Town of Bourne. It was decided that even though there is an existing Town of Bourne Board of Health regulation and a State regulation is more strict than the bylaw it would be best to leave this section alone. The members also decided not to do anything with Articles 3.13, Development, Article 3.14, Demolition, and Article 3.15, Business Licenses. The next section of the bylaws is Chapter 4, Inspection and Developments Regulations. Mr. Kodzis stated that he would review all of these Articles. He is an electrician so he has a lot of experience with this material. There was some discussion on Section 4.5.1 on the Numbering of Building and how this section is not well enforced and that the required 4 inch numbers are rather large.

It was discussed that the next meeting of the bylaw committee would be Wed, September 5th. Ms. Coffin made a motion to adjourn. Mr. Kodzis seconded the motion. It was a unanimous vote and the meeting adjourned at 5:30 PM.

Respectfully submitted,

Cynthia Coffin

Cynthia Coffin,
Secretary

*Board
approved 9/5/12*

BY-LAW COMMITTEE MEETING NOTICE

2012 AUG 27 AM 9 40

Date

Wednesday
September 5, 2012

Time

4:00 PM

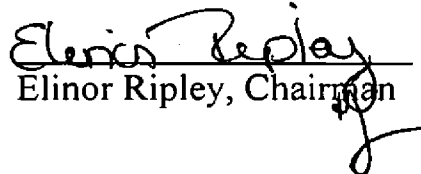
Location

TOWN CLERK'S OFFICE
BOURNE, MASS
Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Lower Conference Room

AGENDA

1. Call to order
2. Announce that Meeting is being taped
3. Review and approve minutes of June 6, 2012.
4. Review and possibly take action on proposed future Town Meeting Articles:
 - a) Update from C. Farrell on article limiting outdoor lighting
 - b) Update on proposed Residential Special Events bylaw.
 - c) Review Article 3.6 Use of Waterways with DNR head Tim Mullen and vote on proposed changes.
 - d) Review Section 3.10 Solid Waste Management with ISWM head Dan Barrett and vote on any proposed changes.
 - e) Review a possible Blight Bylaw being prepared by Coreen Moore.
 - f) Review of Section 3.8 Underground Storage Tanks by Frank Kodzis.
 - g) Review of Chapter 4 Inspection and Developments Regulations by Frank Kodzis.
 - h) Review and update any other proposed bylaw changes or additions.
5. Discuss future agenda items.
6. Public Comment.

Adjourn


Elinor Ripley, Chairman

cc: Town Clerk & Selectmen

BYLAW COMMITTEE

MINUTES September 5, 2012

Meeting convened in the 2nd floor conference room at Town Hall 4 PM

2012 OCT 4 PM 4 02

TOWN CLERK'S OFFICE
BOURNE, MASS

Members in attendance: Elinor Ripley, Chair; David Gay, Vice-Chair; Cynthia Coffin, Secretary; Frank Kodzis. Chief Dennis Woodside was also present as a non-voting member, Bourne PD. Mr. Farrell and Mr. Butler were absent without notification.

Ms. Ripley opened the meeting and stated that per the Open Meeting Law she was announcing that the meeting was being taped.

Mr. Kodzis made a motion to approve the minutes of March 19, 2012. Mr. Gay seconded the motion. It was a unanimous vote to approve the minutes.

The next item for discussion was to review and possibly take action on proposed future Town meeting articles. Ms. Ripley said that since Tim Mullen, DNR Director was present she would like to discuss item (c)—Review of Article 3.6 Use of Waterways. Ms. Ripley discussed that the by-law committee already made changes to this section by agreeing to delete Little Bay as a water-skiing area and to increase the fine in the next section to \$100.00. Ms. Ripley asked Mr. Mullen why the section on Waterways was in the Town By-Laws at all. She felt that the decision on waterways regulations should be at the will of the DNR Director. The changes that the Committee already voted on will be brought before the Town at the Fall Meeting, but Mr. Mullen should be able to make changes as he sees fit. He would then take those regulations or changes to the Selectmen and they would hold a public hearing and adopt them. Mr. Gay stated that he agreed that this made much more sense. Ms. Ripley also stated that the committee had already found that there were serious problems with the wording of Section 3.6.3 in that the section was labeled 'definitions' but had discussion on an enforceable section. Ms. Coffin asked if there would be any problems if the committee just voted to delete the entire Waterways section without regulations already being adopted by the Selectmen. She doesn't want there to be any gaps that would make enforcement impossible. Ms. Gay stated that really the new regulations couldn't be written until the old by-laws were deleted. In addition, even if the by-law committee votes today, the changes will have to be brought to Town meeting for a formal vote and that would give Mr. Mullen the chance to have something ready to go before the Selectmen. Mr. Mullen stated that he would have something ready to go in a month. Ms. Coffin made a motion to delete Section 3.6 Use of Waterways, inclusive of 3.61 through 3.6.4. Mr. Gay seconded the motion. It was a unanimous vote to delete Section. 3.6.

Ms. Ripley stated that there could be no discussion on the outdoor lighting by law as Mr. Farrell was not present. There was discussion among the members regarding un-attendance rates by Mr. Farrell and Mr. Butler. Mr. Butler had stated his intention to resign from the committee but has not done so yet. Members should formally resign if they do not plan on attending so other members can be appointed. Ms. Ripley will look into this.

Ms. Ripley stated that the Town Planner, Coreen Moore, is working on a Special Events by-law but nothing has been submitted to us yet. Ms. Ripley went on to state that she has spoken to Dan Barrett, ISWM Director and he has no proposed changes to the Solid Waste portion of the by-laws. There is also a blight by-law that Ms. Moore is preparing but nothing is ready as of today.

Discussion then proceeded to item 4f. Ms. Kodzis volunteered to look at the Section on Underground Storage Tanks, Section 3.8 of our Town by-laws. Mr. Kodzis stated that existing State regulations 527 CMR already regulates underground storage tanks. He spoke to Chief Greene, who was supposed to send the Fire Prevention officer to our meeting. Chief Greene stated that the State regulations should cover this issue. Mr. Kodzis stated that other cities and towns do not have these kinds of by-laws. He also said that some of the subsections of the State law cited do not even exist anymore. Mr. Kodzis recommended the removal of Section 3.8.2 on tank installation as this is already State regulated. He had questions about the Section on Tank Registration, 3.8.3 and wondered if it should be removed too. Ms. Coffin stated that she remembered that the regulation was adopted years ago so that there could be proper documentation of UGST being put in, being removed and being tested. The BOH was supposed to get registration forms for every UGST. This did not happen and the program was kind of floundering but then the Barnstable County Health Department took over the UGST program and it has been working well. They notify residents if the tank should be tested or if it is so old that it should be removed. Ms. Coffin does not feel that these sections should be removed as it might affect the County Program. She will talk to the County and find out how much hinges on our local by-law. She will contact Mr. Kodzis and let him know what she finds out or will put the County person in touch with him. The members discussed that if this section remains we should change the reference to the subsections of the State regulation and just refer to 527 CMR 9. This will be discussed further at the next meeting.

Mr. Kodzis had also volunteered to review Chapter 4. Inspection and Development. Ms. Kodzis stated that he had tried to get in touch with the Wiring Inspector but their paths kept crossing. He is concerned about section 4.3.3 in that he knows that the State Code allows residence to do their own wiring. He will talk to the Wiring Inspector and get back to us to see if this section should be removed. Other than that, he could see no reason for any changes.

Ms. Ripley stated that the next meeting should be October 3rd at 4:30 PM here at Town Hall. The committee should meet one more time before the Special Fall Town Meeting. She will prepare the articles for Town meeting. The deadline for submission is Sept. 13th. There are only a couple articles for submission. What she will do is to present two articles. If the article to delete the entire Waterways Section fails, she will have an additional article prepared that will address the previous changes we had voted to make, i.e., the increase in fines and the elimination of Little Bay for skiing. The only other article will be the changes to the Wetlands section to increase the fines and to remove the wording about the ConCom members being enforcers of the reg.

Ms. Coffin made a motion to adjourn. Mr. Kodzis seconded. It was unanimous and the meeting adjourned at 4:55 PM.

Respectfully submitted,

Cynthia A Coffin 10-3-12

Cynthia Coffin,
Secretary

BY-LAW COMMITTEE MEETING NOTICE

Date

Wednesday
October 3, 2012

Time

4:30 PM

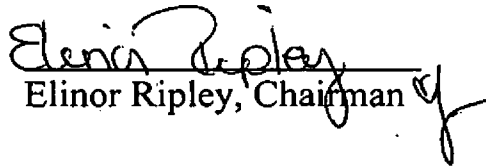
Location

2012 SEP 18 AM 9 08
Bourne Town Hall
TOWN CLERK'S OFFICE
24 Perry Avenue
BOURNE, MASS
Buzzards Bay
Lower Conference Room

AGENDA

1. Call to order
2. Announce that Meeting is being taped
3. Review and approve minutes of September 5, 2012.
4. Review and possibly take action on proposed future Town Meeting Articles:
 - a) Approve draft of Articles for October 29 Special Town Meeting.
 - b) Review and approve requested changes to Bylaws Article 3.10 Solid Waste Management
 - c) Review of Section 3.8 Underground Storage Tanks by Frank Kodzis & Cindy Coffin
 - d) Review of Chapter 4 Inspection and Developments Regulations by Frank Kodzis.
 - e) Update from C. Farrell on article limiting outdoor lighting
 - f) Review and update any other proposed bylaw changes or additions.
5. Discuss future agenda items.
6. Public Comment:

Adjourn


Elinor Ripley, Chairman

cc: Town Clerk & Selectmen

BYLAW COMMITTEE

MINUTES October 3, 2012

Meeting convened in the 2nd floor conference room at Town Hall 4:30 PM 15
2012 JUN 10 PM 15

TOWN CLERK'S OFFICE
BOURNE, MASS

Members in attendance: Elinor Ripley, Chair; David Gay, Vice-Chair; Cynthia Coffin, Secretary; Frank Kodzis, and Gerry Carney.

Chief Dennis Woodside was absent but excused. Mr. Farrell and Mr. Butler were absent.

Ms. Ripley opened the meeting and stated that per the Open Meeting Law she was announcing that the meeting was being taped.

Mr. Kodzis made a motion to approve the minutes of September 5, 2012. Mr. Gay seconded the motion. It was a unanimous vote to approve the minutes.

Ms. Ripley stated that the Committee needs to review the articles that will be in the Town Warrant. They are things that the Committee has already voted on but she just wants everyone to review the wording etc. The Committee reviewed all the articles. In summary, the changes are to amend section 3.7.6 Water Resource District Enforcement to delete the word "members" in the first sentence and to change the fine to "\$300.00 for each offense." Articles #2, #3, and #4 as listed on the handout will be presented at Town meeting so that 2, 3, and 4 are contingent on each other. If either 3 or 4 is picked the vote will automatically go to Article 2. Article 2 is to delete Article 3.6, Use of Waterways in its entirety. If Article 2 passes then the motion on 3 and 4 will be to indefinitely postpone. If Article 2 fails then the vote will move to Article 3 and 4. The Committee members agreed that they were okay with the way the articles were written and no further action was needed.

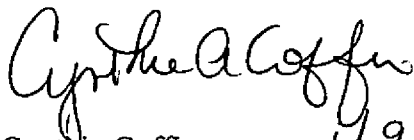
The next item was a submission to the ByLaw Committee from Dan Barrett, Manager of ISWM, regarding proposed changes to the language in Article 3.10 Solid Waste Management section of the bylaws. Under Section 3.10.2 the proposal is to delete "and vinyl siding" from the definition of plastics. The current definition of yard waste will be changed to "leaves, garden waste, lawn clippings, weeds, hedge clippings, tree and brush prunings and stumps." He proposed a new definition for electronic devices "...television sets, VCR's, computers, radios and other electronic devices, including rechargeable batteries such as ni-cad, lithium, lead-acid and metal hydride batteries. Lithium sulfur dioxide batteries are not accepted." A new definition for "Metal" is also proposed—"any discarded items that are predominately metal including tire rims, gas grills, bed frames and appliances." The last proposal is to change section 3.10.4 to "All leaves and yard waste, whether collected at curbside or brought to the Residential Recycling Center will be composted or otherwise diverted and shall not be disposed of as a solid waste. Any person who has an approved Residential Recycling Center Sticker may bring leaves, yard waste, yard waste and tree or brush prunings into the composting area free of charge." The Board members felt that all of the proposals were acceptable. Ms. Coffin made a motion to approve the Article to revise 3.10 Solid Waste Management. Mr. Carney seconded the motion it was a unanimous vote to approve.

The final article for discussion was submitted by Town Moderator, Bob Parady to see if the Town will vote to add a new section 1.1.11 Two-thirds Votes. In summary this article states that if a two thirds vote is required by statute, a count shall not be taken unless it is deemed necessary by the Moderator. The article also states that if a two thirds vote is questioned by seven or more voters, then the Moderator will verify it by polling the voters or by dividing the meeting. Mr. Gay stated that this is done in other Towns. At this point Betty Steudel, Chairman of the Recycling Committee joined the meeting. She had come to listen on the changes to the Solid Waste Management Section. Ms. Ripley informed her that the Committee had voted favorably on the changes. Discussion returned to the article on the voting. Mr. Gay said that some towns have a by law that reconsideration cannot be taken on a vote unless new info has been brought to the town meeting within one hour of the original vote. He will look into this. Ms. Coffin made a motion to accept the proposed article on the two-thirds vote. Mr. Carney seconded the motion. It was unanimous to approve.

Ms. Ripley asked Ms. Coffin if she had any more information on the section of the bylaws regarding Underground Storage Tanks. Ms. Coffin stated that she did not as this time but that she would follow up on that. Mr. Kodzis stated that he had no proposed changes or comments on the Inspection and Development section of the bylaws. Ms. Ripley stated that there would be no discussion on the outdoor lighting bylaw as Mr. Farrell was unexcused again. There was some discussion of the lack of attendance of Mr. Farrell and Mr. Butler. Both of their terms are up at the end of June and they will not be eligible for reappointment..

Ms. Ripley stated that there was no need to meet again until January. It was decided that the next bylaw meeting would be January 9th at 4:30 in the lower conference room of Town Hall. Ms. Coffin made a motion to adjourn. Mr. Carney seconded. It was unanimous and the meeting adjourned at 4:30 PM.

Respectfully submitted,



Cynthia Coffin,
Secretary

1/9/13

From: "Robert Schofield" <reschofield@comcast.net>
Date: Thursday, January 05, 2012 3:20 PM
To: "Tom Guerino" <TGuerino@townofbourne.com>
Subject: Fw: Bourne Renewal License

2012 FEB 3 PM 3 13
 TOWN CLERK'S OFFICE
 BOURNE, MASS

From: Peter Epstein
Sent: Tuesday, January 03, 2012 10:36 AM
To: O'Keeffe, Mary ; Peter Epstein ; Carr, Bob
Cc: Robert Schofield
Subject: Re: Bourne Renewal License

Good Morning Mary:

Happy New Year. Thanks for returning your mark-up of Bourne. Regarding your suggested language for Section 6.3(f), I would revise as follows:

Said PEG Access Channels shall be only provided to the cable subscribers of Otis upon the agreement of the Town of Bourne and Otis for Otis cable subscribers to financially support the PEG Access Corporation in the same amount as specified in Section 6.4(a)(ii) below as will the Subscribers in the Town of Bourne.

I had used today's date, January 3, 2012, as the Effective Date. I suspect that the BOS will not be signing the license tonight. Perhaps we should use their next meeting date, 1-17-12, as the Effective Date.

I will add the Table of Contents.

Peter J. Epstein
 Epstein & August, LLP
 101 Arch Street
 Suite 900
 Boston, Massachusetts 02110-1112
 (617) 951-9909

From: "O'Keeffe, Mary" <Mary_OKeeffe@cable.comcast.com>
To: Peter Epstein <peter@epsteinandaugust.com>; "Carr, Bob" <Bob_Carr@cable.comcast.com>
Cc: Robert Schofield <reschofield@comcast.net>
Sent: Thursday, December 29, 2011 4:19 PM
Subject: RE: Bourne Renewal License

Peter,

I believe everything is in order. I added the addresses for the origination locations. I added in 6.3(f) language about Otis. I did not remove "Draft" from the first page.

I would dearly love you to complete the table of contents (and when you get a chance, the TOC of the seven Cape licenses previously executed.) It makes it SO much easier to find things.

Mary

From: O'Keeffe, Mary
Sent: Friday, December 23, 2011 2:07 PM

Johnson, Barry

From: Johnson, Barry
Sent: Friday, February 03, 2012 11:56 AM
To: 'Troy Wall Associates'
Cc: Guerino, Thomas
Subject: RE: Cable Television Advisory Committee

Bob: I am faxing to you today the following documents:

1. A cover sheet showing the dates of the times the CATV met that I do not have minutes for as of this email date & time.
2. A page showing the date of the Public Hearing and the Public Hearing Notice. I have the stenographic record of this (86 pages) and if you need this, I will send it under a separate cover.
3. The meeting agenda of October 13, 2011 and the set of minutes behind that (that is the only set I have).
4. Mr. Schofield came in today and told me he has a lot more materials such as emails etc.. I told him to bring me everything he has today; I will stamp everything in; will put in the mail today all that I have to you. BJ

From: Troy Wall Associates [<mailto:admin@troywallassociates.com>]
Sent: Thursday, February 02, 2012 4:18 PM
To: Johnson, Barry
Cc: Guerino, Thomas; Pickard, Donald; Baldwin, Earl; Ford, John; Meier, Peter
Subject: Cable Television Advisory Committee

Attached hereto please find a Memorandum with regard to the above-referenced matter. Thank you.

PETER J. EPSTEIN
COUNSELLOR AT LAW
101 AVALON STREET, SUITE 2000
BOSTON, MASSACHUSETTS 02110-1112
TEL. (617) 951-9800
FAX (617) 951-2819

2012 FEB 3 PM 3:10

TOWN CLERK'S OFFICE
BOURNE, MASS

CABLE TELEVISION RENEWAL

I) INTRODUCTION TO CABLE TELEVISION RENEWAL

Franchise renewal conducted pursuant to the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996

II) PREPARING FOR THE RENEWAL PROCESS

- a) Start within the 36-30 month "window"
- b) Informal vs. Formal Renewal Process
 - i) Informal Process: no explicit time lines
 - ii) Formal process: 4 month negotiating window/safeguards for cable operator
 - + Which process is preferable for the municipality?
- c) Importance of an early start to the renewal process
- d) Public Ascertainment Process
 - i) Hold public ascertainment hearing(s)
 - ii) Conduct public surveys regarding past performance, signal quality, customer service, VCR use, desired new services, etc.
 - iii) Keep ascertainment process "open" until the negotiating team has all information and is prepared to start negotiations with the operator
 - + When does ascertainment actually close?
 - iv) Send a comprehensive "RFP" to the operator w/deadline for submitting a detailed response

III) NEGOTIATIONS WITH THE OPERATOR

- a) Negotiating Team: Explicit authority from the Franchising Authority
- b) Negotiating strategies:
 - i) Be prepared to discuss compliance to current franchise & any other current problems
 - ii) Preface discussion of each subject with ascertainment findings, etc.
- c) How to interpret "the costs of meeting such needs and interests"?

- 1) Length of Franchise Renewal Term
- 2) Cable System Configuration
 - + System rebuild or upgrade
 - + increased channel capacity
 - + number of channels programmed
 - + addressability/converter model used
 - + rebuild time-frames
 - + Signal quality standards: FCC
- 3) Franchise Fees
 - + Cable Act sets fee "cap" at up to 5% of operator's "gross annual revenues"
- 4) Institutional Network
 - + separate, closed-loop network for municipal & institutional use
 - + what uses for Town and/or community institutions?
- 5) Service Area/Line Extension requirements
 - + All homes in the Town to be passed?
- 6) Public, Educational and Governmental {"PEG"} Access Programming
 - + Annual funding from operator
 - + Equipment "grants" from operator
 - + # of PEG Access channels
 - + Who will produce such programming? Operator? Non-profit corporation? Town?
- 7) Local Origination {"LO"} Programming
- 8) New Technology
 - + Fiber-Optic Cable
 - + Digital Compression
 - + Interactivity
- 9) Signal Scrambling/Equipment Compatibility
 - + Interdiction/Traps
- 10) Consumer Matters
 - + Business Office in the Town: location & hours of operation
 - + Telephone "accessibility": FCC standards
 - + Complaint Procedures
- 11) Regulatory Matters
 - + Transfer Procedures
 - + Determination of Breach Procedures
 - + Insurance & Letter of Credit/Liquidated Damages
 - + Avoid "Most Favored Nation" Clause
- 12) Rate Regulation
 - + Rate "implications" of RFP requests

**CABLE TELEVISION
RENEWAL PROCEDURES**

2012 FEB 3 PM 3 10
TOWN CLERK'S OFFICE
BOURNE, MASS

FORMAL PROCESS

47 U.S.C. Section 546 (a-g)

1. Notification Letter from Operator to Municipality within 30-36 months of franchise expiration
2. Municipal Action Within 6 Months
3. Needs Assessment/RFP to operator
4. Operator's Proposal
5. Within 4 Months = Preliminary Decision of Issuing Authority
6. If Denial, Municipality to Conduct Administrative Hearing
7. Judicial Review
8. Standard = Preponderance of Evidence

City can only deny renewal based upon:

1. Operator's failure to comply with existing franchise.
2. Quality of operator's service.
3. Operator's legal, technical and financial qualifications.
4. Reasonableness of operator's proposal in relation to costs.

INFORMAL PROCESS

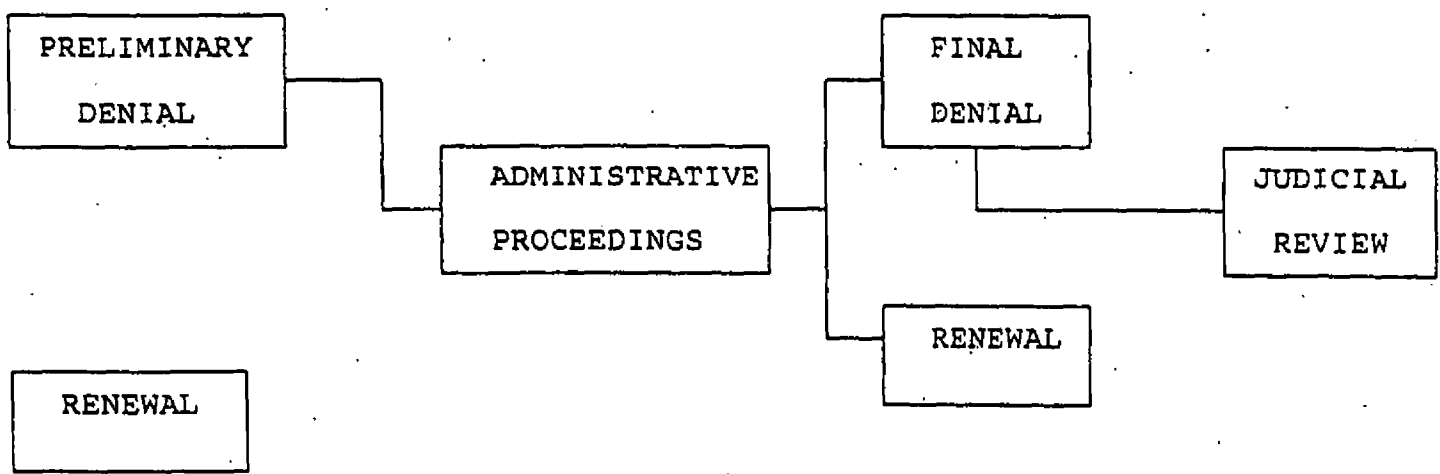
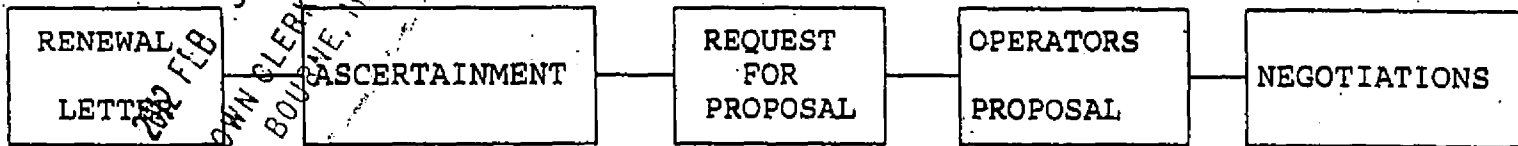
47 U.S.C. Section 546 (h)

1. Agreed-Upon Process Between Municipality and Operator
2. Negotiations
3. Renew or Back to Formal Process

Law Office of Peter J. Epstein

-CABLE TELEVISION RENEWAL PROCESS-

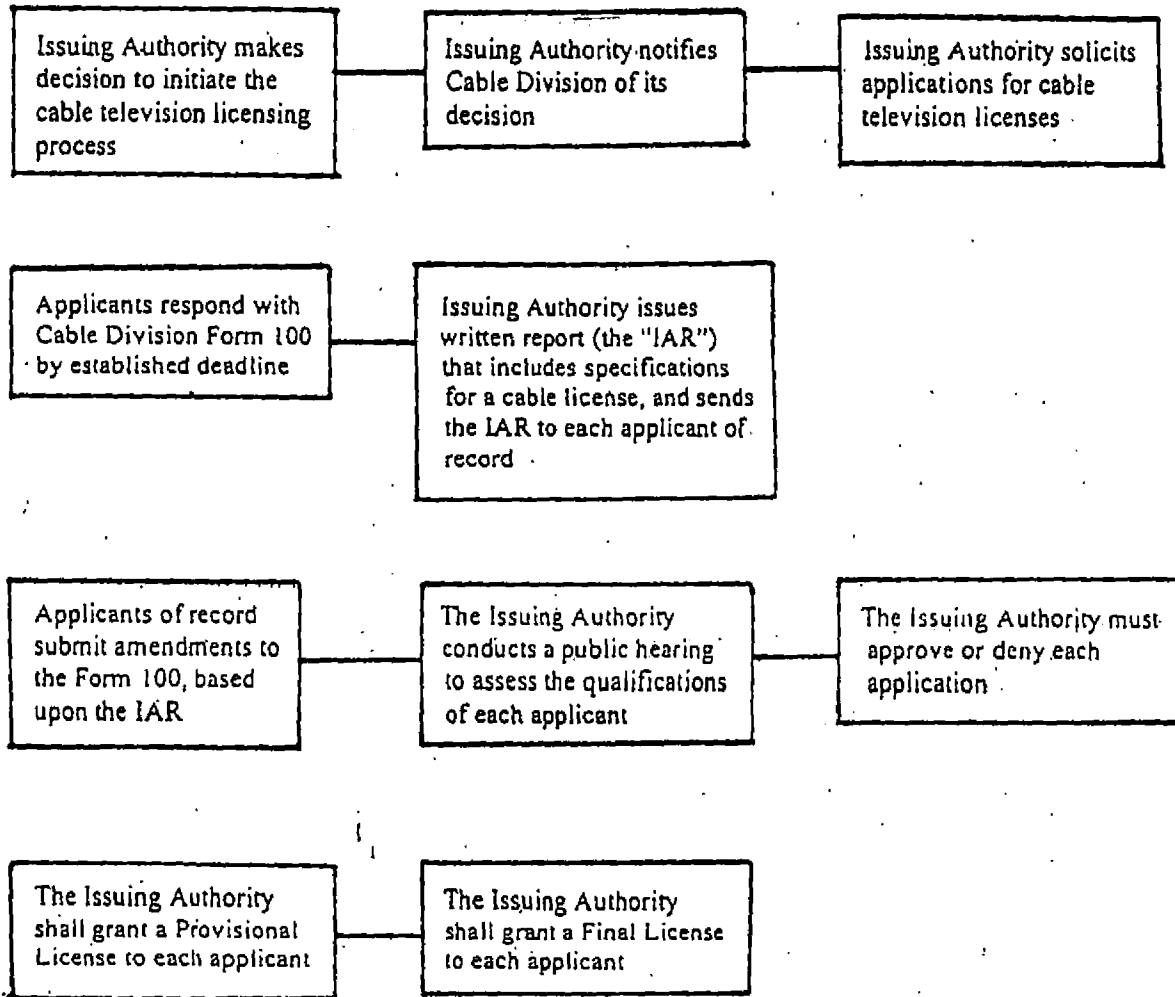
2002 FEB 3 PM 3 10
TOWN CLERK'S OFFICE
BOULNE, MASS.



2012 FEB 3 PM 3 10
TOWN CLERK'S OFFICE
BOURNE, MASS

- LAW OFFICE OF PETER J. EPSTEIN -

COMMONWEALTH OF MASSACHUSETTS
CABLE TELEVISION LICENSING PROCESS



From: "Robert Schofield" <reschofield@comcast.net>
Date: Thursday, February 24, 2011 12:21 PM
To: "Judge, Debbie" <DJudge@townofbourne.com>; <skiane@verizon.net>; <billlockeb@aol.com>; <toreill@aol.com>; <sweeneyps@yahoo.com>
Subject: Re: Comcast Renewal Proposal

We should schedule a meeting for 10:00 Am either for 3/9 or 3/11 with Peter and ask him to summarize the reply for us. By copy to all the members of the committee, pls give you perference on the dates

Thanks, Bob

From: Judge, Debbie
Sent: Thursday, February 24, 2011 10:32 AM
To: skiane@verizon.net ; billlockeb@aol.com ; toreill@aol.com ; reschofield@comcast.net ; sweeneyps@yahoo.com
Subject: FW: Comcast Renewal Proposal

Hi Bob,

Tom asked that I forward this e-mail to the committee members. I put a hard copy in the mail to Kay since she doesn't have e-mail.

Deb

From: Guerino, Thomas
Sent: Tuesday, February 22, 2011 3:21 PM
To: Judge, Debbie
Subject: FW: Comcast Renewal Proposal

Bob:

You need to get the committee meeting on this. Thanks

From: Peter Epstein [mailto:epsteinpj@yahoo.com]
Sent: Tuesday, February 22, 2011 11:56 AM
To: Guerino, Thomas; Guerino, Thomas
Subject: Comcast Renewal Proposal

Tom:

Comcast submitted its formal renewal proposal to the Town last Thursday, February 17, 2011. This was the revised due date agreed to by the Selectmen and Comcast last December.

I have reviewed Comcast's proposal. Not surprisingly, it falls short of many of the Town's requests in the RFP.

The current Renewal License expires on May 22, 2011, three (3) months from now. The Town and Comcast can use that time to negotiate informally and try to reach agreement on a new Renewal License before the current license expires. To this end, the Town should schedule 2 or 3 negotiating sessions with Comcast, via Mary O'Keeffe, as soon as possible.

2012 FEB 3 PM 3 10
 TOWN CLERK'S OFFICE
 BOURNE, MASS.

Should you, the Cable Advisory Committee and I meet before then? I am out of town next week. I could meet with you and the Committee on March 8th, March 9th or March 11th in the morning.

I can also prepare a summary of Comcast's renewal proposal if you wish.

Please let me know how you would like to proceed.

Many thanks.

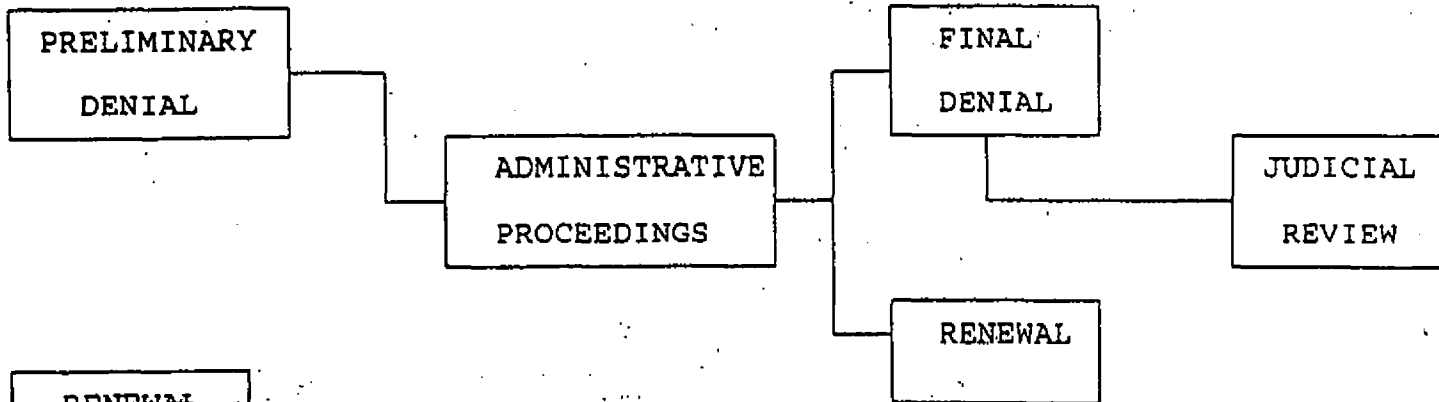
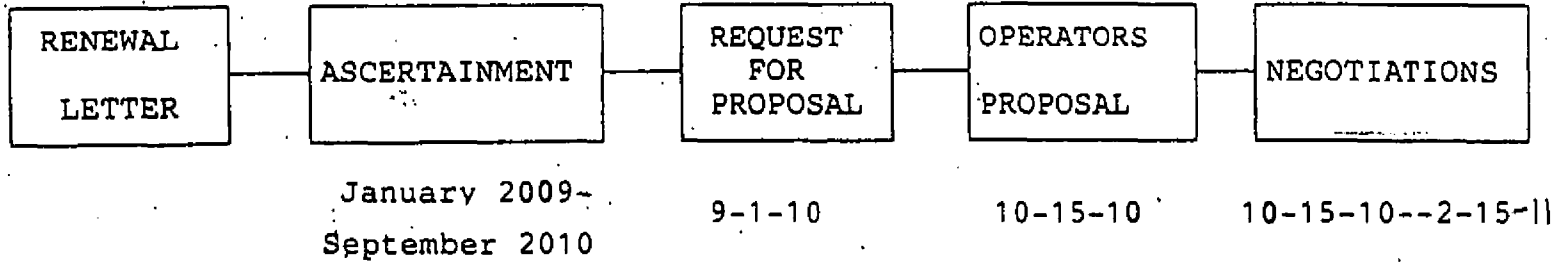
Peter J. Epstein
Epstein & August, LLP
101 Arch Street
Suite 900
Boston, Massachusetts 02110-1112
(617) 951-9909

-CABLE TELEVISION RENEWAL PROCESS-

TOWN OF BOURNE

COMCAST RENEWAL LICENSE EXPIRATION: MAY 22, 2011

*At least 1 Public
Survey
Hearing*

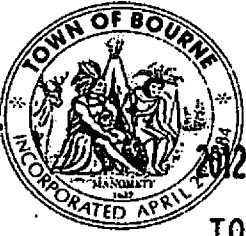


*2009
2010
Studies
Budget*

RENEWAL

2012 FEB 3 PM 3 14

TOWN CLERK'S OFFICE
BOURNE, MASS.



CAPITAL OUTLAY COMMITTEE



2012 JAN 6 PM 1 36 Meeting Notice

TOWN CLERK'S OFFICE
BOURNE, MASS

Date

Wednesday
January 11, 2012

Time

3:00 PM

Location

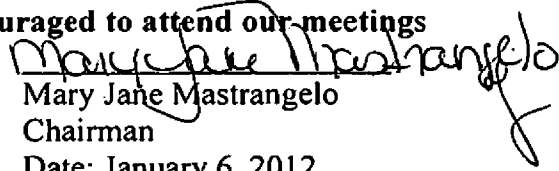
Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay

AGENDA

- 1) Approval of minutes: December 12, 2011
- 2) General Overview
- 3) Inventory Review
- 4) Review DPW requests
- 5) Tasks Updates:
 - Fire Stations – (Ware)
 - Police Station – (O'Brien/Redman)
 - DPW – (Redman)
 - Long Term Plan (Mastrangelo)
 - Facilities Manager (Legg)
- 6) Public Comment
- 7) Discussion on future agenda items
- 8) Such other business that may legally come before the Committee
- 9) Adjourn

“The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.”

Residents are welcomed and encouraged to attend our meetings


Mary Jane Mastrangelo
Chairman
Date: January 6, 2012

Town Clerk
Town Administrator
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately (Bourne Courier) and Diana Barth (Bourne Enterprise)

Capital Outlay Committee
Wednesday, January 11, 2012 2:00 PM 3 39
Bourne Town Hall – Lower Conference Room
24 Perry Avenue, Buzzards Bay
TOWN CLERK'S OFFICE
BOURNE, MASS

Members present: Mary Jane Mastrangelo, Ken Legg, John Redman; John O'Brien and William Ware

Others present: Administrator Guerino, Finance Director Linda Marzelli, DPW Superintendent Rickie Tellier, Mechanic Brian Wilson, Selectman Meier and Paul Gately from Bourne Courier

Chairman Mastrangelo open meeting at 3:00 P.M.

Department of Public Works:

DPW Priority list: 1) Lawn Mowers/Gravely
2) M-4
3) T-14
4) M-10
5) Electrical Upgrade

Lawn Mowers/Gravely - \$35,000:

Currently 3 lawn mowers are in service and 1 is used for parts. There are (2) 1999 ExMark HP Lazer mowers and (2) 2004 ExMark HP Lazer mowers. Mowers are used every day to maintain town owned grounds, parks and ball fields. Mowers have been maintained over the years but can no longer get parts and there is no trade-in value. Replace (1) 1999 mower and keep 1 for parts and (1) 2004 with 2 new mowers at approximately of \$9,200 each.

Administrator Guerino recommends purchasing 4 lawn mowers and 1 gravely. Mowers were requested last year but not recommend for funding. After further discussion, request will remain at 2 lawn mowers and 1 gravely. Recommend putting in request next year for 2 more mowers.

Current gravely is over 20 years old and is a multi-tasked unit that is also used for sanding and plowing. New Tiger Cat Gravely costs approximately \$12,700 and is on the state contract list.

1 Ton Dump Truck - \$70,000 (M-4):

2001 F350 4X4 with 67,867 miles and is used constantly for all DPW tasks including snow plowing. This is a trade-in on a 10-year plan with good value. Truck is on a state contract and will take 6 months to receive after order has been placed. Useful life is 10 years.

Dump/Sander Truck – \$141,000 (T-14):

1995 Ford L8000 Dump/Sander with 245,071 miles is the oldest truck in the fleet. It's used for plowing, sanding, material hauling, road construction etc. Trade-in value is \$9,000 – \$10,000 on a new purchase. Useful life is between 12 – 15 years.

1 Ton Rack Body Truck - \$68,000 (M-10):

2001 Ford F350 4X4 Rack Body Truck with 65,910 miles was purchased the same time as M-4. Truck is multi-purpose for all DPW tasks including plowing. Trade-in value is approximately \$7,000. Useful life is 10 years.

Electrical Upgrade - \$25,000:

Electrical upgrade at the Buzzards Bay Park to conform with electrical code. Install conduit & wiring system from power panel out to and throughout the park for seasonal displays and lighting.

Mr. Tellier said the Capital Outlay Committee has been very good to the DPW & would appreciate anything the committee can do for them.

Approval of minutes:

John Redman made a **MOTION** and **SECONDED** by Ken Legg to approve the minutes of December 12, 2011 as submitted. **VOTED 4-0** (William Ware abstained)

Administrator Guerino said there may be an additional capital request for the Estuaries Project in Squeteague Harbor. We need to have better cost figures before going to Town Meeting. Approximate cost is \$65,000.

Need to reschedule meeting from February 1, 2012 with ISWM and Recreation Department to February 15, 2012. There will be no meetings on February 1st or February 8th.

Chairman Mastrangelo asked that a reminder be sent to Department Heads that their inventories are to be submitted to the Capital Outlay Committee and to include mileage. Have inventories send electronically so they can be forwarded to committee members.

Task Updates:

Facility Manager: Administrator Guerino said there is movement from the Board of Selectmen and School Committee and this position will be included in the FY13 budget with minimum expense. Town Administrator and Selectmen Chairman will be meeting with School Committee Chairman and School Superintendent.

DPW: Public Works Committee held a number of meetings on the new DPW facility. Committee will be viewing Bournedale location next Tuesday (1/17/12) prior to their meeting on Wednesday. Need to determine the square footage of the building and what other departments might be utilizing facility. Administrator Guerino and Rickie Tellier will be traveling to Hingham to look at their modular facility. Rickie Tellier to provide list of equipment to be housed in the facility.

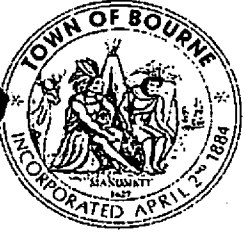
Police Station: Police Chief has spoken about the property behind the Public Library, which has access from Perry Avenue but not sure about 2nd egress. Positive issue that property is flat and benefit would be to share septic system with Library. Property is used in the spring for Lacrosse

but may have to Recreation Director find another field for Lacrosse. Property is approximately 4.5 acres.

Selectman Meier said that he hasn't been to a Capital Outlay Committee meeting before but he has received complaints on the phone system at the Community Building regarding transferring calls. Chairman Mastrangelo explained that currently committee is meeting with department heads on their FY13 requests but will have the Town Administrator look into it. Phone system has reached its line capacity. Administrator Guerino said the town would have to put in a request for Town Building/phone system upgrade.

Administrator Guerino said he will be presenting his budget message on 1/23/12 utilizing 1 million out of Stabilization or Free Cash towards DPW Facility. Town will be holding auction on 3/1/12.

John O'Brien made a **MOTION** and **SECONDED** by John Redman to adjourn meeting at 4:10 P.M. **UNANIMOUS VOTE**



CAPITAL OUTLAY COMMITTEE

2012 JAN 13 AM 9 12

TOWN CLERK'S OFFICE
Meeting Notice
BOURNE, MASS



Date

Wednesday
January 18, 2012

Time

3:00 PM

Location

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay

AGENDA

- 1) Approval of minutes: January 11, 2011
- 2) Review Police Department and DNR requests
- 3) Tasks Updates:
 - Fire Stations – (Ware)
 - Police Station – (O'Brien/Redman)
 - DPW – (Redman)
 - Long Term Plan (Mastrangelo)
 - Facilities Manager (Legg)
- 4) Public Comment
- 5) Discussion on future agenda items
- 6) Such other business that may legally come before the Committee
- 7) Adjourn

“The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.”

Residents are welcomed and encouraged to attend our meetings


Mary Jane Mastrangelo
Chairman

Date: January 13, 2012

cc: Town Clerk

Town Administrator

Committee: Mastrangelo, Legg, O'Brien, Ware and Redman

Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately (Bourne Courier) and Diana Barth (Bourne Enterprise)

Capital Outlay Committee
Wednesday, January 18, 2012 / 3:00 P.M.
Bourne Town Hall – Lower Conference Room 2 PM 12 34
24 Perry Avenue, Buzzards Bay

TOWN CLERK'S OFFICE

BOURNE, MASS

Members present: Mary Jane Mastrangelo, Ken Legg, John Redman and John O'Brien

Excused: William Ware

Others present: DNR Director Tim Mullen, Police Chief Woodside, Lt. Silvestro, Sgt Stowe, Paul Gately from Bourne Courier and Diana Barth from the Bourne Enterprise

Chairman Mastrangelo open meeting at 3:00 P.M.

Department of Natural Resources:

Pump Out Boat Y55 - \$75,000

A 1995 Pump out boat has been repowered several times. Boat is breaking down and is requiring structural repairs. Mercury outboard has been used extensively for 8 seasons. Replace with a 2012 Environmental boat with 175 HP outboard motor, electric powered pump with a 300 gallon holding tank.

Pump out boat is kept at the south side of town (Kingman/Redbrook Harbor) to avoid conditions traveling around Wings Neck and canal. This is a free service to the town since we get reimbursement. In FY11, pumped 737 boats or removed 17,039 gallons of sewerage.

Applied for funding through the Clean Vessel Act Grant Program and received verbal confirmation from Mass Division of Marine Fisheries Program Coordinator that if federal funds become available, the town will receive a 75% reimbursement costs up to \$75,000 or \$56,250. Bourne was one of the 1st to use the Clean Vessel Act Grant Program.

Useful life is between 7-15 years.

Pump Out System, Kingman Yacht Center - \$25,000

Proposal is to replace a 9-year old smaller system with a Peristaltic type pump capable of moving 40 GPM. Current system has been rebuilt twice and doesn't perform properly when tide is low and the required lift is greater.

This system is available to anybody and is also the best service that the town can provide to the residents of the town.

Applied for funding through the Clean Vessel Act Grant Program and have received verbal confirmation from Mass Division of Marine Fisheries Program Coordinator that if federal funds become available, the town will receive a 75% reimbursement costs up to \$25,000 or \$18,750.

Useful life is between 7 – 10 years.

Update from last year:

Paving of the Monument Beach parking lot is in its design phase and anticipate repaving and replacement of septic system by May 1st. This was confirmed with designer this morning.

Director Mullen said he may need to add onto his 5-year plan in FY14 to include dingy docks at Hen Cove Pier (40-50) to drive permanent pilings to get away from galvanized pipes and this way you don't have to worry about damage. Director Mullen will provide cost numbers to include in the 5-year plan prior to Town Meeting. Hope to do the same thing at Monument Beach and Barlow's Landing and include in the Comprehensive Permit.

Shore & Harbor:

Dredging/Ramp and Pier Repair and Maintenance - \$90,000

Dredging projects should be undertaken on an annual basis. Applying for a permit for Barlow's Landing and the mouth of the Pocasset River and possibly Cohasset Narrows. Hen Cove has just been completed.

Police Department:

Chairman Mastrangelo said the School Facility Subcommittee will be meeting on January 27th @ 8:15 AM to discuss the Library Field. Field is not a heavily used and site seems to be acceptable for everyone for a proposed Police Station.

Police Cruisers - \$136,000

Purchasing 4 cruisers are part of the rotating schedule each year. Each cruiser cost \$34,000 for a total of \$136,000. Mileage of a cruiser is not managed by mileage, but by hours. By this summer, 3 of the 4 cruisers will be over 100,000 miles.

Chief Woodside said new cruisers will be Ford Interceptor's that are replacing the current standard Crown Victoria's cruisers. Cruisers are purchased from the Plymouth Coop bid list, which will be available shortly since the Ford Interceptor's are just starting to be manufactured. Most current equipment can be transferred from the current cruisers to the new cruisers with exception of cruiser prisoner cages, push bumpers and rear prisoner seat.

Figures haven't come out yet for the new cruisers but Chief Woodside feels confident that the \$136,000 is a good figure for 4 cruisers. Will also look at figures for an SUV cruiser and if the cost is marginal compared the Ford Interceptor, the Capital Outlay Committee said they will look at this issue again.

Chairman Mastrangelo suggested outfitting new cruisers with new equipment and not just use equipment from current cruiser and hope that it fits when installing in new cruisers.

Won't be getting new cruisers until the late summer/early fall.

Computer Equipment and Cruiser Laptops - \$20,000

Request 3 cruiser laptops with mounts, 4 workstation computers, 8 back-up battery supplies, 2 hard drives and 1 backup power supply. Computers/laptops are not new, only replacement. Costs of laptops are \$5,500 each for a total of \$16,500. Price may be decreased with any trade-in value.

There were 3 laptops purchased last year and will be installed shortly.

Workstation computers are for 4 desktop computers are estimated at \$800 per computer for a total of \$3,200 and back-up battery supplies for \$400.00

Server maintenance hardware replaces existing file server with 4 additional hard drives (2 for each server). Server holds digital storage of evidence. Cost of Backup software is \$850 but recommends hard drive replacement for \$1,320.

Taser less-lethal devices - \$65,211

Chief Woodside explained that the taser device is used for the officer's protection and apprehending of dangerous persons without resorting to deadly force. Need to have policy approved by the Executive Office of Public Safety and then approved by the Board of Selectmen. Chief Woodside and Sergeant Stowe attended Taser School several years ago for the "Use of Force Option" training. Surveyed towns and most departments have tasers except for the State Police who don't use them. All officers would be required to take the necessary and/or proper training to become certified to use tasers and each officer will have to be tased.

Taser with 2 cartridges is \$1,300 and a taser with 4 cartridges is \$1,500. There is also the cost for training each officer, which will be done both on duty and overtime. To implement program including purchase of 33 tasers with deployment cartridges, required training and warrantee is estimated at \$65,211.

Chief Woodside said he hopes to receive the Capital Outlay Committee's support since it's very good for the town.

Approval of minutes:

John O'Brien made a **MOTION** and **SECONDED** by Ken Legg to approve the minutes of January 11, 2012 as submitted. **VOTED 4-0**

Task Updates:

DPW: John Redman reported that there was a tour of the Bournedale area site, which is approximately 15 – 18 acres, MacArthur Blvd and behind the Library but property isn't big enough and not feasible. DPW can do some site preparation. Administrator Guerino, Rickie Tellier and George Sala went to view the modular facility in Hingham this afternoon. After looking at Hingham, can't see why we wouldn't go this route.

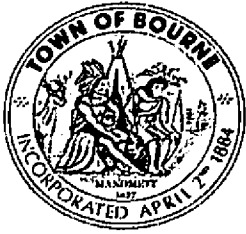
Facility Manager: In budget for discussion purposes

Chairman Mastrangelo asked the committee to bring their calendars to next meeting to reschedule meeting on 2/15 due to meeting conflicts and to schedule future meetings.

John O'Brien made a **MOTION** and **SECONDED** by John Redman to adjourn the meeting at 4:20 P.M. **UNANIMOUS VOTE**

Respectfully submitted,

Debbie Judge
Recording Secretary



CAPITAL OUTLAY COMMITTEE

Meeting Notice



Date

Wednesday
January 25, 2012

Time

3:00 PM

Location

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay

AGENDA

- 1) Review Fire Department and School Department requests
- 2) Tasks Updates:
 - Fire Stations – (Ware)
 - Police Station – (O'Brien/Redman)
 - DPW – (Redman)
 - Long Term Plan (Mastrangelo)
 - Facilities Manager (Legg)
- 3) Approval of minutes: January 18, 2012
- 4) Public Comment
- 5) Discussion on future agenda items and meeting schedule
- 6) Such other business that may legally come before the Committee
- 7) Adjourn

2012 JAN 20 AM 9 34
TOWN CLERK'S OFFICE
BOURNE, MASS

“The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.”

Residents are welcomed and encouraged to attend our meetings

Mary Jane Mastrangelo
Mary Jane Mastrangelo
Chairman

Date: January 20, 2012

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately (Bourne Courier) and Diana Barth (Bourne Enterprise)

Capital Outlay Committee
Wednesday, January 25, 2012 / 3:00 P.M.
Bourne Town Hall – Lower Conference Room
24 Perry Avenue, Buzzards Bay

2012 APR 12 AM 9 38

Members present: Mary Jane Mastrangelo, John Redman, John O'Brien and William Ware
TOWN CLERK'S OFFICE

Others present: Administrator Guerino, Finance Director Linda Marzelli, Finance Committee member Elinor Ripley, School Superintendent Steve LaMarche, Business Manager Ed Donoghue, Fire Chief Martin Greene, Paul Gately from the Bourne Courier and Diana Barth from the Bourne Enterprise
BOURNE, MASS

Chairman Mastrangelo opened the meeting at 3:00 P.M.

Handouts:

School Dept: Copy of capital request for 2012 Ford F350 Truck with quote from MHQ with pictures
Copy of capital request for 2012 Ford F450 Truck with quote from MHQ with pictures
Copy of capital request for Bourne High School Gym Bleacher Seating with quote from
Hussey Advantage with pictures

Copy of capital request for Bourne Public School Technology Plan

Fire Dept: Copy of capital request for Repairs to Station 4 with pictures
Copy of capital request for Fire Engine 125 with list of component & procedures
related to refurbishing engine from Greenwood
Copy of capital request for Self Contained Breathing Air Compressor with 2 quotes
from Industrial Protection Services
Copy of Portable Radios (12) capital request with cost from Motorola Solutions
Copy of capital request for Self Contained Breathing Apparatus & Thermal Imaging
Camera with letter from FEMA and cost from Fire Operations and Firefighter
Safety Projects Details
Copy of capital request for Buzzards Bay Station repairs
Copy of capital request for Air Compressor (revised for cost)

Finance Director: Debt Schedule

School Department:

Request that the School Department e-mail an inventory list of Capital items request for the next 10-year so the Committee can incorporate into spreadsheet.

Technology Plan - \$213,000

Thanked the Committee for their support in the past

Request to upgrade internal system to include:

- Implement a district wide web-based Student Information System to have access to all of students records
- Workstations at Bourne High School
- Improve network at Bournedale Elementary School and Central Office buildings
- SmartBoard Technologies

Long Term Technology Plan is required by the Massachusetts Department of Elementary Secondary Education. This is also part of the Capital Outlay rotating schedule with plan decreasing over the next 5 years.

2012 Ford F350 Truck (ST1) - \$60,000

Current truck is a 2000 F250 4X4 with 95,000 miles with a maintenance cost of \$2000 last year. Truck body and severely rusted. Truck is used daily to maintain school buildings, errands and plows. Replace with a Diesel F350 for the amount of plowing since it took a toll on the F250.

Capital Outlay Committee requests a quote on a F250 to see the difference in cost and mileage per gallon between F250 and F350. In the future would also like to see that the trucks get staggered on the 5-year plan so we aren't purchasing 2 trucks at the same time. The Efficiency Policy would lean towards diesel vs. gas and also a diesel truck is more reliable. Administrator Guerino said the DPW should be repairing vehicles for future reference instead paying to be repaired.

Chairman Mastrangelo said the committee should set up a future agenda item to discuss policy on repairs and cost of trucks.

2012 Ford F450 Dump/Landscape Truck (ST2) - \$65,000

Current truck is a 2000 F350 4X4 Dump truck with 54,000 miles with prior years maintenance cost of \$9,000 last year. Truck has been taken out of service for several days for undercarriage repairs, steering, front end repairs and plow frame repairs costing \$7,000 in repairs. Chairman Mastrangelo asked if this request can be deferred until next year since all this work and monies were put into repairing the truck. Suggest having DPW mechanic put up on lift and see if this can be delayed for another year. Request that Mr. Donoghue get back to the committee.

Bourne High School Gym Bleacher Seating - \$60,000

Bleachers were installed approximately 20 – 25 years ago. Seating base infrastructure needs repairing for safety purposes; railings don't comply with current standards and esthetics.

Massey Advantage submitted quotation and they were also the original installer of the bleachers.

Update:

- Peebles School boilers have been converted and have spent \$50,000 to date
- Bourne High School "A" Wing has been converted to natural gas and tanks will be removed by next summer when school is out.
- Bourne High School 2nd burner burning oil
- "C" wing will be up and running this week
- HVAC system has been installed in the Bourne Middle School
- Upgrade heating system and replace hot water heater conversion will be done by the end of February for all buildings

Submitted application to the Massachusetts School Building Authority by its deadline.

Fire Department:

Station 4 Repairs - \$30,000

There is significant amount of rotten wood to the building and concerned with the structure of the roof. Most recently a gutter fell off the building.

Fire Station will probably have at least 5 more years of use before new station is constructed and need to do repairs to maintain and prevent any further damage to the building.

This was a request submitted last year but wasn't recommended. Chief Greene submitted pictures showing the rotten wood on the building.

Self Contained Breathing Air Compressor - \$32,500

Original capital request was for \$50,000 but was reduced after receiving a quotation from Industrial Protection Services for \$26,000 with additional monies to cover unexpected expenses.

Current compressor is an Eagle Air Systems that was manufactured in 1988 is in disrepair and rebuilt 3 - 4 years ago. Compressor is used to fill self contained breathing apparatus air tanks. Proposed compressor has a cubic feet per minutes that can fill tanks in a significantly faster rate.

Fire Engine 125 - \$575,000

Fire Truck is 25 years old with 23,000 miles scheduled for replacement but currently out of service. You can't go by mileage on the engine but by the idle hours on the engine. Engine hours calculate that the truck has the equivalent of 270,000 miles of wear and tear.

Replace with a 2013 Fire engine/pumper with a make and model subject to bid. Trade-in value approximately \$20,000.

Portable Radios - \$30,000

Received grant in the late 90's for the purchase of 55 Motorola MTS 2000 radios and are currently down to 49 radios due to no longer able to obtain parts. Request is for 12 new radios over the next 4 years for a total of 48 new radios.

Portable radios are part of the protective equipment used by Fire Department personnel for communication when they are on a call.

Motorola Solutions provided a cost and equipment required to add Smart Zone portables to use on the Mass. State Police Station system.

After further discussion the committee agreed to appropriate \$60,000 for FY13 (24 radios), \$30,000 for FY14 (12 radios) and \$31,000 for FY15 (12 radios).

Self Contained Breathing Apparatus & Thermal Imaging Cameras - \$20,000

Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) notified Chief Greene that his grant application submitted under the FY2011 Assistance to Firefighters Grant has initial approval. The town's share of the grant is \$12,121. As condition of receiving the grant, Chief Greene needs to show that the monies have been appropriated.

Request for \$20,000 would cover the \$12,122 for Self Contained Breathing Apparatus's and Thermal Imaging Cameras with additional monies to cover significant changes of brackets and storage area.

Station - 1 Rehab - \$60,000

Request was submitted last year but wasn't appropriated. Headquarters have (1) bunkroom where personnel sleep during the night and use for private use. Female employees currently have to change in the public

bathrooms. Using same footprint design that was submitted last year to include: petitioning off 26' x 24' room into 5 separate rooms, heating, electrical and plumbing.

Discussed problems with having Headquarters station located in a flood zone and potential location on new station. Administrator Guerino said he looked at the property behind the Old Bait Shop that borders the Scenic Park and Corp of Engineers property for a new headquarters building. Preparation work on the property would include removal of some earth.

Discussed recommendation by Cecil Group's to move the administration from Headquarters to the Sagamore Fire Station. Upgrade cost is approximately \$600,000 - \$700,000. Chief Greene isn't in favor. If you rehab headquarters, you could have enough room to keep administration in its current location. Refurbishing Headquarters is cheaper than purchasing land and building another headquarters. If you were to construct a new building, need to build on the mainland side of the bridge since this is a busy area.

Administrator Guerino reminded the committee that the Cape Light Compact came to Headquarters to do energy efficiency testing but due to structural problems wasn't able to be done.

Public Safety Committee to look at both Police and Fire simultaneously and coordinate concept of facility. You need to have idea of where Station 1 is to be located then committee can put a plan together.

Update from last year:

- Ambulance 134 is out to bid and should receive approximately 90 days after bid is awarded.
- Breaker 127 had chassis changed
- Jaws of Life from FY11 - bids are due today and will order within 7 days.

Minutes:

Defer minutes until next meeting

Discussion on future agenda items and meeting schedule:

February 1, 2012 at 3:00 P.M. – Board of Health, ISWM and Recreation Department

February 8, 2012 – no meeting schedule at this time

February 15, 2012 – no meeting

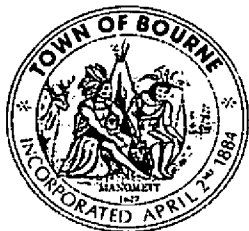
February 22, 2012 @ 3:00 P.M. – Discuss any other requests and committee recommendations

Administrator Guerino said he may submit a request for the Community Building due to roof issues and for Estuaries project for the meeting on February 22nd. Recreation Department have deferred work that needed to be done on Clarke Field over the last several years and now needs to be done.

Finance Director Linda Marzelli handed out a Debt Schedule spreadsheet that will be discussed at the February 22nd meeting.

William Ware made a **MOTION** and **SECONDED** by John Redman to adjourn the meeting at 5:15 P.M.
UNANIMOUS VOTE

Respectfully submitted by,
Debbie Judge
Recording Secretary



CAPITAL OUTLAY COMMITTEE

Meeting Notice



Date

Wednesday
February 1, 2012

Time

3:00 PM

Location

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay

AGENDA

- 1) Review FY13 Capital Outlay Requests
Board of Health
ISWM
Recreation Department
Update on other Department Requests
- 2) Tasks Updates:
Fire Stations – (Ware)
Police Station – (O'Brien/Redman)
DPW – (Redman)
Long Term Plan (Mastrangelo)
Facilities Manager
- 3) Approval of minutes: January 18, 2012 and January 25, 2012
- 4) Public Comment
- 5) Discussion on future agenda items and meeting schedule
- 6) Such other business that may legally come before the Committee
- 7) Adjourn

2012 JAN 27 PM 1 06
TOWN CLERK'S OFFICE
BOURNE, MASS

"The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."

Residents are welcomed and encouraged to attend our meetings

Mary Jane Mastrangelo
Mary Jane Mastrangelo
Chairman
Date: January 27, 2012

Town Clerk
Town Administrator
Committee: Mastrangelo, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately (Bourne Courier) and Diana Barth (Bourne Enterprise)

Capital Outlay Committee
Wednesday, February 1, 2012 / 3:00 P.M.
Bourne Town Hall – Lower Conference Room
24 Perry Avenue, Buzzards Bay

2012 APR 12 AM 9 36

Members present: Mary Jane Mastrangelo, John Redman, John O'Brien and William Ware

TOWN ENGINEER'S OFFICE
BOURNE, MASS

Others present: Administrator Guerino, Finance Director Linda Marzelli, Finance Committee member Elinor Ripley, Board of Health Agenda Cindy Coffin, Operations Manager Dan Barrett, Recreation Director Krissanne Caron and Paul Gately from the Bourne Courier.

Chairman Mastrangelo opened the meeting at 3:00 P.M.

Handouts: ISWM Capital Outlay Request for 2013

Board of Health:

Replace 2003 Ford Ranger - \$20,000 (estimate)

Request to replace 2003 Ford Ranger with approximately 52,000 miles. Body of truck is deteriorating and is becoming costly to maintain. DPW Mechanic Brian Wilson recently replaced brake lines and informed Ms. Coffin that the undercarriage was severely rusted and recommends replacement.

Discussed Chevy or Subaru trucks that are 4-wheel drive and are on the state list in price range of \$18,000 – \$20,000 also meet the requirements of the Fuel Efficient Fuel Policy. Ms. Coffin said her preference would be to have 2 trucks since you don't know if you'll be down a dirt road and snow during the winter months.

2008 Ford Ranger is due for replacement in 2017.

Administrator Guerino mentioned the need to start maintaining vehicles by washing the salt off to help prevent from rusting.

Minutes:

John Redman made a **MOTION** and **SECONDED** by John O'Brien to approve the minutes of January 18, 2012 as submitted. **VOTED 3-0 William Ware abstained**

Task Updates:

William Ware commented that the meeting last week with the Fire Chief was informative.

ISWM:

Phase 2A/3A Final Cap and Closure Construction and Associated Appurtenances - \$1,900,672

Request to transfer funds from the Massachusetts Department of Environmental Protection (MADEP) Closure Account that currently exists to fund the engineering/design, project management and construction costs associated with the installation of a final cover system, including vertical gas collection wells and associated appurtenances.

Replace 826G Compactor - \$600,000

Compact is the most important piece of equipment that ISWM uses. Primary function is to replace, grind and compact incoming waste. Current 826H compactor was purchased new in 2005 and has 13,750 operating hours with a useful life of 5 years due to the operation conditions at the landfill. Will trade-in existing 1999 826G backup compactor to replace with an 826G 80,000 pound landfill trash compactor.

Due to the trade-in value of approximately \$100,000 the request will be reduced from \$600,000 to \$500,000.

Compactor will be due for replacement in 2018.

5 CY Wheel Loader ~ \$340,000

Current CY Wheel Loader was purchased in 2006 with approximately 11,000 operating hours and has reached the end of its useful life. Loader is used in most ISWM daily operations to dig, load and process material including dirt, metal, wood, construction and demolition along with snow & Ice removal for the DPW. Replace with new 5-CY Wheel loader with all appurtenances to carry out functions.

Tracked Mobile Heavy Screener - \$260,000

Current screener was purchased in 2001 and is used to screen approximately 280,000 cubic yards of waste material removed from the Phase ID Mining project. DPW also uses screener to compost into separate components. ISWM owns 2 screeners and will be selling 1. Trade-in value is very low and will consider either auctioning off or bid outright to receive the most value. After further discussion, subject to transfer screener to DPW or sell. Mr. Barrett said screener can be deferred 1 year.

Roll-Off Containers - \$22,700 (4)

Current containers have been let go for many years and due to age and weather conditions the containers are in tough shape and needs replacement. ISWM will be getting rid of the 40-yard containers but will still maintain the existing 5 and 10 yard containers. Special Town Meeting can transfer funds from Retained Earnings to meet this appropriation.

Update:**Skid Steer - \$42,000**

Purchased new loader last year and current skid steer is being used at the Transfer Station. Monies for the Skid Steer may not be needed.

- Working on liner - approximately 30% complete
- Scale house paving done by next year
- Phase 3A to be closed next year

Recreation Department**Clark Field - \$115,000**

Community Preservation Funds are not available for this type of project. Clark Field has been in need of new surfacing material and retrofitting of existing playground equipment but due to budgetary issues it has been put off until this year. Repairs include replacing existing wood and lying of XGrass surface and subsurface. With the installation of XGrass the upkeep is very

minimal. Life expectancy of the XGrass surface area is 10 years. Krissanne Caron brought in a sample of the XGrass for demonstration purposes.

Pocasset Playground Upgrade - \$75,000

Community Preservation Funds are not available for this type of project. Only minimal repairs have been done at the Pocasset Playground over the last 6 + years. This project would require the replacement of existing sand with Poured-on-Place rubber surfacing and subsurfacing and retrofit of existing playground equipment. There is no maintenance with the rubber surface which was also installed at the Community Center Playground several years ago.

Pocasset Playground is the most heavily used playgrounds in our community.

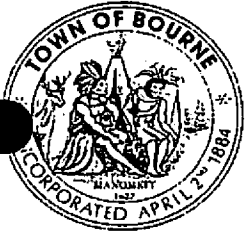
Discuss in the future the need for new surfacing at the Cataumet Playground.

Next Capital Outlay meeting is scheduled for February 22, 2012 at 3:00 P.M.

Meeting adjourned at 4:50 P.M.

Respectfully submitted by,
Debbie Judge
Recording Secretary

CAPITAL OUTLAY COMMITTEE Meeting Notice



Date

Wednesday
February 22, 2012

Time

3:00 PM

Location

Bourne Town Hall
Lower Conference Room
24 Perry Avenue, Buzzards Bay

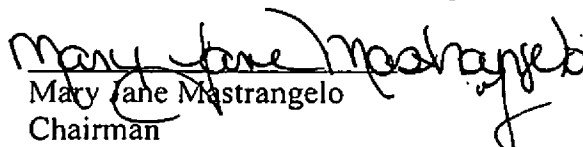
AGENDA

- 1) FY 13 Capital Outlay Requests
 - a. Estuaries Project
 - b. Waste Water Advisory Committee – state revolving loan program
 - c. Any other department requests – Community Building Roof
 - d. Additional information received from departments
 - e. Town Administrator Recommendations
 - f. Discussion and Possible Vote on the FY13 Capital Plan
- 2) Tasks Updates:
 - Fire Stations – (Ware)
 - Police Station – (O'Brien/Redman)
 - Discussion of letter to Editor regarding Library Field
 - DPW – (Redman)
 - Long Term Plan (Mastrangelo)
 - Review Debt Schedule
 - Facilities Manager
- 3) Approval of minutes: January 25, 2012 and February 1, 2012
- 4) Public Comment
- 5) Discussion on future agenda items and meeting schedule
- 6) Such other business that may legally come before the Committee
- 7) Adjourn

2012 FEB 17 PM 12 19
TOWN CLERK'S OFFICE
BOURNE, MASS

“The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.”

Residents are welcomed and encouraged to attend our meetings


Mary Jane Mastrangelo
Chairman
Date: February 17, 2012

cc. Town Clerk
Town Administrator
Committee: Mastrangelo, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately (Bourne Courier) and Diana Barth (Bourne Enterprise)

Capital Outlay Meeting
Wednesday, February 22, 2012/3:00 P.M.
Bourne Town Hall, Lower Conference Room
24 Perry Avenue, Buzzards Bay TOWN CLERK'S OFFICE
BOURNE, MASS

Members Present: Mary Jane Mastrangelo, John Redman, John O'Brien and William Ware

Others Present: Administrator Guerino, Finance Director Linda Marzelli, Finance Committee Member Elinor Ripley, Sallie Riggs, Chair Wastewater Advisory Committee, Paul Gately from the Bourne Courier.

Chairman Mastrangelo opened the meeting at 3:05 PM

Wastewater/Stormwater Program

Administrator Guerino updated the Capital Outlay Committee on this program. This was for informational purposes only; no decision will be required until the fall. The Town used Tighe & Bond as consulting advisors for wastewater, i.e. Wareham and north side of Canal. There is a low interest loan program to help fund planning: \$300,000 for storm water and \$350,000 for wastewater (2% rate for the loan). (Note: Administrator Guerino indicated that he subsequently learned that we could save \$68,000 borrowing internally).

A facility could be built and be eligible for 0% financing if we have a plan (CWMP – Comprehensive Wastewater Management Plan). One possibility is to establish an authority on the Cape similar to the MWRA. May have to be in regions, Upper Cape & Lower Cape. Have to be certain that Buzzards Bay is included.

The Base could be a potential location. CWMP – would help outline what the options are. May have more information in the future.

This loan program opportunity may be discussed in the Fall Special Town Meeting for wastewater (not storm water).

Estuaries Project/Squeteague Harbor

Administrator indicated that this is the last phase of the project. Falmouth wants us to join them in this phase and our share will be \$57,450. Falmouth's share is \$75,000 (approx). UMass Dartmouth handles the project. The 57,450 cost will be funded from Free Cash. Project has been done on Eel Pond, Back River, Phinney's Harbor.

Update

Administrator Guerino indicated that the Community Building roof will be addressed at a later date. He said that the Ford F350 for the school is preferred and that the DPW cannot be expected to provide the driveways, etc. for school openings given their other priorities. He said that the police request for Tasers should include cameras for liability issues, etc.

Shore & Harbor: The project at Hen Cove has gone well.

FY2013 Budget

Administrator Guerino reviewed FY13 by line item showing funding sources. See handout for specifics. The DPW facility is budgeted for 6,700,000.

After a Motion was made and duly seconded the Committee voted unanimously to accept the Town Administrator's recommendation for the FT13 Capital Budget.

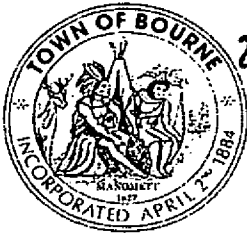
DPW Facility

John Redman updated the Committee on the progress of the DPW facility. He said that the selectmen had voted to approve the location (17 acres) just prior to the Bournedale School on Ernest Valeri Road. It appears that we won't be prepared to ask for a vote on the project for the Spring town meeting. A final decision will be made in March. The Hingham DPW facility, a modular structure, will be a model for Bourne's. We also expect to hire Roger Fernandes from Hingham to do the engineering site design. The committee suggested that the facility's name reflect other departments to be housed there to more accurately describe it. Even if indefinitely postponed it was suggested that an update be provided to the voters at the meeting.

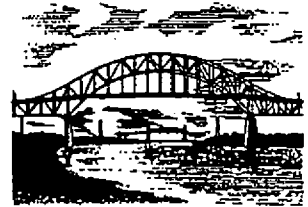
After a Motion was made and duly seconded the Committee voted unanimously to adjourn the meeting at 4:35 pm.

Respectfully submitted,

John Redman, acting secretary



2012 MAR 2 PM 3:26
**CAPITAL OUTLAY
COMMITTEE**
TOWN CLERK'S OFFICE
BOURNE, MASS **Meeting Notice**



Date

Wednesday
March 7, 2012

Time

7:10 PM

Location


Bourne Town Hall
Upper Conference Room
24 Perry Avenue, Buzzards Bay

AGENDA

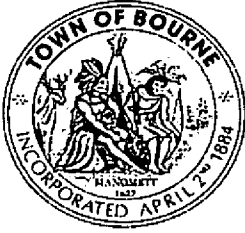
- 1) Discussion and vote FY13 Capital Plan
 - Amendment Police request – Tasers
 - IT Request
 - Any other recommendations of the Town Administrator
- 2) Committee Reorganization - Vote on Clerk
- 3) Approval of minutes: February 22, 2012
- 4) Future meeting topics and schedule
- 5) Such other business that may legally come before the Committee
- 6) Adjourn

“The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.”

Residents are welcomed and encouraged to attend our meetings


Mary Jade Mastrangelo
Chairman
Date: March 2, 2012

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately
(Bourne Courier) and Diana Barth (Bourne Enterprise)



CAPITAL OUTLAY COMMITTEE

2012 MAR 1 PM 12 14

TOWN CLERK'S OFFICE
BOURNE, MASS



Date

Wednesday
March 7, 2012

Time

7:10 PM

Location

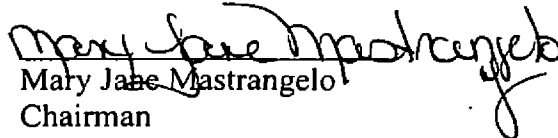
Bourne Town Hall
Lower Conference Room
24 Perry Avenue, Buzzards Bay

AGENDA

- 1) Discussion and vote FY13 Capital Plan
 - Amendment Police request – Tasers
 - IT Request
 - Any other recommendations of the Town Administrator
- 2) Committee Reorganization - Vote on Clerk
- 3) Approval of minutes: February 22, 2012
- 4) Future meeting topics and schedule
- 5) Such other business that may legally come before the Committee
- 6) Adjourn

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Residents are welcomed and encouraged to attend our meetings


Mary Jane Mastrangelo
Chairman
Date: March 1, 2012

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately
(Bourne Courier) and Diana Barth (Bourne Enterprise)

Capital Outlay Committee
Wednesday, March 7, 2012 / 7:10 P.M.
Bourne Town Hall – Upper Conference Room
24 Perry Avenue, Buzzards Bay

2012 APR 12 AM 9 36

TOWN CLERK'S OFFICE
BOURNE, MASS

Members present: Mary Jane Mastrangelo, John O'Brien and William Ware, Member Excused
John Redman.

Others present: Town Administrator Guerino and Finance Director Linda Marzelli.

Chairman Mastrangelo opened the meeting at 7:10 P.M.

Handouts: Updated Capital FY Capital Budget and IT Department Request.

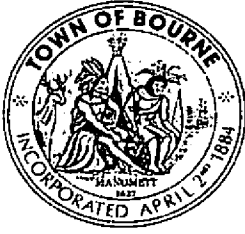
- 1) Discussion and vote FY13 Capital Plan
 - Amendment Police request – Tasers – TA Guerino reviewed a change in the request to \$76,000. This will purchase the Tasers as originally proposed plus 4 – 5 cameras for the Tasers with warranties. Each cruiser on a shift would have a camera. There are some concerns about the durability of the cameras so these 4 – 5 cameras will allow field use to determine if cameras should be on all Tasers.
 - IT Request – was distributed. A recommendation on the request was postponed until further information is received.
 - Any other recommendations of the Town Administrator – Two outstanding items which may be considered at a Special Town Meeting are the IT request and a request for the repair of the Community Building roof.
 - **Ware moved and O'Brien seconded motion to approve amended Capital Budget as recommended by TA. Guerino. Approved Unanimous vote.**

- 2) Committee Reorganization – **Ware moved and O'Brien seconded motion to appoint John Redman as Secretary of the Committee. Approved Unanimous vote.**

- 3) Approval of minutes: February 22, 2012 – postponed to next meeting.

- 4) Future meeting topics and schedule – the next meeting will be held Wednesday, April 11, 2012 at 7:00 PM. Topics for discussion are Special Town Meeting requests and Long Term Debt.

Motion was made and duly seconded to adjourn. Approved by Unanimous vote. Meeting adjourned at 7:30 P.M.



CAPITAL OUTLAY COMMITTEE

2012 APR 6 PM Meeting Notice



TOWN CLERK'S OFFICE
BOURNE, MASS

Date

Wednesday
April 11, 2012

Time

7:00 PM

Location

Bourne Town Hall
Upper Conference Room
24 Perry Avenue, Buzzards Bay

AGENDA

- 1) FY13 Capital Plan: Discussion and Vote
- 2) IT
- 3) Community Building
- 4) ISWM – change of request
- 5) ISWM Landfill closure request
- 6) Taser – change of request
- 7) Funding of requests
- 8) Any other changes/requests recommended by Town Administrator
- 9) Task Updates:
 - a. DPW Facility (Redman)
 - b. Police Station (O'Brien)
 - c. Fire Station (Ware)
 - d. Long Term Plan (Mastrangelo)
 - e. Facilities Manager
- 10) Approval of Minutes: January 25, 2012; February 1, 2012; February 22, 2012; March 7, 2012
- 11) Future meeting topics and schedule
- 12) Such other business that may legally come before the Committee
- 13) Adjourn

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Residents are welcomed and encouraged to attend our meetings

Mary Jane Mastrangelo
Mary Jane Mastrangelo
Chairman
Date: April 6, 2012

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, O'Brien, Ware and Redman
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately
(Bourne Courier) and Diana Barth (Bourne Enterprise)

Capital Outlay Committee
Wednesday, April 11, 2012 / 7:00 P.M.
Bourne Town Hall – Upper Conference Room
24 Perry Avenue, Buzzards Bay

2012 SEP 28 PM 1 15

Members present: Mary Jane Mastrangelo, John Redman and William Ward
TOWN CLERK'S OFFICE
BOURNE, MASS

Member Absent: John O'Brien

Others present: Town Administrator Guerino, Finance Director Linda Marzelli, Community Building Director Lisa Plante, Charles Noyes, Public Works Committee Chairman Stanley Andrews, Gary Maloney and Paul Gately from the Bourne Courier.

Chairman Mastrangelo opened the meeting at 7:00 P.M.

Handouts:

- FY2013 Capital Budget Request and Funding Spreadsheets
- Letter from Brown Lindquist, Fenuccio and Rabor re: BVMCC Membrane Roof above the Gymnasium

Community Building:

Administrator Guerino explained that there have been ongoing problems at the Community Center since the building has been constructed with the roof. There has been work done on the roof over the last several years, but there is a continual leak in the back of the building onto the gymnasium floor. Moisture has gotten under the roof between the insulation and decking and the roof is lifting. There are mold issues that will have to be dealt with. Cost for repairs for the membrane roof only will be approximately \$74,000. AC units will have to be lifted and added 35% multiplier for additional work that may have to be done.

Office of the Veteran's Agent will be moving from Town Hall to the Community Center. Construction would consist of removing existing window and replace with a doorway into the storage office next to the cafeteria. Human Resources will need to construct a wall and make 2 doorways and electrical work for additional office space for part-time person.

Best estimate for flat membrane roof work over gymnasium including stamped engineering plans \$130,000 and \$20,000 for construction to the Human Resources office and the Veteran's Agents office. Funding source of \$130,000 is from borrowing and \$20,000 is from Free Cash.

IT:

Administrator Guerino recommends deferring this request to the October Town Meeting since the requested material wasn't received.

ISWM - Change of request:

ISWM has requested to defer their request for the 966H Cat Wheel Loader that was on the Capital Plan from FY13 to FY14 and move the Cat D6R Dozer from FY14 to FY13. Dozer has

broken down and can't wait until next year to purchase. Original cost for the dozer was \$400,000 but can purchase for \$340,000 with trade-in.

ISWM – Landfill Closure request:

Need to add Phase 2A/3A Final Cap and Closure Construction and Associated Appurtenances to the Capital Plan. It wasn't included on the plan when presented to the Board of Selectmen. Request for FY2013 was for \$1,900,672.00 but the Administrator recommended \$2,047,421.00. There are available funds from 2 old accounts that will close out article.

Taser – Change of request:

Appropriation was to include the purchase of tasers with only 1 camera. When purchasing the camera you're required to purchase all software and license. Camera will not be purchased at this time. Cost for tasers, including training, is \$65,500.00.

William Ware made a **MOTION** and **SECONDED** by John Redman to approve the 2013 Capital Outlay request with the following amendments: Police Department to purchase tasers with no cameras; ISWM to replace Cat D6R Dozer and not 966h Cat Wheel Loader; Community Center renovations for the Veterans' Agent and Human Resources Director's office by adding \$150,000 (\$20,000 from Free Cash and Borrowing \$130,000); defer IT to the Special Town Meeting in the fall with a final total of \$5,417,071.00. **UNANIMOUS VOTE**

Administrator Guerino thanked the Chairman and the Committee for their presentation the Board of Selectmen. It was very well done and appreciated.

Tasks Update:

DPW Facility – Mr. Redman: Committee is preparing and will be ready for the ballot question in August and for the Fall Town Meeting; sent request for qualifications and figures for the DPW Facility and will advertise in the Central Registry for 3 potential bidders to finalize.

Looking closely at Hingham's facility and compare as far as price is concerned. Fleet in Bourne is greater than Hingham's and we need to adopt that into our facility.

Anticipate having cost for DPW facility completed by August 1st to be able to present and explain where funding is coming from. Need mechanism on how it's going to be paid for.

There will be a joint meeting between Board of Selectmen, Capital Outlay Committee and Finance Committee with consultants to make presentation.

Administrator Guerino explained the need to authorize the full amount. ISWM will be part of it to determine amount, for how long and then determine net cost remaining (average cost per household). Committee will ask Linda to figure such cost.

Fire Station – Ware: No Report

Long Term Plan – Mastrangelo: Next meeting will be in June

Approval of Minutes:

John Redman made a **MOTION** and **SECONDED** by Bill Ware to approve the minutes of January 25, 2012; February 1, 2012 and February 22 as submitted. **UNANIMOUS VOTE**

Bill Ware made a **MOTION** and **SECONDED** by MaryJane Mastrangelo to approve the minutes of February 7, 2012 as submitted. **VOTED 2-0** John Redman abstained

Future meeting topics and schedule:

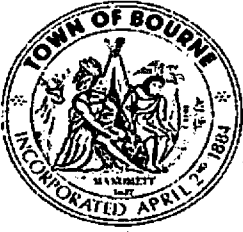
April 17, 2012: Meeting before the Board of Selectmen

There were 2 applicants that submitted letters of interest to become members of the Capital Outlay Committee to the Board of Selectmen.

With no further discussion, meeting adjourned at 8:00 P.M.

Respectfully submitted by:

Debbie Judge
Recording Secretary



CAPITAL OUTLAY COMMITTEE



Meeting Notice

Joint Meeting with Wastewater Advisory Subcommittee

<u>Date</u> Wednesday August 29, 2012	<u>Time</u> 7:00 PM	<u>Location</u> Bourne Town Hall 24 Perry Avenue Buzzards Bay Lower Conference Room
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AGENDA

- 7:00 PM Joint meeting with Capital Outlay Committee and Wastewater Advisory Subcommittee for discussion and Capital Outlay recommendations
- Adjourn joint meeting
- Capital Outlay Committee to continue discussion and update on the DPW Facility

2012 AUG 23 AM 10 35
 TOWN CLERK'S OFFICE
 BOURNE, MASS

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Mary Jane Mastrangelo
 Mary Jane Mastrangelo
 Chairman
 Date: August 22, 2012

cc: Town Clerk
 Town Administrator
 Committee: Mastrangelo, O'Brien, Ware, Redman and Mastria
 Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately (Bourne Courier) and Diana Barth (Bourne Enterprise)

Capital Outlay Committee
Joint meeting with Wastewater Advisory Subcommittee
Wednesday, August 29, 2012 6:00 P.M. 1 15
Bourne Town Hall – Lower Conference Room
24 Perry Avenue, Buzzards Bay
TOWN CLERK'S OFFICE
BOURNE, MASS

Members present: Mary Jane Mastrangelo, John Redman, William Ware and John O'Brien

Member Absent: Richard Mastria

Wastewater Advisory Subcommittee members: Chairman Sallie Riggs, Stanley Andrews, William Locke

Others present: Town Administrator Guerino, Finance Director Linda Marzelli, Selectman Zuern, Public Works Committee Chairman Stanley Andrews, William Meier, David Ahearn, Planning Board Chairman Chris Farrell, Jim Mulvey, and Diana Barth from the Bourne Enterprise

Chairman Mastrangelo called the meeting to order at 7:00 P.M.

Handouts:

- Planning for Wastewater Management Expansion in Bourne's Downtown
- Estimated Cost of Bourne Downtown Wastewater Management Plan Action Items
- Planning for Phase two – 100,000 Gallons Per Day Expanded Capacity
- Proposed DPW Facility Building Areas plan
- Projected Cost Summary
- Bourne DPW Facility Budget Total Project Cost

Joint meeting with Capital Outlay Committee and Wastewater Advisory Subcommittee for discussion and Capital Outlay recommendations

Chairman Mastrangelo said the meeting tonight is to discuss recommendations, overview as to where we are and where we go from here. There have been several meetings with the Board of Selectmen relative to a report submitted by the Wastewater Advisory Subcommittee with the assistance from the Cape Cod Commission dated 6/20/12. Potential treatment/disposal sites for downtown or both: Belmont Circle, Sanford Property and Scenic Highway. Tonight will be discussing phases and timelines.

Chairman Riggs had put together documents outlining timelines and explanations for phases.

Phase 1: Growth Steps

- Timeline the town is looking at over the next 2 – 5 years depending on demand by new commercial and residential development
- Use existing facilities

- ◆ IMA with Wareham for 200,000 gallons per day (includes Byron's property behind the Buzzards Bay Post Office)
- ◆ Current system needs upgrades and repairs
- ◆ Current capacity for Downtown growth: 51,000 – 70,000 gallons per day

There is a need to provide incentive to developers with projects especially with some major developments taking place. Also looking at mixed use properties perhaps hotel and restaurants.

Phase 2: Commercial and Growth in area

- Timeline: Should be in place when current capacity is reached, 2 – 5 years
- Add 100,000 gallons per day capacity to current 200,000 gallons per day
 - ◆ Build in-town treatment plant
 - ◆ Create sub-surface disposal area
 - ◆ Design for later build-out to 335,000 gallons per day

Phase 3:

- Timeline: Should be in place when Phase Two treatment facility reaches capacity, 5 – 15 years
- Expand total capacity to 335,000 on top of 200,000 gallons per day to Wareham
 - ◆ Expand in-town treatment plant
 - ◆ Sub-surface disposal area would already be capable of handling expanded flow

Estimated Cost of Bourne Downtown Wastewater Management Plan Action Items:

1. Implement a phased approach
2. Use remaining capacity at Wareham Wastewater Treatment Facility
3. Request DEP review and comment on :
 - ◆ Bourne Wastewater Advisory Downtown Plan
 - ◆ Obtain DEP approval to implement Downtown plan
4. Continue discussions with private parties on commercial development plans and private financing options (Optimus Project)
5. Develop and execute Memoranda of Understanding for private partnership
6. Select treatment and disposal sites that fit private development plans
7. Continue to reserve Scenic Highway site pending Downtown plan
8. Procure consulting support to undertake hydraulic studies, define condition and capacity of existing system, and on-going wastewater planning (consider using current SRF (State Revolving Fund))
9. Conduct preliminary hydrogeologic studies of Queen Sewell Park and Community Center
10. Acquire rights to critical treatment and/or disposal sites
11. Obtain State Revolving Funding to supplement private investment
12. Investigate and secure other public financing options
13. Development public involvement process to support wastewater program

Professional costs may not be needed if there is a project manager with wastewater skills and credentials to move the project forward. Approximately 50 hours per month for part-time/contract town employee for 2 years for an estimated cost of \$60,000.

Chairman Riggs also provided spreadsheet for discussion purposes on Planning for Phase Two – 100,000 gallons per day Expanded Capacity timeline and costs amounts.

Chairman Riggs will be meeting with a DEP representative for this area next Thursday, September 6, 2012 at 10:00 AM at the Barnstable County Jail. Invitation is extended to anybody who is interested. Present document to DEP for their review and then come back with comment.

Phase 2 refers to items 8 & 9 for \$40,000 & \$75,000: Engage engineering assistance for hydrogeologic studies and review of current system deals with municipal funds. Asked if this would be a capital or budgetary item and it is believed to be budgetary and would be up to the Sewer Commissioners. Consultant would receive copies of the Cape Cod Commission Wastewater Management Planning for Bourne's Downtown and incorporate the summary of Tighe & Bond reports

Phase 2 refers to item 10: Acquire rights to sites if not already Town-owned or included in public/private partnership. If the town owned the property there would not be a cost even if the town property didn't pass and had to go to other sites such as Queen Sewell Park or the fields behind the Community Center as potential sites for subsurface wastewater disposal. There would need to be a coordinated effort between CPA, Open Space, Recreation Department and Board of Selectmen on how to move forward since fields are used from April – October.

There is a sensitive area at Queen Sewell Park for Patric's Place that is not to be disturbed during any earth movement.

Discuss Phase 2 – 12 month: Contract for engineering design and construction documents for \$300,000 if a Request for Proposal is required. If there is no partnership then this changes.

Discuss Phase 2 – 24 month: Bid and Build for \$2.7 million with about 10% being put towards engineering documents and permitting.

Administrator Guerino discussed current users who are already paying their \$734 annual sewer fee won't benefit from this. Any future construction will have to be paid for by the new developers. The town is also receiving 2 brand new sewer pumps due to the Cohasset Narrows Bridge construction. Sewer Commissioners are moving forward on sewer system assessment and will have initial view of what we have underground for condition of pipes to further determine if this should be included on the capital plan. Sewer Commissions will meet the end of September to see if this goes onto the Special Town Meeting.

Advisory Committee looked at a model of the Growth Incentive Zone in Hyannis. They put forward same as what is proposing Bourne and saw bigger growth and demand in development.

Selectman Pickard said there was a meeting in July and believed that the sentiment was that if somebody was going to build a 4 story building, the town shouldn't be responsible for construction of the new treatment plant. There is a lot of support for the developer of a major project but they should pay for their own wastewater treatment plant.

Administrator Guerino discussed Action Item #8 to procure consulting support to undertake hydraulic studies, define condition and capacity of existing system, and on-going wastewater planning in the amount of \$40,000, which is outside of the Sewer Departments budget. Wareham plant and sewer building maintenance has to be capital budget and not out of the Sewer Department budget. Explore the possibility of grant monies to help pay for some of the costs. Representative Viera might be a good source to help secure some funding.

There are some items under Professional Services that can be eliminated if hire someone inside and Action Items 11 & 12 could be deleted if we can obtain outside funding to cover cost.

Administrator Guerino recommend getting authorization for 2 years for Part-time/Contract or Town Employee for \$60,000 and if not all the money is used, money can be returned. Recommend getting a job description from different communities and tweak to what the town would be looking for with the possibility we could be ready to go in 6 weeks. Administrator Guerino would not consider using any stabilization funding since it isn't a good use of this fund.

Planning Board Chairman Chris Farrell commented that we need to capitalize on tourism. Planning Board has done everything that they can do as far as updating zoning in the downtown area and new Growth Incentive Zone. Need to move forward or we'll be stuck right where we are.

Chairman Riggs said this is a perfect time for planning. We are in a down economy and we want to be there when it turns and be able to offer something to the developers. Hope to move forward with the 1st 6 month plan for the Special Town Meeting.

Chairman Mastrangelo asked for the spreadsheet to be revised by changing the total estimated cost from \$225,000 to \$150,000 and to incorporate any changes made this evening.

At the next meeting on September 10, 2012 will discuss pumping, transfers, what are the benefits and how is this going to be cost effective.

Capital Outlay Committee to continue discussion and update on the DPW Facility

Chairman Stanley gave an update and brief history to bring everybody up to date. Committee went to several communities to get a tour of their facility and brought back ideas to develop our facility. In addition to the DPW Facility will also incorporate work space for the Sewer Department, Engineering Department and proposed Facilities Manager.

Modifications were made to the wash bay that reduced the size of the maintenance bays from 6 to 4 and making the 3rd and 4th bays wider to reduce the cost. No justification to keep but if there is just cause then committee will reevaluate. Also eliminated the area designated for spray painting. Committee felt that painting wasn't done frequently enough to warrant this space.

Site will also have a common fuel system that can be used by other departments, so when looking at the new Police Station facility site, fuel system won't have to be included.

Finance Director Linda Marzelli called Department of Revenue to see if they are going to honor the previous letter the town received allowing ISWM to pay for a portion of the DPW facility, which they agreed to but wanted the town to provide additional information.

If ISWM and DPW can do complete site work, this could potentially be a savings of \$2.4 million. Site is almost 18 acres with approximately 10 acres to remain undisturbed at this time. There is also a \$1million contingency built into the cost of the facility, which needs to be carried until get close to the final project. Cost of the project, as of today is \$10.83 million.

With further discussion, it was recommended the following:

\$2,000,000 – ISWM over 10 years with a 2% interest

\$ 750,000 – Stabilization Fund

\$ 500,000 - Capital Reserve (one time only towards start of project).

\$ 500,000 – Free Cash

\$2,500,000 – Debt Exclusion

\$6,250,000

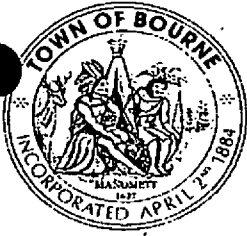
Other funding sources would be from the public auction on Town of Bourne owned properties, which will sometime in November. Monies from the sale of the Coady School will be allocated to the Capital Stabilization Fund when monies become available.

DPW Facility numbers will be more defined next week.

John O'Brien made a **MOTION** and **SECONDED** by John Redman to adjourn the meeting at 9:25 A.M. **UNANIMOUS VOTE**

Respectfully submitted by:

Debbie Judge
Recording secretary



CAPITAL OUTLAY COMMITTEE



Meeting Notice

Joint Meeting with Wastewater Advisory Subcommittee

<u>Date</u>	<u>Time</u>	<u>Location</u>
Monday September 10, 2012	6:45 PM	Bourne Town Hall 24 Perry Avenue Buzzards Bay Lower Conference Room

AGENDA

6:45 PM

1. Tide Way Seawall request
2. Police Cruiser request update

7:05 PM Joint meeting with Wastewater Advisory Subcommittee

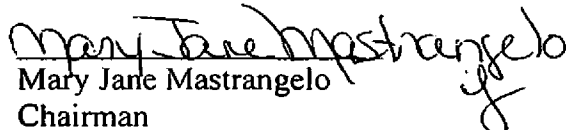
3. Continue Discussion of recommendations

Adjourn joint meeting

4. Continue Capital Outlay meeting – Discussion on DPW Facility
5. Discussion of future meeting dates

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Residents are welcomed and encouraged to attend our meetings


Mary Jane Mastrangelo
Chairman
Date: September 6, 2012

Town Clerk

Town Administrator

Committee: Mastrangelo, O'Brien, Ware, Redman and Mastria

Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately (Bourne Courier) and Diana Barth (Bourne Enterprise)

2012 SEP 6 PM 12 31
TOWN CLERK'S OFFICE
BOURNE, MASS

Capital Outlay Committee
Joint meeting with Wastewater Advisory Subcommittee
Monday, September 10, 2012 / 7:00 P.M.
Bourne Town Hall – Lower Conference Room
24 Perry Avenue, Buzzards Bay

2012 SEP 28 PM 1 15
TOWN CLERK'S OFFICE
BOURNE, MASS

Members present: Mary Jane Mastrangelo, John Redman, William Ware, John O'Brien and Richard Mastria

Wastewater Advisory Subcommittee members: Chairman Sallie Riggs, Stanley Andrews,

Others present: Town Administrator Guerino, Finance Director Linda Marzelli, Conservation Agent Brendan Mullaney, Public Works Committee Chairman Stanley Andrews, David Ahearn, Weston & Sampson Consultant Jeff Alberti, Jim Mulvey, Diana Barth from the Bourne Enterprise and Paul Gately from the Bourne Courier

Chairman Mastrangelo called the meeting to order at 6:46 P.M.

Handouts:

- E-mail request from Conservation Agent regarding Tide Way Seawall
- 3 Photos of Tide Way Seawall
- Letter from Police Department request for supplemental funding to purchase equipment for four (4) police cruisers
- Estimated Cost of Bourne Downtown Wastewater Management Plan Action Items (updated)
- Planning for Phase two – 100,000 Gallons Per Day Expanded Capacity (updated)

Tide Way Seawall request

Conservation Agent Brendan Mullaney said this was brought to his attention several years ago. Work was done on the seawall at the end of Tideway Road after Hurricane Bob and pilings were probably not driven down far enough. There is a portion of the wooden seawall that has deteriorated and threatens to compromise public safety and cause environmental degradation and needs to be repaired.

Wenaumet Bluff Improvement Association was granted an easement by the Board of Selectmen in the 1950's to access their dock with the stipulation that citizens of the town can also cross the easement since this is a coastal access for the town. Town maintains the seawall leading to the dock.

There was a meeting with DPW Director Rickie Tellier, Engineering Technician Mike Leitzel and DNR Director Tim Mullen on how to move forward. Work to consist of removal of timber wall, construct stone rip-rap wall, relocate timber dock as required and do miscellaneous work. Estimated cost is \$31,500 and additional \$10,000 in contingency for engineering and permitting. Suggest adding an additional 20% contingency in case of pipes in roadway. Funds will be taken from Waterways Fund.

Chairman Mastrangelo recommends having piers, float and docks on a 5-year capital plan and have an inventory and its condition. Administrator Guerino said it's difficult to determine when work may need to be done or replaced, because everything may look fine and in good shape and then there's a storm and know needs repairing and/or replaced.

Mr. Ware said he doesn't feel comfortable in repairing seawall the town owns and must maintain.

Mr. Mullaney said there is a conservation issue with a collapse seawall with soil that goes into the river. This will be a municipal liability since pier is used by townspeople.

John O'Brien made a **MOTION** and **SECONDED** by Richard Mastria to approve \$50,000 for engineering and repairs to the Tideway Seawall project at the Pocasset River and to be funded from the Waterways Funds. **VOTED: 3- 1 -1** (Bill Ware opposed and John Redman abstained)

Introduction of Capital Outlay members to our newest member on the committee, Richard Mastria.

Police Cruiser request update

Chairman Mastrangelo summarized that the Police Chief submitted a Capital Outlay request for 4 cruisers but during the process models of cruisers have changed. Chief Woodside decided to order the Ford Police Interceptor SUV since it was the best fit for the department. Some of the equipment that is currently being used was supposed to be modified to fit will not work and has to replace more cruiser equipment than anticipated. Police Chief is requesting an additional \$15,000 for the purchase of cruiser equipment.

Richard Mastria made a **MOTION** and **SECONDED** by John O'Brien to approve \$15,000 and take from Free Cash. **UNANIMOUS VOTE**

Joint meeting with Capital Outlay Committee and Wastewater Advisory Subcommittee for discussion and Capital Outlay recommendations

Chairman Riggs called the Wastewater Advisory Subcommittee to order at a joint meeting with the Capital Outlay Committee at 7:15 P.M.

A revised Estimated Cost of Bourne Downtown Wastewater Management Plan Action Items and Planning for Phase Two – 100,000 Gallons per Day Expanded Capacity worksheets were presented to the committee.

Discussion on Item #5: Develop and execute Memoranda of Understanding (MOUs) for private partnership. This is a complex document and could cost from \$5,000 up to \$10,000. Recommend keeping the cost at \$5,000 but be aggressive on how legal fees will be paid. Legal expense should be paid for by the developer and needs to be incorporated in the Memorandum of Understanding.

Discussion on Item #9: Conduct preliminary hydrogeologic studies of Queen Sewell Park and field behind Community Center with the town being responsible for the studies.

Lengthy discussion on the cost of a part-time/contract employee based on 50 hours a month for 2 years totaling \$60,000; and Professional Services (Project Manager) for \$80,000 for a total estimated cost of \$140,000 - \$145,000 over 2 years. It's important to get the funding know to get the project started and to move forward. Contract employee be retained by the Town Administrator and would be responsible to the Wastewater Advisory Committee with a bi-weekly to monthly report back to the Town Administrator. Project Manager needs to have expertise in wastewater, experience in permitting process, preparing proposals, applying for and managing grants and to monitor work.

Chairman Riggs said she met with DEP representative last week and provided copy of Wastewater Advisory report. He will review and come back with comments at no cost to the town. Until the necessary approvals are received from DEP, there will be no money spent. If DEP isn't agreeable to Queen Sewell Park or fields behind Community Building, the hydrogeologic site could be transferred to the Bournedale location and will be used as a backup but the price would be very expensive.

Administrator Guerino reaffirmed that the current sewer users who already pay \$734 per year would not be asked to pay for the treatment plant project.

Need to get voters to approve at Town Meeting and become aggressive to have developers pay for much of the cost. Developers do fail but there are good intentions but need some assurances along the way. If developers walk away, where does this leave the town?

Chairman Mastrangelo said spending \$145,000 for 2 years is reasonable for this project but it's up to the Town Administrator and Board of Sewer Commissioners.

Bill Ware made a **MOTION** and **SECONDED** by John Redman that the Capital Outlay Committee recommends the sequence of the plan and scope of funding in the amount of \$145,000.

UNANIMOUS VOTE

Adjourn meeting with Wastewater Advisory Subcommittee

Continue Capital Outlay meeting – Discussion on DPW Facility

Chairman Andrews' discussed the Concept Design Study revision, which included adding back approximately 2,000 square feet to the vehicle storage area for an additional increase cost of \$168,000. Total cost is \$11 million for the proposed Public Works Facility located on town owned land. Taxpayers will be asked to fund an estimated cost of \$6.25 million.

Proposed DPW Facility:	\$11,000,000
ISWM put towards project:	\$ 2,000,000
DPW & ISWM – site work:	\$ 1,000,000
Capital Stabilization Reserve:	\$ 500,000
Stabilization Fund:	\$ 750,000
Free Cash:	<u>\$ 500,000</u>
Town Meeting Approval:	\$ 6,250,000

ISWM has contributed to the general fund Host Fees and Administration Fees since 1999 in the amount of approximately \$18,000,000 which is a continued deposit to the town. Finance Director has been working with Dan Barrett to go over the spreadsheet to see if ISWM can afford \$2,000,000. They did well this year and anticipate doing well next year.

Committee asked if the Weston & Sampson's Representative Jeff Alberti could create and provide a cost expectancy benefit analysis on life cycle of vehicles stored indoors vs. vehicles stored outdoors. Mr. Alberti said he has provided same request to many other towns and equipment left outside rust and corrode more quickly due to the weather vs. equipment stored inside, which is in pristine condition.

It was discussed that Dan Barrett has equipment that he can allocate to leave at the site but may need to go to Special Town Meeting in 2013 to adjust ISWM budget to cover the fuel cost.

It was requested that the Finance Director determine what the cost will be to tax payers on their Real Estate Tax bill.

There will be a joint meeting on September 24, 2012 between Finance Committee and Board of Selectmen for a presentation by the Public Works Building Committee on the proposed DPW Facility.

Administrator Guerino said the Fire Department bid for Headquarters Repairs, as authorized by Town Meeting, were opened and range from \$88,000 to \$109,000. Capital Outlay recommended and Town Meeting appropriated \$60,000.

Discussion of future meeting dates:

There will be a Capital Outlay Committee meeting on September 27, 2012 @ 7:00 P.M. to review Fire Department radios and IT request for additional IT equipment.

Bill Ware made a **MOTION** and **SECONDED** by John Redman to adjourn meeting at 9:20 P.M.
UNANIMOUS VOTE

Respectfully submitted by:

Debbie Judge
Recording secretary

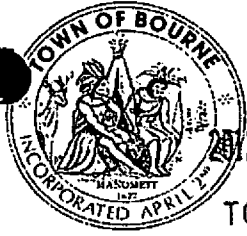
NOTICE OF MEETING – Capital Outlay Committee

2012 SEP 20 PM 4 18

DATE	TIME	LOCATION
Monday September 24, 2012	6:30	TOWN CLERK'S OFFICE BOURNE, MASS Bourne Veterans Memorial Community Center 239 Main Street – Buzzards Bay, MA 02532

JOINT SESSION FINANCE COMMITTEE, BOARD OF SELECTMEN, CAPITAL OUTLAY COMMITTEE, DPW
BUILDING COMMITTEE

1. Presentation by Public Works Committee on the new proposed DPW Facility
2. Adjourn



CAPITAL OUTLAY COMMITTEE



2012 SEP 21 AM 8 38

TOWN CLERK'S OFFICE **Meeting Notice**
BOURNE, MASS

Date

Monday
September 24, 2012

Time

6:30 PM

Location

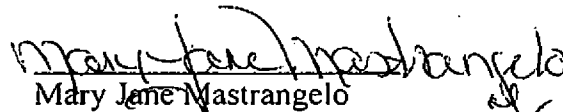
Bourne Community Center
239 Main Street
Buzzards Bay

AGENDA

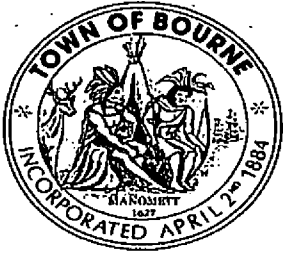
6:30 P.M. Joint meeting with Finance Committee and Board of Selectmen to discuss DPW Facility

"The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."

Residents are welcomed and encouraged to attend our meetings


Mary Jane Mastrangelo
Chairman
Date: September 21, 2012

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, O'Brien, Ware, Redman and Mastria
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately (Bourne Courier) and Diana Barth (Bourne Enterprise)



**Board of Selectmen
Meeting Notice
AGENDA**

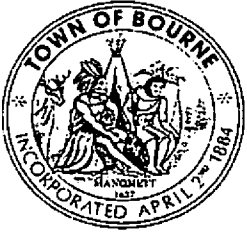


**Joint Session Finance Committee/Public Works Building
Committee/Capital Outlay Committee**

<u>Date</u>	<u>Time</u>	<u>Location</u>
Monday September 24, 2012	6:00 p.m.	Bourne Veterans Memorial Community Center 239 Main Street, Buzzards Bay

1. Presentation by Public Works Building Committee on new DPW facility
2. Other Selectmen's business
3. Adjourn

2012 SEP 19 PM 12 04
TOWN CLERK'S OFFICE
BOURNE, MASS



CAPITAL OUTLAY COMMITTEE



Meeting Notice

Date

Thursday
September 27, 2012

Time

7:00 PM

Location

Bourne Town Hall
24 Perry Avenue
Buzzards Bay
Lower Conference Room

2012 SEP 24 AM 11:38
TOWN CLERK'S OFFICE
BOURNE MASS

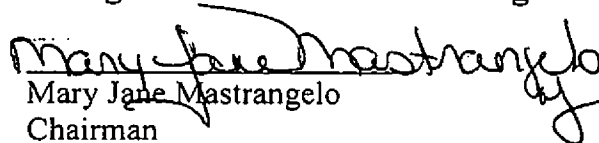
AGENDA

7:00 P.M.

1. Fire Department request for Special Town Meeting
 - a. Replacement radios - \$30,000
 - b. Replace 1 Laptop - rewire and replace printers and power supplies in all 4 ambulances - \$14,600
 - c. Buzzards Bay Station Repairs -- Bids received were higher than appropriated \$60,000.
2. IT request for Special Town Meeting
 - a. Desktops, laptops, printers, servers, switches and related equipment - \$25,000
3. Correspondence: Review e-mail from Ken Legg regarding DPW Facility
4. DPW update and possible vote
5. Approval of minutes: April 11, 2012; August 29, 2012 and September 10, 2012

"The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."

Residents are welcomed and encouraged to attend our meetings


Mary Jane Mastrangelo
Chairman

Date: September 24, 2012

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, O'Brien, Ware, Redman and Mastria
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately (Bourne Courier) and Diana Barth (Bourne Enterprise)

Capital Outlay Committee
Thursday, September 27, 2012 / 7:00 P.M.
Bourne Town Hall – Lower Conference Room
2013 JAN 18 4:18 PM 24 Perry Avenue, Buzzards Bay

Members present: TOWN CLERK'S OFFICE Mary Jane Mastrangelo, John Redman, William Ware and Richard Mastria
BOURNE, MASS

Absent: John O'Brien

Others present: Administrator Guerino, Fire Chief Martin Greene and David Ahearn

Chairman Mastrangelo called the meeting to order at 7:00 P.M.

Fire Department request for Special Town Meeting:

A. Replace radios - \$30,000

Original request was for \$30,000 to purchase radios over a 4 year period. After further discussion the committee agreed to appropriate \$60,000 for FY13 (24 radios), \$30,000 for FY14 (12 radios) and \$31,000 for FY15 (12 radios). Town Meeting warrant should have been for \$60,000 but instead was put in for \$30,000 and paid for with Free Cash.

Discussed if it made sense to purchase all the radios this year instead of carrying it out over the next 2 years where it's just going to cost more. Chief Greene said he was all set with \$30,000. There are 25 – 28 radios used every day by duty officers who get their own radios and fire fighters get radios only when they are on duty. Everyone on duty will have a new radio and will get rid of the old ones. The current radios were received after the Atlanta Olympics and have no value.

John Redman made a **MOTION** and **SECONDED** by Bill Ware to approve \$30,000 for additional radios for the Fire Department. **UNANIMOUS VOTE**

B. Replace 1 Laptop – rewire and replace printers and power supplies in all 4 ambulances - \$14,600

Chief Greene explained the problems are with day to day repairs. Continuously having problems with the cables in the ambulances and laptops are being damaged by being connected and disconnected up to 8 – 10 times per day damaging the pins. Chief Greene has spoken to IT about going wireless. He will also be starting next year a 5-year capital plan on replacement items. Administrator Guerino said this is classified as an emergency.

John Redman made a **MOTION** and **SECONDED** by Bill Ware to approve 1 laptop and wireless printers in amount of \$14,600. **UNANIMOUS VOTE**

C. Buzzards Bay Station Repairs – Bids received were higher than appropriated - \$60,000

Four bids were received ranging in price from \$88,000 - \$120,000. Capital Outlay recommended and Town Meeting appropriated \$60,000 for the repairs. Chief Greene met with the Sheriff's Office to see if this is a project that they can take on. They agreed and will have their workforce assist in doing this project and the town just needs to purchase the materials. Currently the Fire Station dormitory is 1 big room and proposed will include 5 bunk rooms for

privacy, electrical, plumbing etc. There was an earlier vote so this doesn't require a vote. Administrator Guerino will reject all bids since they are over amount appropriated.

IT request for Special Town Meeting:

A. Desktops, laptops, printers, servers, switches and related equipment - \$25,000

Chairman Mastrangelo said she contacted Administrator Guerino regarding lack of detail in IT request of \$25,000. She expressed her concern that this is more a budgetary request than a capital request. Suggest if IT was going to be taking over and making these types of purchases then there should be a 5-year plan. Chairman Mastrangelo said she finds it difficult when you don't know what is being asked for.

Administrator Guerino said our IT is different from the School Department. School Department has a cycle but we don't have that type of volume. When an item breaks, we need to replace and keep some items on stock. Items purchased are still a capital item and capital expense. If IT is going to make purchases for all departments, she needs to have expenses to replace. She also needs to purchase items for new employees. Administrator Guerino said he received an e-mail from IT that she will be running out of money soon.

Administrator Guerino said he will add \$26,500 into the budget but needs to receive the Finance Committee's support.

Correspondence: Review e-mail from Ken Legg regarding DPW Facility:

Mr. Legg submitted an e-mail regarding the DPW facility and urged the DPW Facility Committee to look into geothermal heating/cooling in the new facility where the cost savings and payback is fast. Mr. Redman said he would need to see the numbers on the geothermal and that it would take 18 – 20 years to see payback. Approximately 60% of the building wouldn't be utilized with vehicles being out in the field and with this part of the building being at a constant temperature that only 10 – 15% of the building would benefit from geothermal cooling system. What is the cost factor of the geothermal system?

DPW update and possible vote:

Bill Ware made a **MOTION** and **SECONDED** by Richard Mastria to support \$11.080 million including the funding model with funding as identified by the Town Administrator with debt exclusion funding in the amount of \$6,330,998. **UNANIMOUS VOTE**

Approval of minutes:

John Redman made a **MOTION** and **SECONDED** by Bill Ware to approve the minutes of April 11, 2012 as written. **VOTED 3-0** (Richard Mastria abstained)

Bill Ware made a **MOTION** and **SECONDED** by John Redman to approve the minutes of August 29, 2012 as written. **VOTED 3-0** (Richard Mastria abstained)

John Redman made **MOTION** and **SECONDED** by Richard Mastria to approve the minutes of September 10, 2012 as written. **UNANIMOUS VOTE**

Administrator Guerino discussed the Police Department facility as it relates to water issues on the ground floor. Building Inspector Roger Laporte said the problem is with the air conditioners leaking and the skin of the brick is bucking mostly on the backside of the building and some on the westerly side towards parking lot. Over the next couple of months, the Building Inspector, Facilities Manager

and Police Chief will have a mason come in to look for a quick fix for winter but will need work done over the next 12 – 18 months. Not looking for long-term fix but just to stabilize the building. There is nothing to put together for Special Town meeting but will amend line item in budget.

Administrator Guerino also discussed the move between the Town Clerk's office and the Town Collector's office. All Finance Departments will be together where the Clerk's office is currently located. Cost for the move is approximately \$20,000 and will come out of the Town Hall maintenance line item.

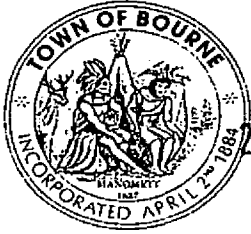
Chairman Mastrangelo said she would like to review debt schedule in November especially if there is a need to put a lot of money into the Police Station and when we can go to the tax payers since it may be 5 years between buildings.

Next Capital Outlay meeting will be on Wednesday, November 14, 2012 at 5:30 P.M. with the location to be determined.

William Ware made a **MOTION** and **SECONDED** by John Redman to adjourn meeting at 7:50 P.M.
UNANIMOUS VOTE

Respectfully submitted,

Debbie Judge
Recording Secretary



CAPITAL OUTLAY COMMITTEE

2012 OCT 15 PM 3 25

TOWN CLERK'S OFFICE
BOURNE, MASS

Meeting Notice



Date

Thursday
October 22, 2012

Time

6:30 PM

Location

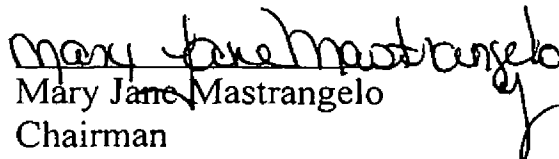
Bourne Veterans' Community Center
239 Main Street
Buzzards Bay

AGENDA

1. Committee Reorganization
2. STM Capital Requests
 - Police Department Building Repairs – Discussion and Vote
 - Funding for STM Capital Requests – Discussion and Vote
 - Any other items related to STM

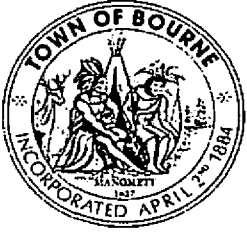
“The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.”

Residents are welcomed and encouraged to attend our meetings


Mary Jane Mastrangelo
Chairman

Date: October 15, 2012

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, O'Brien, Ware, Redman and Mastria
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately (Bourne Courier) and Diana Barth (Bourne Enterprise)



CAPITAL OUTLAY COMMITTEE

Meeting Notice

2012 OCT 16

TOWN CLERK'S OFFICE
BOURNE, MASS



AMENDED

Date

Monday
October 22, 2012

Time

6:30 PM

Location

Bourne Veterans' Community Center
239 Main Street
Buzzards Bay

AGENDA

1. Committee Reorganization
2. STM Capital Requests
 - Police Department Building Repairs – Discussion and Vote
 - Funding for STM Capital Requests – Discussion and Vote
 - Any other items related to STM

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Mary Jane Mastrangelo
Mary Jane Mastrangelo
Chairman

Date: October 16, 2012

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, O'Brien, Ware, Redman and Mastria
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately (Bourne Courier) and Diana Barth (Bourne Enterprise)

Capital Outlay Committee
Minutes of October 22, 2012

2013 JAN 18 AM 10 08 Bourne Veterans' Community Center
Buzzards Bay, MA 02532

.....TOWN CLERK'S OFFICE.....

BOURNE, MASS
Capital Outlay: Richard Mastria, Linda Marzelli, Mary Jane Mastrangelo, John O'Brien, John Redman and William Ware. Tom Guerino, Town Administrator.

Member(s) of the Press: Diana Barth, Bourne Enterprise

List of Documents

- Capital Improvement Budget FY13 STM 10/29/12 dated 10/22/12 – 1 page

Meeting called to order

6:30 pm by Chm. Mastrangelo

Committee Re-organization

John O'Brien MOVED and SECONDED by John Redman to appoint Mary Jane Mastrangelo as Chairman of the Capital Outlay Committee. UNANIMOUS VOTE.

William Ware MOVED and SECONDED by Richard Mastria to appoint John Redman as Vice Chairman of the Capital Outlay Committee. UNANIMOUS VOTE.

Mary Jane Mastrangelo MOVED and SECONDED by John Redman to appoint Richard Mastria as Clerk to the Capital Outlay Committee. UNANIMOUS VOTE.

STM Capital Requests

1. Police Department Building Repairs – Discussion and Vote\

Additional leaking on the roof. TA Guerino had discussions with Fire Chief and the Finance Director to get fixed for a season or two until the Facilities Manager can do a more thorough assessment, mid-term (5-7 years).

TA Guerino recommends to approve out of Free Cash - \$26,000 (out of contingency), but no more than \$30,000. Work involved would include caulking or a true mason piece; he doesn't expect it to be mortar but some places may very well be.

Redman – asked if we got a bid on the work. Ms. Marzelli said this would be obtained under an emergency with the appropriate need. TA Guerino this would need to done immediately.

O'Brien – asked if this temporary fix will stop the leaking. TA Guerino said he hopes to stop the leaking, but cannot wait until Spring.

TA Guerino –Building Inspector suggested some structural issues with the frame.

Mastrangelo – she would recommend a 15% contingency with no more than \$30,000.

Redman – asked if the town has worked with the contractor. TA Guerino said he has but not since he has come to town.

Ms. Marzelli – will get three quotes.

Redman MOVED and SECONDED by are to approve Police Department Building Repairs in the amount of \$30,000. Unanimous vote.

2. Funding for STM Capital Requests – Discussion and Vote

\$15,000 – Police Cruisers (Free Cash)

\$30,000 – Portable radios (Free Cash)

\$14,600 – Computer System, Hardware and Software for ambulance (Free Cash)

\$11,080,798- (\$500 -Free Cash; \$7,330,798 - General Debt; \$1M - Enterprise Debt; \$1M - Enterprise Fund)

\$50,000 – Tideway Sea Wall Repairs (Waterways Fund)

\$145,000 – Wastewater Planning and Hydrogeological testing(Free Cash)

Ware MOVED and SECONDED by Redman to approve Funding for STM Capital Requests as amended in the total amount of \$11,365,398. UNANIMOUS VOTE.

Ms. Marzelli – on Town Meeting floor will explain the Tideway Sea Wall Repairs will come out of the Waterways Funds.

3. Any other items related to STM

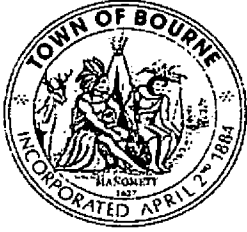
None.

Adjournment

O'Brien MOVED and SECONDED by Mastria to adjourn meeting. Meeting adjourned at 6:55 pm. UNANIMOUS VOTE.

Respectfully submitted,

Lisa Groezinger



CAPITAL OUTLAY COMMITTEE



Meeting Notice

Date

Wednesday
November 28, 2012

Time

7:00 PM

Location

Bourne Veterans' Community Center
239 Main Street
Buzzards Bay


AGENDA

1. Discuss Long Term Debt Schedule
2. Discuss FY13 and FY14 Capital Plan
3. Community Building roof repairs
4. School Department request approval to retain SD1 maintenance truck
5. Approval of Minutes: 09.27.12; 10.22.12
6. Future meetings`

2012 NOV 26 AM 11 47
TOWN CLERK'S OFFICE
BOURNE, MASS

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Mary Jane Mastrangelo
Chairman

Date: November 26, 2012

cc: Town Clerk
Town Administrator
Committee: Mastrangelo, O'Brien, Ware, Redman and Mastria
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino, Paul Gately (Bourne Courier) and Diana Barth (Bourne Enterprise)

Capital Outlay Committee
Wednesday, November 28, 2012 / 7:00 P.M.
Bourne Veterans' Memorial Community Center
2013 JAN 24 AM 2:39 PM Main Street, Buzzards Bay

Members present: Mary Jane Mastrangelo, John Redman, John O'Brien, and William Ware
TOWN CLERK'S OFFICE
BOURNE, MASS

Excused: Richard Mastria

Others present: Administrator Guerino, Finance Director Linda Marzelli and Facilities Manager Jonathan Nelson

Chairman Mastrangelo called the meeting to order at 7:00 P.M.

Administrator Guerino introduced Facilities Manager Jonathan Nelson to the Committee. Since his start date on November 5th he looked at 4 buildings: Police Station, Pocasset Fire Station, Headquarters and Town Hall. Will be working next with the School Department and looking at staff utilization within the next several months.

It was suggested that the town look into getting their own electrician. There is plenty of work throughout town to employ a full time position or go through county bid for electrical services.

Chairman Mastrangelo said this was a goal for the Capital Outlay Committee to hire a Facilities Manager and welcomed him.

Discuss Long Term Debt Schedule

Discussed the need to get an idea of a priority list after the DPW facility. School Department has filed an MSBA (MA School Building Authority) application for Peebles School. Administrator Guerino discussed looking at the Sagamore Station as a new headquarters, which may require additional 2,000 square feet, septic system and handicap access. If parking becomes an issue, the town owns property to the left for expansion. One of the objections to relocating headquarters in Sagamore is most of the ambulance runs are in Buzzards Bay. Administration duties could be moved to the Sagamore Station but there are contractual issues. We can do this but they're not going to like it. Headquarters Station on Main Street would be used as a satellite station.

Police Station, possible locations and options was also discussed. It was asked if bonding was an issue with the building being in a flood zone but this is not questioned by the state.

DPW Facility options were discussed if it doesn't pass at the Annual Town Meeting next year. It was unfortunate that Town Meeting was canceled due to Hurricane Sandy to better inform and explain the debt exclusion to the residents prior to the ballot vote on Election Day. People didn't understand and left the question to authorize appropriations for the new facility blank. ISWM needs the air space where current building is situated.

Chairman Mastrangelo wants to attend the next meeting of the Department of Public Works Building Committee.

Discuss FY13 and FY14 Capital Plan

Town Meeting will need to vote to transfer tax title monies in the amount of \$577,000 ± received from the town auction and monies from the sale of Coady School to the Capital Stabilization Fund. Also to put back in the budget the \$250,000 that was appropriated at Town Meeting for the sale of 9 Sandwich Road that didn't take place.

Administrator Guerino and the Board of Selectmen have agreed that they don't want to deal with more than 1 project at a time and there needs to be enough spacing between projects.

Example: 2013 DPW Annual Town Meeting

2013 Establish a Police Department Facility Committee in the fall

2015 Police Department proposal to Annual Town Meeting

2016 Construct Police Station

Police Station debt service could be covered by the Capital Stabilization Fund for a cost of \$3million.

Finance Director said she can put projects in debt schedule and see where Peebles School fits into schedule. There is still a small debt remaining for the Middle School for another 3-4 years.

Chairman Mastrangelo discussed the process for Peebles School:

- 1) Peebles School applies to be considered
- 2) Work with School Building Assistance Committee
- 3) Submit project to Mass School Building Authority for their consideration
- 4) Go to Town Meeting for approval
- 5) Go on list for funding

Peebles School would need to be debt exclusion and bond would be for only the town's portion of the project.

Chairman Mastrangelo said the Capital Outlay Committee hasn't identified how much money should be spent on upcoming projects. Review at the next meeting the FY13 request on what has been done and what hasn't.

Community Center Roof Repairs

There was an article at the Special Town Meeting to appropriate \$150,000 (\$130,000 to make repairs to the Community Center roof and an additional \$20,000 for renovations to create additional office space and other necessary renovations that may be necessary). Facilities Manager Jonathan Nelson discussed project with the architect and will be doing some comparisons, but there may be some unforeseen damage when work begins due to leaking within the building. Roof Repair project was advertised in the Goods & Services on 12/5/12, conference call on 12/12/12 with bids due on 12/20/12.

School Department request approval to retain SD1 maintenance truck:

Superintendent is requesting on behalf of the School Department to retain this vehicle for the sole purpose of snow plowing. MHQ has determined that the trade-in value on SD1 is approximately \$600. The School District will incur all costs associated with maintaining SD1. Once SD1 is determined inoperable, there is no intent of replacement or requests for replacements.

Mr. O'Brien said this is increasing the fleet and has some objections. There is no consistent program for replacing vehicles.

SD1 = Maintenance Truck

SD2 = Maintenance Dump Truck (referred)

SD3 = Not to be replaced

Discussed numbering of vehicles and what happens to the vehicle ID# when a new vehicle is purchased to replace existing vehicle. Vehicle that replaces an existing vehicle should take the number of the vehicle that was replaced.

Further discussed inventory replacement schedule that new vehicles should take the ID# of the existing vehicle and if a vehicle was supposed to be replaced was retained, should have a new ID# and inventory should indicated no future replacement.

Approval of minutes:

John Redman made a **MOTION** and **SECONDED** by William Ware to approve the minutes of 9/27/12. **Voted 3-0** John O'Brien abstained.

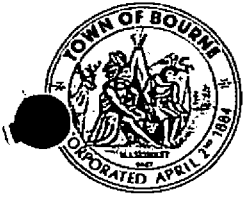
John Redman made a **MOTION** and **SECONDED** by William Ware to approve the minutes of 10/22/12. **Voted 3-0** John O'Brien abstained.

Future Meetings:

- ❖ There will be no meetings in December
- ❖ Administrator Guerino said budgets are due on December 5, 2012 and Capital Outlay requests are due on December 12, 2012.
- ❖ Administrator Guerino will be presenting his budget message to the Board of Selectmen last meeting in January.
- ❖ Capital Outlay meetings will be held on the following days:
 - January 16, 2013 @ 7:00 PM (Discuss long-term debt with Linda and 1 department head)
 - January 23, 2013 @ 4:00 PM
 - January 30, 2013 @ 4:00 PM (or 7:00 PM if Rick Mastria can't attend)
 - February 6, 2013 @ 4:00 PM
 - February 13, 2013 @ 7:00 PM
 - February 20, 2013 @ 4:00 PM

John Redman made a **MOTION** and **SECONDED** by William Ware to adjourn meeting at 8:45 P.M. **UNANIMOUS VOTE**

Respectfully submitted,
Debbie Judge
Recording secretary



TOWN OF BOURNE
Charter Compliance Committee

24 Perry Avenue
Buzzards Bay, MA 02532-3496

www.townofbourne.com

Phone: 508-759-0600 ext. 11
Fax: 508-759-0620

2012 MAY 1 AM 10 11



TOWN CLERK'S OFFICE
BOURNE, MASS

May 1, 2012

Meeting Notice

A meeting of the Charter Compliance Committee
will be held on Thursday May 10, 2012 at 7 PM
at the Bourne Town Hall, 2nd Floor Meeting Room.

Agenda

1. Reorganization. Election of Chairman, Vice-Chairman and Clerk.
2. Complaint received from Richard Conron and James Malatos.
Discussion and determination by the Committee whether or not complaint should be dismissed without further action. This is not a hearing on the merits of the complaint.
3. Such other business as shall lawfully come before the Committee.
4. Adjournment.

Respectfully submitted,

Lucia Fulco
Chairman

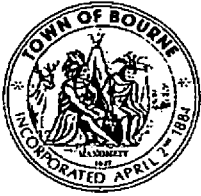
Wayne Covell,

Diane Flynn

Lucia Fulco,

Don C. Hayward

Renee Ziegner



TOWN OF BOURNE
Charter Compliance Committee

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TOWN CLERK'S OFFICE
BOURNE, MASS MINUTES May 10, 2012

Charter Compliance Committee called to order by Chairman Lucia Fulco at 7:01 PM on May 10 in the upper meeting room of Bourne Town Hall.

Present were Lucia Fulco, Wayne Covell, Don Hayward, Diane Flynn, Renee Ziegner and a member of the press.

The committee started the meeting by reorganizing. Motion was made by Lucia Fulco to appoint Wayne Covell as clerk, and seconded by Don Hayward. Appointment passed 5-0. A motion was made by Wayne Covell to appoint Don Hayward as vice chairman, and seconded by Lucia Fulco. Appointment passed 5-0. A motion was made by Wayne Covell to appoint Lucia Fulco as chairman, and seconded by Don Hayward. Appointment passed 5-0.

Chairman Fulco advised the committee that the complaint was properly filed by Richard Conron.

Chairman Fulco made a motion to dismiss the complaint from James Malatos since he is not a registered voter in the Town of Bourne as required by Article 11 of the Charter. Seconded by Don Hayward. Ms. Fulco checked with the town clerk's office to determine whether Mr. Malatos was on the town's voting roll and was informed that Mr. Malatos is not a registered voter in Bourne. Motion passed 5-0.

The committee reviewed the complaint.

A motion was made by Don Hayward not to dismiss the complaint (from Richard Conron). Seconded by Lucia Fulco. Motion passed 5-0.

A motion was made by Lucia Fulco and seconded by Don Hayward to schedule a hearing on the complaint for Mon. June 18th at 7 PM in the lower meeting room of Bourne Town Hall. Motion passed 5-0.

A motion to adjourn was made by Don Hayward and seconded by Wayne Covell. The motion passed 5-0.

Respectfully submitted,

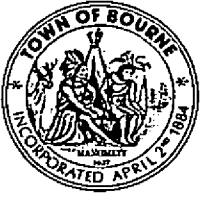
Wayne Covell, Clerk

Wayne Covell, Clerk,

Kathlenn Donovan
Don C. Hayward, Vice Chairman

Diane Flynn
Renee Ziegner

Lucia Fulco, Chairman



TOWN OF BOURNE

Charter Compliance Committee

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May 16, 2012

Meeting Notice

A meeting of the Charter Compliance Committee
will be held on Monday, June 7, 2012 at 7 PM
at the Bourne Town Hall, Lower Level Meeting Room.

Agenda

1. Approval of Minutes of May 10, 2012.
2. Presentation of the merits of the Complaint by Richard Conron, Complainant.
3. Presentation of rebuttal or merits by members of the Board of Selectmen/Town Administrator.
4. Such other business that shall lawfully come before the committee. No vote by the Committee on the merits of this complaint shall be made at this hearing.
5. Adjournment.

Respectfully submitted,

Lucia Fulco,
Chairman

Wayne Covell, Clerk,

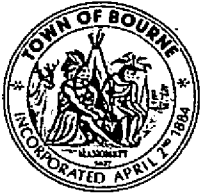
Don C. Hayward, Vice Chairman

Diane Flynn

Renee Ziegner

Lucia Fulco, Chairman

BOURNE, MASS
TOWN CLERK'S OFFICE
2012 MAY 16 PM 10 21



TOWN OF BOURNE
Charter Compliance Committee

24 Perry Avenue
Buzzards Bay, MA 02532-3496
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May 16, 2012

Meeting Notice
REVISED – Meeting Date

A meeting of the Charter Compliance Committee
will be held on Monday, June 18, 2012 at 7 PM
at the Bourne Town Hall, Lower Level Meeting Room.

Agenda

1. Approval of Minutes of May 10, 2012.
2. Presentation of the merits of the Complaint by Richard Conron, Complainant.
3. Presentation of rebuttal or merits by members of the Board of Selectmen/Town Administrator.
4. Such other business that shall lawfully come before the committee. No vote by the Committee on the merits of this complaint shall be made at this hearing.
5. Adjournment.

Respectfully submitted,

Lucia Fulco,
Chairman

Wayne Covell, Clerk,

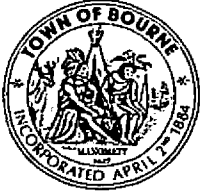
Don C. Hayward, Vice Chairman

Diane Flynn

Renee Ziegner

Lucia Fulco, Chairman

2012 MAY 16 AM 11 19
TOWN CLERK'S OFFICE
BOURNE, MASS



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Charter Compliance Committee

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May 17, 2012

Barry Johnson, Town Clerk
24 Perry Avenue
Buzzards Bay, MA 02532

2012 MAY 18 PM 12 09
TOWN CLERK'S OFFICE
BOURNE, MASS

Dear Mr. Johnson,

Enclosed please find a copy of the hearing notice setting the time and date of said hearing as posted with the Town Clerk's Office, Town of Bourne. The hearing notice contains the agenda for the upcoming hearing as required by Article 11, Paragraph 4 of the Town of Bourne Charter.

Cordially,

Lucia Fulco,
Chairman

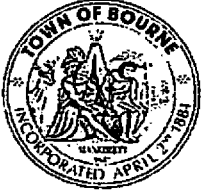
Wayne Covell, Clerk,

Don C. Hayward, Vice Chairman

Diane Flynn

Renee Ziegner

Lucia Fulco, Chairman



TOWN OF BOURNE
Charter Compliance Committee

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May 16, 2012

Meeting Notice
REVISED – Meeting Date

A meeting of the Charter Compliance Committee
will be held on Monday, June 18, 2012 at 7 PM
at the Bourne Town Hall, Lower Level Meeting Room.

Agenda

1. Approval of Minutes of May 10, 2012.
2. Presentation of the merits of the Complaint by Richard Conron, Complainant.
3. Presentation of rebuttal or merits by members of the Board of Selectmen/Town Administrator.
4. Such other business that shall lawfully come before the committee. No vote by the Committee on the merits of this complaint shall be made at this hearing.
5. Adjournment.

Respectfully submitted,

Lucia Fulco,
Chairman

Wayne Covell, Clerk,

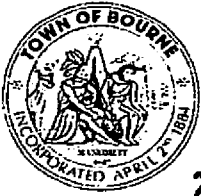
Diane Flynn

Don C. Hayward, Vice Chairman

Renee Ziegner

2012 MAY 16 PM 11 19
TOWN CLERK'S OFFICE
BOURNE, MASS

Lucia Fulco, Chairman



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2012 JUN 28 AM 10 01

TOWN CLERK'S OFFICE
BOURNE, MASS

MINUTES JUNE 18, 2012



Chairman, Lucia Fulco, called the Charter Compliance Committee to order at 7:00 PM on June 18, 2012 in the lower meeting room of Bourne town hall.

Committee members present were Lucia Fulco, Don Hayward, Wayne Covell, Diane Flynn, Renee Ziegner and Kathy Donovan.

Richard Conron, the complainant was present. Town Clerk Barry Johnson and Selectman Earl Baldwin were present, as well as, Joseph Agrillo Sr, James Malatos, James Mulvey, Judy Conron, Rosalie Cole, Judy Plentus and a member of the press, Diane Barth.

Don Hayward moved to approve the minutes of May 10, 2012, and seconded by Diane Flynn. Motion passed 5-0 with Kathy Donovan abstaining.

Lucia Fulco announced that Michael Ford, Esq. was designated a special municipal employee. His role was to advise and support this committee.

Richard Conron discussed the first issue of his complaint, asking what power to supersede Bourne's home rule charter do the selectmen have by inserting language in the town administrator's contract that attempts to override the intent of the charter. He asserted that this precedent, if allowed to stand, will allow selectmen to generate other documents and contracts that will short circuit the charter.

His next issue was whether the insertion of the clause, "employee (town administrator) shall delegate authority to the department heads to autonomously operate their respective departments" also violates the charter. Mr. Conron argued that former ISWM manager, Brent Goins, acting independently, wrote his own contract and the town administrator reversed his action. Mr. Conron stated that the powers and duties requirements of the town administrator does not allow for department heads to be operate autonomously, that it would effectively nullify section 4.6 of the charter.

Joe Agrillo agreed that Section 4.6 decides on this issue.

Jim Malatos said that there was a process to make changes to the charter. He stated that if selectmen could make these changes to the charter through the town administrator's agreement, then any change could be made, without the consent of Bourne voters. Wording in the charter was important.

Wayne Covell, Clerk,

Kathlenn Donovan
Don C. Hayward, Vice Chairman

Diane Flynn
Renee Ziegner

Lucia Fulco, Chairman

Judy Conron requested a remedy to change the town administrator's contract by removing the word, 'autonomous'. She stated that during a recent charter review such changes were not brought up nor proposed.

Jim Mulvey stated that section 4.6 (d) gave the town administrator jurisdiction over his department heads and that he must supervise the respective departments.

Earl Baldwin agreed that the charter did not permit the restrictive verbiage in the town administrator's contract, an indication that something was amiss.

Rosalie Cole expressed disappointment that the town administrator was treated in a humiliating fashion at selectmen's meetings.

Richard Conron concluded by stating that there was a process to town government spelled out in the charter. Mr. Conron said that the town administrator's contract contains statements that alter that process by nullifying the charter and thus weakening our governing framework.

Barry Johnson advised the committee of the open meeting law rules and the new email restrictions.

There was no other verbal testimony given and no written testimony submitted.

A motion to close the hearing was made by Wayne Covell and seconded by Don Hayward. Motion passed 6-0.

Lucia Fulco advised the committee that it had three weeks to make a decision and to send dates that the committee members could meet.

A motion to adjourn was made by Wayne Covell and seconded by Don Hayward. Motion passed 6-0. Meeting adjourned at 7:37 PM.

Respectfully submitted by,



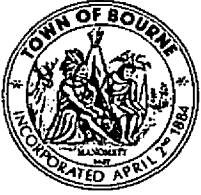
Wayne Covell, Clerk
Charter Compliance Committee

Wayne Covell, Clerk,

Kathlenn Donovan
Don C. Hayward, Vice Chairman

Diane Flynn
Renee Ziegner

Lucia Fulco, Chairman



TOWN OF BOURNE
Charter Compliance Committee

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2012 JUN 5 AM 11:37

TOWN CLERK'S OFFICE
BOURNE, MASS

June 5, 2012

Meeting Notice

A meeting of the Charter Compliance Committee
will be held on Tuesday, June 19, 2012 at 6 PM
at the Bourne Town Hall, 2nd Floor Meeting Room.

Agenda

1. Complaint received from Richard Conron and Judith Conron.
Discussion and determination by the Committee whether or not complaint should be dismissed without further action. This is not a hearing on the merits of the complaint.
2. Such other business as shall lawfully come before the Committee.
3. Adjournment.

Respectfully submitted,

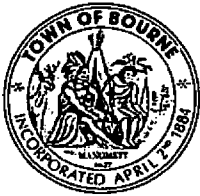
Lucia Fulco
Chairman

Wayne Covell, Clerk,

Kathlenn Donovan
Don C. Hayward, Vice Chairman

Diane Flynn
Renee Ziegner

Lucia Fulco, Chairman



TOWN OF BOURNE

Charter Compliance Committee

24 Perry Avenue
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TOWN CLERK'S OFFICE

BOURNE, MASS **Minutes June 19, 2012**

The Charter Compliance Committee called to order by Chairman Fulco at 6:00PM on 19 June 2012 in the Upper Meeting Room of the Bourne Town Hall.

Present committee members Chairman Lucia Fulco, Diane Flynn, Renee Ziegner and newly appointed Kay Donovan. Excused members Vice Chair Donald Hayward and Clerk Wayne Covell. One member of the community James Mulvey was in attendance.

Chairman Lucia Fulco asked the committee to speak on the complaint filed by Mr. Richard Conron and Mrs. Judy Conron, 29 Mashnee Road, Bourne. On "recent actions and statements made by certain members of our Board of Selectmen...".

Kay Donovan feels the information provided by the Conrons is verified, justified and warrants a hearing.

Renee Ziegner supported the comments and feels a hearing is warranted.

Lucia Fulco feels a hearing to further look at the complaints would be necessary to gain further testimony.

Diane Flynn feels the complaints take away the rights of individuals to public information.

Kay Donovan made the motion not to dismiss the complaints. Seconded by Renee Ziegner. Motion passed 3 to 1. Diane Flynn voted in opposition.

A hearing was scheduled for Wednesday July 25, 7:00PM, in the down stairs hearing room at the Bourne Town Hall.

Motion to adjourn was made by Renee Ziegner, seconded by Kay Donovan. The motion passed 4-0.

Respectfully submitted,

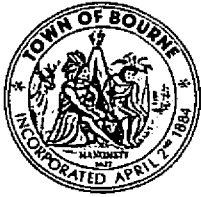
Diane Flynn
Acting Clerk

Wayne Covell, Clerk,

Kathlenn Donovan
Don C. Hayward, Vice Chairman

Diane Flynn
Renee Ziegner

Lucia Fulco, Chairman



TOWN OF BOURNE

Charter Compliance Committee

24 Perry Avenue
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June 20, 2012

Meeting Notice

A meeting of the Charter Compliance Committee will be held on Wednesday, June 27, 2012 at 7 PM at the Bourne Town Hall, Lower Level Meeting Room.

Agenda

1. Approval of Minutes of June 18, 2012.
2. Comments by Attorney Michael D. Ford, Special Municipal Officer to the Town of Bourne.
3. Committee to vote on whether there has been a violation of the Charter alleged in the complaint of Richard, Conron, as submitted to the Town Clerk on April 23, 2012.
4. Such other business that shall lawfully come before the committee.
5. Adjournment.

Respectfully submitted,

Lucia Fulco,
Chairman

Wayne Covell, Clerk,

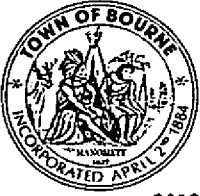
Don C. Hayward, Vice Chairman

Diane Flynn

Renee Ziegner

Lucia Fulco, Chairman

2012 JUN 20 PM 1 35
TOWN CLERK'S OFFICE
BOURNE, MASS



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Charter Compliance Committee

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2012 JUL 26 AM 10 23

TOWN CLERK'S OFFICE

BOURNE, MASS

MINUTES JUNE 27, 2012

Chairman Lucia Fulco called the meeting of the Charter Compliance Committee to order at 7:00 PM on June 27, 2012 in the lower meeting room at Bourne Town Hall.

Present for the committee were Lucia Fulco, Don Hayward, Wayne Covell, Kathy Donovan, Renee Zeigler and Diane Flynn.

Members of the public in attendance were Town Clerk Barry Johnson, Selectman Earl Baldwin, Galon Barlow, Joe Agrillo Sr., Judy Conron, Jim Malatos, Richard Conron and Jim Mulvey. Diana Barth of the Bourne Enterprise and special municipal employee, Michael Ford, Esq. were also present.

A motion to approve the minutes of June 18, 2012 was made by Don Hayward and seconded by Renee Zeigler was approved 6-0.

Chairman Lucia Fulco introduced Michael Ford, Esq. who reviewed the complaints filed on April 23, 2012 by Richard Conron, the Bourne Town Charter, and minutes of the Board of Selectmen.

His conclusion was that the language in the Town Administrator's contract superseding the charter was not proper and beyond the authority of the Board of Selectmen. He cited MGL C41, Sect. 108N.

Secondly, he addressed the word "autonomous" and concluded that the language would not control Section 4.6 and that the word is unnecessary.

Don Hayward was unsure of what the intent of the language was since the Board of Selectmen did not appear before the committee.

A motion was made by Wayne Covell that the Charter Compliance Committee adopt the findings and conclusions of Special Town Counsel, Michael Ford, dated June 25, 2012 relative to both items delineated in the complaint dealing with the Town Administrator's contract provisions superseding the Charter (Employment Agreement Section 1) and department heads given autonomous authority

Wayne Covell, Clerk,

*Kathlenn Donovan
Don C. Hayward, Vice Chairman*

*Diane Flynn
Renee Ziegler*

Lucia Fulco, Chairman

(Performance Expectations Item 5E). Motion seconded by Don Hayward. The motion approved 6-0.

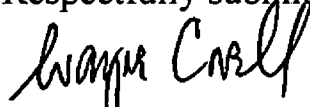
A motion that the language in the Town Administrator's employment agreement, "The parties covenant and agree that the provisions of this contract shall supersede any provisions under the Town of Bourne Home Rule Charter", is beyond the authority of the Board of Selectmen, was made by Wayne Covell and seconded by Don Hayward and passed 6-0 and the Charter Compliance Committee requested that the Board of Selectmen delete that language.

A motion that the Board of Selectmen agree that the word, "autonomous", in performance expectations Item 5E of the Town Administrator's employment agreement be interpreted under the guidelines of Section 4-6 of the Bourne Home Rule Charter was made by Wayne Covell and seconded by Kathy Donovan. The motion passed 6-0.

Wayne Covell agreed with Don Hayward that no testimony or answers were given by either the town administrator or Board of Selectmen as to why they favored the language in the contract. The chairman was asked to forward our motions to the Board of Selectmen.

A motion to adjourn at 7:50 PM was made by Don Hayward and seconded by Kathy Donovan. The motion passed 6-0.

Respectfully submitted,



Wayne Covell



TOWN OF BOURNE
Charter Compliance Committee

24 Perry Avenue
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2012 JUL 9 AM 8 25

TOWN CLERK'S OFFICE
BOURNE, MASS

July 6, 2012

Meeting Notice - Revised

A meeting of the Charter Compliance Committee
will be held on Wednesday July 25, 2012 at 7 PM
at the Bourne Town Hall, Lower Level Meeting Room.

Agenda

1. Approval of Minutes of June 19, 2012 and of June 27, 2012.
2. Presentation of the merits of the Complaint by Richard Conron and Judith Conron, Complainants.
3. Presentation of rebuttal or merits by members of the Board of Selectmen.
4. Such other business that shall lawfully come before the committee. No vote by the Committee on the merits of this complaint shall be made at this hearing.
5. Adjournment.

Respectfully submitted,

Lucia Fulco,
Chairman

Wayne Covell, Clerk,

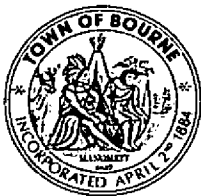
Kathleen Donovan

Don C. Hayward, Vice Chairman

Diane Flynn

Renee Ziegner

Lucia Fulco, Chairman



TOWN OF BOURNE
Charter Compliance Committee

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2012 JUL 5



TOWN CLERK'S OFFICE
BOURNE, MASS

July 5, 2012

Meeting Notice

A meeting of the Charter Compliance Committee
will be held on Wednesday July 25, 2012 at 7 PM
at the Bourne Town Hall, Lower Level Meeting Room.

Agenda

1. Approval of Minutes of June 18, 2012 and of June 19, 2012.
2. Presentation of the merits of the Complaint by Richard Conron and Judith Conron, Complainants.
3. Presentation of rebuttal or merits by members of the Board of Selectmen.
4. Such other business that shall lawfully come before the committee. No vote by the Committee on the merits of this complaint shall be made at this hearing.
5. Adjournment.

Respectfully submitted,

Lucia Fulco,
Chairman

Wayne Covell, Clerk,

Kathleen Donovan
Don C. Hayward, Vice Chairman

Diane Flynn
Renee Ziegner

Lucia Fulco,, Chairman



TOWN OF BOURNE

Charter Compliance Committee



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2012 AUG 6 AM 10 08

TOWN CLERK'S OFFICE
BOURNE, MASS

Minutes July 25, 2012

The Charter Compliance Committee meeting was called to order at 7:00 PM on July 25, 2012 in the lower meeting room of Bourne Town Hall by Chairman, Lucia Fulco.

Committee members present were Kathleen Donovan, Diane Flynn, Renee Ziegner, Don Hayward and Wayne Covell.

Members of the public included Earl Baldwin, Barry Johnson, Jim Mulvey, Joseph Agrillo, Sr., Judy Conron, Richard Conron, Jim Malatos, and a reporter, Michael Rausch.

A motion to approve the minutes of June 19, 2012 was moved by Don Hayward and seconded by Wayne Covell. Motion approved 6-0.

A motion to approve the minutes of June 27, 2012 was moved by Kathleen Donovan and seconded by Diane Flynn. Motion approved 6-0.

The hearing started with complainant, Richard Conron, stating his case that Selectmen Pickard and Ford had independently acted in regard to investigations. He stated that they violated the charter because they had no independent authority approved by the full Board of Selectmen. He submitted written remarks regarding his testimony.

The second complainant, Judith Conron, claimed the charter had been violated, as well as, the Board of Selectmen's own Rules of Procedure on page two. She also submitted written remarks regarding her testimony.

Selectman Earl Baldwin said he was not informed of these actions by other selectmen and stated that it was a violation of the Board of Selectmen's authority.

Don Hayward made a motion that the Charter Compliance Committee has the right and obligation to ask questions of the witnesses limited to oral remarks and written material presented during the public hearing. Kathleen Donovan seconded the motion. The motion passed 6-0.

Don Hayward asked whether this independent action was related to personnel issues.

Jim Mulvey asked that executive session minutes of the Board of Selectmen be released.

Richard Conron asked that the Selectmen's procedures be reviewed as part of the committee's deliberations and he also wanted to get a copy of town counsel's opinion authorizing the independent action in his complaint.

Wayne Covell, Clerk,

Kathleen Donovan

Diane Flynn

Lucia Fulco, Chairman

Don C. Hayward, Vice Chairman

Renee Ziegner

Judy Conron stated the core thing were the repercussions of who participates on the Board of Selectmen. WAYNE - Please clarify.

A motion to close the public hearing was made by Don Hayward and seconded by Kathy Donovan. Motion passed 6-0.

Lucia Fulco announced that the Charter Compliance Committee will meet on August 1 at 7:00 in the lower meeting room of Town Hall.

Motion to adjourn at 7:55 PM was made by Don Hayward and seconded by Diane Flynn. Motion passed 6-0.

Respectfully submitted,

Wayne Covell,
Clerk

ATTACHMENTS: Submission by Richard Conron and submission by Judith Conron.

Wayne Covell, Clerk,

*Kathleen Donovan
Don C. Hayward, Vice Chairman*

*Diane Flynn
Renee Ziegner*

Lucia Fulco, Chairman

Hearing Introductory Remarks:

The purpose of this inquiry, and let me clarify that this is an inquiry, not a complaint, is to seek the committee's opinion on the actions take by both selectmen Pickard and Ford during two investigations that each independently initiated in order to clarify specific incidents that occurred as part of Bourne's governing process. **This is NOT an inquiry about the right or ability of an individual, under the Freedom of Information Act, to obtain emails of elected officials or municipal employees.**

Our question focuses on how the actions of these two selectmen were initiated. Specifically how does the independent decision each selectman made to carry out an investigation, relate to the selectman's code-of-conduct as defined in the town charter, section 3-3?

As we read the town charter, it appears to us that the conduct of the Board of Selectmen is clearly defined. That is, five independently elected representatives, must act and/or decide courses of action "as one". This enables the town to move forward based upon a single set of goals, policies, and actions. If Selectmen were empowered by the charter to act independently, the town administrator could find him/herself implementing requests or being forced to take actions that are diametrically opposed. This would probably result in conflicted outcomes that no doubt would trigger detrimental consequences in the day-to-day operations of the town.

If our memory serves us correctly, one of the reasons Carol Cheli was recalled was her independent action. Independent action was also the motivating factor that prompted amending section 3-3 of Bourne's original charter during the first charter review.

In essence, we are here tonight asking another **authority question**. What section and words in Bourne's charter gives individual selectman the right to initiate any type of work-process, at will, in order to satisfy some personal concern? Where is it written that an opinion by town counsel overrides the town charter and allows an elected official to take independent action?



Richard W. Conron

1. Why do we have 5 Selectmen? The answer is, I think, that with 5 Selectmen the townspeople have the greatest chance to have their point of view represented. The Board of Selectmen is the voice of the citizens to the Town Government. During their meeting, they discuss policies and actions, which affect us all. With 5 members citizens have the greatest chance to see their point of view represented in the discussions. Selectmen must listen to each other and then compromise to come up with the best solution for the town. Only with a majority vote can the Board move the town forward. Their power to act comes only with the majority vote. This is the Core Responsibility of the Board of Selectmen.

2. The Charter specifically states (and these are the words of the 2011 Revised Charter): "An individual Selectman 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." There are NO exceptions.

3. If they had followed the procedure outlined in the charter, the discussion might have brought out that all emails of the Town Administrator and other public officials must be made available when requested. Then someone would say why don't we ask the Town Administrator for the emails? The vote could be taken and then the board could make the request. By this course of action, a lone Selectmen would not have had to secretly ask the Finance Director, to secretly access the emails of her boss. Making an end run around the Town Administrator has a negative effect on his leadership and is never a good idea. The Town Counsel cannot grant permission to anyone to overlook the charter. He is a legal counsel only.

4. I am saddened by this whole incident. It shows me how important it is for Selectmen to review their charter responsibilities annually.

5. I therefore ask the Board to find that Selectmen Ford and Selectmen Piccard have violated the charter in this instance.

Respectfully Submitted by Judy Conron on July 25, 2012

IV. AUTHORITY AND ROLE OF THE BOARD OF SELECTMEN

The Board is responsible for executive Town policy development and review. The Board works with the Town Administrator on policy development, and oversees the Town Administrator in his role as supervisor of town departments, as stipulated in the Charter.

No actions representing the Board shall be taken by a member or members of the Board without the prior consent of a majority of the Board made at an open meeting. This shall be modified in the event of an emergency should immediate action be required in which case, the Chairman, Vice Chairman, or any Board members shall call an emergency session of the Board prior to the emergency action.

A Board member wishing an in-depth inquiry into a department's policies, procedures, or operations must make such a request during a regular Board meeting in open session and receive approval by Board vote.

Requests by Board members for written legal opinions must be channeled through the Town Administrator or the Chairman, in the Town Administrator's absence.

V. ORGANIZATION OF THE BOARD AND ELECTION OF OFFICERS

Officers of the Board (Chairman, Vice Chairman, and Clerk) shall be elected annually at a meeting of the board to be scheduled for the first regular meeting following the Annual Town Elections. The election of officers is by majority vote. If a vacancy occurs among any of the officers of the Board, the Board shall elect successor at its next regular meeting. Nominations of officers shall require both a nomination and a second. The Chairman shall preside at all meetings and shall have the same privileges as other board members to offer and second motions, to debate motions and vote on them.

The Board may at any time by majority vote remove the Chairman or any of the officers. The Chairman may not serve in the capacity for more than two consecutive years in a given term. In the event that the Chairman is not re-elected, the Vice Chairman shall serve as Chairman Pro Tem until the new officers of the Board are elected. In the Absence of both Chairman and Vice Chairman, the Clerk shall act as Chairman Pro-Tem.

VI. RESPONSIBILITES OF THE OFFICERS OF THE BOARD

The Chairman shall:

- Preside at all meetings of the Board at which he/she is present. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes, and preside over the discussion of agenda items;
- Sign official documents that require the signature of the Chairman, following a vote of the board;
- Call special meetings of the Board in accordance with the Open Meeting Law;
- Prepare meetings agendas with the Town Administrator;

August 6, 2012

2012 AUG 6 AM 10 08

TOWN CLERK'S OFFICE

BOURNE, MASS

Barry Johnson, Town Clerk
24 Ply Avenue
Buzzards Bay, MA 02532

Dear Mr Johnson:

On August 1, 2012, The Charter
Compliance Committee voted unanimously
to accept the minutes attached dated
July 25, 2012.

During the time after the July 25
meeting and the vote to accept these
minutes, Mr. Lovell informed me that
his employer required him to relocate
to Florida on a permanent basis.

That is the reason these minutes
are not signed by Mr. Lovell

Respectfully submitted,

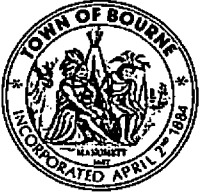
Susan Tuley

Chairman

80 01 08 8 00 10 08

TOWN CLERK'S OFFICE

LOWELL, MASS



TOWN OF BOURNE
Charter Compliance Committee

24 Perry Avenue
Buzzards Bay, MA 02532-3496
www.townofbourne.com
Phone: 508-759-0600 ext. 11
Fax: 508-759-0620



2012 JUL 26 AM 10 22

TOWN CLERK'S OFFICE
BOURNE, MASS

July 26, 2012

Meeting Notice

A meeting of the Charter Compliance Committee
will be held on Wednesday, August 1, 2012 at 7 PM
at the Bourne Town Hall, Lower Level Meeting Room.

Agenda

1. Approval of Minutes of July 25, 2012.
2. Comments by Attorney Michael D. Ford, Special Municipal Officer to the Town of Bourne, Charter Compliance Committee.
3. Committee to vote on whether there has been a violation of the Charter alleged in the complaint of Richard and Judith Conron, as submitted to the Town Clerk on May 30, 2012.
4. Committee to write the formal decision of its findings.
5. Such other business that shall lawfully come before the committee.
6. Adjournment.

Respectfully submitted,

Lucia Fulco,
Chairman

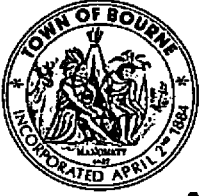
Wayne Covell, Clerk,

Don C. Hayward, Vice Chairman

Diane Flynn

Renee Ziegner

Lucia Fulco, Chairman



TOWN OF BOURNE

Charter Compliance Committee

24 Perry Avenue
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2012 AUG 17 AM 9 02

TOWN CLERK'S OFFICE
BOURNE, MASS

Minutes
August 1, 2012

The Charter Compliance Committee meeting was called to order at 7:00 PM on August 1, 2012 in the lower meeting room of Bourne Town Hall by Chairman, Lucia Fulco.

Present Committee Members: Renee Ziegner, Kay Donovan, Don Hayward, Lucia Fulco and Diane Flynn. Legal Advisor, Atty. Michael D. Ford was also in attendance.

Members of the public included: complainants Judith and Richard Conron, James Malatos, Selectman Earl Baldwin, Barry Johnson, Joe Agrillo, Sr., Jim Mulvey, Lisa Plante and Diana Barth Bourne Enterprise.

Chairman Fulco made a motion that the committee re-open the hearing held on July 15th for 5 minutes to introduce further testimony and new information the Conrons would like to provide. Renee Ziegner seconded the motion. With no further discussion a vote of 5-0 passed.

The Hearing opened with discussion for 6 minutes.

Chairman Fulco closed the hearing.

Chairman Fulco asked to re-vote the minutes of June 19th that were approved at the July 25th meeting as those who moved and seconded them were not present when the minutes were taken. Flynn made the motion, second by Donovan and passed by a vote of 5-0.

Atty. Ford presented his findings: In conclusion, I do not find that the actions set forth in the complaint violated Bourne's Home Rule Charter. An individual selectman may review the issues and matters that come before the Board of Selectmen. Under Section 4 -6(b) of the Charter, a majority of the Board of Selectmen may reject certain appointments made by the Town Administrator.

Wayne Covell, Clerk,

Kathlenn Donovan
Don C. Hayward, Vice Chairman

Diane Flynn
Renee Ziegner

Lucia Fulco, Chairman

Thus, an individual selectmen may independently review the subject appointment and such review could include the review of emails that are public records. It is not necessary for the Board of Selectmen to vote to give an individual Selectman the authority to review an appointment made by the Town Administrator. Further, a selectman may provide his conclusions and opinions to other members of the Board of Selectmen. Therefore in my opinion, the actions of Selectman Donald Pickard did not violate Bourne's Home Rule Charter.

A discussion on information provided during re-opened hearing and the conclusions of Atty. Ford proceeded.

Don Hayward made a motion to vote on this matter, seconded by Kay Donovan.

Before the motion was voted Diane Flynn asked Chairman Fulco for a point of order feeling the Open Meeting Laws had been violated as notice of the intent to reopen the public hearing and to revote the June 19th minutes were not duly posted on the agenda for August 1.

This was discussed and the committee agreed that portions of the meeting were a violation. Hayward and Donovan withdrew their motions.

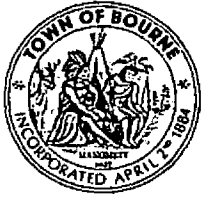
A motion was made and seconded to hold the next meeting, including notice to reopen the public hearing and revote the June 19th minutes, on August 15th at 7:00PM

Kathleen Donovan made a motion to adjourn; Renee Ziegner seconded.
Passed 5-0

Submitted,



Diane Flynn
Acting Clerk



TOWN OF BOURNE
Charter Compliance Committee

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August 2, 2012

Meeting Notice - Revised

A meeting of the Charter Compliance Committee
will be held on Wednesday, August 15, 2012 at 7 PM
at the Bourne Town Hall, Lower Level Meeting Room.

Agenda

1. Committee to vote to reopen public hearing of July 25, 2012 for five minutes in order to accept new evidence from complainants.
2. Committee to revote the acceptance of the minutes of June 19, 2012.
3. Approval of Minutes August 1, of 2012.
4. Committee to vote on whether there has been a violation of the Charter alleged in the complaint of Richard and Judith Conron, as submitted to the Town Clerk on May 30, 2012.
5. Committee to write the formal decision of its findings.
6. Such other business that shall lawfully come before the committee.
7. Adjournment.

Respectfully submitted,

Lucia Fulco,
Chairman

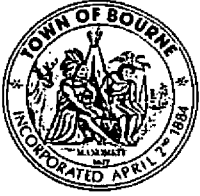
BOURNE, MASS.
TOWN CLERK'S OFFICE
2012 AUG 9 AM 6 02

Wayne Covell, Clerk,

Kathleen Donovan
Don C. Hayward, Vice Chairman

Diane Flynn
Renee Ziegner

Lucia Fulco, Chairman



TOWN OF BOURNE

Charter Compliance Committee

24 Perry Avenue
Buzzards Bay, MA 02532-3496
www.townofbourne.com
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Fax: 508-759-0620



August 2, 2012

Meeting Notice

A meeting of the Charter Compliance Committee will be held on Wednesday, August 15, 2012 at 7 PM at the Bourne Town Hall, Lower Level Meeting Room.

2012 AUG 2 AM 10 15
TOWN CLERK'S OFFICE
BOURNE MASS

Agenda

1. Committee to vote to reopen public hearing of July 25, 2012 for five minutes in order to accept new evidence from complainants.
2. Committee to revoke the acceptance of the minutes of June 19, 2012.
3. Approval of Minutes August 1, of 2012.
4. Committee to vote on whether there has been a violation of the Charter alleged in the complaint of Richard and Judith Conron, as submitted to the Town Clerk on May 30, 2012.
5. Committee to write the formal decision of its findings.
6. Committee to write the formal decision of its findings.
7. Such other business that shall lawfully come before the committee.
8. Adjournment.

Respectfully submitted,

Lucia Fulco,
Chairman

Wayne Covell, Clerk,

Kathleen Donovan
Don C. Hayward, Vice Chairman

Diane Flynn

Renee Ziegner

Lucia Fulco, Chairman

Revised and Expanded 14 August 2012

2012 AUG 17 AM 10 37
TOWN CLERK'S OFFICE
BOURNE MASS

1. All authority granted to a Board, Committee, or Commission is authority granted to the entirety of that particular entity.

2. The delegation of that authority to an individual of the Board, Committee or Commission is easily granted to any member and/or sub committee, of that entity provided that at least a majority of that entity concur with the delegation of that authority.

3. That the complaint/violation under scrutiny violates the specific wording of Article 3 Sec. 3 in any reasonable and literal interpretation of authority and that the action taken by an individual or individuals of the executive branch (BOS) by initiating an "inquiry" into the rational process by which the administrative branch of government exercised it's enumerated authority by Charter in the hiring/firing/qualifying a prospective employee of the town, further demonstrates the requirement under Article 3-3 for minimal discussion of the entire BOS prior to the initiation of the inquiry.

4. That it has been the unchallenged testimony of both a former member of the BOS and a sitting member of the BOS that no such delegation of authority relating to the complaint has taken place. When contacted by phone by me Mr. Ford assured me that no such delegation of Board authority had taken place.

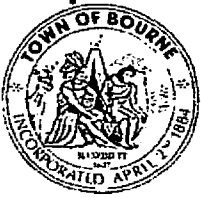
5. That it is the testimony of the General Counsel that rather than an inquiry by the executive branch that "due diligence" is the action taken by the individual member of the BOS and that the definition of Article 3-3 is that "an individual Selectmen cannot bind or speak for the BOS as a whole." This definition of BOS authority as contained in Article 3-3 is without foundation in any definition contained in the Charter.

6. That the motion to sustain the complaint and subsequently find a violation of the Charter is a motion to sustain a "procedural" violation specified in Article 3-3 and is not a broad interpretation of Article 3-3 and will have no adverse effect on any procedure of the BOS.

7. That the definitions of the word "authority" and "that an individual Selectman cannot speak for or bind the BOS as a whole." supplied by general Counsel, is an expansion of BOS individual authority not contained in the Charter document and expands individual authority without delegation.

That once again the Charter Compliance Committee's role in protecting the Charter as written and intended, has been compromised by the absence of the BOS's participation in a duly authorized hearing process designed for the transparency of government actions.

Don C. Hayward
Vice Chairman, Charter Compliance Committee
10 August 2012



TOWN OF BOURNE

Charter Compliance Committee

24 Perry Avenue
Buzzards Bay, MA 02532-3496
www.townofbourne.com
Phone: 508-759-0600 ext. 11
Fax: 508-759-0620



FINDINGS AND DECISION

On August 15, 2012 the Charter Compliance Committee unanimously voted to adopt the following findings and decision.

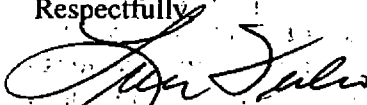
- 1) The Charter explicitly states that the Board of Selectmen have 15 days in which to either act upon, pro or con, or by inaction silently ratify certain appointments made by the Town Administrator, in this case the selection of a Council of Aging ("COA") Director.
- 2) On April 17th of this year Town Administrator Thomas Guerino appointed a new director of the COA.
- 3) On May 1st, just within the 15-day timetable, the Board of Selectmen, at an open meeting, voted to reject the appointment.
- 4) In effect, this concluded the action regarding Mr. Guerino's appointment and its ratification by the Town of Bourne; Mr. Guerino's decision was in fact denied within the format and constraints of the Bourne Town Charter, thereby closing the issue.

However, without any evidence of a further public meeting by the Board of Selectmen that was designed to pursue the issue further, on May 10th Selectman Donald Pickard requested that Bourne Finance Director Linda Marzelli provide him with email correspondence from the Town Administrator and others that related to the COA Director's hiring decision. This was a post facto investigation by one member of the Board of Selectmen, which all the evidence indicates was not sanctioned or approved by the other members of the Board of Selectmen, despite what may or may not have been said by Town Counsel at the time or later. In this instance, it is the Bourne Charter, Section 3-3 Policy Role that is the operational authority.

As a result of these facts, it is clear that a violation of the Bourne Charter took place when one member of the Board of Selectmen took it upon himself to initiate a further investigation into a decision by the Town Administrator that had already been rendered invalid by a 3-2 vote of the Board of Selectmen at their May 1st meeting. The issue was already resolved, and Selectman Pickard had no authorization from the Board of Selectmen to continue an investigation. There is also no indication he sought such an authorization from the Board of Selectmen.

Therefore, the Charter Compliance Committee finds that the aforementioned actions of Selectman Donald Pickard were in direct conflict with both the letter and the spirit of the Town of Bourne Charter, Section 3-3.

Respectfully,


Lucia Fulco,
Chairman

Kathleen Donovan

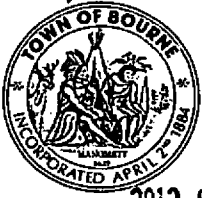
Don C. Hayward, Vice Chairman

Diane Flynn, Acting Clerk

Renee Ziegner

Lucia Fulco, Chairman

MASS. BOURNE TOWN CLERK'S OFFICE
2012 AUG 17 AM 10 32



TOWN OF BOURNE

Charter Compliance Committee

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2012 SEP 25 PM 1 00

TOWN CLERK'S OFFICE
BOURNE, MASS

Minutes-August 15, 2012 Charter Compliance Committee

The Charter Compliance Committee was called to order at 7:00 PM on August 15, 2012 in the Lower Meeting Room of the Bourne Town Hall by Chairman Lucia Fulco.

Present Committee Members: Renee Ziegner, Kathleen Donovan, Don Hayward, Lucia Fulco and Diane Flynn.

Members of the public attending: Richard and Judith Conron, James Malatos, Joe Agrillo, Jim Mulvey, Lisa Plante and Selectmen Earl Baldwin. Diana Barth of the Bourne Enterprise was also present.

The office did not provide the tape recorder requested, therefore the meeting was not taped.

It was noted by Chairman Fulco that Selectmen Baldwin stopped in prior to the opening of the meeting, to state he had another meeting to attend but wanted to go on record as to his position taken at the August 1, 2012 meeting. He would try to get back.

Chairman Fulco asked to change the order of the Agenda items to do item number 2 first. Motion made by Flynn to revoke the accepted Minutes of June 19, 2012. Second by Donovan, motion carried 4-0. Mr. Hayward abstained.

Chairman Fulco asked for a motion to re-open the public hearing of July 15, 2012 for 5 minutes to accept evidence from complainants Richard and Judith Conron, as per their request. Hayward made the motion, second Donovan. Motion carried 5-0.

Chairman Fulco invited the Conrons to make their presentation. Flynn asked if the info to be presented was new information not in original complaint or was it information to back up complaint. Mrs. Conron stated it was not new information. At that time she presented to the Board a copy of the bill from Atty. Ford to the Town of Bourne for his services. Flynn said that was out of order. Hayward further supported the out of order. There was no vote. The Conrons removed the handout. They did not present any other information. There was no more discussion during the open hearing. Hayward moved to close the hearing. Donovan seconded the motion. The motion was approved 5-0. The hearing was closed.

A motion to approve the Minutes of the August 1, 2012 meeting was made by Ziegner, second Donovan. Some discussion took place. The vote was 4-0 with Hayward abstaining.

Kathleen Donovan

Don C. Hayward, Vice Chairman

Diane Flynn, Acting Clerk

Renee Ziegner

Lucia Fulco, Chairman,

Hayward made a motion to "sustain the complaint of a violation of Article 3.3 of the Town of Bourne Charter and to find that a violation of Article 3.3 of the Town of Bourne Charter accrued as the result of independent action taken by Mr. Pickard without knowledge or consent by the Bourne Board of Selectmen as a whole." Second by Donovan. Mr. Hayward presented his statements to back up his motion and asked they, with his motion be included within the minutes [see attachment #1 and #2 to the minutes "Revised & Expanded, 14 August 2012].

A discussion took place by members of the committee. When the discussion was finished Chairman Fulco asked for the vote on the motion. 3 Yes – 2 No (Flynn and Ziegner). The motion of Hayward carried.

Chairman Fulco handed out her sample "Findings and Decision" for revision, review and comments. After a short discussion Hayward made a motion to approve the "Findings and Decision" as written and asked his motion and statements [Att. #1 and #2] be also included. Second by Donovan. The vote was taken 4 Yes 1 No (Flynn). The motion carried. Flynn will write a Minority Report, and so stated.

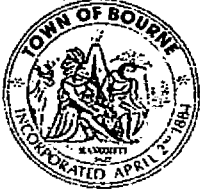
Hayward asked if we might hold an internal workshop to discuss the Bourne Charter Section 11, as it pertains to the Charter Compliance Committee and the necessity of the Committee needing legal council. Ziegner asked for clarification of Section 3.3 by the writer's of it. Donovan second. Voted 5-0, Motion carried. The date, time and location to TBA after Labor Day.

Donovan made a motion to adjourn, which was seconded by Ziegner. Vote 5-0. Motion carried.

Respectfully submitted by



Diane Flynn, Acting Clerk



TOWN OF BOURNE

Charter Compliance Committee

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FINDINGS AND DECISION

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- 1) The Charter explicitly states that the Board of Selectmen have 15 days in which to either act upon, pro or con, or by inaction silently ratify certain appointments made by the Town Administrator, in this case the selection of a Council of Aging ("COA") Director.
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Therefore, the Charter Compliance Committee finds that the aforementioned actions of Selectman Donald Pickard were in direct conflict with both the letter and the spirit of the Town of Bourne Charter, Section 3-3.

Respectfully,

Lucia Fulco,
Chairman

Kathleen Donovan

Don C. Hayward, Vice Chairman

Diane Flynn, Acting Clerk

Renee Ziegner

Lucia Fulco, Chairman

Revised and Expanded 14 August 2012

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2. The delegation of that authority to an individual of the Board, Committee or Commission is easily granted to any member and/or sub committee, of that entity provided that at least a majority of that entity concur with the delegation of that authority.

3. That the complaint/violation under scrutiny violates the specific wording of Article 3 Sec. 3 in any reasonable and literal interpretation of authority and that the action taken by an individual or individuals of the executive branch (BOS) by initiating an "inquiry" into the rational² and process by which the administrative branch of government exercised it's enumerated authority by Charter in the hiring/firing/qualifying a prospective employee of the town, further demonstrates the requirement under Article 3-3 for minimal discussion of the entire BOS prior to the initiation of the inquiry.

4. That it has been the unchallenged testimony of both a former member of the BOS and a sitting member of the BOS that no such delegation of authority relating to the complaint has taken place. When contacted by phone by me Mr. Ford assured me that no such delegation of Board authority had taken place.

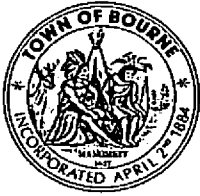
5. That it is the testimony of the General Counsel that rather than an inquiry by the executive branch that "due diligence" is the action taken by the individual member of the BOS and that the definition of Article 3-3 is that "an individual Selectmen cannot bind or speak for the BOS as a whole." This definition of BOS authority as contained in Article 3-3 is without foundation in any definition contained in the Charter.

6. That the motion to sustain the complaint and subsequently find a violation of the Charter is a motion to sustain a "procedural" violation specified in Article 3-3 and is not a broad interpretation of Article 3-3 and will have no adverse effect on any procedure of the BOS.

7. That the definitions of the word "authority" and "that an individual Selectman cannot speak for or bind the BOS as a whole." supplied by general Counsel, is an expansion of BOS individual authority not contained in the Charter document and expands individual authority without delegation.

That once again the Charter Compliance Committee's role in protecting the Charter as written and intended, has been compromised by the absence of the BOS's participation in a duly authorized hearing process designed for the transparency of government actions.

Don C. Hayward
Vice Chairman , Charter Compliance Committee
10 August 2012



TOWN OF BOURNE
Charter Compliance Committee

24 Perry Avenue
Buzzards Bay, MA 02532-3496

www.townofbourne.com

Phone: 508-759-0600 ext. 11
Fax: 508-759-0620

2012 SEP 11 PM 2 04



September 11, 2012

TOWN CLERK'S OFFICE
BOURNE, MASS

Meeting Notice

A meeting of the Charter Compliance Committee
will be held on Wednesday, September 19, 2012 at 7 PM
at the Community Building, Selectman's Conference Room.

Agenda

1. Committee to vote to amend the FINDINGS AND DECISION as follows:
 1. Replace "...unanimously voted to adopt..." with "...adopted the following findings and decision by a majority vote."
 2. Replace "3-2 vote of the Board of Selectmen" with "3-1 vote."
2. Corrections and approval of Minutes August 15, 2012.
3. Adjournment.

Respectfully submitted,

Lucia Fulco,
Chairman

Kathleen Donovan

Diane Flynn

Lucia Fulco, Chairman

Don C. Hayward, Vice Chairman

Renee Ziegner



TOWN OF BOURNE
Charter Compliance Committee



2012 SEP 20 AM 10 25

TOWN CLERK'S OFFICE
BOURNE, MASS

24 Perry Avenue
Buzzards Bay, MA 02532-3496
www.townofbourne.com

Phone: 508-759-0600 ext. 11
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Minutes-September 19, 2012
Charter Compliance Committee

A meeting of the Charter Compliance Committee was scheduled for September 19, 2012 in the Selectman's Conference Room at the community Building for 7 PM.

At 7 PM the following members were in attendance: Chairman Lucia Fulco, Vice Chairman Don Hayward and member Kathleen Donovan.

Members of the public, Joseph Agrillo and James Mulvey were also present.

By 7:15 PM no other committee members had arrived.

Chairman Fulco adjourned the meeting for lack of a quorum.

Respectfully submitted.

Lucia Fulco,
Chairman

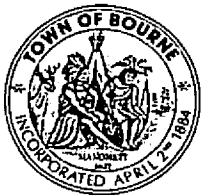
Kathleen Donovan

Don C. Hayward, Vice Chairman

Diane Flynn, Acting Clerk

Renee Ziegner

Lucia Fulco, Chairman,



TOWN OF BOURNE
Charter Compliance Committee

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2012 SEP 20 AM 10 26

TOWN CLERK'S OFFICE
BOURNE, MASS

September 20, 2012


Meeting Notice

A meeting of the Charter Compliance Committee
will be held on Monday, September 24, 2012 at 7 PM
at the Town Hall Lower Level Meeting Room.

Agenda

1. Committee to vote to amend the FINDINGS AND DECISION as follows:
 1. Replace "...unanimously voted to adopt..." with "...adopted the following findings and decision by a majority vote of 4 to 1."
 2. Replace "3-2 vote of the Board of Selectmen" with "3-1 vote."
2. Corrections and approval of Minutes August 15, 2012.
3. Adjournment.

Respectfully submitted,


Lucia Fulco,
Chairman

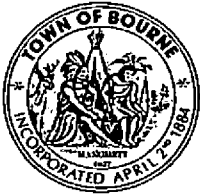
Kathleen Donovan

Don C. Hayward, Vice Chairman

Diane Flynn

Renee Ziegner

Lucia Fulco, Chairman



TOWN OF BOURNE

Charter Compliance Committee



24 Perry Avenue
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2012 OCT 5 AM 11 31

TOWN CLERK'S OFFICE

UNOFFICIAL – NOT APPROVED – UNOFFICIAL – NOT APPROVED
Minutes – September 24, 2012
Charter Compliance Committee

The Charter Compliance Committee was called to order at 7:00 PM on September 24, 2012 in the Lower Meeting Room of the Town Hall by Chairman Lucia Fulco.

Present Committee Members: Renee Ziegner, Kathleen Donovan, Don Hayward, Lucia Fulco and Diane Flynn. There were no members of the public or town officials present. The meeting was taped.

Chairman Fulco explained the two corrections to the Findings and Decision to be made:

1. In the first line, delete "unanimously voted to" and replace with "adopted the following findings by a majority vote of 4 to 1.
2. In the next to last paragraph change "invalid by a 3-2 vote" to "invalid by a 3-1 vote" since the Selectmen only had four members on May 1st.

Neither of these changes affects the Findings and Decision.

A motion to adopt the changes was made by Don Hayward and seconded by Kathleen Donovan. Vote was unanimous.

Chairman Fulco distributed a copy of the minutes of August 15th as provided by Diane Flynn, Acting Clerk. Fulco also distributed another copy of the 8/15/12 minutes with her own additions and corrections in red. A deletion in paragraph 9 was underlined.

Chairman Fulco had two changes.

In Paragraph 7 she changed "accept new evidence" to "accept evidence." (Note: Fulco had already deleted the word "new" in error, therefore it does not appear underlined.)

In Paragraph 11, Fulco changed "her developed 'Findings and Decision' for review and comments" to "her sample 'Findings and Decision' for revision, review and comments". Flynn aggressively questioned Fulco's change. Fulco stated that it was what I said at the August 15th meeting.

Chairman Fulco went through all other changes in the full minutes explaining her suggested additions and corrections. She asked the members for any additional changes of their own that were not addressed. There were none offered.

Upon a motion made by Don Hayward and seconded by Kathleen Donovan, it was voted to approve the minutes. Vote: Yes 4, No 1 (Flynn).

Since there were no changes from the members, Fulco asked Flynn to sign two copies of the now approved minutes for posting with the Town Clerk.

Upon a motion duly made by Don Hayward and seconded by Kathleen Donovan, the meeting was adjourned at 7:15 PM. Vote: Unanimous

Respectfully submitted,
Lucia Fulco, Chairman

Kathleen Donovan

Diane Flynn

Lucia Fulco, Chairman

Don C. Hayward, Vice Chairman

Renee Ziegner



TOWN OF BOURNE

Charter Compliance Committee

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FINDINGS AND DECISION - Revised

On August 15, 2012 the Charter Compliance Committee adopted the following findings and decision by a majority vote of 4 to 1.

- 1) The Charter explicitly states that the Board of Selectmen have 15 days in which to either act upon, pro or con, or by inaction silently ratify certain appointments made by the Town Administrator, in this case the selection of a Council of Aging ("COA") Director.
- 2) On April 17th of this year Town Administrator Thomas Guerino appointed a new director of the COA.
- 3) On May 1st, just within the 15-day timetable, the Board of Selectmen, at an open meeting, voted to reject the appointment.
- 4) In effect, this concluded the action regarding Mr. Guerino's appointment and its ratification by the Town of Bourne; Mr. Guerino's decision was in fact denied within the format and constraints of the Bourne Town Charter, thereby closing the issue.

However, without any evidence of a further public meeting by the Board of Selectmen that was designed to pursue the issue further, on May 10th Selectman Donald Pickard requested that Bourne Finance Director Linda Marzelli provide him with email correspondence from the Town Administrator and others that related to the COA Director's hiring decision. This was a post facto investigation by one member of the Board of Selectmen, which all the evidence indicates was not sanctioned or approved by the other members of the Board of Selectmen, despite what may or may not have been said by Town Counsel at the time or later. In this instance, it is the Bourne Charter, Section 3-3 Policy Role that is the operational authority.

As a result of these facts, it is clear that a violation of the Bourne Charter took place when one member of the Board of Selectmen took it upon himself to initiate a further investigation into a decision by the Town Administrator that had already been rendered invalid by a 3-1 vote of the Board of Selectmen at their May 1st meeting. The issue was already resolved, and Selectman Pickard had no authorization from the Board of Selectmen to continue an investigation. There is also no indication he sought such an authorization from the Board of Selectmen.

Therefore, the Charter Compliance Committee finds that the aforementioned actions of Selectman Donald Pickard were in direct conflict with both the letter and the spirit of the Town of Bourne Charter, Section 3-3.

Respectfully

Lucia Fulco,
Chairman

Kathleen Donovan

Don C. Hayward, Vice Chairman

Diane Flynn, Acting Clerk

Renee Ziegner

2012 OCT 5 PM 11 34
TOWN CLERK'S OFFICE
BOURNE, MASS

Lucia Fulco, Chairman

ATTACHMENT 9/24

Minutes-August 15, 2012

Charter Compliance Committee

The Charter Compliance Committee was called to order at 7:00 PM on August 15, 2012 in the Lower Meeting Room of the Bourne Town Hall by Chairman Lucia Fulco.

Present Committee Members: Renee Ziegner, Kay Donovan, Don Hayward, Lucia Fulco and Diane Flynn.

Members of the public attending: Richard and Judith Conron, James Malatos, Joe Agrillo, Jim Mulvey, Lisa Plante and Selectmen Earl Baldwin. Diana Barth of the Bourne Enterprise.

The meeting was not taped.

It was noted by Chairman Fulco that Selectmen Baldwin stopped prior to the opening of the meeting, to state he had another meeting to attend but wanted to go on record as to his position taken at the August 1, 2012 meeting. He would try to get back.

Chairman Fulco asked to change the order of the Agenda items to do item number 2 first. Motion made by Flynn to revoke the accepted Minutes of June 19, 2012. Second by Donovan, motion carried 4-0 with 1 abstention: Mr. Hayward.

Chairman Fulco asked for a motion to re-open the public hearing of July 15, 2012 for 5 minutes to accept new evidence from complainants Richard and Judith Conron, as per their request. Hayward made the motion, second Donovan. Motion carried 5-0.

Chairman Fulco invited the Conrons to present. Flynn asked if the info to be presented was new information not in original complaint or was it information to back up complaint. Mrs. Conron stated it was not new information. At that time she presented to the Board a copy of the bill from Atty. Ford to the Town of Bourne for his services. Flynn said that was out of order. Hayward further supported the out of order. The Conrons removed the handout. They did not present any other information. There was no more discussion during the open hearing. Hayward motioned to close the hearing. Donovan second. Motion voted 5-0. The hearing was closed.

A motion to approve the Minutes of the August 1, 2012 meeting was made by Ziegner, second Donovan. Some discussion took place. The vote was 4-0 with 1 abstained Hayward.

Hayward made a motion to "sustain the complaint of a violation of Article 3.3 of the Town of Bourne Charter and to find that a violation of Article 3.3 of the Town of Bourne Charter accrued as the result of independent action taken by Mr. Pickard without knowledge or consent by the Bourne Board of Selectmen as a whole," Second Donovan. Mr. Hayward presented his statements to back up his motion and asked they, with his motion be included within the minutes [see attachment #1 and #2 to the minutes "Revised & Expanded, 14 August 2012]. A discussion took place by members of the committee. When the discussion was finished, Chairman Fulco asked for the vote on the motion. 3 Yes - 2 No. The motion of Hayward carried.

Chairman Fulco handed out her developed "Findings and Decision" for review and comments. After a short discussion Hayward made a motion to approve the "Findings and Decision" as written and asked his motion and statements [Att. #1 and #2] be also included. Second Donovan. The vote was taken 4 Yes 1 No. The motion carried. Flynn will write a Minority Report, and so stated.

Hayward asked if we might hold an internal workshop to discuss the Bourne Charter Section 11, as it pertains to the Charter Compliance Committee and the necessity of the Committee needing legal council. Ziegner asked for clarification of Section 3.3 by the writer's of it. Donovan second. Voted 5-0, Motion carried. The date, time and location to TBA after Labor Day.

Motion to adjourn Donovan, second Ziegner 5-0. Motion carried.

ATTACHMENT 9/24

Minutes-August 15, 2012 Charter Compliance Committee

The Charter Compliance Committee was called to order at 7:00 PM on August 15, 2012 in the Lower Meeting Room of the Bourne Town Hall by Chairman Lucia Fulco.

Present Committee Members: Renee Ziegner, Kathleen Donovan, Don Hayward, Lucia Fulco and Diane Flynn.

Members of the public attending: Richard and Judith Conron, James Malatos, Joe Agrillo, Jim Mulvey, Lisa Plante and Selectmen Earl Baldwin. Diana Barth of the Bourne Enterprise was also present.

The office did not provide the tape recorder requested, therefore the meeting was not taped.

It was noted by Chairman Fulco that Selectmen Baldwin stopped in prior to the opening of the meeting, to state he had another meeting to attend but wanted to go on record as to his position taken at the August 1, 2012 meeting. He would try to get back.

Chairman Fulco asked to change the order of the Agenda items to do item number 2 first. Motion made by Flynn to revoke the accepted Minutes of June 19, 2012. Second by Donovan, motion carried 4-0. Mr. Hayward abstained.

Chairman Fulco asked for a motion to re-open the public hearing of July 15, 2012 for 5 minutes to accept evidence from complainants Richard and Judith Conron, as per their request. Hayward made the motion, second Donovan. Motion carried 5-0.

Chairman Fulco invited the Conrons to make their presentation. Flynn asked if the info to be presented was new information not in original complaint or was it information to back up complaint. Mrs. Conron stated it was not new information. At that time she presented to the Board a copy of the bill from Atty. Ford to the Town of Bourne for his services. Flynn said that was out of order. Hayward further supported the out of order. There was no vote. The Conrons removed the handout. They did not present any other information. There was no more discussion during the open hearing. Hayward moved to close the hearing. Donovan seconded the motion. The motion was approved 5-0. The hearing was closed.

A motion to approve the Minutes of the August 1, 2012 meeting was made by Ziegner, second Donovan. Some discussion took place. The vote was 4-0 with 1 abstained Hayward abstaining.

Hayward made a motion to "sustain the complaint of a violation of Article 3.3 of the Town of Bourne Charter and to find that a violation of Article 3.3 of the Town of Bourne Charter accrued as the result of independent action taken by Mr. Pickard without knowledge or consent by the Bourne Board of Selectmen as a whole." Second by Donovan. Mr. Hayward presented his statements to back up his motion and asked they, with his motion be included within the minutes [see attachment #1 and #2 to the minutes "Revised & Expanded, 14 August 2012]. A discussion took place by members of the committee. When the discussion was finished Chairman Fulco asked for the vote on the motion. 3 Yes - 2 No (Flynn and Ziegner). The motion of Hayward carried.

Chairman Fulco handed out her sample "Findings and Decision" for revision, review and comments. After a short discussion Hayward made a motion to approve the "Findings and Decision" as written and asked his motion and statements [Att. #1 and #2] be also included. Second by Donovan. The vote was taken 4 Yes 1 No (Flynn). The motion carried. Flynn will write a Minority Report, and so stated.

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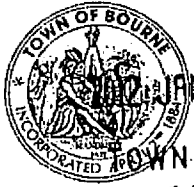
ATTACHMENT 9/24

Hayward asked if we might hold an internal workshop to discuss the Bourne Charter Section 11, as it pertains to the Charter Compliance Committee and the necessity of the Committee needing legal council. Ziegner asked for clarification of Section 3.3 by the writer's of it. Donovan second. Voted 5-0, Motion carried.

The date, time and location to TBA after Labor Day.

Donovan made a motion to adjourn, which was seconded by Ziegner. Vote 5-0. Motion carried.

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TOWN CLERK'S OFFICE
BOURNE, MASS



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TOWN CLERK'S OFFICE
BOURNE, MASS

TOWN OF BOURNE

Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

Date: Monday, January 30, 2012
Time: 6:00 pm
Place: Bourne Middle School, Media Center, 77 Waterhouse Road, Bourne

1. Request from Open Space Committee to start plans for Main St. parcel
2. Distribution of CPA applications for FY2013
3. To meet in a Joint Executive Session with members of the Open Space Committee for the purpose of discussing possible land acquisitions and to not to re-open in public session.

Barry Johnson, Chairman

2012

Community Preservation Committee
Open Space Committee
Joint Meeting Minutes
January 30, 2012

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PRESENT: Andrew Cooney, Barry Johnson, Penny Myers, Mardi Mauney, Patrick Sweeney, Jerry Ellis, Don Morrissey
TOWN CLERK'S OFFICE
BOURNE, MASS

EXCUSED: Dan Doucette, Colin Robin, Peter Holmes, Michael Blanton, Richard Anderson

STAFF: Coreen Moore, Town Planner

Recording Clerk, Ann Gratis

The meeting was called to order at 6:03 pm.

OSC:

B. Johnson stated that the money for the Main St. parcel was turned back. Would like to meet next week with Mr. Bolinger to review his proposal and get an estimated cost. Engineering will be \$8500. We should make the request for the CPC funds at \$100,000 now.

A. Cooney made a MOTION to increase the CPC request to \$100,000 for Main St improvements. The MOTION was seconded by M. Mauni with all in favor.

CPC:

Application packets were distributed. Linda Marzelli figures the state match will be \$300,000.
We will review minutes at the next meeting.

A. Cooney made a Motion to adjourn and go into executive session. The Motion was seconded by J. Ellis. Roll call vote as follows:

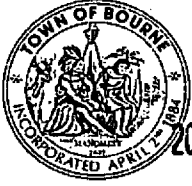
- | | | | |
|-----------------|--------------------|------------------|----------------|
| A. Cooney – yes | B. Johnson – yes | M. Mauni – yes | P. Myers – yes |
| J. Ellis – yes | D. Morrissey – yes | P. Sweeney – yes | |

Back in Session: 7:48pm

CPC – article for \$30,000 for expenses was filed. Need to figure out how to set up the articles for the warrant. Housing need to discuss with Barbara. They are asking for \$100,000 for the continental apartments. Need to set the date for the public hearing of the applications.

With no further business before the Committee, the meeting was adjourned at 7:54 pm.

Respectfully submitted,
Ann Gratis, secretary



TOWN OF BOURNE

Community Preservation Committee

2012 MAR 12 PM 12 34

Bourne Town Hall
24 Perry Avenue

TOWN CLERK'S OFFICE Buzzards Bay, MA 02532
BOURNE, MASS Phone: (508) 759-0600

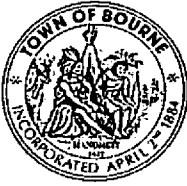


MEETING AGENDA

Date: Wednesday, March 14, 2012
Time: 6:30 pm
Place: Community Building, 239 Main St., Buzzards Bay

1. To meet in Joint Session with the Open Space Committee for the purpose of discussing possible land acquisition(s) in Executive Session.
2. Re-open in public session to discuss future meeting dates & time.
3. Update on the review of Fiscal Year 2013 CPA Applications.

Barry Johnson, Chairman



TOWN OF BOURNE

2012 MAR 23 PM 1 06
Community Preservation Committee

Bourne Town Hall

TOWN CLERK'S OFFICE 24 Perry Avenue
BOURNE, MASS Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

Date: Wednesday, March 28, 2012
Time: 4:30 pm
Place: Bourne Middle School, Conference Room, 77 Waterhouse Rd., Bourne

1. Joint Executive Session with the Open Space Committee for the purpose of discussing possible Land Acquisitions for presentation at the 2012 Annual Town Meeting.

Open Session:

2. Community Preservation Committee for the purpose of reviewing the Fiscal Year 2013 Community Preservation Act Applications that relate to:
 - A.) Community Housing Initiatives
 - B.) Preservation and Restoration of Historic Resources

Barry H. Johnson, Chairman Pro-Tem – OSC
Chairman, CPC

Barry Johnson, Chair CPC

2012 MAR 29 AM 11 24

TOWN CLERK'S OFFICE
BOURNE, MASS

MEETING NOTICE

Community Preservation Committee

When: Monday, April 2, 2012

Where: Lobby of the Community Building

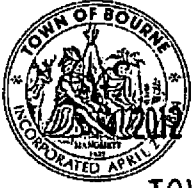
Time: 7pm.

AGENDA

- 1.) To review certain parcels of land that might be acquired for Open Space purposes (an Executive Session is possible for this item).

- 2.) To meet with the Finance Committee to review the Articles the committee has filed for the May 7, 2012 Annual Town Meeting.

Barry H. Johnson, Chairman



APR 9 PM 7:46
TOWN CLERK'S OFFICE
BOURNE, MASS

TOWN OF BOURNE

Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

Date: Wednesday, April 11, 2012
Time: 7:00pm
Place: Media Center, Bourne Middle School, 77 Waterhouse Road, Bourne, MA

1. Public Hearing for FY2013 Community Preservation Fund Applications
 - Community Housing
 - a. Habitat for Humanity, new house
 - b. Continental apts. – repair decking, stairs, etc.
 - c. Housing Specialist and Admin. Support
 - Historic Resources
 - a. Society for Historic Preservation: Briggs-McDermott house, window sash replacement
 - b. Fire Dept: Rehab of outside wall clock
 - c. School Dept.: Administration building – replace roof
 - d. Cataumet Schoolhouse: Install gas stove and chimney
 - e. Historic Society: restoration of Joseph Jefferson windmill
 - f. Bourne Archives: preserve archive's scrapbook collection
 - g. Historic Society & historic Commission: Historic Center replacement windows
 - h. Town Clerk: Preservation of permanent records (via electronic data) for Clerk, Archives, Historic Com., Inspection & Health
 - i. Town Clerk: to bind and rebind records
 - Open Space
 - a. Improvements to Town owned parcels
 - b. To acquire certain parcels in town

Barry Johnson, Chairman

DRAFT

**Community Preservation Committee
Meeting Minutes
April 11, 2012**

APPROVED

PRESENT: Barry Johnson, Jerry Ellis, Richard Anderson, Andrew Cooney, Daniel Doucette, Penny Myers, Paula McConnell

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TOWN CLERK'S OFFICE
BOURNE, MASS

EXCUSED: Donald Morrissey, Peter Holmes

ALSO PRESENT: Paul Gately, Diana Barth, Steven Lamarche, Sue Ross, Skip Barlow, Judith Reardon, John Ford, Bob Schofield, Brian Andrews, Rick Rheinhardt, Patrick Sweeney, Sarah Trapezio, Barbara Thurston, Martin Greene, Tony Hunt, Paul Masterello, Ed Donahue, Bill Grant

Recording Clerk, Ann Gratis

The meeting was called to order at 7:00pm.

B. Johnson, chair, introduced the committee and read the ad from the newspaper into the record. He showed the revenues and explained how the Community Preservation Fund worked. 70% is for open space, 10% each for historic, recreation and community housing. The undesignated fund balance helps to offset overages. At Town Meeting, appropriations can be lowered but not raised. If there is no vote from the CPC, then an item can't be heard at Town Meeting.

Public Hearing for CPA Articles:

Community Housing

a. Habitat for Humanity, new house

Sarah Trapezio, director, stated they are requesting \$30K to help with the Flintlock Lane property that is currently under construction. They get many donations of products, legal services, volunteers, etc. They have had 20 applicants and the final family will be selected in the next week or so.

D. Doucette made a MOTION to support this at Town Meeting. The MOTION was seconded by A. Cooney with all in favor.

b. Housing Specialist and Admin. Support

Sue Ross, chair, of the Housing Partnership and member of the Housing Trust stated that as a volunteer board we don't have the time to maintain and support the properties. The Housing Specialist does marketing, making sure houses stay affordable when sold, oversees the applications, etc. He helped to get us a block grant and a USDA program for home repairs. This is very important to the Town. Our goal is 10% affordable housing in Bourne. We are currently at 6.6%. It was at 8% but with the new census, our numbers went down because the town grew. We were the highest on the cape.

D. Ellis made a MOTION to support at Town Meeting. The MOTION was seconded by A. Cooney with six in favor 1 opposed.

- c. Continental apts. – repair decking, stairs, etc.
Barbara Thurston, Housing Authority, stated the building was built in 1955 and we bought it in 1965. In 2006 we hired a firm to inspect our units and they didn't count Continental. We need \$1 million for Waterhouse Road alone. We received a block grant to do the roof in 2010. Last year we received from the CP Fund \$100,000 for electrical upgrades which have been done. We are replacing the columns holding up the decks and will still need \$288,000 after this request.
A. Cooney asked if there was an effort to hire local contractors?
B. Thurston stated because of DECAMP and there are very few on the Cape. We have to take the lowest bidder.
D. Doucette made a MOTION to support at Town Meeting. The MOTION was seconded by D. Ellis with all in favor.

Open Space

- a. Improvements to the Main St. Parcel
B. Johnson stated this parcel is located next to the Buzzards Bay post office and extends to the canal. The OSC want to clear it out so you will be able to see the canal from Main St. The existing trails are all overgrown. This is part of the Greenbelt Pathway project. They are asking for \$110,000.
A. Cooney: the intent is to clear underbrush, make it more healthy and open. People can feel safer, have a picnic area near the canal and install boardwalk type of trails (part of the long range plan). There is 5.23 acres.
B. Johnson: we will start in the fall and be done by next spring with this phase.
P. McConnell made a MOTION to support at Town Meeting. The MOTION was seconded by R. Anderson with all in favor.
- b. To acquire certain parcels in town
There are four parcels ready for Town Meeting. We need to narrow down the final costs – purchase price, legal fees, engineering, etc. That's why we ask for a higher amount.
- 10 Aptuxcet Rd.: This parcel is next to historical land and fronts on the canal. There is a house on the lot, unoccupied, that would be demolished.
 - Carlson: Off County Rd. over 9 acres. The family wants it kept in its natural state. There are trails in there.
 - Off County Rd: 5 acre parcel. Will work with Bourne Conservation Trust.
 - Main St.: Ryan parcel 2 acres abutting our parcel.
- A. Cooney made a MOTION to approve. The MOTION was seconded by D. Ellis with all in favor.

Historic Resources

- a. Society for Historic Preservation: Briggs-McDermott house, window sash replacement
D. Ellis stated this building is on the National Register and has previous approved projects.
D. Doucette made a MOTION to approve. The MOTION was seconded by P. O'Connell with all in favor.

- b. Fire Dept: Rehab of outside wall clock
Chief Martin Greene stated there have been issues with the clock for 20 years. We now have the original schematics and want it restored on the inside. If the station moves, the clock will come with us. And it's always noon. It's part of the Main St. character. The restoration will go out to bid.
J. Ellis stated the Historic Commission voted in favor of this.
D. Doucette made a MOTION to approve. The MOTION was seconded by A. Cooney with all in favor.
- c. Burial Survey: Native American site on Sandy Pond Rd.
PAL would do the survey with ground penetrating radar. It would determine if gravesites extend beyond the traditional headstones. Some of the elders remember graves that aren't marked.
B. Johnson stated this is an extension of the on-going survey we are currently doing. Tony Hunt, tribal counsel, stated this is an active burial ground and we want to keep our culture intact.
J. Ellis stated if you walk the property, you can find the boundary, but knowing where there are unmarked graves will prevent accidentally digging one up.
A. Cooney would like permanent boundary markers installed prior to the survey. MOTION to add \$2,000 for permanent markers. The MOTION was seconded by D. Ellis.
D. Anderson has concerns. What if more remains are found outside of what's marked? Do the markers after the survey.
Tony stated we believe burials might be outside the existing burial ground. We are not trying to encroach on other properties. If nothing there, we will stay on our property. The deed says in the 1800's there was a plantation and all of this land excluding the burial ground was divided. We will start with the known graves and go to the edge of the lot.
B. Johnson stated that if we limit the survey to the assessor map boundaries, then if it needs to go further we can.
A. Cooney withdrew his MOTION. J. Ellis withdrew his second.
D. Doucette made a MOTION to approve \$6,000 for the survey and limit it to the assessor's map. The MOTION was seconded by D. Anderson with all in favor.
- d. Cataumet Schoolhouse: Install gas stove and chimney
Paul Mastrello stated they have a pellet stove now and it's not adequate for heat.
D. Anderson asked how many classes go there and how often?
Paul: once a year all 3rd graders visit; 200-300 students. There are other social/fundraising events throughout the year. The chimney will have a steel liner.
A. Cooney asked what the status is of getting on the National Register of Historic Places?
J. Ellis said the process takes about 4-5 years. It's about 95% complete.
J. Ellis made a MOTION to approve. The MOTION was seconded by A. Cooney with all in favor.

- e. Historic Society: restoration of Joseph Jefferson windmill
Judy Reardon, Skip Barlow. The celebration of the canal is in 2014. The windmill needs repairs. It started in 1890 at Crows Nest in Buzzards Bay. The plan is to have it as an artists studio for the painted ladies with a gallery and exhibits.
A. Cooney made a MOTION to approve. The MOTION was seconded by D. Anderson with six in favor, one opposed.
- f. School Dept.: Administration building – replace roof
Ed Donahue said the roof was replaced 35 years ago. The goal is to preserve the building. We take care of small items with the school budget. The roof is estimated at \$10,000+. We are asking for more to cover advertising and unforeseen issues when the roof comes off.
J. Ellis inspected and they found roof material on the ground around the building. It's coming apart. If the roof goes, they will have a major problem. The windows look excellent. The Historical Commission support this.
A. Cooney asked if the roof is historic? Has it been sampled for asbestos? If it contains asbestos will there be enough money?
J. Ellis stated it's preservation, not restoration. It's historical to the town.
J. Ellis made a MOTION to approve. The MOTION was seconded by D. Anderson with all in favor.

D. Doucette left at 8:45pm.

- g. Bourne Archives: preserve archive's scrapbook collection
J. Ellis stated there are a number of sources in the books. The paper they are mounted on is degrading. We received a few from the Community Building showing who was involved with the minstrel shows, very cultural. It's imperative they be taken care of.
A. Cooney made a MOTION to approve. The MOTION was seconded by P. McConnell with all in favor.
- h. Town Clerk: to bind and rebind records
J. Ellis stated this is an ongoing project and what's been done so far is outstanding. 1860-1920 have been de-acidified. Cost per book is \$5,000.
J. Ellis made a MOTION to approve. The MOTION was seconded by A. Cooney with five in favor, one abstention.
- i. Town Clerk: Preservation of permanent records (via electronic data) for Clerk, Archives, Historic Com., Inspection & Health
This is for the Laserfiche archival system.
J. Ellis made a MOTION to approve. The MOTION was seconded by A. Cooney with all in favor.
- j. Historic Society & Historic Commission: Historic Center replacement windows
J. Ellis stated they have an appointment with an architect and expect with the type of windows there we might need a higher amount. We estimate high for possible rot, etc. There are 3 major windows, 6 smaller and 8 across the back, which we would like UV treated so the sun doesn't damage the displays. The building was built in 1896. Electrical update will be the next thing we apply for. The building needs to be

restored as it's on the historic register. The stained glass window won't be touched. Our concern now is asbestos. Replacement windows are frowned upon from the Historical Commission in Boston as they want things as original as possible. When we replaced the front door, we had to sign that it was unsafe and coming apart. B. Johnson would like to post a provisional meeting before town meeting so if the price changes, we can change it.

A. Cooney made a MOTION to approve \$75,000. The MOTION was seconded by D. Anderson with all in favor.

B. Johnson stated the website has been updated with the latest on all the projects.

D. Anderson made a Motion to adjourn. The Motion was seconded by A. Cooney with all in favor.

With no further business before the Committee, the meeting was adjourned at 9:20pm.

Respectfully submitted,
Ann T. Gratis, secretary



APR 19 PM 2 45

TOWN CLERK'S OFFICE
BOURNE, MASS

TOWN OF BOURNE

Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

Date: Monday, April 23, 2012
Time: 7:00 pm
Place: Community Building, 239 Main St., Buzzards Bay

1. To attend the meeting of the Finance Committee scheduled for Monday, April 23, 2012
Purpose: to provide background information on the sundry Fiscal Year 2013 Projects that have been recommended by the Community Preservation Committee for action(s) at the May 7, 2012 Annual Town Meeting.

Barry Johnson, Chairman

2012 MAY 3 PM 3 41
TOWN CLERK'S OFFICE
BOURNE, MASS

MEETING NOTICE

Agency: Community Preservation Committee

When: May 7, 2012

Where: Lobby of the High School Auditorium

Time: 6:30pm.

AGENDA

1. For the purpose of reviewing any items that are included in Article(s) that the Committee has submitted for consideration prior to the start of the Annual & Special Town Meetings.
2. The Committee will be available to answer questions throughout the May 7, 2012 Annual & Special Town Meetings.

Barry H. Johnson, Chair



TOWN OF BOURNE
Community Preservation Committee

Bourne Town Hall
24 Perry Avenue
Buzzards Bay, MA 02532
Phone: (508) 759-0600



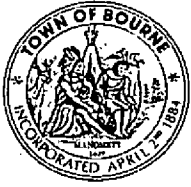
AMENDED
MEETING AGENDA

Date: Monday, July 16, 2012
Time: 7:00 pm
Place: Community Building, 239 Main St., Buzzards Bay

- 1.) Review of revised CPA legislation as signed by Gov. Patrick on July 8, 2012
- 2.) Approval of minutes.
- 3.) CPC project status update
- 4.) Committee Re-organization (Chm.; V. Chm.; Clerk)
- 5.) Next meeting date.

Barry Johnson, Chairman

2012 JUL 13 PM 12 41
TOWN CLERK'S OFFICE
BOURNE, MASS



TOWN OF BOURNE
Community Preservation Committee



Bourne Town Hall 2012 JUL 12 AM 10 08
24 Perry Avenue
Buzzards Bay, MA 02532 TOWN CLERK'S OFFICE
Phone: (508) 759-0600 BOURNE, MASS

AMENDED
MEETING AGENDA

Date: Monday, July 16, 2012
Time: 7:00 pm
Place: Community Building, 239 Main St., Buzzards Bay

- 1.) Review of revised CPA legislation as signed by Gov. Patrick on July 8, 2012
- 2.) Approval of minutes.
- 3.) Committee Re-organization (Chm.; V. Chm.: Clerk)
- 4.) Next meeting date.

Barry Johnson, Chairman

2012

**Community Preservation Committee
Meeting Minutes
July 16, 2012**

2014 DEC 8 PM 2 49
TOWN CLERK'S OFFICE
BOURNE, MASS

PRESENT: Barry Johnson, Jerry Ellis, Richard Anderson, Peter Holmes, Daniel Doucette, Penny Myers

EXCUSED: Donald Morrissey, Andrew Cooney

ABSENT: Paula McConnell

ALSO PRESENT: Paul Gately

Recording Clerk, Ann Gratis

The meeting was called to order at 7:02pm.

Review of revised CPA legislation as signed by Gov. Patrick on July 8, 2012

The governor signed the CPA legislation for \$25 million and didn't change any wording that the House and Senate recommended. This is great news for us. Now Recreation can start on their projects. Would the Committee like Bob Troy to come in to review the changes?
Yes.

CPC project status update

Barry had emailed the financial update (as of 6/30/12) on all active projects not including ones approved at the May 2012 Town Meeting. This should be our bible going forward. If anyone has questions, let me know.

Committee Re-organization (Chm.; V. Chm.; Clerk)

D. Anderson made a MOTION to keep the same – Barry Johnson, Chair; Jerry Ellis, Vice-Chair. The MOTION was seconded by P. Holmes with all in favor.

Next meeting date.

B. Johnson said we really don't have anything pending to set a date. A couple requests have come to me. One is for the community gardens at the old Barnstable Hospital site, the other is for the Cataumet Cemetery.

J. Ellis stated the Historical Commission is going to re-introduce the repair of windows at the Historical Center. We have a new figure from a very reputable restoration group.

B. Johnson stated the memorial stones from the West End rotary have been moved to Town Hall.

J. Ellis stated there was an in-field change that had to be made but it's ok. the DPW was awesome and it worked out well. A couple of Veteran's groups on Cape Cod called and are very pleased. We allocated \$20,000 but have come in under \$5,000.

B. Johnson stated the money for Recreation has already been approved by Town Meeting a few years ago. They have been waiting for the legislation to change. If there is a Special Town Meeting it will be either Oct. 15 or 22nd. We will need to have an application deadline of Sept. 14th. If there is something we feel really needs to be put on the warrant.

J. Ellis asked if we could get Krissanne Caron, Rec. Director, and Don Morrissey in to tell us their priorities.

B. Johnson said they need to meet first.

B. Johnson stated he feels it's time for the Committee to hire outside help. We have the money and are allowed 5% of the funds. Ann is a great help but maybe we can have someone help with the financial and take that off Linda.

Next meeting we will do a time-line map and see what we want to do.

D. Doucette made a Motion to adjourn. The Motion was seconded by D. Anderson with all in favor.

With no further business before the Committee, the meeting was adjourned at 7:36pm.

Respectfully submitted,
Ann T. Gratis, secretary



TOWN OF BOURNE

2012 AUG 29 ~~Community~~ *Preservation Committee*

Bourne Town Hall
TOWN CLERK'S OFFICE 24 Perry Avenue
BOURNE, MASS Buzzards Bay, MA 02532
Phone: (508) 759-0600



MEETING AGENDA

Date: Monday, August 27, 2012
Time: 7:00 pm
Place: Bourne Town Hall, Downstairs Room, 24 Perry Ave., Buzzards Bay

1. Mr. Richard Conron: to address the committee on procedural and Community Preservation Project matters.
2. Hiring of a Part-Time Community Preservation Committee (CPC) Administrative Assistant: Article for the October 29, 2012 Special Town Meeting.
3. Determine whether or not the CPC will be accepting Applications and setting the schedule for the October 29, 2012 Special Town Meeting.
4. Recent Amendments to the Community Preservation Law.
5. Minutes.

Barry H. Johnson, Chairman

MEETING NOTICE

AGENCY: Community Preservation Committee

WHEN: Monday, October 15, 2012

WHERE: COMMUNITY BUILDING

TIME: 6:30pm.

2012 OCT 11 PM 1 24
TOWN CLERK'S OFFICE
BOURNE, MASS

AGENDA

1. Discuss and Vote a recommendation on the Application from the Historic Commission for CPA Funding to Replace Windows at the Historic Center.
2. Discuss and Vote a recommendation of the Finance Director to appropriate a certain sum from the Undesignated Fund Balance to the CPA categories.
3. Letter from Richard Conron to the Committee: Update
4. Next meeting date.

Barry H. Johnson, Chairman



AMENDED MEETING NOTICE

AGENCY: Community Preservation Committee

WHEN: Monday, October 15, 2012

WHERE: COMMUNITY BUILDING

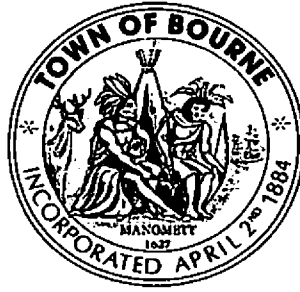
TIME: 6:30pm.

2012 OCT 12 PM 2 06
TOWN CLERK'S OFFICE
BOURNE, MASS.

AGENDA

1. Discuss and Vote a recommendation on the Application from the Historic Commission for CPA Funding to Replace Windows at the Historic Center.
2. Discuss and Vote a recommendation of the Finance Director to appropriate a certain sum from the Undesignated Fund Balance to the CPA categories.
3. Letter from Richard Conron to the Committee: Update
4. Next meeting date.
5. Discussion of Hiring Administrative Help for the Committee.

Barry H. Johnson, Chairman



2011 DEC 22 AM 9 45

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION AGENDA

Thursday, January 5, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Edith Aucoin **File Number:** CC11-78
Representative: SAME
Project Address: 138 Jefferson Road
Proposed Project: Construct an attached garage and enclose a deck within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Kurt Landfors **File Number:** CC11-80
Representative: SAME
Project Address: 22D The Hollow, Hideaway Village, Buzzards Bay
Proposed Project: replace foundation, construct deck and shed within 100 feet of a Wetland Resource Area

- 3) **Applicant:** 250 Scraggy Neck Road Trust **File Number:** CC11-81
Representative: A.M. Wilson Associates, Inc.
Project Address: 250 Scraggy Neck Road, Cataumet
Proposed Project: Maintain and license an existing pier within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

- 4) **Applicant:** Paul & Linda Medeiros **File Number:** CC11-82
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 211 Presidents Road, Gray Gables
Proposed Project: Renovate and construct addition to existing garage within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) Notices of Intent:

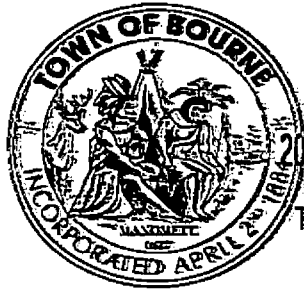
- 1) **Applicant:** George Polillia **DEP File Number:** SE7-1794
Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.
Project Address: 525 Shore Road, Monument Beach
Proposed Project: Construct an addition, garage, and deck within 100 feet of a Wetland Resource Area
(Continued from 12/15/2011)

Certificates of Compliance

- 1) **Applicant:** Grace Moore **DEP File Number:** SE7-1740
Representative: Jack Landers-Cauley
Project Address: 23 Quamhasset Rd, Buzzards Bay
Proposed Project: Construct and maintain a 120' pier, ramp and floats within an AE Flood Zone, within a Wetland Resource Area, and within 100' of a Wetland Resource Area.

Other Business

- ▶ Proposed Restoration Plan for illegal clearing of vegetation, 68 Rocky Point Road (Discussion & Possible Vote) - Continued from 12/15/2011
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – December 1, 2011
- ▶ Any other business that may legally come before the Commission
- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



2012 FEB 24 AM 11 53

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, January 5, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Susan Weston, Paul Lelito, Betsy Kiebala, and alternate member Thomas Ligor.

Members absent: Peter Holmes and Robert Palumbo

Staff present: Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Barbara Frappier, Patrick Jenkins, Edith Aucoin, Stephen Buckhoff, Arlene Wilson

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting.

Call to Order: Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Edith Aucoin **File Number:** CC11-78
Representative: SAME
Project Address: 138 Jefferson Road
Proposed Project: Construct an attached garage and enclose a deck within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Edith Aucoin representing: The project consists of a garage addition in the front of the house where the driveway is currently. The plan says 24' by 28' but we may reduce the size to 24' by 24'. We are also proposing to enclose the deck in the back.

Brendan Mullaney states the associated Resource Area is a dune/beach area to the rear of the dwelling associated with the Cape Cod Canal. The project is also in the AE Flood Zone. The garage is on the street side of the house, which is flat and developed, and the enclosure in back is on an existing deck. No concerns with the project.

On a motion made by Martha Craig Rheinhardt and seconded by Betsy Kiebala, the Commission unanimously voted to approve the project under a Negative 2 Determination.

- 2) **Applicant:** Kurt Landfors **File Number:** CC11-80
Representative: SAME
Project Address: 22D The Hollow, Hideaway Village, Buzzards Bay
Proposed Project: replace foundation, construct deck and shed within 100 feet of a Wetland Resource Area

Brendan Mullaney states that Mr. Lanfors lives in Littleton and could not attend the meeting tonight, he did submit all abutter notifications to the office in a timely manner. Brendan states the project is in Hideaway Village and the associated Resource Area is a Coastal Bank that is actually a stone revetment approximately 60 feet from the dwelling. The project consists of building a shed and deck on the property, as shown on the plans.

Paul Lelito asks about the foundation replacement – Brendan states that there is no basement, the house is actually on old footings, some of which are failing. The applicant wishes to replace some of these footings with sonotubes.

On a motion made by Martha Craig Rheinhardt and seconded by Paul Lelito, the Commission unanimously voted to approve the project under a Negative 3 Determination.

- 3) **Applicant:** 250 Scraggy Neck Road Trust **File Number:** CC11-81
Representative: A.M. Wilson Associates, Inc.
Project Address: 250 Scraggy Neck Road, Cataumet
Proposed Project: Maintain and license an existing pier within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Arlene M. Wilson representing: The purpose of this application is to secure a written determination from the Conservation Commission in order to amend a Chapter 91 license with the MA DEP Division of Waterways. There is evidence that the seasonal structure has been in use for over 100 years and has been licensed since 1909. The dimensions have changed slightly from the original license, and the goal is to amend the license to match the current configuration. The dock has been in this configuration for as long as my clients can remember. This amendment will also allow for formalization of the current agreement to share the pier with the abutter to the west.

She continues that she is surprised that the pier is seasonal considering the age. Chairman Gray states that they may have attempted a permanent structure back then and that it was more than likely destroyed by ice, the majority of piers in town are seasonal for this reason.

Brendan Mullaney states that this is a seasonal pier and the filing was done at the request of DEP to amend the license. There is no work proposed at this time. The pier predates the Wetlands Protection Act and the Town Bylaw and associated Regulations.

On a motion made by Paul Lelito and seconded by Martha Craig Rheinhardt, the Commission unanimously voted to approve the project under a Negative 2 Determination.

- 4) **Applicant:** Paul & Linda Medeiros **File Number:** CC11-82
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 211 Presidents Road, Gray Gables
Proposed Project: Renovate and construct addition to existing garage within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Barbara Frappier representing: this project consists of the construction of an addition to the existing garage, the addition is small and in an already disturbed area. I have shown a small erosion control barrier to demarcate the limit of work.

Brendan Mullaney states this is a property in Gray Gables, they were before the Commission a couple years ago to repair a dock. This is a minor project consisting of a small addition to the garage, the area actually slopes away from the water. No concerns with the project.

On a motion made by Martha Craig Rheinhardt and seconded by Paul Ielito, the Commission unanimously voted to approve the project under a Negative 2 Determination.

:15) Notices of Intent:

- 1) **Applicant:** George Polillia **DEP File Number:** SE7-1794
Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.
Project Address: 525 Shore Road, Monument Beach
Proposed Project: Construct an addition, garage, and deck within 100 feet of a Wetland Resource Area
(Continued from 12/15/2011)

At the request of the applicant's representative, this hearing is continued until February 2, 2012.

Certificates of Compliance

- 1) **Applicant:** Grace Moore **DEP File Number:** SE7-1740
Representative: Jack Landers-Cauley
Project Address: 23 Quamhasset Rd, Buzzards Bay
Proposed Project: Construct and maintain a 120' pier, ramp and floats within an AE Flood Zone, within a Wetland Resource Area, and within 100' of a Wetland Resource Area.

At the request of the applicant's representative, this matter will be continued to a future date.

Other Business

► Proposed Restoration Plan for illegal clearing of vegetation, 68 Rocky Point Road (Discussion & Possible Vote) - Continued from 12/15/2011

Stephen Buckhoff presents a new plan to the Commission and explains how they would like to replant the area that was cut as well as additional trees next to the driveway. This plan differs from the previous one by moving the trees to the side of the dwelling and planting low vegetation in the area that was cleared. The Commission takes a minute to review the plan.

Chairman Gray states he believes the plan looks adequate and confirms with Mr. Buckhoff that the intended view that was cut will remain open and that groundcover will be replanted in that area. Brendan Mullaney states that the plan looks fine, but he has concerns with the ability of the creeping junipers to survive this close to the salt marsh. He is not sure if they will tolerate any brackish water in the root zone. After discussion, it is determined that the junipers seem to have enough elevation in this area and that the plants will be checked in one year to determine if they are suitable for this area. It is also suggested that bayberry, beach plum, or bearberry could be substituted in this area.

On a motion made by Paul Lelito and seconded by Martha Craig Rheinhardt, the Commission votes to approve the planting plan as proposed with the condition that the plantings are examined in one year to determine survival rate and if replacements are needed. Susan Weston abstains.

► Vote – Excuse Absent Members, if necessary

On a motion made by Paul Lelito and seconded by Martha Craig Rheinhardt, the Commission votes to excuse absent members.

► Approval of Minutes – December 1, 2011

On a motion made by Martha Craig Rheinhardt and seconded by Betsy Kiebala, the Commission voted to approve the minutes. Robert Gray and Paul Lelito abstained.

► Any other business that may legally come before the Commission

► Report of the Conservation Agent

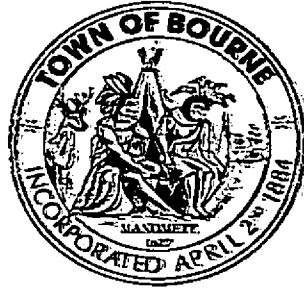
► Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

► Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

On a motion made by Susan Weston and seconded by Betsy Kiebala, the commission voted unanimously to adjourn the meeting. Meeting adjourned at 8:05 PM.

Respectfully submitted,

Brendan Mullaney



2012 JAN 27 AM 9 20

TOWN CLERK'S OFFICE

BOURNE, MASS

CONSERVATION COMMISSION AGENDA
Thursday, February 2, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) **Requests for Determination of Applicability:**

- 1) **Applicant:** Mary Byrne **File Number:** CC12-01
Representative: Steven Solari
Project Address: 177 Clipper Road, Mashnee Island
Proposed Project: Construct a deck, landing, and ramp within a VE Flood Zone

- 2) **Applicant:** Tina Jarvis **File Number:** CC12-02
Representative: Brian Grady, GAF Engineering, Inc.
Project Address: 89 Puritan Road, Buzzards Bay
Proposed Project: Upgrade failed septic system within 100 feet of a Wetland Resource Area

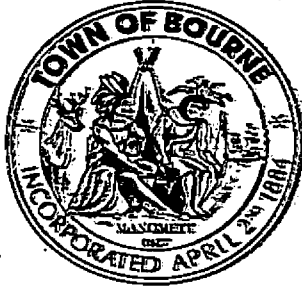
7:15) **Notices of Intent:**

- 1) **Applicant:** Mark & Mary O'Donnell **DEP File Number:** SE7-1796
Representative: Barbara Frappier, Warwick & associates, Inc.
Project Address: 6 Quiet Cove Lane, Monument Beach
Proposed Project: Construct an addition and renovate existing dwelling, including new Title V septic system, mitigation planting, grading, landscaping, utilities, and other appurtenances within AE and VE Flood Zones, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

- 2) **Applicant:** Thomas Lanahan for **DEP File Number:** SE7-1795
Buzzards Bay Marina Corp.
Representative: Barbara Frappier, Warwick & Associates
Project Address: 2 Main Street, Buzzards Bay
Proposed Project: Repair existing bulkhead by installing 12" wooden pilings adjacent to existing steel I-beams within an AE Flood Zone and within a Wetland Resource Area

- 3) **Applicant:** George Polillia **DEP File Number:** SE7-1794
Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.
Project Address: 525 Shore Road, Monument Beach
Proposed Project: Construct an addition, garage, and deck within 100 feet of a Wetland Resource Area

(Continued from 1/5/2012)



2012 MAR 8 AM 10 58

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, February 2, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Paul Lelito, Rob Palumbo and alternate member Thomas Ligor

Members absent: Peter Holmes, Betsy Kiebalá and Susan Weston

Staff present: Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Bernie Stelmach, Barbara Frappier, Brian Grady, Steven Solari

Call to Order: Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Mary Byrne **File Number:** CC12-01
Representative: Steven Solari
Project Address: 177 Clipper Road, Mashnee Island
Proposed Project: Construct a deck, landing and ramp within a VE Flood Zone

Steven Solari representing: Elderly client would like to build a deck and wheelchair ramp to enjoy the outside of her house.

Brendan Mullaney – property is on Mashnee Island, within velocity flood zone only, flat developed lot. No concerns with the project.

No questions by the Board. No comment from the public.

On a motion made by Paul Lelito and seconded by Rob Palumbo, the Board voted unanimously for a Negative Two Determination.

- 2) **Applicant:** Tina Jarvis **File Number:** CC12-02

Representative: Brian Grady, GAF Engineering, Inc.
Project Address: 89 Puritan Road, Buzzards Bay
Proposed Project: Upgrade failed septic system within 100 feet of a Wetland Resource Area

Brian Grady representing: Project within buffer zone to a fragmented coastal bank. Number of banks were located on the property. Closest bank is approximately 55 feet. Septic system is 143 feet from the end of the marsh at the bottom of the slope. No grade changes proposed with slope. Work is fairly minimal.

No questions from the Board. No public comment.

Brendan Mullaney – coastal bank by definition coming up both sides of the property. Area of work is relatively flat, project would be an improvement to the area. No further issues with the project.

On a motion made by Paul Lelito and seconded by Paul Palumbo, the Board unanimously voted a Negative 3 Determination.

7:15) Notices of Intent:

- 1) **Applicant:** Mark & Mary O'Donnell **DEP File Number:** SE7-1796
Representative: Barbara Frappier, Warwick & Associates
Project Address: 6 Quiet Cove Lane, Monument Beach
Proposed Project: Construct an addition and renovate existing dwelling, including new Title V septic system, mitigation planting, grading, landscaping, utilities, and other appurtenances within AE and VE Flood Zones, within 100 feet of a Wetland Resource Area and within the 200 foot Riverfront Area

Barbara Frappier – At one point area was an approved subdivision. Going before Planning Board (PB) to dissolve this subdivision and combine as one lot. There is a small 2-room camp currently serviced by an outhouse. O'Donnells looking to put addition on the camp and install pressure dosed Title V septic system. In going before the PB to combine to one lot for development, applicant required to widen the driveway and create proper access for Fire Department (FD) emergency vehicles. In order to create a road to appease both the PB and FD, clearing of brush will be needed. Some grading requiring the removal of some shrubs and native plants. Once grading is done, we will re-plant with native vegetation on the sloped area. For mitigation, planting new cedars and putting in 600 sq. ft. of mitigation planting near the marsh. Planting three (3) cedars to make up for taking out the existing cedars. We will be widening vegetation strip adjacent to the wetlands. Overall, there is not a lot of impact to the lot. We are doing the minimum needed to do to appease the PB and FD. Not increasing the number of bedrooms and there is a 3 ppm load of nitrogen for the whole lot.

Bob Gray – To clarify, Quiet Cove road becomes extinguished and extent of development is what is being propose? Ms. Frappier concurred, and stated camp will still be one-bedroom. Camp has been on property since 1946.

Paul Lelito asked about endangered species and if any of the work is proposed in estimated habitat. Brendan Mullaney – area of work is not within estimated habitat.

Brendan Mullaney – Held a couple of staff meetings about property. Outstanding issues which are beyond purview of this Board: access issues, emergency vehicle access, considered a dwelling for a building permit purpose. Applicant is proposing driveway within 50 feet of coastal bank and saltmarsh area. His opinion that this can be accommodated within the bylaw at the Board's discretion – applicant cannot move forward without this portion of the project due to PB and FD requirements. He also said the Board of Health (BOH) may require alternative technology on the septic system. Ms. Frappier said she meets with criteria under their policies which will be her position, but denitrification would add to the cost and might end the project.

Brendan Mullaney – proposed project is to the rear of the property closest to the train tracks. Ms. Frappier mentioned she can put septic in corner of property and go for variances with regard to the property line. Brendan is not sure how it would be accepted.

Ligor – concerns with the driveway to the bank. Brendan Mullaney - what applicant is proposing is going to be better for stability and erosion control. Ms. Frappier said there is a retaining wall already existing for backing, about a 1 foot rise in grade.

Lelito - Asked where the 50 foot setback to wetlands is on the plans where the work will be done.

No further questions Board members. No public comment.

On a motion made by Rob Palumbo and seconded by Martha Craig Rheinhardt to close public hearing. All in favor.

Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions #'s 1-6, 9, 10, 12, 13, 16-24, special conditions pursuant to the Bylaw #'s 4, 6, 7, 8 and 9.

General Conditions, Special Conditions numbers 20, 24, Bylaw Conditions numbers 4 and 6 above and all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

A motion was made by Martha Craig Rheinhardt and seconded by Rob Palumbo to move the Draft Order to Final. All in favor.

2) **Applicant:** Thomas Lanahan **DEP File Number:** SE7-1795
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 2 Main Street, Buzzards Bay
Proposed Project: Repair existing bulkhead by installing 12" wooden pilings adjacent to existing steel I-beams within an AE Flood Zone and within a Wetland Resource Area

Barbara Frappier representing: Buzzards Bay Marina plan was shown to the Board. About 7 years ago, applicant filed to repair his bulkhead. Received permit to install steel to support the bulkhead. The existing steel is now deteriorating and the wall is starting to weaken. He doesn't want to use steel again as the previous I-beams have not fared well. They are now rotting. Also fearful of vibration on the roadway for the upcoming bridge project having an impact. Applicant met with structural engineer and talked to marine contractor and it was proposed to "sister" I-beams with wooden pilings. Construction methodology included from the engineer. This will be sufficient enough to add strength to maintain stability of the bulkhead. All work done from upland side and driven in to point of refusal.

Brendan Mullaney - read letter from Department of Marine Fisheries (DMF). In summary, they reviewed site and determined proposed project lies within mapped habitat for the American Oyster. Also, suggested alternative materials to proposed non-leaching CCA pilings. Further stated all CCA pilings are toxic to marine environment and recommends using different materials and work be done from upland side.

Ms. Frappier's response is that there is minimal leaching and feels applicant has submitted plenty of data supporting evidence with regard to the chemicals. Any leaching is negligible. She has a 3rd party certification per each piling, just like on another project. The only alternative material would be to use greenheart lumber which isn't the optimal material. Timbersill includes a manufacture specifications sheet as it is resistant to marine borers and resistant to termites or other bugs.

Martha Craig Rheinhardt - asked about timbersill. Ms. Frappier only has manufactures specifications. Somehow infused with glass, non-toxic, and repels insects. She asked if the manufacturer willing to have this in writing in the northern environment with the borers and they were not willing to do so.

Brendan Mullaney - it is his opinion to use DMF recommendation with discrepancy as this wood has never been an issue before. Basically the most viable product available at this time without using rainforest timber.

Bob Gray - few places in the town that get as much flushing as this area between RR bridge and Routes 6 & 28. Tremendous current. The huge volume of water leaving Buttermilk Bay and the incoming tide coming back through will dissipate any small amount of leaching. He concurs with Brendan Mullaney.

Paul Lelito - believes the State is making a statement and not just this project - they don't want people to use this material. Need to move away from the "dilution is the solution to pollution" attitude.

Bob Gray - disagrees by saying there were recent Superceding Orders issued DEP allowing use of CCA treated wood and in fact do not mention it's use at all.

Both Bob Gray and Paul Lelito agree there are two State Agencies not on the same page.

Paul Lelito - expressed concern that if the Board approves, there's a document from the State says shouldn't approve and this Board is trumping their statement.

Bob Gray - the DMF is not a regulatory authority and letter is only a recommendation.

Jim Mulvey - asked about the bulkhead being on the building side as it seems there is a degree of urgency. This area will be heavily impacted with weight and activity of the new bridge construction.

Brendan Mullaney - as a compromise, put as a condition in the Order of Conditions the DMF recommendation. Board passing on recommendation to the client. If client wants to address further, they can contact DMF.

Martha Craig Rheinhardt - comfortable with a 3rd party non-leaching certified pilings. Brendan Mullaney said if done properly, there will be minimal impact.

Brendan Mullaney - Site visit was made. Project is in compliance and recommends to grant the Certificate of Compliance.

On a motion made by Paul Lelito and seconded by Rob Palumbo, the Board unanimously voted to grant Certificate of Compliance.

Request to Extend Order of Conditions:

1) <u>Applicant:</u>	Tahanto Beach Associates	<u>DEP File Number:</u> SE7-1470
<u>Representative:</u>	Biull Duserick	
<u>Project Address:</u>	Off Tahanto Road, Pocasset	
<u>Proposed Project:</u>	Repair Coastal Bank including placement of boulders, sand, and planting of beach grass within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area	

Brendan Mullaney – this will extend Order of Condition to 2/16/14. Order of Condition was amended in 12/05 as there was an issue of serious erosion and scouring along bank of the roadway. Issue was threatening the roadway itself. Applicant put in stones, beach nourishment – which eroded - vegetation was planted and only held in a few spots. Applicant seeking to keep permanently active in case of more serious erosion and scouring. Order of Condition was last extended in 2009.

Met with Bill Duserick, President of Tahanto Beach Associates. Erosion measures haven't held up and told Mr. Duserick he was wasting time in putting in more sand. Area is filling in naturally, but recommended fiber rolls and try to do some more planting. Property is a lot better than when first happened and road became compromised. Now it is a maintenance issue.

Paul Lelito – asked if there is anything to do instead of extending. Brendan Mullaney said there are no mechanisms to change the Order under an extension request.

Barbara Frappier – suggested putting in a caviat with extension for maintenance wouldn't be setting a precedence.

Bob Gray – what applicant is requesting is allowable under the Regulations. He doesn't believe this would be setting any precedent. Feel like conditioning Extension to say the last three (3) year extension and recommend applicant re-file at conclusion of that period. It doesn't concern him where this land/order governs as it is owned by the Association as a whole. Everyone is represented through the Association and not a big concern for him.

Jim Mulvey – since initial conditions were written and there have been several storms, extension wouldn't bother him. He asked if anything changed during the storm where conditions need modification. Brendan Mullaney said with an Extension you cannot change the order. If applicant asked for an amended order (separate order), it could be revised. There is no mechanism to re-write the order of conditions.

Bob Gray – Order of Conditions was automatically captured and granted under the Extension Act. Brendan Mullaney concurs and says Extension wouldn't expire until 2014 – giving an extra year.

Martha Craig Rheinhardt – over nourishing concern even though there are unintended consequences. She likes the idea of a maintenance plan, maybe with future projects. She is not against extending this project.

No further Board comment. No public comment.

On a motion by Paul Lelito and seconded by Rob Palumbo, the Board unanimously voted to grant request to Extend Order of Conditions.

Other Business

▶ Remote Participation – Memo from Atty. Robert S. Troy, Town Counsel. Brendan Mullaney said the Selectmen voted to adopt for Boards legally. For clarification, Bob Gray said the rules comes from the Selectmen and is uniform for all the Boards and committees. Quorum must still be present as well as either a chair or designee.

▶ Vote – Excuse Absent Members, if necessary

On a motion made by Rob Palumbo and seconded by Lelito, the Board voted unanimously to excuse Susan Weston, Betsy Kiebala and Peter Holmes from tonight's meeting.

▶ Approval of Minutes – December 15, 2011

On a motion made by Paul Lelito and seconded by Martha Craig Rheinhardt, the Board voted to approve minutes as submitted. Abstentions made by Chm. Gray, Rob Palumbo and Paul Lelito.

▶ Any other business that may legally come before the Commission

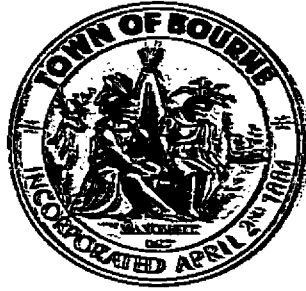
▶ Report of the Conservation Agent

▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

On a motion made by Rob Palumbo and seconded by Martha Craig Rheinhardt, the Board voted unanimously to adjourn. Meeting adjourned at 8:20 pm.

Respectfully submitted,
Lisa Groezinger, sec.



2012 FEB 10 AM 10 21

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION AGENDA

Thursday, February 16, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Herb & Cynthia Landsman **File Number:** CC12-03
Representative: Barbara Frappier, Warwick & Associates
Project Address: 170 Wings Neck Road, Pocasset
Proposed Project: Renovate existing dwelling including construction of sunporch and deck within an AE Flood Zone

Request to Amend Order of Conditions:

- 1) **Applicant:** Marion Nutter **DEP File Number:** SE7-1791
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 14 Wenaumet Bluffs Drive, Pocasset
Proposed Project: Replace existing stone and concrete seawall with new stone revetment and install new foundation under existing garage within an AE Flood Zone, within a Wetland Resource Area, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

Certificates of Compliance:

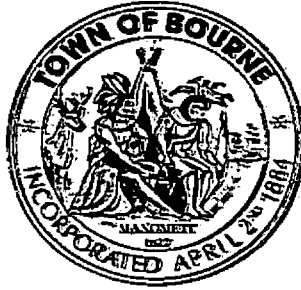
- 1) **Applicant:** Grace Moore **DEP File Number:** SE7-1740
Representative: Jack Landers-Cauley
Project Address: 23 Quamhasset Rd, Buzzards Bay
Proposed Project: Construct and maintain a 120' pier, ramp and floats within an AE Flood Zone, within a Wetland Resource Area, and within 100' of a Wetland Resource Area
(Continued from 2/2/2012)

Other Business

- ▶ Emergency Certification, Failed Seawall – 10 Wenaumet Bluffs Drive, Pocasset
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – January 5, 2012

- ▶ Any other business that may legally come before the Commission

- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



2012 MAR 29 AM 10:16

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, February 16, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Peter Holmes, Betsy Kiebala, Paul Lelito and Susan Weston. Alternate member Thomas Ligor, who will be voting at tonight's meeting.

Members absent: Rob Palumbo

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey

Call to Order: Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Herb & Cynthia Landsman **File Number:** CC12-03
Representative: Barbara Frappier, Warwick & Associates
Project Address: 170 Wings Neck Road, Pocasset
Proposed Project: Renovate existing dwelling including construction of sun porch and deck within an AE Flood Zone
(Hearing Under State Act Only)

Barbara Frappier representing: Project is in a flood zone only. No increase in bedrooms, just increasing size of the living room. Not on a full foundation, but will use sauna tubes.

Brendan Mullaney – there is a salt marsh across the street, but proposed project is greater than 100 feet from boundary of Wetland Resource Area. Flat, developed lot – proposed project in Flood Zone only. No concerns with the project.

No questions by the Board. No comment from the public.

On a motion made by Paul Lelito and seconded by Susan Weston, the Board voted unanimously for a Negative Two Determination.

Certificates of Compliance:

- 1) **Applicant:** Grace Moore **DEP File Number:** SE7-1740
Representative: Jack Landers-Cauley
Project Address: 23 Quamhasset Rd, Buzzards Bay
Proposed Project: Construct and maintain a 120' pier, ramp and floats within an AE Flood Zone, within a Wetland Resource Area, and within 100' of a Wetland Resource Area.
(Continued from 2/2/2012)

Brendan Mullaney informed the Board this applicant will be before them at a future date.

Request to Amend Order of Conditions:

- 1) **Applicant:** Marion Nutter **DEP File Number:** SE7-1791
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 14 Wenaumet Bluffs Drive, Pocasset
Proposed Project: Replace existing stone and concrete seawall with new stone revetment and new foundation under existing garage within an AE Flood Zone, within a Wetland Resource Area, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

Barbara Frappier representing: When applicant first applied for the sea wall, it was going to stop short of property line as she didn't want to get into abutter's wall (Callahan). At this time the same contractor is doing both Ms. Nutter's and Mr. Callahan's wall. The sea walls will be connected as they should be. The wall will extend over to meet Callahan's wall. The only way to do the Callahan wall is through the water side -- no upland access. This amendment is requesting to construct Ms. Nutter's wall from the water side as well, as this will save the amount of trees that will needed to be cut down. The wall will be done in 10-foot sections at a time. Mr. Callahan's wall will be done the same way. The new wall will connect directly to the abutter's wall where it has presently failed and has been eroding.

Kiebala -- commented on the space between the two walls. Right now they meet at a 90-degree angle which isn't good for the scouring. The proposed project will slightly re-align the structures to make a stronger wall altogether.

Ligor -- asked about the footing. The same footing will be used.

Brendan Mullaney -- spoke with DNR Director Tim Mullen, who has no issues as long as the Board is comfortable. Swamp mats and planks can be used if possible. The permit for adjacent wall will be heard at the next meeting; it will not proceed as an emergency. It is best not to leave a portion exposed while waiting for the neighbor. If the permit is amended, this wall is more of a preventative issue. Board is to vote strictly to amend permit allowing a slight configuration and for the contractor to work on the water side of the wall which can be restricted with conditions, if necessary.

Paul Lelito – permit is for work only on permit already issued? Brendan states yes, the adjacent wall will be coming before the Commission at the next hearing as an entirely separate permit application.

Martha Craig Rheinhardt – asked when applicant wants to begin work. Ms. Frappier said applicant wants to begin in March.

No further Board comment. No public comment.

On a motion by Peter Holmes and seconded by Betsy Kiebala, the Board unanimously voted to grant request to Amend Order of Conditions.

Other Business

▶ Emergency Certification, Failed Seawall – 10 Wenaumet Bluffs Drive, Pocasset

This will come to the Board as a Notice of Intent application at the next meeting. No emergency certification was issued.

▶ Vote – Excuse Absent Members, if necessary

On a motion made by Paul Lelito and seconded by Martha Craig Rheinhardt, the Board voted unanimously to excuse Rob Palumbo from tonight's meeting.

▶ Approval of Minutes – January 5, 2012

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the Board voted unanimously to approve minutes as submitted. Abstention from Peter Holmes.

▶ Any other business that may legally come before the Commission

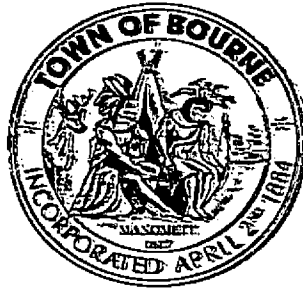
▶ Report of the Conservation Agent

▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the Board voted unanimously to adjourn. Meeting adjourned at 7:15 pm.

Respectfully submitted,
Lisa Groezinger, sec.



2012 FEB 24 AM 11 53

CONSERVATION COMMISSION AGENDA
Thursday, March 1, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall
TOWN CLERK'S OFFICE
BOURNE, MASS

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Barry & Nancy Perkins **File Number:** CC12-04
Representative: Barbara Frappier, Warwick & Associates
Project Address: 56 Tideway Road, Pocasset
Proposed Project: Install underground gas and electric utilities, relocate water line, and install irrigation system within an AE Flood Zone, within 100 feet of a Wetland esource Area, and within the 200 foot Riverfront Area

- 2) **Applicant:** Joseph Agrillo, Jr. **File Number:** CC12-05
Representative: SAME
Project Address: 13 River Road, Pocasset
Proposed Project: Perform maintenance, including regrouting and filling of voids, on an existing licensed seawall within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

7:15) Notices of Intent:

- 1) **Applicant:** Richard R. Record & Sons, Inc. **DEP File Number:** SE7-1798
Representative: J.M. Grenier Associates, Inc.
Project Address: 4 Brom Dutcher Road, Buzzards Bay
Proposed Project: Reconstruction of existing concrete retaining / seawall including grading and landscaping within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Edward F. Callahan, Jr. **DEP File Number:** SE7-
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 10 Wenaumet Bluffs Drive, Pocasset
Proposed Project: Reconstruction of existing seawall including grading and landscaping within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

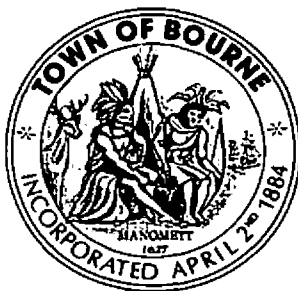
Certificates of Compliance:

1) **Applicant:** Grace Moore **DEP File Number:** SE7-1740
Representative: Jack Landers-Cauley
Project Address: 23 Quamhasset Rd, Buzzards Bay
Proposed Project: Construct and maintain a 120' pier, ramp and floats within an AE Flood Zone, within a Wetland Resource Area, and within 100' of a Wetland Resource Area
(Continued from 2/16/2012)

Other Business

- ▶ Update on use of CCA pilings from MA DEP
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – February 2, 2012

- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16



2012 APR 13 AM 11 06

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, March 1, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Betsy Kiebala, Paul Lelito, Rob Palumbo and Susan Weston, and alternate member Thomas Ligor.

Members absent: Peter Holmes

Staff: Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Barbara Frappier, Joseph Agrillo, Jr., Pat Olsen, Richard Record, Neil Murphy

Call to Order: Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Barry & Nancy Perkins **File Number:** CC12-04
Representative: Barbara Frappier, Warwick & Associates
Project Address: 56 Tideaway Road, Pocasset
Proposed Project: Install underground gas and electric utilities, relocate water line, and install irrigation system within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

Barbara Frappier representing: applicant looking to install underground utilities. Gas, water, and electric line trenches and install a one-zone irrigation system. Septic and leaching already existing. Meet code for installation of all lines. Irrigation is requested from the landscaper. In general, suggested to the Board to cut down on the amount of fertilizer necessary. Brendan Mullaney states that in his opinion, fertilizer regulations are not enforceable.

Brendan Mullaney – the location is already existing, flat, and there are no erosion concerns. Job consists of simple installation of underground utilities. No further concerns with project.

Lelito – commented on the fertilizer run off from the irrigation system.

At this time Ms. Frappier raised issue to the Board of fertilizer run off from lawns and suggested more environmentally friendly products.

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No questions by the Board. No comment from the public.

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On a motion made by Rob Palumbo and seconded by Paul Lelito, the Board voted a Negative Two Determination. Vote 5-1. One opposition from Paul Lelito.

- 2) **Applicant:** Joseph Agrillo, Jr. **File Number:** CC12-05
- Representative:** SAME
- Project Address:** 13 River Road, Pocasset
- Proposed Project:** Perform maintenance, including re-grouting and filling of voids, on an existing licensed seawall within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

Joseph Agrillo, Jr. representing: Project involves re-grouting and filling voids on existing seawall. Work will need to be done with the tide. All work will be done from the upland side and by hand. It will take several tides to complete job; preferably on days not windy.

Brendan Mullaney – Project on Pocasset River. There is an existing Chapter 91 license on the wall; proposed project will be on a portion of existing licensed area; only proposing a small area. There are voids where the wall started to lose material. This is a maintenance job. No change in footprint. Work will be done with the tides, and no further concerns with the project.

Ligor – asked what kind of grout applicant will be using. A marine-type cement, which includes an accelerator. Applicant commented on not working on a windy day as it can knock loose the grout from the wave action.

No further Board comments. No public comment.

On a motion made by Paul Lelito and seconded by Robert Palumbo, the Board unanimously voted a Negative Two Determination. Vote 6-0.

7:15) **Notices of Intent:**

- 1) **Applicant:** Richard R. Record & Sons, Inc. **DEP File Number:** SE7-1798
- Representative:** J.M. Greneier Associates, Inc.
- Project Address:** 4 Brom Dutcher Road, Buzzards Bay
- Proposed Project:** Reconstruction of existing concrete retaining/seawall including grading and landscaping within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Richard Record representing: Proposing to rebuild existing seawall within the the same footprint. Existing wall was previously repaired by stucco material which is deteriorating. Applicant plans to do in sections.

Susan Weston – asked about removing the cement base. Record states it will be removed and replaced with granite.

Thomas Ligor – asked if wall will have a footing. A granite block footing will be installed. Currently, the wall is essentially made out of a cinder blocks. Applicant will recess some of the first layer of block instead of pouring a concrete footing.

Paul Lelito – asked how big the blocks will be. Record states blocks used will be up to 3 tons. Applicant wants to avoid a temporary fix and wants it done correctly.

Martha Craig Rheinhardt – asked about if there was any consideration leaning the wall back. Applicant doesn't believe needed as the wall is in a cove area and not exposed. Brendan Mullaney stated the sandy beach shown in the aerial indicates this is not a high energy area.

Thomas Ligor – inquired about tidal issues. Applicant will work within the tide; the first section sees the high tide and then tapers off and this is the reason for doing sections at a time.

Brendan Mullaney – this wall has been before Board twice before, neither of those proposals were completed due to the fact they were temporary fixes. This proposal to rebuild the entire structure rather than band-aid it is a good solution, being raised about a foot and will almost match neighbor's wall. DEP doesn't require licensing, but at high tide, the water is on the wall. Once the project is complete, he recommends applicant look into licensing the wall.

Betsy Kiebal – asked if the wall shared by neighbors or abutters. Not shared; jetty on one side and other side is an abutting wall, but not connected. Wall is totally on applicant's property.

No further Board comment. No public comment.

On a motion made by Paul Lelito and seconded by Martha Craig Rheinhardt, the Board unanimously voted to close the public hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions #'s 1-6, 9, 10, 12, 13, 16-24, special conditions pursuant to the Bylaw #'s 4, 6, 7, 8 and 9.

General Conditions, Special Conditions numbers 20, 24, Bylaw Conditions numbers 4 and 6 above and all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

Additional Special Conditions:

ASC-1) All equipment must operate from upland side of wall.

On a motion made by Rob Palumbo and seconded by Paul Lelito, the Board unanimously voted to move Draft Order to Final and to include the special condition that all work equipment shall operate from the upland side of the wall.

Brendan Mullaney explained to the applicant the 10 day appeal period.

- 2) **Applicant:** Edward F. Callahan, Jr. **DEP File Number:** SE7-1800
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 10 Wenaumet Bluffs Drive, Pocasset
 Proposed Project: Reconstruction of existing seawall including grading and landscaping within an
 AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200
 foot Riverfront Area

Barbara Frappier representing: Wall is adjacent to Mrs. Nutter's wall, which has already been approved by the Commission. Mr. Callahan agreed to the town's demands to replace the wall. Currently the wall is made of concrete, granite block and other small stones. Wall will be replaced with a sloping stone revetment set-up; stones will be dug below grade. Wall will be done in sections. Equipment access will be from public access and in intertidal zone during low. Shrubbery will be planted at the top, small area left open to walk down; small steps will be replaced. This will be a licensed wall and will connect to abutter Mrs. Nutter; it will be done at the same time.

No Board comments. No public comments

Brendan Mullaney – issue has been in front of the Board previously and it has been over a year since issue was first brought to the Board's attention. This project will make the wall safe for the homeowner and people who use this section of beach for public access for fishing.

On a motion made by Paul Lelito and seconded by Rob Palumbo, the Board voted unanimously to close the public hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions #'s 1-6, 9, 10, 12, 13, 16-24, special conditions pursuant to the Bylaw #'s 4, 6, 7, 8 and 9.

General Conditions, Special Conditions numbers 20, 24, Bylaw Conditions numbers 4 and 6 above and all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

Additional special conditions:

ASC-1) The Narrative accompanying the Notice of Intent, including Construction Methodology, is incorporated into the Order of Conditions and must be followed to achieve compliance on the project.

On a motion made by Betsy Kiebala and seconded by Rob Palumbo, the Board voted unanimously to move from Draft Order to Final.

Certificates of Compliance:

- 1) **Applicant:** Grace Moore **DEP File Number:** SE7-1740
 Representative: Jack Landers-Cauley
 Project Address: 23 Quamhasset Rd, Buzzards Bay
 Proposed Project: Construct and maintain a 120' pier, ramp and floats within an AE Flood Zone,
 within a Wetland Resource Area, and within 100' of a Wetland Resource Area.
 (Continued from 2/16/2012)

Brendan Mullaney informed the Board this hearing has been postponed indefinitely.

Other Business

► Update on use of CCA pilings from MA DEP.

Brendan Mullaney sent email to Ms. Elizabeth Kouloheras at the DEP for clarification and guidance with regard to the NOI stating pilings would be “third-party certified non-leaching southern yellow pine”; DMF stated that to their knowledge, all CCA treated wood will leach chemicals into the water column and recommend alternative materials. Tena Davies from MA DEP contacted Brendan Mullaney last week regarding the issue. She stated they weren’t willing to put anything in writing, but stated it wasn’t an issue and cited the *Wetlands Standards Applying to Coastal Areas Only: Leaching of Wood Preservatives*. Ms. Davies stated pilings were not banned for marina environment for docks and piers currently; they routinely approve projects with this material, but let applicants attempt to use alternative materials. The two State agencies have no dialogue and don’t plan to have any discussion or resolution on the issue. Decision of material is at the Board’s discretion.

Paul Lelito said it was the beetles were the concern as they rot the pilings from inside out.

Brendan Mullaney said the alternatives to the CCA treated pilings:

- ACQ treated pilings (aka kodiak wood for fresh water)
- Rainforest timber (expensive and has a moral implication).
- Composite material (possibly more expensive / not practical)
- Metal (cost, also might not be practical, rusting issues)
- Silica-type glass infused pilings (new technology)

► Vote – Excuse Absent Members, if necessary

On a motion made by Rob Palumbo and seconded by Betsy Kiebala, the Board voted unanimously to excuse Peter Holmes from tonight’s meeting.

► Approval of Minutes – February 2, 2012

On a motion made by Rob Palumbo and seconded by Betsy Kiebala, the Board voted unanimously to approve minutes as submitted. One abstention from Susan Weston.

► Any other business that may legally come before the Commission

► Report of the Conservation Agent

► Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

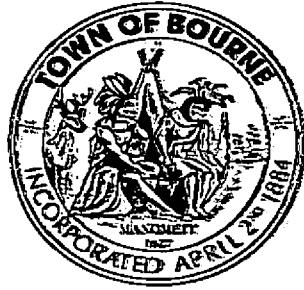
► Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

On a motion made by Betsy Kiebala and seconded by Rob Palumbo, the Board voted unanimously to adjourn. Meeting adjourned at 7:40 pm.

Respectfully submitted,

Lisa Groezinger, sec.

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TOWN CLERK'S OFFICE

BOURNE, MASS CONSERVATION COMMISSION AGENDA

Thursday, March 15, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Richard Menkello **File Number:** CC12-06
Representative: SAME
Project Address: 152 Puritan Road, Buzzards Bay
Proposed Project: Perform vegetation management, including brush and tree removal, and replant area within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Marc Brandrup **File Number:** CC12-07
Representative: SAME
Project Address: 125 Clay Pond Road, Monument Beach
Proposed Project: Construct a detached garage with associated grading and landscaping within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Tadgh Sweeney **File Number:** CC12-08
Representative: SAME
Project Address: 29 South Road, Pocasset
Proposed Project: Upgrade septic system and relocate water line within an AE Flood Zone
(Hearing Under State Act Only)

- 4) **Applicant:** Peter Calitri **File Number:** CC12-09
Representative: William Lockwood, Lockwood Associates
Project Address: 8 Perry Avenue, Buzzards Bay
Proposed Project: Demolish existing deck and rebuild new deck, including new footings, within an AE Flood Zone and within 100 feet of a Wetland Resource Area

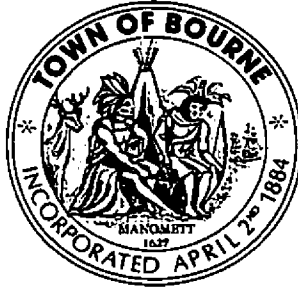
- 5) **Applicant:** Silver Newton **File Number:** CC12-10
Representative: SAME
Project Address: 65 Spruce Drive, Pocasset
Proposed Project: Construct farmer's porch, deck, fence, patio and install underground utilities within an AE Flood Zone
(Hearing Under State Act Only)

- 6) **Applicant:** Brett Ellis **File Number:** CC12-11
Representative: SAME
Project Address: 6 Bell Road Extension, Gray Gables
Proposed Project: Replace failed cesspool with new Title V septic system within an AE Flood Zone
(Hearing Under State Act Only)

- 7) **Applicant:** Brett Ellis **File Number:** CC12-12
Representative: SAME
Project Address: 177 Clipper Road, Mashnee Island
Proposed Project: Replace failed cesspool with new Title V septic system, including removal of two trees, within a VE Flood Zone
- 8) **Applicant:** Brett Ellis **File Number:** CC12-13
Representative: SAME
Project Address: 98 Salt Marsh Lane, Pocasset
Proposed Project: Replace failed cesspool with new Title V septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area
- 9) **Applicant:** Eleonore Freihofer **File Number:** CC12-14
Representative: Shawn MacInnes, MacInnes Consulting
Project Address: 200 Eel Pond Road, Monument Beach
Proposed Project: Upgrade to Title V septic system within 100 feet of a Wetland Resource Area
- 10) **Applicant:** Lobster Trap Restaurant **File Number:** CC12-15
Representative: Joseph Agrillo, Jr.
Project Address: 290 Shore Road, Monument Beach
Proposed Project: Perform landscape repairs and improvements including patio, stairs, walkway, and plantings within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200' Riverfront Area

7:15) **Notices of Intent:**

- 1) **Applicant:** George Polillia **DEP File Number:** SE7-1794
Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.
Project Address: 525 Shore Road, Monument Beach
Proposed Project: Construct an addition, garage, and deck within 100 feet of a Wetland Resource Area
(Continued from 2/2/2012)
- 2) **Applicant:** Roger & Judith Merra **DEP File Number:** SE7-
Representative: Bracken Engineering, Inc.
Project Address: 14 Pequot Avenue
Proposed Project: Raze and rebuild existing single family dwelling including new septic system, landscaping, grading, utilities, and appurtenances within an AE Flood Zone
(Hearing Under State Act Only)



2012 MAY 3 AM 10 30

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, March 15, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members present: Chairman Bob Gray, Betsy Kiebala, Paul Lelito, Rob Palumbo and Susan Weston. Alternate member Thomas Ligor also present.

Members absent: Vice Chairman Martha Craig Rheinhardt, Peter Holmes

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey

Call to Order: Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the Public. All cell phones are to be placed on vibrate or turned off during the meeting.

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Richard Menkello **File Number:** CC12-06
Representative: SAME
Project Address: 152 Puritan Road, Buzzards Bay
Proposed Project: Perform vegetation management, including brush and tree removal, and replant area within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Betsy Kiebala recused herself from discussion and vote.

Mr. Menkello representing: Area is on the pond with trees and brush (bittersweet). Proposing to remove trees and vegetation, grade to the pond (a 6 "rise every 2 feet); replant area with ground cover similar to the other half of the lot. Plans to use vinca or bayberry. J.D. Souza is doing the work.

Brendan Mullaney – there is a lot of bittersweet and invasive vegetation and suggested shrubs at edge of pond and to add creeping juniper or something similar to hold in the bank once established. Project is directly adjacent to Bumps Pond.

Susan Weston – so the applicant plans to strip everything out, grade and replant.

Lelito – concerned about wildlife habitat characteristics vs. a manicured area; under regulations, area is a protected resource and feels there should be discussion.

Ligor – asked how applicant will keep bittersweet coming back. Applicant will bring in equipment to grade area. Applicant will maintain the new landscape; there is a concrete wall on property from the previous owner partially filled with sand which will be filled in completely with sand – this should help to keep bittersweet from coming back

Weston – concerned with project, thinks it's way overboard, would like to hear Chm. Gray's comments.

Gray – we are looking at area where applicant will remove invasive vegetation and replant with native vegetation. If done properly, it should be OK and will give applicant the opportunity to clean the trash and mess area.

Lelito – sees wildlife habitat around the pond which is more critical to the species there and believes it warrants protection. He would approve if applicant selectively removes all invasives, but it appears that will not achieve what the applicant wants to achieve.

No further questions by the Board. No comment from the public.

On a motion made by Paul Lelito and seconded by Rob Palumbo, the Board moved a Negative Two Determination. Vote is 2-2 (Weston and Lelito in opposition, Palumbo and Gray in favor). Chairman Gray states that in the case of a tie, the application fails.

- 2) **Applicant:** Marc Brandrup **File Number:** CC12-07
 Representative: SAME
 Project Address: 125 Clay Pond Road, Monument Beach
 Proposed Project: Construct a detached garage with associated grading and landscaping within 100 feet
 of a Wetland Resource Area

Mr. Brandrup representing: proposed garage is approximately three (3) feet in from the existing grass – keeping garage as simple and basic as possible; four (4) or five (5) small trees will need to be taken down.

Brendan Mullaney – Project is over 50 feet from a Resource Area, Clay Pond, and property is relatively flat. There will be removal of some vegetation; erosion control is on the plans. No concerns with the application.

No Board comment. No comment from public

On a motion made by Paul Lelito and seconded by Rob Palumbo, the Board unanimously voted to approve the project under a Negative Three Determination.

- 3) **Applicant:** Tadgh Sweeney **File Number:** CC12-08
 Representative: SAME

Project Address: 29 South Road, Pocasset
Proposed Project: Upgrade septic system and relocate water line within an AE Flood Zone
(Hearing Under State Act Only)

Robert Palumbo recused himself from vote and discussion.

Mr. Sweeney representing: Proposing to upgrade septic system and to relocate the water line within a Flood Zone.

Brendan Mullaney – project is on Wings Neck, in Flood Zone only, no other jurisdictional resource areas within 100 feet of proposed project; it is a developed lot. No concerns with the project.

No further Board comment. No public comment.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the Board unanimously voted to approve the project under a Negative Two Determination.

4) **Applicant:** Peter Calitri **File Number:** CC12-09
Representative: William Lockwood, Lockwood Associates
Project Address: 8 Perry Avenue, Buzzards Bay
Proposed Project: Demolish existing deck and rebuild new deck, including new footings, within an AE Flood Zone and within 100 feet of a Wetland Resource Area

William Lockwood representing: Applicant proposing to tear down existing deck and replace in kind without a roof. Application includes a picture of existing deck, site plan and supplemental info.

Lelito – will proposed deck be smaller than existing? Deck is the same size: the steps are smaller; and occupying less area.

Brendan Mullaney – project is just a few doors down from Town Hall, a small deck which will require new footings. Proposed project is 71 feet from the pond. No concerns with project.

On a motion made by Paul Lelito and seconded by Susan Weston, the Board unanimously voted to approve the project a Negative Two Determination.

5) **Applicant:** Silver Newton **File Number:** CC12-10
Representative: SAME
Project Address: 65 Spruce Drive, Pocasset
Proposed Project: Construct farmer's porch, deck, fence, patio and install underground utilities within an AE Flood Zone
(Hearing Under State Act Only)

Applicant not present tonight due to family emergency.

Brendan Mullaney – Applicant has turned in all abutter notifications; project in Flood Zone only, proposed deck ,patio, associated landscaping, fence, and installation of gas line (location of fence and gas line unknown at present time); this is a flat developed area; and no concerns with the project.

No further Board comments. No public comment.

Susan Vaughn, abutter – concerned about placement of fence. Brendan Mullaney said at this time, fences are exempt from wetland permitting requirements even though it is on the application. Abutter is concerned with her view. Lelito suggested abutter speak with applicant.

On a motion made by Paul Lelito and seconded by Rob Palumbo, the Board unanimously voted to approve the project under a Negative Two Determination.

- 6) **Applicant:** Brett Ellis **File Number:** CC12-11
 Representative: SAME
 Project Address: 6 Bell Road Extension, Gray Gables
 Proposed Project: Replace failed cesspool with new Title V septic system within an AE Flood Zone
 (Hearing Under State Act Only)

Mr. Ellis representing: Applicant to install new system below ground; no mounding or tree removal. Plan to restore driveway and lawn areas after installation.

Brendan Mullaney – project is more than 100 feet from the coastal bank; overall will be an improvement for area. No concerns with project.

No Board comment. No public comment.

On a motion made by Paul Lelito and seconded by Rob Palumbo, the Board unanimously voted to approve the project under a Negative Two Determination.

- 7) **Applicant:** Brett Ellis **File Number:** CC12-12
 Representative: SAME
 Project Address: 177 Clipper Road, Mashnee Island
 Proposed Project: Replace failed cesspool with new Title V septic system, including removal of two
 trees, within a VE Flood Zone

Mr. Ellis representing: Applicant to install a new Title V system and move from the back to the front as equipment can't get in back; two cedar trees will be removed due to the size of system.

Ligor – asked where the leaching will field will be. Ellis responds directly in front of the house across the entire front yard.

Brendan Mullaney – Property was in before the Board for a deck previously. Project is in a V-zone only; flat area, project will be an improvement over existing conditions. No concerns with project.

No Board comment. No public comment.

Brendan Mullaney – described area as a tough lot: wetlands on both sides; property being sold; with site restrictions, septic is being placed in the best area possible. Board of Health will determine what variances are needed; overall will be an improvement for the area. No other concerns with the project.

No Board comments. No public comments.

On a motion made by Rob Palumbo and seconded by Susan Weston, the Board unanimously voted to approve the project under a Negative Three Determination.

- 10) **Applicant:** Lobster Trap Restaurant **File Number:** CC12-15
 Representative: Joseph Agrillo, Jr.
 Project Address: 290 Shore Road, Monument Beach
 Proposed Project: Perform landscape repairs and improvements including patio, stairs, walkway, and plantings within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200' Riverfront Area

Mr. Agrillo, Jr. representing: re-landscaping in existing landscaped area at the Lobster Trap Restaurant. Upgrades include: concrete steps are deteriorated and will replace by form and pour over existing stairs with concrete; add handrail along the stairs on the existing wall; there is an area of grass to be removed and will install a permeable paver patio; replace fence in place; remove and install crushed shells in the upper level; fertilizing not necessary. Actual construction will be done with a bobcat and possible mini excavator; a silt fence added along granite wall that abuts Back River. Work will not leave a lot of undisturbed area and will be done in an expedient timeframe.

Kiebala – asked what kind of new fence. Mr. Agrillo states there is currently a chain link fence; want a more rustic (faded picket or weathered wood-type fence).

Lelito – a reduction in lawn and increase in pervious area in a river front is a good thing.

Brendan Mullaney – applicant taking out some of the lawn in existing area; water that currently runs off into the back river area will be contained; an improvement in the area. No concerns with the project.

Ligor – asked what applicant will use to replace the arborvitae. Bayberry, cedar trees and hydrangeas. Brendan Mullaney suggested evergreens for a screen. Snow plowing parking lot has destroyed what is there now and looking for a lower type of growth. Chm. Gray suggested bearberries.

No Board comments. No public comments.

On a motion made by Paul Lelito and seconded by Susan Weston, the Board unanimously voted to approve the project under a Negative Two Determination.

7:15) **Notices of Intent:**

- 1) **Applicant:** George Polillia **DEP File Number:** SE7-1794
 Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.
 Project Address: 525 Shore Road, Monument Beach

Proposed Project: Construct an addition, garage, and deck within 100 feet of a Wetland Resource Area
(Continued from 2/2/2012)

Brendan Mullaney – At the applicant’s request, the hearing will be continued to April 19, 2012.

2) **Applicant:** Roger & Judith Merra **DEP File Number:** SE7-1799
Representative: Bracken Engineering, Inc.
Project Address: 14 Pequot Avenue
Proposed Project: Raze and rebuild existing single family dwelling including new septic system, landscaping, grading, utilities, and appurtenances within an AE Flood Zone
(Hearing Under State Act Only)

Chm. Gray recused himself from vote and discussion. Lelito is Chairing.

Don Bracken representing: this is a somewhat congested plan on a small lot. New septic to be located toward the NE at elevation 16; SW is at elevation 15. Proposing to demolish existing structure and construct new dwelling at elevation 15. Property is up the street from Hen Cove. Title V requires to monitor groundwater for full tidal cycle; there is a 6-inch change in septic to accommodate groundwater. No variances required from the Board of Health.

Lelito – asked if house in an existing flood zone. The house is slightly higher, but the first floor still complies.

Kiebala – asked about any tree removal. Near the driveway.

Brendan Mullaney – flat, developed lot. Standard raze and rebuild in the Flood Zone only, no concerns with application.

No further Board comments. No public comments.

Rob Palumbo moved and seconded by Susan Weston to close hearing. Unanimous vote.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions #'s 1-6, 9, 10, 12, 13, 16-24, special conditions pursuant to the Bylaw #'s 4, 6, 7, 8 and 9.

General Conditions, Special Conditions numbers 20, 24, Bylaw Conditions numbers 4 and 6 above and all shall continue in perpetuity.

On a motion made by Rob Palumbo and seconded by Susan Weston, the Board unanimously voted to move Draft to Final.

3) **Applicant:** Jack & Ann Wood **DEP File Number:** SE7-1802
Representative: Bracken Engineering, Inc.
Project Address: 35 Park Street, Pocasset

Proposed Project: Raze and rebuild existing single family dwelling including new septic system, landscaping, grading, utilities, and appurtenances within 100 feet of a Wetland Resource Area

Chm. Gray recused himself from vote and discussion. Lelito is Chairing.

Don Bracken representing: Hen Cove is to the west of the property. Site over 18,000 sq. ft.; NW is Conservation Pond and associated bordering vegetated wetland; closest resource area is a coastal bank, AE flood zone intersections at elevation 16; on plans shows 50-foot buffer from coastal bank; 100-foot buffer from coastal bank. Demolish and rebuild existing dwelling and also construct a new garage. Septic is located as far as possible from the pond; tank and chamber will be in buffer zone; some retaining walls to accommodate changes for construction of house; silt fence with earth berm for slope to make sure nothing washes into direct resource areas; to get nitrogen loading lower will require a limit in lawn area and project also requires a variance from the Board of Health.

Lelito – project proposal states raze and rebuild including septic, but application doesn't include garage. Bracken said garage is not within jurisdiction. Lelito comments on earthen berm for erosion control and wonders if this is overkill. Bracken responds that he feels this is necessary because of steepness of lot.

Kiebala – commented that most homes are in the flood plane in that area. Bracken states property is at a high area of Park Street, around elevation 30.

No further Board comments. No public comments.

Brendan Mullaney – a very steep lot and likes the idea of earth berm to serve as a means to control erosion. Area has been a focus of remediation for storm water, including issues with runoff into Conservation Pond and leaching from septic; hopefully the new septic system on this property will help that issue. No further concerns with project.

Rob Palumbo moved and seconded by Susan Weston to close public hearing. Unanimous vote.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions #'s 1-6, 9, 10, 12, 13, 16-24, special conditions pursuant to the Bylaw #'s 4, 6, 7, 8 and 9.

General Conditions, Special Conditions numbers 20, 24, Bylaw Conditions numbers 4 and 6 above and all shall continue in perpetuity.

On a motion made by Betsy Kiebala and seconded by Susan Weston, the Board unanimously voted to move from Draft to Final.

- 4) **Applicant:** Cannon Realty Trust **DEP File Number:** SE7-1801
Representative: Holmes and McGrath, Inc.
Project Address: 7 Arthur Avenue and 26 Monument Avenue, Monument Beach
Proposed Project: Repair existing concrete seawall using vinyl sheeting and repair eroded areas behind seawall within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

Raúl Lizardi Rivera, Holmes & McGrath representing: currently there is an existing concrete sea wall, qualifies as a manmade coastal bank. On the west side the beach has begun to slightly erode away; two sections of erosion where the water puddles on top of the concrete wall. Proposing to remove section of top of the concrete wall and replace with sheet piling (2 ½ - 3 ft.) exposing 2 ft to retain existing wall behind; repair eroded sections on top of the wall in the yard; vinyl sheeting used for the new wall, filling in gaps behind with concrete. Joseph Agrillo, Jr. doing work.

Lelito – clarification depth of sheeting and how the work will be done. Sheeting will be driven minimum of four feet and they will use an excavator working from the beach.

Brendan Mullaney – different ideas were discussed on how to repair the wall - this idea seems to be the best; it will retain what is existing now, only the footing is compromised and wall still has integrity. Minimal impact; applicant is asking to go through Arthur Avenue and onto the beach to do work; suggests to coordinate with the tides, project should take approximately 7 days work.

Chm. Gray – appears all of the work will stay above high mean water, which is shown 15-30 feet out from the wall. Brendan Mullaney said if they tried to perform work from top, it may cause more issues with sink holes and they may have to replace sections of the wall.

Lelito – inquired about the existing platform to be reconstructed and the concrete pad. Mr. Agrillo states the purpose is that it is the landing of the stairs that are put up every spring – area is pointed out in photographs.

Nim Mulvey – asked about the vinyl sheeting. Mr. Rivera states the material is solid and will be driven like regular pilings.

Chm. Gray – asks about salt marsh in relation to the property. Brendan states there is some salt marsh down the beach a ways but it will not be impacted by project.

Rob Palumbo moved and seconded by Betsy Kiebala to close hearing. Unanimous vote.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions #'s 1-6, 9, 10, 12, 13, 16-24, special conditions pursuant to the Bylaw #'s 4, 6, 7, 8 and 9.

General Conditions, Special Conditions numbers 20, 24, Bylaw Conditions numbers 4 and 6 above and all shall continue in perpetuity.

On a motion made by Susan Weston and seconded by Rob Palumbo, the Board voted unanimously to move Draft to Final.

Other Business

► Vote – Excuse Absent Members, if necessary

Betsy Kiebala moved and seconded by Rob Palumbo to excuse absent members. Unanimous vote.

► Approval of Minutes – February 16, 2012

Paul Lelito moved and seconded by Susan Weston to approve minutes of 2/16/12 as submitted. Vote 4-0-1 (Palumbo abstention).

▶ Any other business that may legally come before the Commission

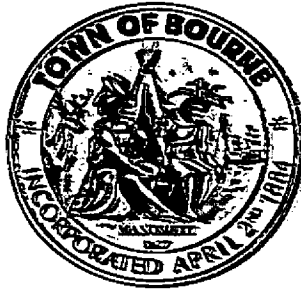
▶ Report of the Conservation Agent

▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Rob Palumbo moved and seconded by Betsy Kiebala to adjourn. Unanimous vote. Meeting adjourned at 8:20 pm.

Respectfully submitted,
Lisa Groezinger, sec.



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TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION AGENDA

Thursday, April 5, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Richard Menkello **File Number:** CC12-06
Representative: SAME
Project Address: 152 Puritan Road, Buzzards Bay
Proposed Project: Perform vegetation management, including brush and tree removal, and replant area within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Kevin Kirby **File Number:** CC12-16
Representative: SAME
Project Address: 61 Monument Neck Road
Proposed Project: Construct a 10' by 18' shed within an AE Flood Zone
(Hearing Under State Act Only)

- 3) **Applicant:** Edward Doyle **File Number:** CC12-17
Representative: SAME
Project Address: 14 Nye Lane
Proposed Project: Install footings and support columns for new dwelling within 100 feet of a Wetland Resource Area

- 4) **Applicant:** Margaret Jenkins, Trustee **File Number:** CC12-18
Wings Neck Trust
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 99 South Road, Pocasset
Proposed Project: Remove and re-pour existing concrete casing on licensed pier within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

7:15) Notices of Intent:

- 1) **Applicant:** Margaret Jenkins, Trustee **DEP File Number:** SE7-
Wings Neck Trust
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 99 South Road, Pocasset
Proposed Project: Remove and repour existing concrete casing on licensed pier within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Richard Catrambone **DEP File Number:** SE7-
 Representative: SAME
 Project Address: 128 Wings Neck Road
 Proposed Project: Replace 14 timber pilings on existing licensed dock within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Request to Extend Order of Conditions:

- 1) **Applicant:** Hideaway Village Association **DEP File Number:** SE7-1664
 Representative: Ron Horne, General Manager
 Project Address: 749 Head of the Bay, Buzzards Bay
 Proposed Project: Repair eroded coastal bank within a VE Flood Zone and within 100' of a Wetland Resource Area

Request for Certificate of Compliance:

- 1) **Applicant:** Kenneth & Noreen Jeffries **DEP File Number:** SE7-1753
 Representative: Bracken Engineering, Inc.
 Project Address: 45 Hope Avenue, Pocaset
 Proposed Project: Raze and rebuild existing single family dwelling and detached garage including new septic system, gravel driveway, associated site work, and grading within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Other Business

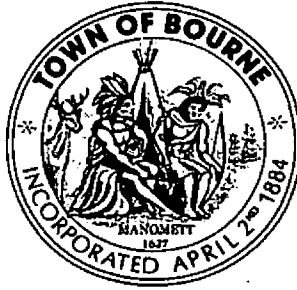
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – March 1, 2012

- ▶ Any other business that may legally come before the Commission

- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

2012 MAY 15 AM 9 14

TOWN CLERK'S OFFICE
BOURNE, MASS



CONSERVATION COMMISSION MINUTES

Thursday, April 5, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Betsy Kiebala, Paul Lelito, Rob Palumbo and Susan Weston, and alternate member Thomas Ligor..

Member(s) absent: Peter Holmes

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Kevin Kirby, Jay & Margot Jenkins, Edward & Marie Doyle, Dick Menkello, Diana Barth, Barbara Frappier, Robert Bilodeau

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be know by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

7:00) Requests for Determination of Applicability:

- | | | | |
|----|---------------------------------|--|------------------------------------|
| 1) | <u>Applicant:</u> | Richard Menkello | <u>File Number:</u> CC12-06 |
| | <u>Representative:</u> | SAME | |
| | <u>Project Address:</u> | 152 Puritan Road, Buzzards Bay | |
| | <u>Proposed Project:</u> | Perform vegetation management, including brush and tree removal, and replant area within an AE Flood Zone and within 100 feet of a Wetland Resource Area | |

Betsy Kiebala – requested clarification for continuation. Chairman Gray states there was no decision of either a positive or negative determination. Brendan Mullaney states the hearing was re-advertised. Ms. Kiebala recused herself from discussion and vote.

Mr. Menkello representing: proposal is not as aggressive as prior, as he is following Brendan Mullaney's recommendations of removing smaller saplings and to keep red maple saplings near the edge of the pond. Jay Souza suggested some other bushes/shrubs or a combination of bayberry. This proposal is for one-half of the lot. Vinca is on the other half and we are not proposing work in this area. Project will only occur where the bittersweet took over.

Martha Craig Rheinhardt - asked how the bittersweet will be removed. Applicant states he will cut. Paul Lelito suggested using Round Up and apply with paint brush where plant was cut and enters ground to stop re-growth.

Brendan Mullaney – sketched a plan more appropriate with shrubs that would grow well. Once bittersweet and smaller weak saplings are removed, it will open up the area. This proposal appears better than the last one for the homeowner and the habitat.

No further Board comment. No public comment.

On a motion made by Rob Palumbo and seconded by Paul Lelito, the Board voted a Negative Two Determination 2. Vote is 4-0-1 with Susan Weston in abstention.

- 2) **Applicant:** Kevin Kirby **File Number:** CC12-16
 Representative: SAME
 Project Address: 61 Monument Neck Road
 Proposed Project: Construct a 10' by 18' shed within an AE Flood Zone
 (Hearing Under State Act Only)

Kevin Kirby representing: Requesting to construct a shed 25' from railroad that abuts his property from the back.

No Board comments. No public comment.

Brendan Mullaney – project is in Flood Zone only, no other jurisdictional resource areas within 100 feet. Relatively flat, developed lot. No other concerns with the project.

On a motion made by Martha Craig Rheinhardt and seconded by Betsy Kiebala, the Board unanimously voted a Negative Two Determination.

- 3) **Applicant:** Edward Doyle **File Number:** CC12-17
 Representative: SAME
 Project Address: 14 Nye Lane
 Proposed Project: Install footings and support columns for new dwelling within 100 feet
 of a Wetland Resource Area

Edward Doyle representing: building under construction; footings have not been installed and requesting approval to install concrete columns and footings in rear of dwelling.

Susan Weston – requested for clarification of the building. Mr. Doyle states new building is on an existing foundation. Brendan Mullaney said there was miscommunication with regard to the plans. When it was determined new footings would be installed, he told Mr. Doyle he would need a permit from Conservation and Mr. Doyle willingly complied and also installed hay bales and silt fence.

Brendan Mullaney – new portion of project is in the same footprint of the old deck. More than 50' from the top of coastal bank, which is coincident with Flood Zone line, project itself is outside of flood zone. No other concerns with the project.

No further Board comments. No public comment.

On a motion made by Martha Craig Rheinhardt and seconded by Susan Weston, the Board unanimously voted a Negative Three Determination.

- 4) **Applicant:** Margaret Jenkins, Trustee **File Number:** CC12-18
 Wings Neck Trust
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 99 South Road, Pocasset
 Proposed Project: Remove and re-pour existing concrete casing on licensed pier within a
 VE Flood Zone, within a Wetland Resource Area, and within 100 feet
 of a Wetland Resource Area

Rob Palumbo recused himself from discussion and vote.

Barbara Frappier representing: This is an Association pier with a valid Chapter 91 license. There is a section that is deteriorating and in need of repair. Pictures given to the Board to review. Concrete is cracked and rebar is corroding. Robert Bilodeau will be doing the work. A pump truck will be used to pour the concrete. There will be no machinery on the beach, only foot traffic. There is no increase in footprint. DMF letter has no comments on said project. This pier is licensed.

No Board comments. No public comment.

Brendan Mullaney – proposal is the same project as the first Notice of Intent on the agenda, as he felt it was right on the line whether it could be done under an RDA. The high water mark is on the pier in this area and there will be work below the line. Both applications were done in a timely manner in case the Board felt the project warranted a Positive Determination. There is no worry about any oil or material getting into the Tidal Zone since the forms will be plywood and not sprayed with any release agent. Board's discretion whether to go forward with Negative Two Determination a Positive Determination and review as a Notice of Intent application.

Paul Lelito – this is interesting, he has never seen an application as both a Request and a Notice on the same agenda. Barbara Frappier states it was Brendan's idea after she asked how to guarantee the project could be completed in a timely manner and he was not sure how the Commission would react to project.

Chm. Gray – you could bounce this project to a Notice of Intent, but what additional information could we really gather that we don't already have. Since applicant is proposing to use untreated forms, he is comfortable with processing under a Request. Board concurs that this is a reasonable request.

No further questions from the Board. No public comment.

On a motion made by Martha Craig Rheinhardt and seconded by Betsy Kiebala, the Board unanimously voted a Negative Two Determination.

Martha Craig Rheinhardt – non leaching CCA pilings certified by a third-party question. Brendan Mullaney said if certified they are treated properly to minimize the leaching.

Chm. Gray – although DMF doesn't want CCA pilings, DEP is still saying it's okay to use and feels there isn't an alternative at this time.

Brendan Mullaney – cost difference question between CCA pilings and composite. Applicant said it is substantial, but is leaning toward the composite.

Betsy Kiebala – asked about dock material. 12-inch pilings with a walkway; safety railing on left side.

Brendan Mullaney – asked about additional work beside the pilings. Applicant answered quite likely he will replace all dock components. Brendan Mullaney recommended when Cape Cod Dock drafts the methodology, include all dock components that may be replaced during this project so it is on record and in the file.

Betsy Kiebala – questioned the timeframe for permit if needed. Chm. Gray said it is good for 3 years and once project is complete, under Chapter 91 license, replacing deck and railing is covered under the licensing. Any additional piles he will have to go through the ConCom process again.

Brendan Mullaney asked the sizes of the composite pilings. Applicant didn't have that information.

No further Board comment.

Jim Mulvey – commented on CCA pilings and asked if any toxicology testing had been done. No one is aware of this information. No further public comment.

Chm. Gray – Board needs motion continue to 4/19/12 at applicant's request. Applicant requests continuance and asks if he needs to reappear. Chm. Gray instructed applicant to send in requested information to the Board, and he wouldn't have to come back before the Board at the next hearing unless DEP raises any issues.

On a motion by Rob Palumbo and seconded by Martha Craig Rheinhardt the Board unanimously voted to continue at the applicant's request.

Request to Extend Order of Conditions:

- | | | |
|----|---------------------------------|--|
| 1) | <u>Applicant:</u> | Hideaway Village Association <u>DEP File Number:</u> SE7-1664 |
| | <u>Representative:</u> | Ron Horne, General Manager |
| | <u>Project Address:</u> | 749 Head of the Bay, Buzzards Bay |
| | <u>Proposed Project:</u> | Repair eroded coastal bank within a VE Flood Zone and within 100' of a Wetland Resource Area |

Brendan Mullaney – at end of Nautical Way, bank suffered serious erosion in 2005. Applicant looking to continue to re-install hay bales and do some plantings in the area. Trying to keep permit valid so they can continue to stem the erosion down in this area.

Rob Palumbo – asked if Extension was filed in a timely manner. Brendan Mullaney responded it was.

On a motion made by Rob Palumbo and seconded by Paul Lelito, the Board voted to Extend Order of Conditions. Susan Weston is abstaining from vote.

Request for Certificate of Compliance:

- 1) **Applicant:** Kenneth & Noreen Jeffries **DEP File Number:** SE7-1753
 Representative: Bracken Engineering, Inc.
 Project Address: 45 Hope Avenue, Pocaset
 Proposed Project: Raze and rebuild existing single family dwelling and detached
 garage including new septic system, gravel driveway, associated
 site work, and grading within an AE Flood Zone and within 100
 feet of a Wetland Resource Area

Brendan Mullaney - site visit made and it is determined project is in compliance and recommends the Board grant Certificate of Compliance.

On a motion made by Rob Palumbo and seconded by Susan Weston, the Board unanimously voted to approve Certificate of Compliance.

Other Business

Vote to Excuse Absent Members, if necessary

On a motion made by Rob Palumbo and seconded by Paul Lelito, the Board unanimously voted to excuse Peter Holmes from tonight's meeting.

Approval of Minutes of 3/1/12

On a motion made by Rob Palumbo and seconded by Susan Weston, the Board unanimously voted to approve minutes of 3/1/12 as amended.

Report of the Conservation Agent

Application for restoration at Redbook Herring Run will be on the next meeting. Bournedale Herring Run project is in limbo; originally design costs and came in high; re-evaluating on how to proceed.

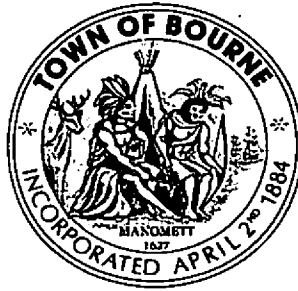
Pyrotechnics used to scare geese in Squeteague Harbor is an issue in town. The group has ceased action and looking for permission to continue operation.

Chm. Gray – Squeteague grasslands have grown in and there will be an application looking to clear for access to town beaches.

Adjournment

Betsy Kiebala moved and was seconded by Susan Weston to adjourn. Unanimous vote. Meeting adjourned at 7:50 pm.

Respectfully submitted,
Lisa Groezinger, sec.



2012 APR 13 AM 11 06

TOWN CLERK'S OFFICE

BOURNE, MASS

CONSERVATION COMMISSION AGENDA
Thursday, April 19, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Helen Fistori **File Number:** CC12-19
Representative: John Fabrowski
Project Address: 23 Nick Vedder Road, Buzzards Bay
Proposed Project: Install a stamped concrete patio within 100 feet of a Wetland Resource Area

7:00) Notices of Intent:

- 1) **Applicant:** George Polillia **DEP File Number:** SE7-1794
Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.
Project Address: 525 Shore Road, Monument Beach
Proposed Project: Construct an addition, garage, and deck within 100 feet of a Wetland Resource Area
(Continued from 3/15/2012)
- 2) **Applicant:** Richard Catrambone **DEP File Number:** SE7-
Representative: SAME
Project Address: 128 Wings Neck Road
Proposed Project: Replace 14 timber pilings on existing licensed dock within a VE Flood Zone and within 100 feet of a Wetland Resource Area
(Continued from 4/5/2012)
- 3) **Applicant:** Town of Bourne **DEP File Number:** SE7-
Representative: Brendan Mullaney
Project Address: Off Shipyard Lane, Red Brook Harbor, Cataumet
Proposed Project: Rehabilitate existing herring run to facilitate fish passage utilizing three stone berms to create a continuous step pool within AE and VE Flood Zones and within a Wetland Resource Area

Request for Certificate of Compliance:

Applicant: Walter H. Wing, Jr. **DEP File Number:** SE7-533
Representative: J. Ford O'Connor
Project Address: 720 Shore Road, Pocasset
Proposed Project: Construct a single family dwelling within 100 feet of a Wetland Resource Area

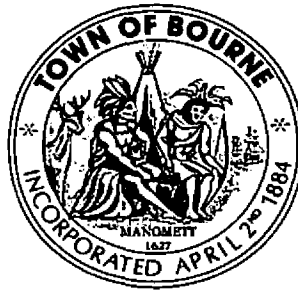
Other Business

- ▶ Discussion – New England Paragliding and Hang Gliding Club – Peaked Cliff Conservation Area – Erosion Issues, ATV's, and possible solutions at site
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – March 15, 2012

- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

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TOWN CLERK'S OFFICE
BOURNE, MASS



**Conservation Commission
Minutes of April 19, 2012
Bourne Town Hall, Lower Conference Room
Bourne, MA 02532**

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Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Betsy Kiebala, Rob Palumbo and Susan Weston, and alternate member Thomas Ligor.

Member(s) absent: Paul Lelito, Peter Holmes

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Helen Fistori, John Fabrowski, Rick Catrambone, George Polillia, Diana Barth, Jim Mulvey, Abigail Franklin, Brad Chase, Kathleen McKenna, Jim Cummings

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so; however, it must be know by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

Requests for Determination of Applicability

1. File Number - CC12-19
Applicant: Helen Fistori
Representative: John Fabrowski
Project Address – 23 Nick Vedder Road, Buzzards Bay
Proposal – Install a stamped concrete patio within 100 feet of a Wetland Resource Area

Mr. Fabrowski – applicant looking to install patio using stamped concrete. The closest point from the bluff is more than 15 feet from proposed patio. Currently there is a lawn and looking to add an area to entertain. There are downspouts from the dwelling. If needed, applicant will add crushed stone around the perimeter of the patio for drainage. The area drops off well over 50 feet from the house.

Brendan Mullaney – when originally constructed by previous owner, the house was built house right up to the 50 foot buffer. He told applicant a deck would most likely not be approved, but suggested a patio or something similar could be possible at grade. Drainage would be necessary. Area is flat. The coastal bank was determined when the house was built. There are a couple ridges, coastal bank was determined by base flood elevation.

Kiebala – inquired about the curved concrete patio. This is a variation to a regular rectangle patio.

Ligor – asked for clarification of “stamped concrete”. Applicant looking for a blue stone look representative shows pictures of similar patios.

Craig Rheinhardt – asked if this is something the Board has approved in the past when a house exists within a 50 foot buffer. Chm. Gray said generally the Board has not allowed a structure of a deck due to it being the first step to a permanent fixture on the home, however a patio or similar at grade has been approved.

Ligor – asked what the size of the patio will be and how will the runoff water will be handled. It will be 1,100 sq. ft. altogether; there are drain pipes on the roof. Crushed stone will be added around the patio itself.

No further Board questions or comments. No public comment.

On a motion made by Rob Palumbo and seconded by Martha Craig Rheinhardt, the Board voted to approve the project under a Negative Two Determination 2. Vote is 4-0-1 with Susan Weston in abstention.

Notices of Intent

1. DEP File Number: SE7-1794

Applicant: George Polillia

Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.

Project Address – 525 Shore Road, Monument Beach

Proposal – Construct an addition, garage, and deck within 100 feet of a Wetland Resource Area (Continued from 3/15/2012).

Mr. Polillia representing: applicant interested in putting addition on existing dwelling. Coastal banks are identified on the property map dated 4/17/12. Applicant looking to see what has or has not changed to put the addition on the house.

Brendan Mullaney – advised applicant it would be beneficial to review so the Board can make a determination and see if it was possible to do anything on the property moving forward.

Applicant looking to add porch on the driveway side or a deck that overlooks the bluff. Applicant willing to compromise and is seeking the Board’s comments.

Chm. Gray – the main issue is the proposed structure is too close to the coastal bank. It is a coastal bank by virtue of landform and superimposed over each side is a coastal flood zone. When relatively steep topography intersects a flood zone, you have a coastal bank. The bylaw requires a 50-foot offset from the top of the coastal bank. The deck is less of an issue as there is an easier solution. With the addition, it is in a major conflict with the setback required by the Bylaw. The Board indicated to Mr. Silva to discuss with client a possible re-design and move proposed garage to the back side of the house or along the side so it is in the same footprint with respect to the top of the bank. The present house already has a garage under. If you took addition and moved to the back of the house, could use as applicant’s intended and there would be no conflict as would be more than 50 feet from the top of the bank. The

deck issue could be solved if they could live with an at-grade patio – applicant could – which solves the deck issue.

George Polillia - This meeting is to see what applicant could go to a re-design to be in compliance. Mr. Silva originally designed addition over garage as it would be less disturbance from an excavation standpoint. More excavation would need to be done for the alternative.

Chm. Gray – State Regulations do not have any setbacks; but the Bylaw does not a lot of wiggle room to work with. The 50- feet is in the bylaw. I understand it is difficult to understand since the coastal banks are so far removed from the ebb and tide; but to change the bylaw is a difficult process through Town Meeting vote.

Representative said the area behind the home would have a better excavation site for the addition. If put on a second floor, making sure meeting height requirements, applicant is looking to add a slider for an ocean view.

Chm. Gray – tend not to approve a deck as it becomes year round. Mr. Silva said applicant is going for a farmer's porch.

Brendan Mullaney – flood zone is determined by FEMA and based on a 100-year flood rise. That is why this is then defined as a coastal bank.

Chm. Gray – asked representative if he thinks his client will understand the issues presented tonight. Applicant will be happy about his view offside the kitchen. If it is possible to come up with an architectural design giving him the square footage he is looking for, he would be willing to propose changes to existing plans.

Kiebala – inquired about the structure. Representative said currently there is no second floor; it is a 3-bedroom structure with a basement.

No further Board questions or comment. No public comment.

Chm. Gray – with applicant's concurrence, they will continue hearing. Mr. Polillia (applicant) should be able to put something together in a month's time.

2. DEP File Number: SE7-1805
Applicant: Richard Catrambone
Project Address – 128 Wings Neck Road
Proposal – Replace 14 timber pilings on existing licensed dock within a VE Flood Zone and within 100 feet of a Wetland Resource Area.
(Continued from 4/5/2012)

Richard Catrambone representing: has a little modification from the last Board meeting. He spoke with Brendan Mullaney. He will commission Cape Cod Docks; methodology has been sent to the Board; using a 12-inch low tide mark in shore with a land base crane. From low tide seaward will use a barge; remove decking; stringers and railings will be re-used. Applicant to use 16 new pilings in the same footprint. Two concrete footings will be replaced. He looked at the composite pilings and found them very thin, and decided on using a Greenheart piling.

Brendan Mullaney – DEP commented project would require a 91 license in which applicant already has. He has received methodology from Cape Cod Docks and recommends to incorporate into order of conditions. If no expansion, he has no further issue with the project.

Ligor – is there a way to determine collateral damage from installing pilings. Brendan Mullaney said it is a temporary disturbance, but to quantify the amount is not possible.

No further Board comment. No public comment.

On a motion made by Betsy Kiebala and seconded by Susan Weston, the Board voted unanimously to close the public hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions #'s 1-3,5,12,13,15-17,19-22,24,30-41, special conditions pursuant to the Bylaw #'s 7-9.

ASC-1) The methodology, submitted on 4/13/12, by Cape Cod Docks, Inc., is incorporated into this Order of Conditions.

ASC-2) The floating barge can only operate when there is sufficient water depth to prevent grounding.

General Conditions, Special Conditions numbers 20,24,30,31,33,36,37 shall continue in perpetuity.

Ligor – asked about the distance for stringers. Brendan – this is included in the order of conditions.

On a motion made by Rob Palumbo and seconded by Susan Weston, the Board unanimously voted to move Draft order to Final.

3. DEP File Number: SE7-
Applicant: Town of Bourne
Representative: Brendan Mullaney
Project Address – Off Shipyard Lane, Red Brook Harbor, Cataumet
Proposal – Rehabilitate existing herring run to facilitate fish passage utilizing three stone berms to create a continuous step pool within AE and VE Flood Zones and within a Wetland Resource Area.

Martha Craig Rheinhardt recused herself from discussion and vote.

Attending tonight is Abigail Franklin of the Cape Cod Conservation District and Brad Chase of Massachusetts Division of Marine Fisheries.

Brendan Mullaney – the main issue addressed is that there is not sufficient water depths for the fish to pass near the culvert. There is a rock berm at the mouth of culvert and an additional one downstream

that inhibit fish from passing during a large portion of the tidal cycle. We are Proposing sheet piling that will be driven, to create three berms for a continuous step-pool that will allow fish to pass during most or all of the tide. More detailed plans are available for view. Cape Cod Water Resource Restoration Project will fund the project. This is one of two projects that is funded in Bourne.

Abigail Franklin – said project is a big process and are fortunate to receive grant from the American Reinvestment and Recovery Act of 2009. A total of six (6) fish passage projects are prioritized and this is one of them.

Chm. Gray – asked what was the initial problem. Brendan Mullaney explained when the fish get up to a certain point, the berm is restrictive to any passage; as the fish come up, they are left with the choice to either stay and bounce off the rocks or turn and go back.

Brad Chase – added the fish suffered a higher mortality being held up in said location.

Chm. Gray – asked if the run was ever in better shape and is this the result of silting. This run has declined and a fix that needs to be done. The railroad embankment was all put in over a weekend without permits under some emergency consideration dating 25 years ago.

Brad Chase - This is only a marginal run compared to others. DNR may have some records declaring the condition of the run. This sounds like a great solution. The other issue is at the receiving end at Red Brook Pond; conducted a habitat assessment study and a report will be given to the Board moving forward. The habitat was actually better than expected

Betsy Kiebala – remembers as being an active run. She asked about the ladder. Brendan Mullaney said it was in OK shape, but also needs work. Although there are issues with said ladder, if redesigned, it would be pointless to fix it if the fish can't even make it that far due to the issue we are addressing downstream. In the future he will seek funding to repair the ladder.

Mr. Mulvey – back then the culvert was set too high. In the 1950's it was a productive run. Taking of fish at night was a problem back then. The ladder itself was not properly designed and should be replaced with a special provision for the eels which doesn't do well going up the ladder.

Mulvey – asked if there would be consideration of the re-stocking of fish. Brad Chase said it is a possibility; the habitat assessment has been made and Red Brook Pond could be a candidate.

No further Board questions or comments. No further public comment.

Due to a lack of file number, Brendan Mullaney requests a continuance to the next meeting. Continued to 5/10/12.

Request for Certificate of Compliance

1. DEP File Number: SE7-533
Applicant: Walter H. Wing, Jr.
Representative: J. Ford O'Connor
Project Address: 720 Shore Road, Pocasset
Proposal: Construct a single-family dwelling within 100 feet of a Wetland Resource Area.

Brendan Mullaney - site visit was made and it was determined the project is in compliance and recommends the Board grant Certificate of Compliance.

On a motion made by Rob Palumbo and seconded by Susan Weston, the Board unanimously voted to grant Certificate of Compliance.

Other Business

Discussion – New England Paragliding and Hang Gliding Club (NEPHGC) – Peaked Cliff Conservation Area – Erosion Issues, ATVs and possible solutions at site.

Discussion Jim Cummings – NEPHGC is proposing, at their expense, to erect metal posts at two areas to prevent ATV's. They propose to start off erecting posts in the two main access points – a dirt path on one side and the road that comes into the site. The area where ATVs have come down the pathways, the erosion has gotten worse.

NEPHGC is looking to fill the hole with sand or solid fill delivered at their expense using a small back hoe leaving the trail in better shape than when started.

Chm. Gray – asked if the ATVs are registered. Brendan Mullaney said difficult to find out. He states remediation the NEPHGC is proposing is good, but also have to deal with individuals involved who are destroying the site; getting names or addresses. This is Bourne public land and the town can issue a 'no trespass' notice and charge individuals with vandalism.

Jim Cummings – talked with a policeman and has been going on for years. Trying to catch the offenders would not be easy. Posts are made of 6-inch galvanized metal which will be driven half a foot into the ground.

Chm. Gray – suggested adding signage 'no ATVs'.

Jim Cummings – at one particular site, there is erosion where the trail goes to 3A. If posts were put there, it would be difficult to pass. Brendan Mullaney said this is private open space, but there is another access.

Thomas Ligor – asked who will fund project. The applicants will fund materials and installation.

Rob Palumbo – concerned about rescue vehicles accessibility. Brendan Mullaney said there isn't an issue as there are similar places where emergency personnel come in by foot with a stretcher.

Kiebala – asked where are the eroded areas. The eroded area is at the top of the sand dune.

Jim Mulvey – said the area has been a problem. The proposed barriers would be on public/town land. If put in by a group and someone runs into them, he asked who is legally liable and who has authority to install. Brendan Mullaney said the town has an umbrella provision; the Board is authorizing someone to install barriers. He added he will possibly seek Town Counsel advice.

Thomas Ligor – suggested using reflective tape to the posts.

Brendan Mullaney – there is an area where an ATV could turn around. He will file a permit application on the Board's behalf for the next meeting. He recommends to install the poles first before the hole is addressed. To accommodate machines, can put them where the traffic is heavier and then put on the town side. Jurisdiction wouldn't be an issue. Addressing how the hole will be filled is the issue. Chm. Gray said RDA could accomplish.

Brendan Mullaney – the material to fill the hole could include rugged ground cover, native grass, regular loam underneath sand and some stone for drainage. He said it is a procedural process at this time. Little track machines would work well.

Chm. Gray – asked Mr. Cummings to work on methodology for the next meeting.

Jim Mulvey – asked if the owner can legally transfer property (materials) to the town. Mr. Cummings said the NEPHGC would donate the materials to the town.

Vote to Excuse Absent Members, if necessary

On a motion made by Susan Weston and seconded by Rob Palumbo, the Board unanimously voted to excuse Paul Lelito and Peter Holmes from tonight's meeting.

Approval of Minutes of 3/15/12

On a motion made by Susan Weston and seconded by Rob Palumbo, the Board voted to approve minutes of 3/15/12 as submitted. One abstention by Martha Craig Rheindhardt.

Any Other Business

Brendan Mullaney – issued a violation involving a bobcat moving sand. The violator, T. Langdon Allen, sent a letter dated 4/18/12.

Chm. Gray – the first concern is the salt marsh violation.

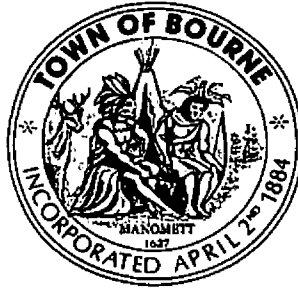
Brendan Mullaney said upon site visit, it looked like the sand due to the tidal action collects at this spot. He told Mr. Langdon to rake sand back onto his property. Because a violation was made, he recommends an RDA (request for determination) filing vs. notice so as to not repeat the action. Abutters who have concerns can voice them.

On a motion made by Susan Weston and seconded by Martha Craig Rheinhardt, the Board unanimously vote to file an RDA and to have on record.

Adjournment

Rob Palumbo moved and was seconded by Betsy Kiebala to adjourn. Meeting adjourned at 8:40 pm. Unanimous vote.

Respectfully submitted,
Lisa Groezinger, sec.



2012 JUN 14 AM 10 57

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION MINUTES

Thursday, May 10, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

Members present: Chairman Bob Gray, Peter Holmes, Betsy Kiebala, and Thomas Ligor

Member(s) absent: Martha Craig Rheinhardt, Paul Lelito, Rob Palumbo and Susan Weston

Staff: Brendan Mullaney, Conservation Agent

Public present: Norman Wagner, Katherine Wagner, Robert Ledwell, Rich Prevett, George Murray, Ronald Busnengo, Robert Bilodeau, Don Bracken, Jim Dineen, Barbara Frappier, Jim Mulvey, Donald May, Richard Record, Richard Belkin, Abigail Franklin

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

7:00) Requests for Determination of Applicability:

1) <u>Applicant:</u>	J. Malcolm & Edith Whitney	<u>File Number:</u> CC12-20
<u>Representative:</u>	Barbara Frappier, Warwick & Associates, Inc.	
<u>Project Address:</u>	25 Maryland Avenue, Monument Beach	
<u>Proposed Project:</u>	Repair existing stone and concrete seawall within an AE Flood Zone and within 100 feet of a Wetland Resource Area	

Barbara Frappier representing: This is a licensed seawall that has suffered erosion due to water holding on top of the wall and eroding from the backside. The plan is to remove the top section and repour portions of the wall that have eroded. Robert Bilodeau is the mason contractor and he can explain the proposal further.

Robert Bilodeau states he plans to cut the top deck in sections and remove, set forms, and pour new sections of the wall using a pump truck that will be in the driveway. All work will be conducted from the upland side of the wall and there will be no need to go onto the beach.

Brendan Mullaney states the pictures he handed out show the problem clearly, all work will be conducted from the upland side and the project should be beneficial to stop the erosion.

Jim Mulvey suggests to Mr. Murray he attend the Selectmen's meetings and raise this issue and talk to Police Chief Woodside regarding problems at site.

Mr. Murray states he has lived in area since 1957, area is badly eroding, this project will do nothing to stop problems. These are also fire roads and he urges Commission members to visit site and think what it will look like in future.

Commission members thank Mr. Murray for his concerns. No further comments.

On a motion made by Peter Holmes and seconded by Betsy Kiebalá, the Commission unanimously approved the project under a Negative Three determination.

- 6) **Applicant:** Town of Bourne **File Number:** CC12-22
- Representative:** Brendan Mullaney
- Project Address:** Along Circuit Avenue, Pocasset
- Proposed Project:** Perform stormwater drainage improvements at three locations within existing road layout within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

Brendan Mullaney representing: Proposing drainage improvements along Circuit Avenue in Pocasset. Difficult area due to low elevations and high ground water. Work will occur in three areas, shows Commission members a set of photographs showing dry conditions of the three areas. Then shows photos from yesterday's storm showing flooding and erosion problems in the three areas.

Commission members concur this will be a vast improvement. Chairman Gray states he has seen this flooding and erosion first hand and this is a much needed project.

Jim Mulvey states the Pollution Task Force has been looking at this area for a while.

Diana Barth asks when the work will start and how much it will cost. Brendan replies it will start ASAP and should be around \$25,000. No further comments.

On a motion made by Peter Holmes and seconded by Betsy Kiebalá, the Commission unanimously approved the project under a Negative Two determination.

7:15) Notices of Intent:

- 1) **Applicant:** Richard R. Record & Sons, Inc. **DEP File Number:** SE7-
- Representative:** J.M. Grenier Associates, Inc.
- Project Address:** 58 Academy Drive, Buzzards Bay
- Proposed Project:** Reconstruct existing concrete retaining wall within AE and VE Flood Zones, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Richard Record representing: informed by state they did not receive payment, no file number issued. Proposing to reconstruct seawall that has started to lean and break apart. Will remove existing wall down to footing, then rebuild behind footing with granite blocks. Will install mirafi fabric and stone behind wall and pour new

concrete patio.

Thomas Ligor asks about drain pipe in wall. Mr. Record states they will leave existing pipe in place to drain patio behind wall.

Brendan Mullaney states this is wall that is in pretty bad shape on the Canal. Someone did some recent masonry work that actually worsened the situation by trapping water behind the wall. This is somewhat unique since it is in the Cape Cod Canal, and the wall has to handle currents rather than frontal wave action. States there should be adequate relief for drainage so the wall does not trap water and experience freezes in the winter.

Tom Ligor asks about the wooden planks at the base. Mr. Record states this wall was built when they were doing work at the MMA and these were driven to as forms and not removed.

Chairman Gray states since there is no file number, hearing will have to be continued. Hearing is continued for file number only until May 24, 2012.

2) **Applicant:** Lee & Donna Hackett **DEP File Number:** SE7-1804
 Representative: Bracken Engineering, Inc.
 Project Address: 25 Pequot Ave., Pocasset
 Proposed Project: Raze and rebuild existing dwelling, including new septic system, landscaping,
 utilities and appurtenances within an AE Flood Zone
 Hearing Under State Act Only

Chairman Gray states that he would usually recuse himself since he does work with Bracken Engineering. However, he will invoke the rule of necessity since his recusal would cause a lack of quorum. He asks if anyone objects to him sitting on this matter. There are no objections.

Donald Bracken representing: Proposing a raze and rebuild on Patuisset. Standard project, house is currently 6 inches below the base flood elevation, this is one of the higher points in the area. Project will include new septic system and appurtenances.

Brendan Mullaney states project is simple, in Flood Zone only, no other jurisdictional Resource Areas within 100 feet, flat developed lot. No concerns with project.

On a motion made by Peter Holmes and seconded by Betsy Kiebala, the Commission unanimously voted to close the hearing. All in favor

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1-6, 12, 13, and 16-24

General Conditions, and Special Conditions numbers 20, 24, above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Betsy Kiebala and seconded by Peter Holmes, the Commission unanimously voted to move the Draft Order to Final. All in favor

Applicant: Norman & Katherine Wagner **DEP File Number:** SE7-1807
 Representative: Bracken Engineering, Inc.

Project Address: 135 Circuit Ave., Pocasset
Proposed Project: Raze and rebuild existing dwelling, including new septic system, landscaping, utilities and appurtenances, and remove and rebuild existing coastal revetment within AE and VE Flood Zones, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Chairman Gray states that he would usually recuse himself since he does work with Bracken Engineering. However, he will invoke the rule of necessity since his recusal would cause a lack of quorum. He asks if anyone objects to him sitting on this matter. There are no objections.

Donald Bracken representing: there is a lot going on with this project, so I have broken it into four sections on the plan. It is a large lot with a limited amount of upland. Resource Areas we are dealing with are Coastal Beach, Coastal Bank, Dune, and both a Velocity and AE Flood Zone. We have shown all the Resource Areas that directly affect the project on the plan.

We are proposing to tear down the existing structure and rebuild in a slightly different footprint, keeping the setbacks to Coastal Bank equal to or further than what is existing. Since we are already within the 50 foot buffer, we are seeking relief from this portion of the Bylaw. The new house will have the same basic square footage of area as the existing one. We are proposing an advanced denitrification septic system in the front of the property. This will have both a Micro FAST treatment and pressure dosing utilizing irrigation tubing with dripholes to allow for maximum absorption. You may recall we had to go to Town Meeting last year to get an easement to put this system in the road layout because of site constraints. We will be reducing the PPM of nitrogen from 7.7 to approximately 4.5.

The other part of the project is to replace the revetment. Currently we have a flat faced concrete wall, we are proposing to replace with a sloped stone revetment. The toe stone will be set 3 feet down but will be no closer to the water than the current wall. Because of this, we will be losing a significant amount of lawn.

Brendan Mullaney asks Don Bracken if the plan is to remove the house, tear down and rebuild the seawall, then build the house, so all work can be conducted from the upland side. Mr. Bracken confirms this. Brendan then states this is a difficult site due to the proximity of Resource Areas. The project itself should have a positive impact, especially the new septic system. This system will be beneficial due to the close proximity of the dwelling to Hen's Cove. The new wall will also lessen the erosion that is caused by a straight faced wall and help to retain the sediment surrounding the property. He states the only portion of the proposed structure closer to the Resource than currently exists is a set of stairs on the back of the dwelling.

Tom Ligor asks about the covered porch and worries this could become a bedroom or living space. Don Bracken replies that they will have to go to the ZBA and there will be a deed restriction on the property.

Robert Ledwell, an abutter, states he lives across the street and fully supports the project.

No further questions from the Board.

On a motion made by Peter Holmes and seconded by Betsy Kiebalá, the Commission unanimously voted to close the hearing. All in favor

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1-6, 9-13, 16-24,27,28 and special conditions pursuant to the bylaw #'s 4, 6, 7, 8 and 9.

On a motion made by Peter Holmes and seconded by Thomas Ligor, the Commission unanimously voted to excuse the missing members from tonight's meeting.

► Approval of Minutes – April 5, 2012

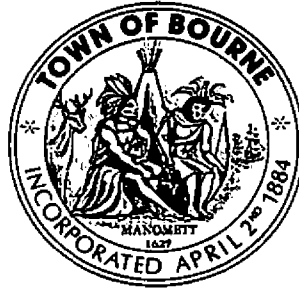
On a motion made by Betsy Kiebala and seconded by Thomas Ligor, the Commission voted to approve the minutes as final. Peter Holmes abstains.

On a motion made by Peter Holmes and seconded by Thomas Ligor, the Commission unanimously voted to adjourn the meeting.

Meeting adjourned at 9:30 PM.

Respectfully submitted,

Brendan Mullaney



2012 MAY 15 AM 9 14

TOWN CLERK'S OFFICE

BOURNE, MASS

CONSERVATION COMMISSION AGENDA

Thursday, May 24, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Camilla Matthews **File Number:** CC12-27
Representative: Joshua Mark, CMS
Project Address: 2 Plow Penny Road, Gray Gables
Proposed Project: Install shed with underground utilities and install native buffer plantings adjacent to salt marsh within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within 200 foot Riverfront Area

- 2) **Applicant:** Nancy & David Brown **File Number:** CC12-28
Representative: Bracken Engineering, Inc.
Project Address: 190 County Road, Bourne
Proposed Project: Pump and abandon existing cesspool, install new Title V septic system within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area

7:00) Notices of Intent:

- 1) **Applicant:** George Polillia **DEP File Number:** SE7-1794
Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.
Project Address: 525 Shore Road, Monument Beach
Proposed Project: Construct an addition, garage, and deck within 100 feet of a Wetland Resource Area
(Continued from 4/19/2012)

- 2) **Applicant:** Richard R. Record & Sons, Inc. **DEP File Number:** SE7-
Representative: J.M. Grenier Associates, Inc.
Project Address: 58 Academy Drive, Buzzards Bay
Proposed Project: Reconstruct existing concrete retaining wall within AE and VE Flood Zones, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area
(Continued from 5/10/2012)

Request for Certificate of Compliance:

- 1) **Applicant:** Tom Cibotti **DEP File Number:** SE7-1754
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 394 Scraggy Neck Road
 Proposed Project: Construct new single family dwelling. Work includes an in-ground swimming pool and accessories, Title V septic system, associated utilities, filling, grading, landscaping, paving and other appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

Other Business

- ▶ Buzzards Bay Water District – possible installation of test wells on Conservation parcels, off Head of the Bay Road, Buzzards Bay
- ▶ Violation – 15 Richmond Road, Pocasset - stone placed in / adjacent to Wetland Resource Area
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – April 19, 2012

- ▶ Any other business that may legally come before the Commission

- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

**Conservation Commission
Minutes of May 24, 2012
Bourne Town Hall, Lower Conference Room
Bourne, MA 02532**

Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rhoizant, Betsy Kibbala, Rowan Palumbo and Susan Weston. Alternate member Thomas Ligor also present.

2012-05-23 09:44
TOWN CLERK'S OFFICE
BOURNE, MASS

Member(s) absent: Peter Holmes and Paul Lelito

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be know by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

List of Documents

- Statement of Joseph Urciuoli concern of placement of Riprap dated 5/24/12 – 1 page

Requests for Determination of Applicability

File Number CC12-27

Applicant: Camilla Matthews

Representative: Joshua Mark, CMS

Address: 2 Plow Penny Road, Gray Gables

Proposed Project: Install shed with underground utilities and install native buffer plantings adjacent to salt marsh within an AE Flood Zone, within 100 feet of a Wetland Resource Area and within 200 foot Riverfront Area.

Continued to 6/7/12 as there was no representation tonight.

File Number CC12-28

Applicant: Nancy and David Brown

Representative: Bracken Engineering, Inc.

Address: 190 County Road, Bourne

Proposed Project: Pump and abandon existing cesspool, install new Title V septic system within an AE Flood Zone, within 100 feet of a Wetland Resource Area and within the 200 foot Riverfront Area.

Continued to 6/7/12 as there was no representation tonight.

Notices of Intent

DEP File Number SE7-1794

Applicant: George Polillia

Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.

Address: 525 Shore Road, Monument Beach

Proposed Project: Construct an addition, garage and deck within 100 feet of a Wetland Resource Area
(Continued from 4/19/12)

At the request of the applicant, this hearing is continued until June 21, 2012.

DEP File Number SE7-1808

Applicant: Richard R. Record & Sons, Inc.

Representative: J.M. Grenier Associates, Inc.

Address: 58 Academy Drive, Buzzards Bay

Proposed Project: Reconstruct existing concrete retaining wall within AE and VE Flood Zones, within a Wetland Resource Area and within 100 feet of a Wetland Resource Area
(Continued from 5/10/12)

Brendan Mullaney - no comments from DEP. Continuation of hearing was for file number only.

On a motion made by Betsy Kiebalá and seconded by Susan Weston, the board voted unanimously to close public hearing.

A Draft Order of Conditions was read: Under State Law, all General Conditions, State Special Conditions 1-3,10,12,13,16-24 and special conditions pursuant to the bylaw #'s 7, 8 and 9.

General Conditions, Special Conditions numbers 20, 24, above all shall continue in perpetuity beyond the limitations of this Order and with the sale of the property to others.

On a motion made by Rob Palumbo and seconded by Betsy Kiebalá, the board voted unanimously to move Draft Order to Final Order.

Request for Certificate of Compliances

DEP File Number SE7-1754

Applicant: Tom Cibotti

Representative: Barbara Frappier, Warwick & Associates, Inc.

Address: 394 Scraggy Neck Road

Proposed Project: Construct new single-family dwelling. Work includes an in-ground swimming pool and accessories, Title V septic system, associated utilities, filing, grading, landscaping, paving and other appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area.

Brendan Mullaney - site visit made. Fencing on wall not installed. The stone wall on right side is taller and closer to property line. Proposed grading and associated drainage not done – this is an issue since this was discussed specifically during public hearing with regard to runoff onto adjacent property; they didn't grade and handle the storm water as proposed. There is an issue with trees / shrubs not being native species. He went through the list from the landscaper and found a variety of plantings that would

be considered non-native. He asked the board if anything sticks out from photographs. Another issue is with the gutter downspout. The biggest issue is the stone wall being taller, closer to the property line and storm water wasn't accounted for as approved by the board. He also stated the seaward facing wall was proposed at a 45 degree angle since it is in the Velocity Flood Zone, this was built with a straight face.

Gray – asked if Brendan Mullaney needed additional time to review landscape to resolve conflict. He also added the entire site isn't within the board's jurisdiction.

Betsy Kiebal – asked about how much of the house is within jurisdiction. Chm. Gray said most of the house was out of jurisdiction.

The Commission determined that Compliance would not be granted at this time, applicant can come back after issues are resolved.

Brendan Mullaney to send letter to the representative (Warwick & Associates, Inc.) and let them come forward to resolve. He will further review the plant list.

Other Business

Buzzards Bay Water District – possible installation of test wells on Conservation parcels, off Head of the Bay Road, Buzzards Bay

Barry Woods, Buzzards Bay Water District – possible installation of test wells on Conservation parcels, off Head of the Bay Road, Buzzards Bay.

Cape Cod Commission (CCC) came up with additional figures of consumption which is more than the Buzzards Bay Water District (BBWD) can provide. They CCC encouraged the town to investigate if any town parcels could be used as a water supply. BBWD found two (2) parcels – off Head of the Bay Road, Buzzards Bay. The BBWD has an interest for long-term needs of the village. There is no urgent decision needed tonight, but looking to see if the board is willing to let BBWD explore the property. Well drillers would use the access road off Keettle Lane using a small tractor and walking drilling equipment.

Brendan Mullaney – looked at a few parcels that have restrictions. These parcels were purchased with Land Bank funds. One purpose of the land bank acquisition program is for protection of public drinking water. The language outlining allowable uses is very specific when these were acquired, only Town Counsel can determine if this is allowable use.

Chm. Gray – parcels were obtained by land bank monies and asked if any State money was involved. Brendan Mullaney said it is his understanding there is some state funds used in this program. There is some State match to the current CPA funds but doesn't know if it was a different program at the time.

Chm. Gray – asked about permanent wells if the test approved. Mr. Woods said after testing, a three-year review will be done through DEP to construct a well.

Chm. Gray – with regard to the eventual control being conveyed from ConCom to the BBWD, he doesn't know how it works with the property already in the care and custody of Conservation especially if purchased with funding from the State. It is nearly impossible to get out of Chapter 97 Protection, but not just a local decision. If it is Chapter 97, need to go to the legislature and then Town Meeting.

Chm. Gray – if the BBWD is successful overcoming initial hurdles, he asked what is the size of the area. Mr. Woods explained the exploratory work would use trails and there would be no new cuts. They would use area just behind the BBWD entrance gate, behind Kettle Lane (old ancient walkway).

Chm. Gray – asked if the time of year mattered as some properties that abut the Ingersol property have had Eastern box turtle sightings, which may be an issue as part of the early planning. BBWD would like permission from Town Counsel to see if any of this feasible prior to using funds.

Betsy Kiebala – asked what facilities will be needed. Mr. Woods explained a 10'x12' box area for an adaptor and would be fenced by DEP standards.

Thomas Ligor – asked about sufficient water, how would you plan to withdraw long term. Mr. Woods said there will be no additional construction on the said parcels. There will be two (2) test holes; two approximately 50 feet deep and two test wells 80 feet deep. No work has been done on the property at this time.

Mr. Mulvey – suggested obtaining a quality and/or recharge gallons per minute readings. He asked if there was reasonable potential that shows a good possibility of use of water at those areas. Mr. Wood responded yes. Mr. Mulvey also suggested restricting the permit to testing only; if proves productive, it is possible to have a proper facility to pump the water.

Brendan Mullaney – will discuss with Atty. Troy and report back to the board if the BBWD has rights to test water as work done is minimally intrusive and these lands sit perpetually undisturbed already.

Betsy Kiebala – asked about the legal ramifications. Brendan Mullaney responded the he will request an opinion from Town Counsel.

Violation – 15 Richmond Road, Pocasset – stone placed in/adjacent to Wetland Resource Area

Mr. Joseph Urciuoli present tonight with a prepared statement.

Brendan Mullaney – received anonymous call of a violation that stones were dumped adjacent to wetland area to support wall.

Joseph Urciuoli reads statement into record. In summary, since upgrade of system, requirement for construction of septic system retaining walls has changed to concrete. Actions were not motivated by gain, but were to resolve a problem not entirely of his making. If the limited life of wooden walls were recognized 20 years ago, there wouldn't be an issue. With the limited access and close proximity to the wetland, his actions, although not known to be un-authorized, were considered the only practical solution.

Brendan Mullaney – at the minimum, Mr. Urciuoli to file an RDA and begin looking for a long-term solution. He suggested an after the fact filing for what was done and hire someone to look at problem and come up with a permanent solution. The Board of Health (BOH) didn't review as it was more an aesthetic issue at the time and there are no septic issues currently.

The consensus of the board would be to file an RDA. Brendan Mullaney suggested Mr. Urciuoli replace the top foot of the wall from his yard; along the side he has enough room to build a second wall out of

concrete blocks. Mr. Urciuoli said inside his cellar comes up to his foundation and he could re-build a second wall with sauna tubes in the long run, realizing he would have to come back before the board.

Chm. Gray – asked applicant if he would like to put all proposed work into one filing. Mr. Urciuoli would consider but wants to know limitations.

Chm. Gray – If Mr. Urciuoli did the RDA, he should keep the riprap and the other things; if it is permitted, it is good for three (3) years. Brendan Mullaney added Mr. Urciuoli to obtain letter from abutter to put wall on his property. The issue would then be what happens when neighbor wants to do similar work, he would in turn have to get his own permission from the abutter.

Under motion by Susan Weston and seconded by Rob Palumbo, the board voted unanimously to direct Mr. Urciuoli to move forward with the RDA. Brendan Mullaney will work with Mr. Urciuoli to bring the property into compliance.

Vote – Excuse Absent Members, if necessary

On a motion made by Susan Weston and seconded by Rob Palumbo, the Board unanimously voted to excuse Paul Lelito and Peter Holmes from tonight's meeting.

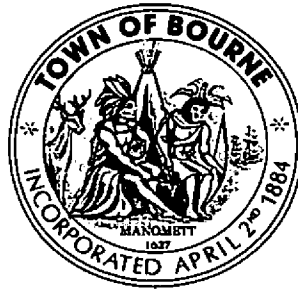
Approval of Minutes – 4/19/12

On a motion made by Betsy Kiebala and seconded by Rob Palumbo, the board voted unanimously to approve minutes of 4/19/12 as submitted.

Adjournment

Rob Palumbo moved and was seconded by Betsy Kiebala to adjourn. Meeting adjourned at 8:40 pm. Unanimous vote.

Respectfully submitted,
Lisa Groezinger, sec.



2012 MAY 31 PM 12 37

TOWN CLERK'S OFFICE CONSERVATION COMMISSION AGENDA

Bourne, MA Thursday, June 7, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Mass. Dept. of Transportation **File Number:** CC12-29
Representative: Thomas McGuire, MA DOT
Project Address: Along Route 6, Sagamore
Proposed Project: Perform pavement milling, resurfacing, and related items necessary to rehabilitate Route 6 from the Sagamore Bridge southeasterly to the Sandwich town line. Work may occur within 100 feet of a Wetland Resource Area

- 2) **Applicant:** T. Langdon Allen **File Number:** CC12-30
Representative: SAME
Project Address: 59 Elgin Road, Cataumet
Proposed Project: Bring property into compliance for unpermitted alterations on Coastal Beach and perform associated landscaping within AE and VE Flood Zones, within a Wetland Resource Area, and within 100' of a Wetland Resource Area
After-the-fact filing

- 3) **Applicant:** Camilla Matthews **File Number:** CC12-27
Representative: Joshua Mark, CMS
Project Address: 2 Plow Penny Road, Gray Gables
Proposed Project: Install shed with underground utilities and install native buffer plantings adjacent to salt marsh within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within 200 foot Riverfront Area
(Continued from May 24, 2012)

- 4) **Applicant:** Nancy & David Brown **File Number:** CC12-28
Representative: Bracken Engineering, Inc.
Project Address: 190 County Road, Bourne
Proposed Project: Pump and abandon existing cesspool, install new Title V septic system within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area
(Continued from May 24, 2012)

7:15) **Notices of Intent:**

- 1) **Applicant:** Patrick Ross **DEP File Number:** SE7-
Representative: SAME
Project Address: 650' west of Toby's Island, 3470' southeast of Mashnee Island, and 2200' northwest of the mouth of the Pocasset River, Monument Beach
Proposed Project: Install and operate a commercial aquaculture operation within a VE Flood Zone and within a Wetland Resource Area

Other Business

- ▶ Enforcement Order – 52 Baxendale Road, Cataumet, Clear-cutting of trees and vegetation on Coastal Bank, construction of deck on Coastal Bank
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – May 10, 2012
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Conservation Commission
Minutes of June 7, 2012
Bourne Town Hall, Lower Conference Room

2012 JUL 10 AM 11:26
TOWN CLERK'S OFFICE
BOURNE, MASS

Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Betsy Kiebala, Paul Lelito, Rob Palumbo, Peter Holmes and Susan Weston. Alternate member Thomas Ligor also present.

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Thomas McGuire, Roger Lemieux, Ed Brown, T. Langdon Allen, Joshua Mark, Patrick Ross

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be know by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

Requests for Determination of Applicability

File Number CC12-29

Applicant: Mass. Dept of Transportation

Representative: Thomas McGuire, MA DOT

Project Address: Along Route 6, Sagamore

Proposed Project: Perform pavement milling, resurfacing, and related items necessary to rehabilitate Route 6 from the Sagamore Bridge southeasterly to the Sandwich town line. Work may occur within 100 feet of a Wetland Resource Area.

Chairman Gray announces that this hearing is under the State Act only.

Tom McGuire, Mass. DOT, representing. Project includes 1.54 miles of roadway and is a maintenance project; removing 2 -1/4" of surface off and putting down 1 1/4" of "super pave". This will be done by leveling and including 1" of friction mix for a total of 2 1/4 " on roadways; with the side roads, taking 2" and putting 2" back down.

Looking to re-establish the recovery zone; limits of vegetation cutting . There is growth along side of the sideways including trees and we will re-establish recovery ways for safety. Cutting back on vegetation; where there is no guard rail – cutting back 25'; where there is guard rail - cutting back 15'.

Will bury guardrail ends and upgrading to today's standards. Drainage structures will need to be re-built. There are a series of outlets which have been buried over the years (sedimentation) at various locations.

On typical outlet, proposing to clean out and put down a new stone pad in front of the outlet for erosion control and immediate infiltration of the run off. All discharge points will discharge within the State Highway layout and none are going into wetlands. There is no jurisdiction of wetlands in the work zone or the buffer zone.

On drainage, cleaning system itself and on main line road replace the drain and grates as current configuration is preventing access; will be adding a hook and lock.

Brendan Mullaney – after reviewing the work limit, determined this filing actually isn't necessary since there are no wetlands or Flood Zones within the town limits. Mr. McGuire concurred with this statement and stated the Commission determined the same thing last time around - historical documents reflect a Negative Determination in 6/6/90.

Jim Mulvey – asked about the timeframe. Mr. McGuire said it may start next spring and as late as next fall. He added that back in 1990, the project cost \$4M; today the work is expected to be up towards \$8M.

No board comment. No further public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the board voted unanimously to approve the project under a Negative 1 Determination.

File Number CC12-30

Applicant: T. Langdon Allen

Representative: SAME

Project Address: 59 Elgin Road, Cataumet

Proposed Project: Bring property into compliance for unpermitted alterations on Coastal Beach and perform associated landscaping within AE and VE Flood Zones, within a Wetland Resource Area and within 100 feet of a Wetland Resource Area.

After-the-Fact Filing

Mr. Allen apologized for an after-the-fact filing. He has lived on Red Brook Harbor and has been there for about 67 years with lots of changes around the harbor. He continues to have an influx of sand. A stone wall separates the front lawn from the beach. A southwest breeze comes into the beach which pushes sand right up onto the lawn which is killing the lawn. He rented a bobcat and pulled onto the beach, pulling the sand from the wall 8-10 feet closer to the water. He put some sand in a low spot in his property. He plans to put down topsoil and add grass to the low spot. Had he known this project was under Conservation Regulations, he would not have done so.

Brendan Mullaney – brought this incident to the board's attention about a month ago. He received a letter from Mr. Allen. This application would be required to bring property in compliance. Pictures taken are from this afternoon; the yard seems to be retaining some water and the sand seems to be building back up.

Mr. Allen – pulling sand from the wall would not stop Mother Nature from putting it back. In a couple of years, you probably would see what was there before he did the work.

Betsy Kiebala – asked how much work did Mr. Allen propose to do. Mr. Allen said he was finished, but would like to bring in topsoil and seed the low spot on his lawn.

Thomas Ligor – any solutions as it will be an on-going problem. Brendan Mullaney said that problem is a subjective term. Mr. Allen said he would come before the board before doing any work in the future.

Paul Lelito – reminded Mr. Allen of a three-year window and that this permit is valid for three years.

No further board comment. No public comment.

On a motion made by Rob Palumbo and seconded by Peter Holmes, the board voted unanimously to approve the project under a Negative 2 Determination.

Chm. Gray explained to applicant he know has a permit with a Negative 2 determination and a 3-year window to perform work, but requested to contact the Conservation Agent if he plans to do any more work in the area. Mr. Allen agreed and thanked the board.

File Number CC12-27

Applicant: Camilla Matthews

Representative: Joshua Mark, CMS

Project Address: 2 Plow Penny Road, Gray Gables

Proposed Project: Install shed with underground utilities and install native buffer plantings adjacent to salt marsh within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within 200 foot Riverfront Area.

Continued from 5/24/12.

Joshua Mark, CMS, representing. Applicant wants to clean-up the dead growth and install some new natives as well as installing a shed.

Brendan Mullaney– applicant, would like to add a shed at this point. Buffer plantings won't be put in at this point as it will be part of a separate project, but they will have permission to install buffer plantings if they choose to. This is a simple project and has no concerns with the project.

Betsy Kiebala – she suggested buffer plantings to be included in the Determination.

No further board comment. No public comment.

On a motion made by Peter Homes and seconded by Betsy Kiebala, the board voted unanimously to approve the project under a Negative 2 Determination.

File Number CC12-28

Applicant: Nancy & David Brown

Representative: Bracken Engineering, Inc.

Project Address: 190 County Road, Bourne

Proposed Project: Pump and abandon existing cesspool, install new Title V septic system within an AE Flood Zone, within 100 feet of a Wetland Resources Area, and within the 200 foot Riverfront Area.

Representative not present, continued to 6/21/2012.

Notice of Intent

DEP File No: SE7-1809

Applicant: Patrick Ross

Representative: SAME

Project Address: 650' west of Toby's Island, 3470' southeast of Mashnee Island and 2200' northwest of the mouth of the Pocasset River, Monument Beach.

Proposed Project: Install and operate a commercial aquaculture operation within a VE Flood Zone and within a Wetland Resource Area.

Patrick Ross, representing. This is the final step in a long process through the Department of Natural Resources (DNR), Selectmen and the State: Department of Marine and Fisheries (DMF), Army Corps and Department of Environmental Protection (DEP). Intent is a one-acre sub tidal agriculture grant. The process: oysters growing in plastic mesh bags which will sit in cages (a shelving system), attached to lines which are attached to the bottom. Cages are accessed by boat, raising cages up and down. Marked and follow guidelines per the Army Corps.

Peter Holmes – mentioned the Army Corps requires additional information. Mr. Ross said the DMF sends information to the Army Corps which is more extensive. Mr. Ross said the markings are between 9 – 12' below the surface which rests on the bottom on the surface.

Paul Lelito – asked how long of an operation is this grant. Mr. Ross doesn't have an end date.

Brendan Mullaney – once the project is established and receive all applicable permitting, Mr. Ross will receive exemptions, similar to other agricultural operations / cranberry bog farmers, etc.. The majority of the actual approvals and information have been reviewed by the DMF, who also conducted a scuba survey of the site. This is the first grant approved in Bourne and has been a bit of a learning process with people in town. Mr. Ross has been very co-operative and patient with the process. At this point, the review by this board relies heavily on the DMF and the town's DNR. The project is also under Army Corps jurisdiction, but less than 2 acres and is considered a Category 1; notification will be sent. DMF surveyed the site and found very few shellfish existing, well below thresholds. There is no other aquatic vegetation; no endangered species and the area has been approved for shellfish harvesting. It has been concluded by DMF that the license of the project would not have an adverse impact on fish or natural resources in the Town of Bourne.

He states the only hold up is review by Natural Heritage since the project is in estimated habitat. The Natural Heritage Program was discussed, a new operation needs to be reviewed at this time which will take 30-days to conclude. He hopes they expedite to some degree and defer to DMF when they make assessment of the project.

Chm. Gray – suggests for this issue to close tonight and to include into the Order that any special conditions relative to the Endangered Species Program will be incorporated into the conditions.

Brendan Mullaney – there is an additional issue to raise about the Order of Conditions, he doesn't know how Mr. Ross can record this Order as there is no deed of the ocean; he has found close property to record against when the town has projects, but cannot do in this situation. In other towns, the town relieved the applicant from said requirement.

Peter Holmes – suggested to look at Maine as they have the best handle with regard to the salmon pens. Brendan Mullaney said Barnstable County has no procedure for this.

Mr. Mulvey – recognized Mr. Ross' perseverance with this project. Also, in the new policies, Mr. Ross will be required to give survey coordinates of the area of the grant.

Martha Craig Rheinhardt – asked how many cages are in the acre. Mr. Ross estimated about 50-100 to begin. It would probably be four (4) long lines. Craig Rheinhardt also asked about the length of time they stand before the oysters get to reproductive age. Mr. Ross said 3" is a harvestable size; in the spring time they will spawn in terms of seeding the surrounding waters.

Thomas Ligor – asked Mr. Ross if he scuba dived to look at the project. Mr. Ross said he may be able to have someone come in to raise cages.

No further board comment. No public comment.

On a motion made by Betsy Kiebal and seconded by Rob Palumbo, the board voted unanimously to close the public hearing.

Brendan Mullaney – Draft Order of Conditions: All General Conditions, Special Conditions pursuant to MGL c.131 s.40: 1, 3, 12, 16, 17, 19, 20, 21, 22, 24, 30, 36, 37. Special conditions pursuant to Bylaw: 8. Additional Special Conditions: any additional conditions imposed on the project by Natural Heritage will be incorporated into this order of conditions. He suggested amending the Order if this becomes an established operation.

Martha Craig Rheinhardt – suggested Mr. Ross speaking with the Town of Wellfleet for information.

Mr. Ross - Plymouth served as an analysis of the waters but never has read about how towns handle expansions. Brendan Mullaney said Mr. Ross will need to come back for an amendment with if the operation is expanded.

Martha Craig Rheinhardt – suggested Mr. Ross contact Mr. Donald Liptack at the NRCS which works with the agriculture farmers on the Cape and may help with some grant money.

On a motion made by Paul Lelito and seconded by Rob Palumbo, the board voted unanimously to move Draft Order to Final Order.

Other Business

Enforcement Order

52 Baxendale Road, Cataumet, Clear-cutting of trees and vegetation on Coastal Bank, construction of deck on Coastal Bank.

Brendan Mullaney – sent an Enforcement Order and letter to the property owners James and Laura Swent, who were in front of the board a number of years ago to do landscape work on this property. Both sides of the Coastal Bank were cleared of almost all vegetation and a deck was constructed on the southern side in the Bank.

The Order and letter was delivered to Mr. & Mrs. Swent in Texas on 6/4/12 and to date there has been no response. He will send another notification. If no response after the second Order, he is asking the board for action.

On a motion made by Susan Weston and seconded by Rob Palumbo, the board voted unanimously to ratify the Enforcement Order.

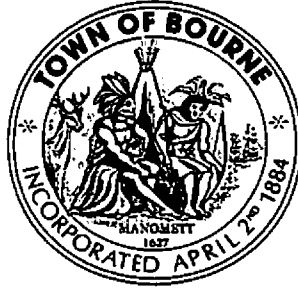
Approval of minutes

Betsy Kiebala moved and seconded by Peter Homes to approve board minutes of 5/10/12 as submitted. Vote 4-0-3. Abstentions made by Susan Weston, Paul Lelito and Martha Craig Rheinhardt.

Adjournment

Rob Palumbo moved and seconded by Susan Weston to adjourn. Unanimous vote. Meeting adjourned at 8:07 pm.

Respectfully submitted,
Lisa Groezinger, sec.



2012 JUN 14 AM 10 57

TOWN CLERK'S CONSERVATION COMMISSION AGENDA

Bourne, MA 01939, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Estate of Francis Murphy **File Number:** CC12-31
c/o Kevin Leary, Esq.
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 59 Wianno Road, Mashnee Island
Proposed Project: Upgrade failed septic system to new Title V system within AE and VE Flood Zones

- 2) **Applicant:** Daniel & Penny Lessa **File Number:** CC12-32
Representative: SAME
Project Address: 10 Weetamoe Road, Pocasset
Proposed Project: Relocate septic tank, install in-ground pool, and construct shed, including associated landscaping and utilities within an AE Flood Zone
(Hearing Under State Act Only)

- 3) **Applicant:** Nancy & David Brown **File Number:** CC12-28
Representative: Bracken Engineering, Inc.
Project Address: 190 County Road, Bourne
Proposed Project: Pump and abandon existing cesspool, install new Title V septic system within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area
(Continued from June 7, 2012)

7:15) Notices of Intent:

- 1) **Applicant:** Richard Prevett **DEP File Number:** SE7-
Representative: SAME
Project Address: 829 Shore Road, Pocasset
Proposed Project: Raze and rebuild single family dwelling, including landscaping, grading, utilities, and appurtenances within an AE Flood Zone, within 100 feet of a Wetland Resource Area and within the 200 foot Riverfront Area

- 2) **Applicant:** George Polillia **DEP File Number:** SE7-1794
 Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.
 Project Address: 525 Shore Road, Monument Beach
 Proposed Project: Construct an addition, garage, and deck within 100 feet of a Wetland Resource Area
 (Continued from 5/24/2012)

Other Business

- ▶ Update on Enforcement Order – 52 Baxendale Road, Cataumet, Clear-cutting of trees and vegetation on Coastal Bank, construction of deck on Coastal Bank
- ▶ Resign OOC signature sheet – DEP File SE7-1809
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – May 24, 2012
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Conservation Commission

Minutes of June 21, 2012

Bourne Town Hall, Lower Conference Room

Bourne, MA 02532

..... 2012 AUG 2 PM 12 06
Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Betsy Kiebala, Paul Lelito, Peter Thomas and Susan Weston. Alternate member Thomas Ligor also present.

TOWN CLERK'S OFFICE
BOURNE, MASS

Member(s) absent: Rob Palumbo

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Zac Basinski, Dan Lessa, Rich Prevett, Ann Wilde, Jay and Pamela Desmarais

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be know by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

Requests for Determination of Applicability

#1 - File Number: CC12-31

Applicant: Estate of Francis Murphy, c/o Kevin Leary, Esq.

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project address: 59 Wianno Road, Mashnee Island

Proposed project: Upgrade failed septic system to new Title V system within AE and VE Flood Zones

Barbara Frappier, applicant proposing to upgrade failed septic system, proposing siltation barriers to be present for keeping excavated soil from eroding to the abutting property.

Brendan Mullaney – this is a flat developed lot and no other jurisdictional resource areas besides the flood zone within 100 feet of the subject property. No other concerns with the project.

No board comments. No public comments.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the board voted unanimously to approve the project under a Negative 2 Determination.

#2 - File Number: CC12-32

Applicant: Daniel & Penny Lessa

Representative: SAME

Project address: 10 Weetamoe Road, Pocasset

Proposed project: Relocate septic tank, install in-ground pool, and construct shed, including associated landscaping and utilities within an AE Flood Zone
(Hearing Under State Act Only)

Daniel Lessa - proposing to install a pool and building a shed per local codes with patio pavers around the pool with a 4' fence. Relocating the septic from the back to the front of the house in the lower range of flood zones.

20 01 17 5 2 + side

Brendan Mullaney – proposed project is in the AE flood zone with no other-jurisdictional resource areas within 100 ft. Proposed project was brought to the town’s attention as a small retention wall was being installed. Applicants indicated more work would be needed and so advised them to file for the additional work, including the pool.

Ms. Ann Widle at 6 Weetamoe – requested to review plans. She has previously discussed the run off with applicants.

Pamela Demaris at 18 Weetamoe – reviewed plans.

No board comments. No public comment.

On a motion made by Paul Lelito and seconded by Peter Holmes, the board voted unanimously to approve the project under a Negative 2 Determination. Vote 4-0-1 (abstention from Susan Weston).

#3 - File Number CC12-28

Applicant: Nancy & David Brown

Representative: Bracken Engineering, Inc.

Project address: 190 County Road, Bourne

Proposed project: Pump and abandon existing cesspool, install new Title V septic System within an AE Flood Zone, within 100 feet of a Wetland Resource Area, and within the 200 foot Riverfront Area (Continued from 6/7/12)

Chm. Gray recused himself from discussion and vote at this time.

Zack Basinski, Bracken Engineering representing: Moving septic to a high point in lot, 84 feet from the closest BVW.

Brendan Mullaney – this is a standard upgrade and will be a vast improvement over the existing cesspool. Septic is being moved as far as possible from the BVW; will be an improvement for the area He has no concerns with the project.

No board comment. No public comment.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the board unanimously voted to approve the project under a Negative 2 Determination.

Notice of Intent

#1 - DEP File Number SE7-1811

Applicant: Richard Prevett

Representative: SAME

Project address: 829 Shore Road, Pocasset

Proposed project: Raze and rebuild single-family dwelling, including landscaping, grading, utilities, and appurtenances within an AE Flood Zone, within 100 feet of a Wetland Resource Area and within the 200 foot Riverfront Area.

Brendan Mullaney – handed out plans of existing house and a plan when the board approved an upgrade to the septic last month.

Mr. Prevett representing: received a Negative 2 Determination from this board last month. It was only after Determination did applicant learn the existing house had a bad frame and foundation. He is looking to tear down dwelling, remove foundation and put up a new house with a slightly different footprint.

Brendan Mullaney – the new house is being pushed back from the resource area. Most of the work is within the outer Riverfront area. Re-development of an area is permitted if the structure is being moved further away, not making conditions worse. Mr. Prevett didn't have an exact footprint, but he advised him to include in a building envelope moving forward.

Paul Lelito – asked if the existing driveway would stay the same. Applicant looking to remove driveway (under original Determination, adding crushed shells). The new project will not put in a new driveway.

Brendan Mullaney – this filing is consistent and in compliance with the River's act. All work in the Riverfront area. The property will meet flood zone specifications for the building, but there are no major concerns with this project.

Chm. Gray – asked about abutter who discussed issues at last hearing. Mr. Prevett met with both abutters and owner of the house and both had no issues with proposed project.

On a motion made by Paul Lelito and seconded by Peter Holmes, the board voted unanimously to close the public hearing.

Brendan Mullaney - Draft Order includes Sections 1 -6, 12, 13, 16-24; Special Conditions pursuant to Sections 4, 6, 7, 8, 9; Special Conditions Sections 20 and 24 and Bylaws Section 4, 6 which shall continue in perpetuity. Any other conditions can be added if the board wishes.

On a motion made by Peter Holmes and seconded by Paul Lelito, the board voted unanimously to move Draft Order to Final Order.

#2 - DEP File Number SE7-1794

Applicant: George Polillia

Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.

Project address: 525 Shore Road, Monument Beach

Proposed project: Construct an addition, garage, and deck within 100 feet of a Wetland Resource Area (Continued from 5/24/12)

At the request of the applicant, this hearing is continued until 7/26/2012.

Other Business

Enforcement Order

Update 52 Baxendale Road, Cataumet, Clear-cutting of trees and vegetation on Coastal Bank, construction of deck on Coastal Bank.

Brendan Mullaney – met with landscape designer. Home owner claimed the letter just caught up with him as he was out of town and asked how to proceed with restoration. Home owner retained Warwick & Associates for architectural plans and Horiuchi-Solien Landscape out of Falmouth, a landscape architectural firm. Applicant will possibly use seeded jute netting while plants get establish. With regard to the deck, he told landscape designer the board would most likely ask to remove, as it would not have been approved by Commission. He recommended if there is no action soon, the board should put a timetable on it.

Chm. Gray – asked if deck would require a building permit. Brendan Mullaney said no permit was filed and said applicant not only violated conservation, but the building department as well.

Mr. Mulvey – mentioned there was an extensive article in the newspaper on previous work. Brendan Mullaney said aerial views are available to view for both before and after work.

Chm. Gray – hopes the board finds out who did the work which is extensive, does not believe that landscapers would have no knowledge of the conservation laws.

Paul Lelito – people who do work can be held accountable as well as the landowner, feels this was a calculated violation.

Chm. Gray – said if the board turned to the DEP, they can use administrative provisions which incorporates fines. Brendan Mullaney said the DEP usually looks to the town to administer enforcement and only gets involved in extreme cases.

Paul Lelito – mentioned that this board goes way out of its way in each meeting to help the public through the regulatory process and the Conservation Agent does a great job. This is not a board that is difficult to get something approved and is reasonable, but adheres to the law. With this incident, there is someone who went out of their way to execute regardless of the conservation regulations. The board needs to set a precedent for the future. The more stringent, it is more likely the public will be aware that this type of activity is not acceptable.

Chm. Gray – if a landowner doesn't produce a Notice of Intent in a couple of weeks, the board can consider what action to take. He would recommend turning to Town Counsel and notify the DEP to see if they want to review under Administrative Penalties Act.

Paul Lelito – it is important for the Commission to have a comparative analysis on adjacent parcels, aerial pictures, and a determination of ground level covers, shrub layer covers, canopy, etc. There needs to be a study done to determine what was removed and what needs to be put back.

Mr. Mulvey – some “pain” should be involved. Building Inspector can be brought on board and get the contractors that actually did the work.

Chairman Gray – this was just an update on the situation – no formal action is required at this time.

Re-sign OOC signature sheet – DEP File SE7-1809

Original document was inadvertently kept by a board member who produced the document and gave back to Brendan Mullaney.

Vote – Excuse Absent Members, if necessary

On a motion made Paul Lelito and seconded Peter Holmes, the board unanimously voted to excuse absent member Rob Palumbo.

Approval of minutes

On a motion made by Betsy Kiebala and seconded by Susan Weston, the board voted to approve minutes of 5/24/12 as submitted. Vote 4-0-2 (abstentions from Peter Holmes and Paul Lelito).

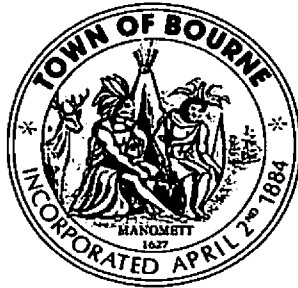
Old Business

Betsy Kiebala – asked about the Cibotti property on Scraggy Neck. Brendan Mullaney said it is still pending.

Adjournment

Paul Lelito moved and seconded by Peter Holmes to adjourn. Meeting adjourned at 7:53 pm. Unanimous vote.

Respectfully submitted,
Lisa Groezinger, sec.



2012 JUL 3 AM 9 44

CONSERVATION COMMISSION AGENDA

Thursday, July 12, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall TOWN CLERK'S OFFICE
BOURNE, MASS

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Joseph Urciuoli **File Number:** CC12-33
Representative: SAME
Project Address: 15 Richmond Road, Pocasset
Proposed Project: Install riprap, construct a concrete block wall, and replace landscape timbers for existing septic leaching facility within a VE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** David Lind **File Number:** CC12-34
Representative: William Lockwood, Lockwood Architects
Project Address: 53 Buttermilk Way, Buzzards Bay
Proposed Project: Construct a detached garage within a VE Flood Zone and within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Joseph Agrillo, Jr. **File Number:** CC12-35
Representative: SAME
Project Address: 39 Benedict Road, Gray Gables
Proposed Project: Repair existing licensed seawall, including filling voids, repairing stairs, and new tread caps within a VE Flood Zone and within 100 feet of a Wetland Resource Area

- 4) **Applicant:** Scott & Sally Okun **File Number:** CC12-36
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: Parcel 5, Bassett's Island
Proposed Project: Construct a shed and wooden deck within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 5) **Applicant:** Richard Mastria, Jr. **File Number:** CC12-37
Representative: Jay Desmarais, Duxbury Gardeners
Project Address: 53 & 57 Wianno Road, Mashnee Island
Proposed Project: Clear area of vegetation / invasive species and replant with trees, shrubs, and lawn within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

6) **Applicant:** James & Lucille Coady **File Number:** CC12-38
Representative: Tim Bennett, Green Seal Environmental
Project Address: 41 Brooks Road, Monument Beach
Proposed Project: Construct addition to existing garage, including grading and landscaping, within 100 feet of a Wetland Resource Area

7:15) **Notices of Intent:**

1) **Applicant:** Linda Gudas **DEP File Number:** SE7-
Representative: Bracken Engineering, Inc.
Project Address: 2 Hill Street, Pocasset
Proposed Project: Raze and rebuild single family dwelling and install new septic system, including landscaping, grading, utilities, and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area

2) **Applicant:** Diane Ducey & **DEP File Number:** SE7-
Beacon Point Association, Inc.
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 0 & 24 Eastward Avenue, Pocasset
Proposed Project: Rebuild and extend stone revetment and install beach access stairs, including grading and landscaping, within an AE Flood Zone, within a Wetland Resource Area and within 100 feet of a Wetland Resource Area

3) **Applicant:** John Sweeney **DEP File Number:** SE7-
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 178 North Road, Pocasset
Proposed Project: Construct guest house and install restoration plantings, including landscaping, grading, utilities, and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area

4) **Applicant:** Clare Heffernan **DEP File Number:** SE7-1810
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 0 Squeteague Harbor Road, Cataumet
Proposed Project: Reconstruct existing bathhouse and construct new deck and stairs within an AE Flood Zone and within a Wetland Resource Area

Request for Certificate of Compliance:

- 1) **Applicant:** Anne Garefino **DEP File Number:** SE7-1781
 Representative: Stephen Doyle & Associates
 Project Address: 9 Canal Drive, Pocasset
 Proposed Project: Raze and rebuild an existing dwelling including all landscaping, grading, utilities,
 and associated appurtenances within a VE Flood Zone and within 100 feet of a
 Wetland Resource Area
- 2) **Applicant:** James & Gina Melnick **DEP File Number:** SE7-1438
 Representative: Warwick & Associates, Inc.
 Project Address: 5 Massasoit Avenue, Pocasset
 Proposed Project: Rebuild existing concrete and rock seawall within an AE Flood Zone, within a
 Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – June 7, 2012
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Conservation Commission
Minutes of July 12, 2012
Bourne Town Hall, Lower Conference Room
Bourne, MA 02532

2012 AUG 16 PM 2:30

Members present: Chairman Bob Gray, Betsy Kiebala, Paul Lelito, Rob Palumbo, Peter Holmes and Susan Weston, and alternate member Thomas Ligor.

TOWN CLERK'S OFFICE
BOURNE, MASS

Member(s) absent: Vice Chairman Martha Craig Rheinhardt

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Jay Desmarais, Linda Gudas, Mike Sawyer, Zachary Basinski, Barbara Frappier, Joseph Urciuoli, Bill Lockwood, Janet Mandigo, Judith Loomis, Peter Loomis, Barb Daniels, Alan Daniels, Joan DeLapp, Joseph Agrillo, Jr., Rick & Kelly Mastria, Jim Halliday, Tim Bennett

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

Requests for Determination of Applicability

#1 - File Number CC12-33

Applicant: Joseph Urciuoli

Representative: SAME

Project address: 15 Richmond Road, Pocasset

Proposed project: Install riprap, construct a concrete block wall, and replace landscape timbers for existing septic leaching facility within a VE Flood Zone and within 100 feet of a Wetland Resource Area.

Mr. Urciuoli representing: the septic system was upgraded in 1991. Hurricane struck in 1991, maximum water height came in over back yard, which lead to a near collapse of the wall. Timbers decayed and are on the verge of collapsing into the Wetlands. Critical and proposed prepares are warranted. He received permission of abutters (Mohan) to encroach upon their land for proposed project. He has notified other abutters. Septic sits 17 feet back from the retaining wall.

He will add riprap along property line. A wall will be constructed 2 feet high. Existing walls are 3 ½ feet - 4 feet high. He will also reconstruct v-walls with a replacement of a similar structure and there is a row of three 6 foot x 6 foot landscape timbers, using strong back reinforcements every 4 feet.

Brendan Mullaney – this was originally presented to the board as a violation, but brought into compliance and instructed if wanted additional work, it should be permitted through this process. Mr, Urciuoli has been cooperative and done everything asked of him by the Commission. Proposed project will be an improvement and another layer of protection to the septic system.

No board comments. No public comments.

On a motion made by Paul Lelito and seconded by Peter Holmes, the board voted to approve the project under a Negative 2 Determination. Abstention from Susan Weston.

#2 - File Number CC12-34

Applicant: David Lind

Representative: William Lockwood

Project address: 53 Buttermilk Way, Buzzards Bay

Proposed project: Construct a detached garage within a VE Flood Zone and within 100 feet of a Wetland Resource Area.

Mr. Lockwood representing: proposing to construct a single-story garage, it will be set back 50 feet from the resource area. A hay bale barrier will be used between the construction and resource areas.

Brendan Mullaney – property is on Taylor’s Point, and applicant was here before the board for a new sea wall which has been built. No erosion concerns and meets criteria for the bylaw. He has no other concerns with the proposed project.

No further board comments. No public comment.

On a motion made by Peter Holmes and seconded by Betsy Kiebala, the board voted unanimously to approve the project under a Negative 2 Determination.

#3 - File Number CC12-35

Applicant: Joseph Agrillo, Jr.

Representative: SAME

Project address: 39 Benedict Road, Gray Gables

Proposed project: Repair existing licensed seawall, including filling voids, repair stairs, and new tread caps within a VE Flood Zone and within 100 feet of a Wetland Resource Area.

Mr. Agrillo representing: project includes a routine repair of the concrete wall and stairs. The treads of the stairs are unsafe and is looking to chisel the old tread off and re-pour as originally built. One area of the wall has a small crack and plan to dig behind the wall by hand, adding reinforcement with cement. The actual mixing will be done with a mixer; the wheel barrow will be the biggest piece of equipment.

Brendan Mullaney – area is in Gray Gables. Structure is licensed under Chapter 91, and has common wear and tear of the wall and stairs. This maintenance will ensure both will last longer. Work will be done by hand and has no other concerns with the project.

No board comment.

Joan DeLapp – 41 Benedict Road, abutter, is in support of this project.

No further public comment.

On a motion made by Peter Holmes and seconded by Paul Lelito, the board voted to approve the project under a Negative 2 Determination. Abstention from Rob Palumbo.

#4 – File Number: CC12-36

Applicant: Scott & Sally Okun

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: Parcel 5, Bassett's Island

Proposed Project: Construct a shed and wooden deck within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Ms. Frappier representing: Okuns are asking to install a tool shed in the back and put in an open deck respecting the 50 foot setback from the top of the coastal bank. All work will be done by hand.

No further board comment. No public comment.

Brendan Mullaney – simple project, but meets the 50 foot setback requirements. No other concerns with the project.

On a motion made by Rob Palumbo and seconded by Betsy Kiebala, the board voted unanimously to approve the project under a Negative 2 Determination.

#5 – File Number: CC12-37

Applicant: Richard Mastria, Jr.

Representative: Jay Desmarais, Duxbury Gardeners

Project Address: 53 & 57 Wianno Road, Mashnee Island

Proposed Project: Clear area of vegetation/invasive species and replant with trees, shrubs and lawn within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area.

Mr. Desmarais representing: proposing to take an empty lot which is all invasive materials (bittersweet, poison ivy) and strip and grub the lot. The growth is in an 8,000 sq. ft. lot which is 5-6 feet in height. Abutters lot, which is also owned by Mr. Mastria, includes tall trees along fence line and looking to take out the bittersweet. Project will include stripping lot, haul materials with fence and come back with evergreen planting. He will add Leland Cypress, evergreen, and the rest of the tree material on site will be dogwoods and red twig Japanese maple. He wants to add a mulch border on the outside perimeter, adding a lawn on the inside. There is a parking area that will stay.

Paul Lelito – concerned about the loss of wildlife habitat, asked about the resource area. Brendan Mullaney said the property adjacent was determined multiple coast banks based on topography. The 3rd coastal bank was based on the interpretation of the slopes and was defined as an "anomaly" through a previous filing.

Paul Lelito – would like to see no lawn, but rather a wildflower or meadow mix as there is little maintenance and zero fertilizer.

Chm. Gray – asked about the old order. Brendan Mullaney said it encumbers a portion of the proposed work area and compliance has not been requested. It is a proposal for two separate parcels. There were stipulations on the adjacent parcel (that one that has a house) regarding the existing vegetation that was to be preserved. The stipulation included no landscaping outside the old fence as determined by the commission at the time.

Mr. Desmarais- this area is being used as a dumping area, and unless cleaned up, he feels it will go back to its current state.

Betsy Kiebala – asked about the trees and if they will remain. Mr. Desmarais said if he save the trees, there will be no way to grub out invasive growth.

Brendan Mullaney – proposed project does provide some wildlife habitat. Part of project is tied to an old Order of Conditions; there are no requests for certificate of compliance, so there is an outstanding order. Also, some more native species could be substituted and would be a bit more appealing. It is almost completely overgrown with invasive vegetation and people have been dumping debris for a long time.

Paul Lelito – sees proposed project as a chance to enhance the habitat. Mr. Desmarais did cross reference State's approved planting list and the plan was to grub and what is planted he doesn't believe is an issue for the Mastrias. The idea is to clean the site up, maintain and beautify the neighborhood.

Chm. Gray – likely have to excise off a portion of the proposed work area as it is encumbered by the old Order of Conditions and we cannot supersede. It was never complied, so it is still open. He doesn't remember if condition in question was listed in perpetuity. Brendan Mullaney said if compliance is granted, the Commission could address the condition at a later hearing.

Paul Lelito – suggests using the list and plant what is on the list as the easiest solution.

Mr. Desmarais – the maintenance for the bittersweet will be difficult. Not looking to add irrigation system for the lawn.

Mr. Mastria – we are simply looking to beautify the area and feel that cleaning up this area will be a benefit to the whole neighborhood.

No further board comment.

George Smith, abutter at Lot 56, is behind the property and lives at 51 Wianno Road. He had aerial photographs to show the board. There was an old paved tennis court that was there where the house now sits. There is vegetation all around the tennis court which is on a fence (on both the north and south side).

A plan was submitted in 2005, agreement between all the parties shows all the green area outside the tennis court was to be preserved. He is asking the board to review. He also has pictures of the way the tennis court (south east corner) was with the fence. Trees have since been removed, portion of the fence has been removed, mulch has been added and a three-post fence has been added which is in violation. He requests the board request to remove fence, re-vegetate the area, and have Lot 53A not be touched; take a look at the bank in front of the two houses. He mentioned a multitude of species using it as habitat. His main issue is Lot 53A.

Mr. Desmarais – submitted an e-mail sent to Mr. Mastria from an abutter who is in full support of this plan proposed for the file.

No further public comment.

Chm. Gray – asked applicant if he wanted a continuance and come back before the board due to lack of the COC and to amend the proposed plantings. Brendan Mullaney said there is an outstanding Order of Conditions that states the area is to remain in a vegetated state and was agreed upon by all parties.

Mr. Smith – asked what happens to the fence as it is not to be touched. Brendan Mullaney said it mostly likely will collapse on itself in the future. Mr. Desmarais said the fence is a wooden post with chicken wire, 10 feet in height.

Rob Palumbo – asked the board for guidance for the applicant as a compromise so he understands what the board is asking him to do.

Chm. Gray – have to excise off Lot 53A until resolve issues regarding compliance; reconsider any act on the back which is coastal bank; plenty of alternatives to turf laws (meadow community that would require mowing once or twice a year) and plenty of native plantings to use (wild flower mixes and nectar feeders).

Mr. Smith – asked if this could be put under a Notice of Intent. Chm. Gray said filing for this resource area (Land Subject to Coastal Storm Flowage), doesn't have any State performance standards. Since applicant is working with plantings in the flood zone, he wouldn't be triggering a Notice of Intent.

At the request of the applicant, hearing is continued to 7/26/12.

#6 – File Number: CC12-38

Applicant: James & Lucille Coady

Representative: Tim Bennett, Great Seal Environmental

Project Address: 41 Brooks Road, Monument Beach

Proposed Project: Construct addition to existing garage, including grading and landscaping, within 100 feet of Wetland Resource Area.

Mr. Bennett representing: proposed project will be adding a 6'x20' section within 100 feet of an abandoned bog. It will be 84 feet from the BVW and 75 feet from the Flood Zone.

Brendan Mullaney – this is a small addition and the garage is 84 feet from old bog relatively flat area. No further concerns with the project.

No board comments. No public comments.

On a motion made by Peter Holmes and seconded by Paul Lelito, the board unanimously voted to approve the project under a Negative 3 Determination.

Notices of Intent

#1 - DEP File Number SE7-1812

Applicant: Linda Gudas

Representative: Bracken Engineering, Inc.

Project address: 2 Hill Street, Pocasset

Proposed project: Raze and rebuild single-family dwelling and install new septic system, including landscaping, grading, utilities and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

At this time, Chm. Gray recused himself from discussion and vote. Paul Lelito took over as Chair.

Zac Basinski representing: proposing tear down and rebuild of existing dwelling. Portion of property is within Flood Zone, AE elevation 15. This is also the Coastal Bank based on slope of property. Looking to demolish the existing house and construct in the same location. Board of Health (BOH) approval for septic is pending. Applicant will maintain existing driveway.

Paul Lelito – asked about siltation and asked if it is necessary or if the street will act as a barrier. Brendan Mullaney said it is too steep and erosion controls are necessary.

Brendan Mullaney – standard raze and re-build in the area. Coastal Bank delineation is accurate, upgrade in septic will be improvement for the area. Erosion controls are necessary due to steepness of lot. No other concerns with the project.

No other board comment. No public comment.

On a motion made by Rob Palumbo and seconded by Peter Holmes, the board voted unanimously to close the public hearing.

Brendan Mullaney - Draft Order includes all General Conditions, Special Conditions pursuant to MGL c.131 s. 40 #'s 1 -6, 9, 10, 12, 13, 16-24; Special Conditions pursuant to Sections 4, 6, 7, 8, 9; Special Conditions Sections 20 and 24 and Bylaws Section 4, 6 which shall continue in perpetuity. Any other conditions can be added if the board wishes.

On a motion made by Rob Palumbo and seconded by Susan Weston, the board voted unanimously to move Draft Order to Final Order.

Chairman Gray returns as Chair.

#2 - DEP File Number SE7-

Applicant: Diane Ducey & Beacon Point Association, Inc.

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project address: 0 & 24 Eastward Avenue, Pocasset

Proposed project: Rebuild and extend stone revetment and install beach access stairs, including grading and landscaping, within an AE Flood Zone, within a Wetland Resource Area and within 100 feet of a Wetland Resource Area.

At the request of the applicant's representative, hearing is continued to 7/26/12.

#3- DEP File Number SE7-

Applicant: John Sweeney

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 178 North Road, Pocasset

Proposed Project: Construct guest house and install restoration plantings, including landscaping, grading, utilities, and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Ms. Frappier – project was to upgrade septic, install guest house. Evolved into a bigger project due to site inspection as it was found significant of removal of vegetation. Board advised to tally what was removed. There was an account of 397 trees without a permit. The Order of Conditions includes to build house and a restoration plan. With permit extension, the current Order has expired. Applicant proposing to fill in any grass areas with native plants (listed) beach plum, bayberry and within the seaward install 24 Easter red cedars in proper density using a professional arborist. Seaward of 10' contour a path will be maintained for the access to the beach. In addition, putting another 175 caliper inches of trees landward of the 24 foot contour. Trees were asked to be 3-inch caliper as long as the total equals 175. Intent is basically same as the previous filing, includes the retaining walls, some foundation of the guest house. The variations are minimal. Asking for new Order of Conditions permitting work and start planting and to allow to build house at the same time and all plantings will be in this fall. Applicant looking to put in a temporary irrigation system to help plants survive initial planting.

Brendan Mullaney – same basic plan approved last time. Foundation has a stone retaining wall in front of it. Ornamental foundation plants. Even with benefit of 2 year extension, no way to extend, thus new filing. Almost identical project as previously approved, some minimal changes to where the wall was placed. Full restoration plan and proposal for previous violations. No other concerns with the project.

No board comment.

Peter Loomis – abutter once removed. Concerned with 2 immediate abutters (1 relatively new owner and immediate abutter is out of State and not sure had proper notification. Other immediate abutter has not been able to be reached by him as there is an emergency in the family). He also brings before the board the property already has a guest house and there are number of renters that use it. The first proposal was for a boat house and it appears the foundation is not in style with what most people would build on Wings Neck. Property guest house would total two (2) guest houses on the property with one main house. Seems excessive and guest house is much too close to the water. He recommends to defer until it is brought to Wings Trustees and Wings Neck Trust.

Ms. Frappier – proper abutter notification filed at 180 North Road (who are currently in Minnesota), discussed and requested to include more aborvities . Mr. Foley received notification on 7/5/12; the two immediate abutters Mr. Loomis discussed have been properly notified of proposed proposal. Applicants met time constraints. Brendan Mullaney checks abutter notifications and states all parties have been properly notified.

Ms. Frappier – said if there are any further comments to call her office or to speak with the Conservation Agent.

Judy Loomis – began to comment on the rented guest house and that there are loud parties late at night. Chm. Gray – these matters are beyond purview of this board.

Ms. Frappier - 196 and 198 are separate parcels and never combined as far as the guest houses. At the time there was a question zoning did allow Mr. Sweeney to do this. Placement respects Conservations minimum standards of maintaining a 50 foot buffer. House was before the Board of Appeals and is permitted for occasional use. She told abutters to confirm with Mr. Roger Laporte. Ms. Frappier will be happy to mail the Loomis's a copy of the plans.

No further public comment. Chairman Gray states since there is no file number we cannot close the hearing tonight.

At the request of the applicant's representative, hearing is continued to 7/26/12.

#4 – DEP File Number: SE7-1810

Applicant: Clare Heffernan

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 0 Squeteague Harbor Road, Cataumet

Proposed Project: Reconstruct existing bathhouse and construct new deck and stairs within an AE Flood Zone and within a Wetland Resource Area.

At the request of the applicant's representative, hearing is continued to 7/26/12. Chm. Gray recommended the board look at property before the hearing. The boathouse is on town land which requires the Town of Bourne to sign-off as landowner.

Requests for Certificate of Compliance

#1 – DEP File Number: SE7-1781

Applicant: Anne Garefino

Representative: Stephen Doyle & Associates

Project Address: 9 Canal Drive, Pocaseet

Proposed Project: Raze and rebuild an existing dwelling including all landscaping, grading, utilities, and associated appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area.

Brendan Mullaney – site inspection conducted and determined to be in compliance.

No board comment. No public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the board voted unanimously to grant Certificate of Compliance.

#2 – DEP File Number: SE7-1438

Applicant: James & Gina Melnick

Representative: Warwick & Associates, Inc.

Project Address: 5 Massasoit Avenue, Pocasset

Proposed Project: Rebuild existing concrete and rock seawall within an AE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area.

Brendan Mullaney – site inspection conducted and determined to be in compliance.

On a motion by Paul Lelito and seconded by Rob Palumbo, the board voted unanimously to grant Certificate of Compliance.

Other Business

Vote – Excuse Absent Members, if necessary

On a motion made Rob Palumbo and seconded Susan Weston, the board unanimously voted to excuse absent member Martha Craig Rheinhardt.

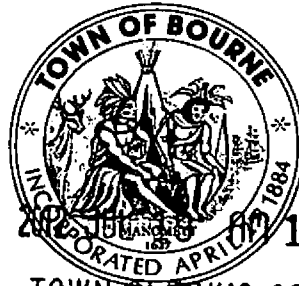
Approval of minutes

On a motion made by Paul Lelito and seconded by Peter Holmes, the board voted to unanimously approve minutes of 6/7/12 as submitted.

Adjournment

Rob Palumbo moved and seconded by Betsey Kiebala to adjourn. Meeting adjourned at 8:40 pm. Unanimous vote.

Respectfully submitted, Lisa Groezinger, sec.



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TOWN CLERK'S OFFICE
CONSERVATION COMMISSION AGENDA
BOURNE, MASS

Thursday, July 26, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) **Requests for Determination of Applicability:**

- 1) **Applicant:** Darren Meyer, Meyer & Sons, Inc. **File Number:** CC12-39
Representative: SAME
Project Address: 71 Wamsutta Avenue, Pocasset
Proposed Project: Pump and abandon existing cesspool and upgrade to new Title V septic system within 100 feet of a Wetland Resource Area
- 2) **Applicant:** Richard Mastria, Jr. **File Number:** CC12-37
Representative: Jay Desmarais, Duxbury Gardeners
Project Address: 53 & 57 Wianno Road, Mashnee Island
Proposed Project: Clear area of vegetation / invasive species and replant with trees, shrubs, and lawn within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area
(Continued from 7/12/2012)
- 3) **Applicant:** Town of Bourne **File Number:** CC12-40
Representative: Brendan Mullaney
Project Address: Squeteague Harbor Beach / off Grasslands Lane, Cataumet
Proposed Project: Remove phragmites within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) **Notices of Intent:**

- 1) **Applicant:** Roger Stokey **DEP File Number:** SE7-
Representative: Falmouth Engineering, Inc.
Project Address: 524 Scraggy Neck Road, Cataumet
Proposed Project: Raze and rebuild single family dwelling and install new septic system, including landscaping, grading, utilities, and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area
- 2) **Applicant:** George Polillia **DEP File Number:** SE7-1794
Representative: Lawrence P. Silva, Silva Engineering Associates, P.C.
Project Address: 525 Shore Road, Monument Beach
Proposed Project: Construct an addition, garage, and deck within 100 feet of a Wetland Resource Area
(Continued from 5/24/2012)

- 3) **Applicant:** Diane Ducey & Beacon Point Association, Inc. **DEP File Number:** SE7-
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 0 & 24 Eastward Avenue, Pocasset
Proposed Project: Rebuild and extend stone revetment and install beach access stairs, including grading and landscaping, within an AE Flood Zone, within a Wetland Resource Area and within 100 feet of a Wetland Resource Area
(Continued from 7/12/2012)
- 4) **Applicant:** John Sweeney **DEP File Number:** SE7-1813
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 178 North Road, Pocasset
Proposed Project: Construct guest house and install restoration plantings, including landscaping, grading, utilities, and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area
(Continued from 7/12/2012)
- 5) **Applicant:** Clare Heffernan **DEP File Number:** SE7-1810
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 0 Squeteague Harbor Road, Cataumet
Proposed Project: Reconstruct existing bathhouse and construct new deck and stairs within an AE Flood Zone and within a Wetland Resource Area
(Continued from 7/12/2012)

Request for Certificate of Compliance:

- 1) **Applicant:** Michael Prevett **DEP File Number:** SE7-237
Representative: Pocasset Engineering Co.
Project Address: 779 Shore Road, Pocasset
Proposed Project: Construct a dwelling within an AE Flood Zone and within 100 feet of a Wetland Resource Area
- 2) **Applicant:** Russell & Claire Varney **DEP File Number:** SE7-1029
Representative: Flaherty Associates, Inc.
Project Address: 11 Carl Gardner Road, Monument Beach
Proposed Project: Construct a dwelling within an AE Flood Zone

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – June 21, 2012
- ▶ Any other business that may legally come before the Commission
- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

**Conservation Commission
Minutes of July 26, 2012
Bourne Town Hall, Lower Conference Room
Bourne, MA 02532**

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Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Betsy Kiehala and Susan Weston, and alternate member Thomas Ligor.

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TOWN CLERK'S OFFICE
BOURNE, MASS

Member(s) absent: Peter Holmes, Paul Lelito and Rob Palumbo

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Rick & Kelly Mastria, Kris Fisher, Linda Carpenter, Maryann Hughes, Clare & Roy Heffernan, Cathy Gwynn, Chris Gregg, Suzanne Meuse, Helen & Steven Downey, Barbara Frappier, George Smith, Fritz Casselman, Susan Ashbrook, Robert Gendron, Darren meyer, Sarah & John Gwynn, Alan Veracka, Michael Borselli, Bill & Joan Fallon, George Seaver, Peggy Curtis

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting. Chm. Gray also explained the 5-5-5 rule.

Requests for Determination of Applicability

#1 - File Number CC12-39

Applicant: Lyons

Representative: Darren Meyer, Meyer & Sons, Inc.

Project address: 71 Wamsutta Avenue, Pocasset

Proposed project: Pump and abandon existing cesspool and upgrade to new Title V septic system within 100 feet of a Wetland Resource Area.

Mr. Meyer representing: Proposal is for installation of a new Title V system and abandonment of a failed cesspool.

Brendan Mullaney – small lot, project proposed as far from a resource area that the lot will allow. Erosion control is showing, and lot is steep in the back. This would be a vast improvement and has no other concerns with the project.

No board comments. No public comments.

On a motion made by Martha Craig Rheinhardt and seconded by Susan Weston, the board unanimously voted to approve the project under a Negative 3 Determination.

#2 - File Number CC12-37

Applicant: Richard Mastria, Jr.

Representative: Jay Desmarais, Duxbury Gardeners

Project address: 53 & 57 Wianno Road, Mashnee Island

Proposed project: Clear area of vegetation/invasive species and replant with trees, shrubs, and lawn within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area.

(Continued from 7/12/12)

Mr. Desmarais representing: he provided the board with revised plans. This lot is covered in about 95% bittersweet. The back of lot is sloped and applicant proposing to keep slope for erosion purposes and strip the remainder of the lot of the bittersweet. Applicant plans to wait a month to see if more root structure comes back and at that point will eradicate with an herbicide. Looking to seed the site with meadow grass to stabilize in early October and will come back in the spring (identify if there are any further issues) and come in with plants once bittersweet has been eradicated. Once area is stabilized, looking to strip and clean the back slope and plant with American beach grass. Plantings include red maple, bayberries, red twig dogwood and switch grass. Applicant would like to keep parking area for parking.

Question was asked about what herbicide will be used. Mr. Desmarais said it would be Round Up.

Martha Craig Rheinhardt – asked for the third coastal bank clarification. Asked for additional info on meadow grass. Mr. Desmarais said it grows 18-24 in height and requires mowing two times per year.

Tom Ligor – asked how plantings will maintain some of wildlife habitat that is currently there. Mr. Desmarais said *rosa rugosa* will provide coverage, grasses in clumps and rows; animals can travel back and forth (7,000 sq. ft), once plantings are established, they will spread and provide coverage. Nesting areas will be created by bayberries, switch grass, red maples and *rosa rugosa*.

Brendan Mullaney – applicant followed direction from the board and feels plans meet the criteria in this revised plan. The restricted area from the old Order of Conditions was eliminated on this proposal. He feels it is a better plan than the one originally proposed.

George Smith, 51 Wianno Road, direct abutter had two requests: 1) the lot line be delineated by a surveyor; 2) the coastal bank be delineated throughout the entire project. He also stated that there are outstanding violations on the adjacent lot.

Chm. Gray – asked if applicant is agreeable to have the lot surveyed. The Mastrias explained there are already markers in the ground (3 out of 4 are there). Chm. Gray requested applicant to establish points so the area can be marked ahead of time. Mr. Desmarais said a ribbon can be stretched out to mark said area.

Mr. Desmarais – the bank area is where he will stop any type of stripping at the top of the bank, this is what the Mastria's own (the coastal bank is entirely their ownership).

Chm. Gray – for clarification to the board, the applicant is not proposing to do anything on the coastal bank at this time, but is part of the filing for work going into approximately the second year.

Mr. Mulvey – raised concern of erosion and herbicide run off. Mr. Desmarais said the herbicide will last five (5) days in the soil.

No further board comments. No further public comment.

On a motion made by Martha Craig Rheinhardt and seconded by Susan Weston, the board voted unanimously voted a Negative 2 Determination.

#3 - File Number CC12-40

Applicant: Town of Bourne

Representative: Brendan Mullaney

Project address: Squeteague Harbor Beach/off Grasslands Lane, Cataumet

Proposed project: Remove phragmites within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Brendan Mullaney representing: all abutters to the town parcel were notified by certified mail. Work proposed within the boundries of town property. Discussed this issue with residents, they asked if the town could acquire a permit to remove phragmites from the beach area over to the Grasslands Lane, as has been done in other parts of town. He will attempt to get assistance from the DPW. Most or all of the work will be done by hand (residents to assist with manpower). The only vegetation to be removed is the phragmites. The area is starting to be overtaken and feels that this is an attempt at management rather than eradication, without the use of herbicides the issue will probably never fully be eradicated. However this is a good step towards controlling and managing excessive and invasive growth if it is done repeatedly.

No board comment.

George Seaver – has been monitoring the harbor for a number of years, monitoring locations is an artesian well. There was a path to area up until three (3) years ago and now there is a dramatic increase of growth. Feels this project will return balance to excessive growth.

John York – abutter, opening up tidal flow will not eradicate the phragmites growth, supports the project and will assist in cutting.

Gray Curtis –the growth of phragmites in Scraggy Neck required a flow of salt water and suggested getting in touch with Mosquito Control who may help the town with some resources.

Bill Fallon – likes the privacy barrier and asked about what the plan is on his property. Brendan Mullaney states this plan will apply to the town section only. Mr. Fallon is opposed to losing his privacy by clear cutting the phragmites.

Chairman Gray announces we will table this matter and open the public hearings scheduled for 7:15 pm.

After public hearings, this matter is brought back for further discussion.

John Green is in favor of the cutting. He states all the neighbors can work together to come up with a compromise that everyone can agree upon.

Peter Lewitt shows pictures of what the area looked like in the 80's and recent pictures showing how the phragmites have taken over large portions of the town parcel.

Discussion held by residents to do the cutting in two phases. An attempt is made to separate the project into two phases and to allow neighbors time to discuss options and come up with a solution. Chairman Gray states that it may be in everyone's best interest to continue this matter until the next meeting.

Tom Ligor – after lengthy discussion on phases of removing the phragmites for and against, he requested the board to stick with proposal as stated in the agenda.

Chm. Gray – explained anyone who disagrees with moving the cutting forward can appeal to the State, but to think about ramifications of having another agency review the project.

Martha Craig Rheinhardt – added that the DEP would only look at the performance standards of the Regulations.

John Greene – if approved, he believes all can work together.

Jim Mulvey – reminded the board of the Open Meeting Laws and can only act upon what is before them tonight.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the board unanimously voted on a Negative 2 Determination.

Chm. Gray – explained the board approved project as presented. If there is an appeal, he directed residents to appeal to the State under the Wetlands Protection Act, then the Superior Court under the Town Bylaw.

Notices of Intent

#1 - DEP File Number SE7-1814

Applicant: Roger Stokey

Representative: Falmouth Engineering, Inc.

Project address: 524 Scraggy Neck Road, Cataumet

Proposed project: Raze and rebuild single-family dwelling and install new septic system, including landscaping, grading, utilities and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Michael Borselli, Falmouth Engineering, introduced applicant, architect from Hutker & Associates, builder, and landscape architect Kris Horiuci.

Mr. Stokey – started process to stay in Scraggy Neck year round. Replace existing summer cottage for a year round house. Long history with the property and they plan to enhance it as well as keep a lot of the features.

Mr. Borselli– existing conditions briefly reviewed; a cobbly beach, sloping landform, non-eroding stable coastal bank. Existing dwelling has garden area, lawn areas at the base of the slope at front of the house, driving access on the westerly side, grove of existing trees, coastal bank vegetated with plantings and trees. Project is to raze house and re-build with up-to-date conditions and a more workable access to the garage. Project is designed to locate the new house no closer to the coastal bank than the old

house. The closest point of the new house is 30 feet from the top of the coastal bank which is the same as the retaining wall.

Horiuchi-Solien Landscape architects – described plantings to be removed and to put back. Lawn areas restored after construction and would like to expand around the existing dogwood tree. Maintain existing native vegetation currently and remove invasives. To view the channel from the corner of the house, applicant would like to create a window through the existing tree area (this includes the removal of existing cherry tree which isn't very healthy). In terms of drainage, roof run off is through down spouts or gravel.

Brendan Mullaney – relatively standard raze and re-build project. Work as proposed is within the same area of disturbance that currently exists. The upgrade to the septic would be improvement, there is a large amount of planting being proposed. The vista window proposed will require the removal of some trees that are beyond the coastal bank and feels board may want to look at prior to approval. No other concerns and appears applicant trying to maintain property.

Martha Craig Rheinhardt – asked for clarification of tree sizes to be re-planted and was told the size of the other trees will be in the eight (8) foot range.

Susan Weston – questioned the five (5) feet closer to the coastal bank. Chm. Gray said it is a little intrusion, but the balance against the positives coming forward outweigh this.

SW – asked for clarification on removing the cedars and planting white pines and cedars on the sides.

No other board comment. No public comment.

On a motion made by Betsy Kiebal and seconded by Susan Weston, the board voted unanimously to close the public hearing.

Brendan Mullaney - Draft Order includes Sections 1 -6, 9, 10, 12, 13, 16-24; Special Conditions pursuant to Sections 4, 6, 7, 8, 9; Special Conditions Sections 20 and 24 and Bylaws 4, 6 which shall continue in perpetuity. Any other conditions can be added if the board wishes.

On a motion made by Susan Weston and seconded by Martha Craig Rheinhardt, the board voted unanimously to move Draft Order to Final Order.

#2 - DEP File Number SE7-1794

Applicant: George Polillia

Representative: Lawrence P. Silva Engineering Associates, P.C.

Project address: 525 Shore Road, Monument Beach

Proposed project: Construct an addition, garage and deck within 100 feet of a Wetland Resource Area.

(Continued from 5/24/12)

Alan Veracke representing: all information on project straightforward. Applicant looking to do a quick re-hab on the building which consists of four components: 1) in the front of building add farmer's porch; 2) at the rear of building to cover existing patio; 3) on the right hand side of building to put in an oversized bay window and additional stairs to the kitchen; and 4) replace existing pergola.

Susan Weston – asked for clarification of the flood plain. Mr. Baraca explained the structure is 400 feet from the water across the street.

Brendan Mullaney – this project has been before the board a few times. The applicant was given direction on what would be approved by the board and has adhered to said directions. Applicant has reduced size of the project.

No board comment. No public comment.

On a motion made by Betsy Kiebala and seconded by Susan Weston, the board voted unanimously to close the hearing.

Brendan Mullaney – draft includes General conditions, Special Conditions pursuant to 140, Special Conditions pursuant to the bylaw. No additional conditions to the project.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the board unanimously voted to move Draft Order to Final Order.

#3- DEP File Number SE7-

Applicant: Diane Ducey

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 0 & 24 Eastward Avenue, Pocasset

Proposed Project: Rebuild and extend stone revetment and install beach access stairs, including grading and landscaping within an AE Flood Zone, within a Wetland Resource Area and within 100 feet of a Wetland Resource Area.

(Continued from 7/12/12).

At the request of the applicant, the hearing is continued to 8/23/12.

#4 –DEP File Number: SE7-1813

Applicant: John Sweeney

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 178 North Road, Pocasset

Proposed Project: Construct guest house and install restoration plantings, including landscaping, grading, utilities and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

(Continued from 7/12/12).

On a motion made by Susan Weston and seconded by Betsy Kiebala, the board voted to close the hearing. One abstention from Martha Craig Rheinhardt.

Draft Order includes Sections 1 -6, 9, 10, 12, 13, 16-24; Special Conditions pursuant to Sections 4, 6, 7, 8, 9; Special Conditions Sections 20 and 24 and Bylaws 4, 6 which shall continue in perpetuity. Any other conditions can be added if the board wishes.

BM – Draft Order includes Section 1-6, 9-13, 16-24; Special Conditions pursuant to Sections 4,6 7 8 9. Any other conditions can be added as additional conditions. He will add narrative submitted with the NOI.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the board voted to move from Draft Order to Final Order. One abstention from Martha Craig Rheinhardt. Chm. Gray explained although she abstained from the vote, she can sign the paperwork.

#5 - DEP File Number: SE7-1810

Applicant: Clare Heffernan

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 0 Squeteague Harbor Road, Cataumet

Proposed Project: Reconstruct existing bathhouse and construct new deck and stairs within an AE Flood Zone and within a Wetland Resource Area.

(Continued from 7/12/12)

Ms. Frappier representing: discussed the re-construction of the bathhouse at this site, in which the bath house goes back approximately 100 years. In 1993 the bath house was re-constructed. The delay in coming back to the board is relative to the ownership of the parcel, with the Selectmen sanctioning to move forward. At the most recent Selectmen meeting, they agreed to be the party to this filing. Proposal is to re-construct bath house as it was originally. Structure differs by: 1) the connector from stairs to the coastal bank; and 2) reducing the size of the balcony piece, which is a net decrease in square footage from original structure. Methodology is that the structure will be set on helical piles using a machine at the property (#40) and said piles to be driven into the beach topped with sauna tube and concrete. This is far less disruption and more stable.

Tom Ligor – received clarification of not removing vegetation in front of the bathhouse.

Betsy Kiebala – was curious why not remove vegetation, but was told the applicant wants to keep.

Brendan Mullaney – project was reviewed by Town Counsel to determine whether to move forward or not. The Selectmen have approved said application. The structure as it sits can be re-built within the existing footprint and be in compliance with town bylaw as it is pre-dated the town bylaw (and has been there for a substantial amount of time). Any addition is a new structure within a resource area, and in his opinion is in conflict with Section 3.7.4 of the town Wetlands Protection bylaw. The bath house itself is in compliance.

Ms. Frappier – feels the connector piece is environmentally better to by reducing the pilings, steps and reducing the long balcony. Access to the building did change. This is a unique situation where wouldn't violate own bylaw as presented.

Chm. Gray – asked Ms. Frappier to address: how feel the performance for coastal beaches are met for the platform and look at the bylaw in particular to the interests of recreation. Bylaw as written is for recreation use to be protected use. How can the board approve by giving up a public use of that specific footprint of the platform (right now it is a beach). When take out, the hole will be filled with set of separate stairs on the beach to access the building. He said to analyze recreational section.

Chm. Gray – asked Ms. Frappier to come up with re-design to relocate the existing stairs to come down stairs and enter beach house it eliminates the conflict with recreational interest.

Chm. Gray – asked if the stairs can come directly to the bathhouse.

Ms. Frappier – will re-visit and come back with a design.

No further board comments.

Roy Heffernan –applicant, is fine with just having stairs, no problem.

Ms. Frappier – will come back with original stairs and move closer.

Bill Fallon – abutter, structure is over 100 years old and would rather have an updated and approved project.

Martha Craig Rheinhardt – asked for clarification of stairs and asked about reducing.

Chm. Gray – requested Ms. Frappier show a plan that has minimal impact for stairs to the bath house that were original to the building.

Tom Ligor – said the stairs are part of the original footprint.

John Greene – doesn't feel there is recreational interest. Chm. Gray says this statement opens up debate and tonight the board is trying to reach a balance.

Ms. Frappier – plans didn't expand the project; it is just reconfiguration.

Brendan Mullaney – the argument over stairs sounds petty, but people need to know what is defined as a resource area. If board allows any structure today on a coastal beach, it sets precedent.

Barbara Frappier – requests continuance to next hearing.

On a motion made by Susan Weston and seconded by Martha Craig Rheinhardt, the board unanimously to continue to 8/9/12.

No further board comment. No further public comment.

Requests for Certificate of Compliance

#1 – DEP File Number: SE7-237

Applicant: Michael Prevett

Representative: Pocasset Engineering Co.

Project Address: 77 Shore Road, Pocasset

Proposed Project: Construct a dwelling within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Brendan Mullaney – conducted a site visit and found project to be in compliance.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the board unanimously voted to approve.

#2 – DEP File Number: SE7-1029

Applicant: Russell & Claire Varney
Representative: Flaherty Associates, Inc.
Project Address: 11 Carl Gardner Road, Monument Beach
Proposed Project: Construct a dwelling within an AE Flood Zone.

Brendan Mullaney – conducted a site visit and found project to be in compliance.

On a motion made by Susan Weston and seconded by Martha Craig Rheinhardt, the board voted unanimously the project is in compliance.

Other Business

Vote – Excuse Absent Members, if necessary

On a motion made by Susan Weston and seconded Betsy Kiebala, the board unanimously voted to excuse absent members Peter Holmes, Paul Lelito and Rob Palumbo.

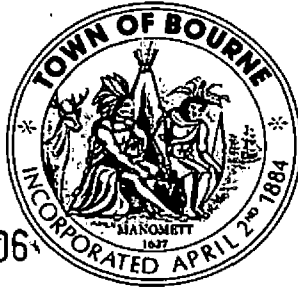
Approval of minutes

On a motion made by Susan Weston and seconded by Betsy Kiebala, the board voted to unanimously approve minutes of 6/21/12 as submitted.

Adjournment

On a motion made by Susan Weston and seconded by Martha Craig Rheinhardt, the Commission voted unanimously to adjourn the meeting. Meeting adjourned at 9:55 pm.

Respectfully submitted, Lisa Groezinger, sec.



2012 AUG 2 PM 12 06

TOWN CONSERVATION COMMISSION AGENDA

Thursday, August 9, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Armand Cerrone **File Number:** CC12-41
Representative: Bruce Cerrone
Project Address: 33 Canal View Road, Buzzards Bay
Proposed Project: Construct a deck and install a gas line within an AE Flood Zone
Hearing Under State Act Only

- 2) **Applicant:** Thidemann Faulkner & Diane Mahoney **File Number:** CC12-42
Representative: Stephen Doyle & Associates
Project Address: 14 Navajo Road, Pocasset
Proposed Project: Upgrade septic system within a VE Flood Zone and within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Bill Bruce **File Number:** CC12-43
Representative: Donald DuBerger
Project Address: 80 Rocky Point Road, Gray Gables
Proposed Project: Perform vista pruning within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) Notices of Intent:

- 1) **Applicant:** Clare Heffernan **DEP File Number:** SE7-1810
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 0 Squeteague Harbor Road, Cataumet
Proposed Project: Reconstruct existing bathhouse and construct new deck and stairs within an AE Flood Zone and within a Wetland Resource Area
(Continued from 7/26/2012)

Request for Certificate of Compliance:

- 1) **Applicant:** Joseph Povoas **DEP File Number:** SE7- 1770
Representative: JC Engineering, Inc.
Project Address: 77 Lewis Point Road, Buzzards Bay
Proposed Project: Construct a timber retaining wall, install a stone patio and flag pole, regrading, installation of plantings, and vista pruning within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Post & Beam of Cape Cod **DEP File Number:** SE7- 1580
Representative: Jeff Johnson, Holmes & McGrath, Inc.
Project Address: 474 Scraggy Neck Road, Cataumet
Proposed Project: Construction and maintenance of a portion of a single-family house, retaining walls, deck, stairs, clearing, grading and associated landscaping within 100' of a Wetland Resource Area and within a Wetland Resource Area

- 3) **Applicant:** William Locke & Kevin Crowley **DEP File Number:** SE7- 1650
Representative: Stanley Humphries, LEC
Project Address: 468 & 474 Scraggy Neck Road, Cataumet
Proposed Project: Installation of bank restoration and stabilization measures within AE and VE Flood Zones and within 100' of a Wetland Resource Area

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – July 12, 2012
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

**Conservation Commission
Minutes of August 9, 2012
Bourne Town Hall, Lower Conference Room
Bourne, MA 02532**

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Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Peter Holmes, Paul Lelito Rob Palumbo and Susan Weston. Alternate member Thomas Ligor also present.
Member(s) absent: Betsy Kiebala

2012 SEP 13 PM 2:47
TOWN CLERK'S OFFICE
BOURNE, MASS

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Bruce Cerrone, Clare Heffernan, Stephen Doyle

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

Requests for Determination of Applicability

#1 – File Number CC12-41

Applicant: Armand Cerrone

Representative: Bruce Cerrone

Project Address: 33 Canal View Road, Buzzards Bay

Proposed project: Construct a deck and install a gas line within an AE Flood Zone
(Hearing Under State Act Only)

Mr. Bruce Cerrone representing: looking to expand the backyard and connect deck around house. Patio will be 14" off the ground will connect to the doors of the garage and the storage room. This will be on the same plane and it will be safer to exit the rooms.

Mr. Cerrone explained a gas line was suggested to put in at the same time of application. There is only a propane tank currently for the stove, but it was recommended to change. Paperwork has already been put in.

Brendan Mullaney – proposed project is in a flood zone only. Applicant notified abutters and turned in green cards ahead of time. This is a flat, developed lot. No other concerns with the project.

On a motion made by Paul Lelito and seconded by Peter Holmes, the board voted unanimously to approve the project under a Negative 2 Determination.

#2 – File Number CC12-42

Applicant: Thidemann Faulkner & Diane Mahoney

Representative: Stephen Doyle & Associates

Project address: 14 Navajo Road, Pocasset

Proposed project: Upgrade septic system within a VE Flood Zone and within 100 feet of a Wetland Resource Area.

Stephen Doyle representing: explained there is an existing cesspool with a 2-bedroom dwelling. Proposing to pump and replace with a new tank in front. It will be a low profile. No fill in the front yard area so will only be stripping out 2 feet. Cedar tree is the only tree to be removed and was recommended by Board of Health (BOH) to use a poly liner and to include a deed restriction for number of bedrooms. The grade change will be less than a foot in one corner.

Holmes – asked what the grade change would be and was told 12 inches.

Brendan Mullaney – BOH requested the whole system be wrapped in poly liner. This is a difficult lot as there is not much room, but proposed project proposed in best location available and will be an improvement over current system. Denitrification system not required since no work on house is proposed, but if it is sold or substantial work is to be done on the house, an alternative system will most likely be required.

Chm. Gray – alternative systems are not under the purview this board, only the construction aspects.

No further board comments. No public comments.

On a motion made by Martha Craig Rheinhardt, the board voted unanimously to approve the project under a Negative 2 Determination.

#3 – File Number CC12-43

Applicant: Bill Bruce

Representative: Donald DuBerger

Project Address: 80 Rocky Point Road, Gray Gables

Proposed Project: Perform vista pruning within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Applicant or representative not present.

Paul Lelito – asked why the application cannot move forward if applicant submitted paperwork. Brendan Mullaney explained the board cannot move forward as abutter notification has not been submitted.

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the board voted unanimously to table to end of meeting.

Notices of Intent

#1 – DEP File Number SE7-1810

Applicant: Clare Heffernan

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 0 Squeteague Harbor Road, Cataumet

Proposed Project: Reconstruct existing bathhouse and construct new deck and stairs within an AE Flood Zone and within a Wetland Resource Area

(Continued from 7/26/12)

Chm. Gray – explained Ms. Frappier is not present, however the board can move forward with applicant present.

Chm. Gray – reminded the board that the only issue was with the stairs. Applicant came up with a plank / ramp system that is retractable and can go up to protect the side door.

Susan Weston – for clarification asked if the plank is a revised plan. Chm. Gray answered yes.

Chm. Gray briefly reviewed what transpired at the last meeting to Paul Lelito.

Brendan Mullaney – a builder and/or architect came in with specifications and the plan is now a removable ramp instead of the stairs and deck that was originally proposed.

No further board comment. No public comment.

On a motion made by Paul Lelito and seconded by Susan Weston, the board unanimously voted to close the hearing.

Brendan Mullaney – Draft Order includes General Conditions 131, Chapter 40, Sections 1, 2, 3, 5, 9, 11, 12, 13, 16-24; Special Conditions Sections 4,7,8,9. Included in the Special Conditions is the attachment to the NOI to be incorporated of the construction methodology. There are no other special conditions.

On a motion made by Susan Weston and seconded by Peter Holmes, the board voted unanimously to move Draft Order to Final Order.

Request for Certificate of Compliance

#1 – DEP File Number SE7-1770

Applicant: Joseph Povoas

Representative: JC Engineering, Inc.

Project Address: 77 Lewis Point Road, Buzzards Bay

Proposed Project: Construct a timber retaining wall, install a stone patio and flag pole, regarding, installation of plantings and vista pruning within 100 feet of a Wetland Resource Area

Brendan Mullaney – site visit was made and compliance was determined. He recommends the board grant Certificate.

On a motion made by Susan Weston and seconded by Martha Craig Rheinhardt, the board voted unanimously to grant Certificate of Compliance.

#2 DEP File Number SE7-1580

Applicant: Post & Beam of Cape Cod

Representative: Jeff Johnson, Holmes & McGrath, Inc.

Project Address: 474 Scraggy Neck Road, Cataumet

Proposed Project: Construction and maintenance of a portion of a single-family house, retaining walls, deck, stairs, clearing, grading and associated landscaping within 100' of a Wetland Resource Area and within a Wetland Resource Area.

Brendan Mullaney – site visit was made and compliance was determined. He recommends the board grant Certificate.

On a motion made by Susan Weston and seconded by Rob Palumbo, the board voted unanimously to grant Certificate of Compliance.

#3 – DEP File Number SE7-1650

Applicant: William Locke & Kevin Crowley

Representative: Stanley Humphries, LEC

Project Address: 468 & 474 Scraggy Neck Road, Cataumet

Proposed Project: Installation of bank restoration and stabilization measures within AE and VE Flood Zones and within 100' of a Wetland Resource Area

Brendan Mullaney – site visit was made and compliance was determined as issued. No work was actually performed at 468, but banking was not in as bad a shape; work was completed at 474. He added this was one of the better soft revetments he's seen. He looked into a way to partially issue certification, but applicant will need a complete certificate on 474 Scraggy Neck Road. He recommends granting to clear the OOC off of the titles on both properties. Any new work would require either applicant to re-apply.

No board comment. No public comment.

On a motion made by Peter Homes and seconded by Rob Palumbo, the board voted to grant Certificate of Compliance. One abstention by Paul Lelito.

On a motion made by Susan Weston and seconded by Peter Holmes, the board voted unanimously to continue Request for Determination of Applicability for File Number CC12-43 to 8/23/12 due to lack of representation.

Other Business

Vote excused members

On a motion made by Rob Palumbo and seconded by Peter Holmes, the board voted unanimously to excuse Betsy Kiebala.

Approval of Minutes – 7/12/12

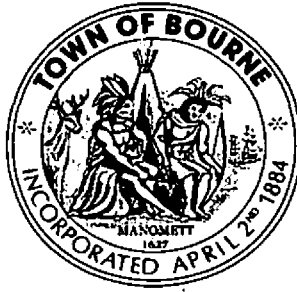
On a motion made by Susan Weston and seconded by Rob Palumbo, the board voted to approve minutes of 7/12/12. One abstention by Martha Craig Rheinhardt.

Paul Lelito – for clarification with regard to an application where the applicant isn't present, he was under impression the board cannot continue as it's the applicant request. Chm. Gray explained it is the at the discretion of the Commission – the applicant can always appeal to DEP if they desire. Brendan Mullaney – the board can table or continue to the next meeting.

Adjournment

Paul Lelito moved and seconded by Peter Holmes to adjourn. Meeting adjourned at 7:30 pm. Unanimous vote.

Respectfully submitted, Lisa Groezinger, sec.



2012 AUG 16 PM 2 39

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION AGENDA

Thursday, August 23, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** William Leader **File Number:** CC12-44
Representative: SAME
Project Address: 31 Fairview Road, Pocasset
Proposed Project: Install a gas line within an AE Flood Zone
Hearing Under State Act Only

- 2) **Applicant:** Dean Stanley **File Number:** CC12-45
Representative: SAME
Project Address: 42 Bourne Neck Drive, Buzzards Bay
Proposed Project: Remove existing deck, construct new deck, and remove asphalt parking area within a VE Flood Zone

- 3) **Applicant:** Kevin Shutkufski **File Number:** CC12-46
Representative: Shawn MacInnes, MacInnes Consulting
Project Address: 2 Williams Avenue, Pocasset
Proposed Project: Abandon existing leach pit and install new septic system within 100 feet of a Wetland Resource Area

- 4) **Applicant:** Robert Forbush **File Number:** CC12-47
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 165 Jefferson Road, Gray Gables
Proposed Project: Repair existing stone and concrete seawall within a VE Flood Zone and within 100 feet of a Wetland Resource Area

- 5) **Applicant:** Diana & Dan Phillips **File Number:** CC12-48
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 36 Jefferson Road, Gray Gables
Proposed Project: Construct an addition and install a stone patio within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 6) ✓ **Applicant:** Bill Bruce **File Number:** CC12-43
Representative: Donald DuBerger
Project Address: 80 Rocky Point Road, Gray Gables
Proposed Project: Perform vista pruning within an AE Flood Zone and within 100 feet of a Wetland Resource Area
(Continued from 8/9/2012)

7:15) **Notices of Intent:**

- 1) **Applicant:** Diane Ducey & **DEP File Number:** SE7-1815
Beacon Point Association, Inc.
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 0 & 24 Eastward Avenue, Pocasset
Proposed Project: Rebuild and extend stone revetment and install beach access stairs, including grading and landscaping, within an AE Flood Zone, within a Wetland Resource Area and within 100 feet of a Wetland Resource Area
(Continued from 7/26/2012)

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – July 26, 2012
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

**Conservation Commission
Minutes of August 23, 2012
Bourne Town Hall, Lower Conference Room
Bourne, MA 02532**

2012 SEP 27 AM 9 29

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Members present: Chairman Bob Gray, Peter Holmes, Betsy Kiebala, Paul Lelito Rob Palumbo and Susan Weston. Alternate member Thomas Ligor also present.

TOWN CLERK'S OFFICE
BOURNE, MASS

Member(s) absent: Vice Chairman Martha Craig Rheinhardt

Brendan Mullaney, Conservation Agent

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

Public present: Tim Kiley, Lois Kiley, Paul Doherty, Ty Forbush, Seth Lincoln, Jean Woolf, Vincent Hunt, Leonard Kilmer, Diana Phillips, Barbara Frappier, Roland Leary, Shawn MacInnes, Jesse Hamilton, John Kiley, Marilyn Kiley

Requests for Determination of Applicability

#1 – File Number CC12-44

Applicant: William Leader

Representative: SAME

Project Address: 31 Fairview Road, Pocasset

Proposed project: Install a gas line within an AE Flood Zone
(Hearing Under State Act Only)

Brendan Mullaney - Mr. Leader is not present tonight, however he has turned in abutter notifications. It is an installation of a gas line in a flood zone only. It is a flat, developed area before heading out to Wings Neck with a simple small trench to be dug.

No board comments. No public comments.

On a motion made by Peter Holmes and seconded by Paul Lelito, the board unanimously voted to approve the project under a Negative 2 Determination.

#2 – File Number CC12-45

Applicant: Dean Stanley

Representative: SAME

Project address: 42 Bourne Neck Drive, Buzzards Bay

Proposed project: Remove existing deck, construct new deck and remove asphalt parking area within a VE Flood Zone.

Paul Doherty (architect) representing: working with applicant to replace existing deck and to lengthen and widen it.

Brendan Mullaney – proposed project is over on Taylor's Point, within a velocity flood zone, there are no other jurisdictional resource areas within 100 feet of the proposed project. Applicant is also asking to remove asphalt in the rear of the dwelling. It is a flat, developed lot. No further concerns with project.

No board comment. No public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the board voted unanimously to approve the project under a Negative 2 Determination.

#3 – File Number CC12-46

Applicant: Kevin Shutkufski

Representative: Shawn MacInnes, MacInnes Consulting

Project Address: 2 Williams Avenue, Pocasset

Proposed Project: Abandon existing leach pit and install new septic system within 100 feet of a Wetland Resource Area.

Mr. MacInnes representing: applicant looking to replace existing leach pit with a new septic system using plastic chambers within 53 feet of a wetland resource area.

Paul Lelito – inquired about where the wetlands were designated. Brendan Mullaney said there is a certified vernal pool and a small isolated mini little depression. Chm. Gray said it may not be a BVW.

Brendan Mullaney – there is a small depression pool and abutting is a commercial building for sale. Proposed project would be an improvement over existing conditions and will be moved as far as from the wetlands resource area as possible on the site

No board comment. No public comment.

On a motion made by Paul Lelito and seconded by Peter Holmes the board unanimously voted to approve the project under a Negative 3 Determination.

#4 – File Number CC12-47

Applicant: Robert Forbush

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 165 Jefferson Road, Gray Gables

Proposed Project: Repair existing stone and concrete seawall within a VE Flood Zone and within 100 feet of a Wetland Resource Area.

Ms. Frappier representing: applicant looking to repair existing stone and concrete seawall in a velocity flood zone. It is deteriorating and needs repair. The repair will be scattered throughout the wall and all work to be done by hand. There will be some areas where cement will be put behind the smaller stones in the wall to make it more secure. In the area where holes are larger, looking to place chink stone and fill in. This project is a maintenance program mostly before it gets to a point where something more substantial has to be done.

Paul Lelito – asked for clarification on where the work will be done.

Brendan Mullaney – the seawall seems to be a proactive maintenance project and does need some filling in of a few gaps. It should be a simple fix and the work is proposed on the upland side -there will be no machinery, but rather hand work on the wall. No concerns with the project.

Paul Lelito – asked about the fence on the picture which doesn't apply to the application. Applicant, Mrs. Forbush said it was not on her property, but on the property of the abutting parcel. She would like to see it removed.

No further board comments. No public comments.

On a motion made by Peter Holmes and seconded by Betsy Kiebala the board voted unanimously to approve the project under a Negative 2 Determination

#5 – File Number CC12-48

Applicant: Diana & Dan Phillips

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 36 Jefferson Road, Gray Gables

Proposed Project: Construct an addition and install a stone patio with an AE Flood Zone and within 100 feet of a Wetland Resource Area

Ms. Frappier representing: explained a few components to the existing single-family house and existing deck. Applicant seeking to do a bump out addition to the existing footprint. It will not be closer to the top of the coastal bank than the existing structure. There also will be a greenhouse with a common wall; a sauna tube in the corner to be dug by hand avoiding a large excavation. There is a non-eroding bank currently. There is an installed wooden bench and would like to add some dry set paving (currently there is lawn) and enclose a small patio. The method that will be used to install pavers is such there will be no settling and applicant can submit literature for the file regarding this. The last component of the project has to do with the coastal bank as part of it has a stone wall. The shrubbery almost covers the whole wall. It is inconvenient as there is a slope and it is difficult to mow. Applicant looking to plant the area on the coastal bank that is now lawn with something like blue stem grass. No shrubs will be added as applicant wants to do as little disturbance as possible in front of the stone wall.

Paul Lelito – asked if the existing bench would remain. Ms. Frappier said the bench would remain. He also asked if the existing bench, stone wall, deck and stairs are permitted structures. Brendan Mullaney said not that he is aware of.

Diana Phillips – when niece bought house in 1999 the steps, wall, and bench were there. The house was built in 1908. She is unaware what happened between 1908 and 1999, but it appears the structures were there for a long time before 1999.

Susan Weston – asked if the deck was there prior to purchase and Ms. Phillips answered yes.

No further comments from the board. No public comments.

Brendan Mullaney – commented that there are plantings that would be beneficial. This project will have minimal intrusion and the excavation for the footing will be done by hand as it is in close proximity to

the bank. He will research and go back to records to find any information of the existing structures in question to see if there are any permits from the Commission and/or the building department.

Chm. Gray – asked Paul Lelito what he would like to do as far as the structures. Paul Lelito – if unpermitted, applicant can state as such and roll into this application.

Susan Weston – asked for clarification on the addition with regard to sauna tubes. Ms. Frappier explained one sauna tube will be used in the corner.

On a motion made by Peter Holmes and seconded by Paul Lelito the board voted unanimously to approve the project under a Negative 2 Determination.

#6 – File Number CC12-43

Applicant: Bill Bruce

Representative: Donald DuBerger

Project Address: 80 Rocky Point Road, Gray Gables

Proposed Project: Perform vista pruning within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

(Continued from 8/9/12)

The board agreed to take this application out of order and was heard first as Mr. DuBerger had a Planning Board meeting to attend.

Mr. DuBerger representing: he walked through the vista pruning to be done with Brendan Mullaney. There were concerns regarding the extent of the work and decided a permit would be necessary for the proposed work. Oak trees on the property would add the 25% of view of the dyke/beach area towards Mashnee Island. Applicant looking to keep trees alive by pruning and not cutting down. Some cedar trees will also be pruned.

Brendan Mullaney – met with applicant regarding this project. There was minor trimming done, but when arborist did the work, it went beyond what was allowed and advised Mr. DuBerger to obtain a permit for work. The contractor is a certified arborist. There is no removing of any trees. Proposed project is upland from the small marsh. No other concerns with the projects.

Paul Lelito – asked if there was coastal bank. Brendan Mullaney said there is none.

Betsy Kiebala – asked about the trees to be trimmed from the pictures from Mr. DuBerger.

No other board comments. No public comments.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the board unanimously voted to approve the project under a Negative 2 Determination. Susan Weston abstained from the vote.

Notices of Intent

#1 – DEP File Number SE7-1815

Applicant: Diane Ducey & Beacon Point Association, Inc.

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 0 & 24 Eastward Avenue, Pocasset

Proposed Project: Rebuild and extend stone revetment and install beach access stairs, including grading and landscaping within an AE Flood Zone, within a Wetland Resource Area
(Continued from 7/26/12)

Ms. Frappier is requesting a postponement from opening the hearing. Chm. Gray opened file of SE7-1815 at 7:33 pm. Applicant's representative requested a continuance for the hearing to 9/20/12.

Other Business

Vote excused members

On a motion made by Peter Holmes and seconded by Susan Weston, the board voted unanimously to excuse Martha Craig Rheinhardt.

Approval of Minutes – 7/26/12

On a motion made by Betsy Kiebala and seconded by Susan Weston, the board voted unanimously to approve minutes of 7/26/12.

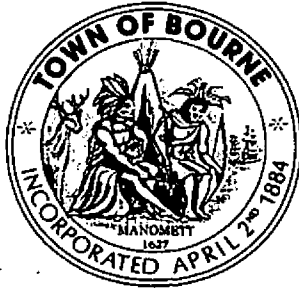
Chm. Gray asked about the phragmites clearing from Brendan Mullaney. Lawyer and abutter who objected the project discussed work to be done with Conservation Agent further. It appeared there was going to be an appeal. Up until the last day of the permit, the opposing party decided not to appeal and the association was eager to get started. Last week Brendan Mullaney met with association members making sure they respect the property lines of the parcel where the work was approved. The work is complete and the DPW will pick up clippings. The mowing was done with hand clippers. Paul Lelito suggested using weed whackers or a mower for next year for the tender sprouts. Brendan Mullaney walked through the area when the project was complete and found a lot of debris scattered. The town has no equipment to reach the plantings and needed to be done by hand.

Ms. Frappier – she has a coastal bank issue and is coming before the board before handing in her application at Monument Avenue with regard to the top of the seawall. She asked where the primary and secondary banks would be. Chm. Gray said area in question would be considered a secondary bank. Ms. Frappier's future application has to do with the septic for a raze and re-build.

Adjournment

Peter Holmes moved and seconded by Susan Weston to adjourn. Meeting adjourned at 7:46 pm. Unanimous vote.

Respectfully submitted, Lisa Groezinger, sec.



2012 AUG 30 AM 10 18

CONSERVATION COMMISSION AGENDA TOWN CLERK'S OFFICE
Thursday, September 6, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall
BOURNE, MASS

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Brett Ellis **File Number:** CC12-49
Representative: SAME
Project Address: 14 Richmond Road, Pocasset
Proposed Project: Replace failed cesspools with new Title V septic system, including landscaping and grading within an AE Flood Zone
Hearing Under State Act Only

- 2) **Applicant:** William Rohan **File Number:** CC12-50
Representative: SAME
Project Address: 39 Maryland Avenue, Monument Beach
Proposed Project: Repair existing concrete seawall by hand, including filling voids and cracks, within a VE Flood Zone and within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Craig & Jeanne Rafter **File Number:** CC12-51
Representative: SAME
Project Address: 41 Maryland Avenue, Monument Beach
Proposed Project: Repair existing concrete seawall by hand, including filling voids and cracks, within a VE Flood Zone and within 100 feet of a Wetland Resource Area

- 4) **Applicant:** Cathy Tourtellotte **File Number:** CC12-52
Representative: John Doyle, J. Doyle Associates
Project Address: 18 Millbrook Road, Monument Beach
Proposed Project: Pump and abandon existing failed cesspools and install new Title V septic system within 100 feet of a Wetland Resource Area

- 5) **Applicant:** David O'Dell **File Number:** CC12-53
Representative: SAME
Project Address: 36 Church Lane, North Sagamore
Proposed Project: Construct a 12' by 16' shed within 100 feet of a Wetland Resource Area

**Conservation Commission
Minutes of September 6, 2012
Bourne Town Hall, Lower Conference Room
Bourne, MA 02532**

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Members present: Chairman Bob Gray, Peter Holmes, Betsy Kiebalo, Paul Lelito, Rob Palumbo and Susan Weston. Alternate member Thomas Ligor also present.

SEP 10 09 11 16
TOWN CLERK'S OFFICE
BOURNE, MASS

Member(s) absent: Vice Chairman Martha Craig Rheinhardt

Staff: Brendan Mullaney, Conservation Agent

Public Present: Jim Mulvey, David O'Dell, Craig Rafter, William Rohan, Linda Powers, Kevin Sullivan, Paul Gately, Mark Robinson

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be known by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

Requests for Determination of Applicability

#1 – File Number CC12-49

Applicant: Brett Ellis

Representative: SAME

Project Address: 14 Richmond Road, Pocasset

Proposed project: Replace failed cesspools with new Title V septic system, including landscaping and grading within an AE Flood Zone

(Hearing Under State Act Only)

Brett Ellis representing: new Title V for failed cesspools for a 4-bedroom home. Work will be done by hand as equipment could not get around the allowable space. Retaining wall will be less than one foot out of the ground. Shoring will be needed.

Brendan Mullaney – this is a tight, developed lot. Proposed project will be a vast improvement over the existing failed cesspools. No erosion concerns. No other concerns with the project.

No board comments.

Kevin Sullivan—abutter, states subject lot on the market and is being advertised having more square footage, asked where the other square footage number came from. Chm. Gray said the survey plan says 3,400 sq. ft and the real estate listing is not an issue that this board can address. Mr. Sullivan asked how the contractor can dig this out and not go into his property. Mr. Ellis said he would not encroach on Mr. Sullivan's property and will use shoring if necessary.

Linda Powers – abutter, raised concern with her garage on Lot 70 as there is not a lot of room between where her garage is and the new system is proposed. Mr. Ellis said shoring around the area will be done if needed and it will be similar to when her system was installed.

No further public comments.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the board unanimously voted to approve the project under a Negative 2 Determination.

Chm. Gray explained Requests #2 and #3 will be heard together, but will be opened separately.

#2 – File Number CC12-50

Applicant: William Rohan

Representative: SAME

Project address: 39 Maryland Avenue, Monument Beach

Proposed project: Repair existing concrete seawall by hand, including filling voids and cracks, within a VE Flood Zone and within 100 feet of a Wetland Resource Area

#3 – File Number CC12-51

Applicant: Criag & Jeanne Rafter

Representative: SAME

Project Address: 41 Maryland Avenue, Monument Beach

Proposed Project: Repair existing concrete seawall by hand, including filling voids and cracks, within a VE Flood Zone and within 100 feet of a Wetland Resource Area.

Craig Rafter representing: Seawall is in need of repair. The wall is eroding mostly from the top down. The water has broken down the concrete and the original walls have been there for 75 years. He is hiring Chris Mark & Son and their mason to perform the work. Work will be done from the land side of the sea wall and done by hand. Expect to have an electric air hammer, putting on a bonding agent and mortar up (maybe 2-3x to build up) and then cap at the end. There is an existing set of stairs at the end of his property and are asking to repair the same way.

Lelito – asked about forming and pouring concrete for the stairs. Mr. Rafter said pouring concrete would be done by hand. Depending on what is found, Mr. Rafter thought of making the stairs with a bar at the top to pick up and remove during the winter. At this point he would like to make the stairs out of wood; otherwise repair with concrete as they were.

Brendan Mullaney – has been to site a couple times – discussion was held regarding completely reconstructing walls, but this method was chosen and will have the least impact. He could not find any record of licenses for either property and it appears at least one may be below mean high water. This may be something to look at in the near future as it gives another layer of approval, and in case of a storm it would be easier to repair or rebuild. Work will be done with as minimal impact as possible and will have very little effect on the beach. It is a good project to strengthen the walls.

No further board comment.

Mr. Mulvey asked if either of the walls had weep holes. Both Mr. Rohan and Mr. Rafter are unaware of any holes.

No further public comment.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the board unanimously voted to approve File CC12-50 under a Negative 2 Determination.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the board unanimously voted to approve File CC12-51 under a Negative 2 Determination.

#4 – File Number CC12-52

Applicant: Cathy Tourtellotte

Representative: John Doyle, J. Doyle Associates

Project Address: 18 Millbrook Road, Monument Beach

Proposed Project: Pump and abandon existing failed cesspools and install new Title V septic system within 100 feet of a Wetland Resource Area

John Doyle representative: Failed cesspools and chose the route of going through an RDA and maximize the distance from the wetland to the SDS. Applicant looking to locate new system in the front yard.

Brendan Mullaney – vegetated wetland to the rear of the dwelling, there is a clear break in vegetation and topography defining the edge of the resource area. The system is moved as far away from the wetland as the lot allows. This project would require some variances regarding property line setbacks, but likely to be granted by the Board of Health. The proposed system is an improvement over existing conditions.

No board comments.

Debrah Paccheo – asked what the variances are. Mr. Doyle answered there is usually 10 feet required from street and they are asking for a variance down to 5 feet; the house cannot be expanded without further going back to the board of health for additional approvals.

No further public comments.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the board voted unanimously to approve the project under a Negative 3 Determination.

#5 – File Number CC12-53

Applicant: David O'Dell

Representative: SAME

Project Address: 36 Church Lane, North Sagamore

Proposed Project: Construct a 12'x16' shed within 100 feet of a Wetland Resource Area

Mr. O'Dell representing: Looking to build a 12'x16' shed within 100 feet of wetland that is behind his house.

Betsy Kiebala – asked what the wetland resource was. Brendan Mullaney answered an abandoned cranberry bog and said bog could not be farmed or produce cranberries anymore.

No further comments from the board. No public comments.

Brendan Mullaney – proposed project is outside the 50 foot buffer zone. This is a 12'x16' shed – minimal impact and no concerns.

No board comment. No public comment.

On a motion made by Susan Weston and seconded by Rob Palumbo, the board voted unanimously to approve the project under a Negative 3 Determination.

Requests for Certificate of Compliance

#1 – DEP File Number SE7-491

Applicant: William McCallum, Jr.

Representative: Alan W. Jones & Associates

Project Address: 22 Wenaumet Bluffs Drive, Pocasset

Proposed Project: Raze and rebuilt existing dwelling within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan Mullaney – site visit was made and has determined project was completed in compliance and recommends the board grant the certificate.

On a motion made by Susan Weston and seconded by Rob Palumbo, the board voted unanimously to grant.

Other Business

Proposed Conservation Restriction

BM – aerial pictures given to the board, with 4 exhibits of the proposed areas for reference.

Mark Robinson representing – 5.12 acres located on Back River within the AEAC. Conservation restriction protects the 530 linear feet of Back River. Different sets of restrictions, generally more restrictive as moving toward the wetland. Mr. Spilhaus is expecting to retire and spend more time on the property. He has installed a small farm with some animals on the property; it is a small scale agriculture area as it was years ago. Applicant is approved for State tax credit by the Environmental Affairs Office and is seeking town approval with final approval by the State.

Brendan Mullaney – This restriction will last in perpetuity against the land with future owners, using the restriction tool allowed by the state.

Chm. Gray – asked about Page 3 of the photographs with regard to the marsh and if this was the same area opened up a few years ago. Brendan Mullaney stated yes and that the marsh has restored quite nicely and has killed some of the freshwater vegetation, including oak and cedar trees at the side of the road, that were beginning to creep in. White egret and two blue herons live in the area.

Betsy Kiebala – asked if there is an agricultural restriction. Mr. Robinson said Mr. Spilhaus intends to file application with the town under Chapter 61A which needs to be sent in early October. Betsy Kiebala asked what the difference is between agricultural restriction and conservation restriction. Agricultural restriction is a temporary program and need to re-apply each year; the conservation restriction is a permanent legal document and provides assurance that the land will not be developed in the future.

Paul Lelito – asked if this is a courtesy coming before the board and if a permit will be issued tonight. Chm. Gray said the board, if ready, will take a vote in terms of recommendation to the Selectmen. Brendan Mullaney said the property contains habitats and salt marsh with critical natural landscape areas, an area of public access for fishermen to pass, and public scenic vistas that are visible from Back

River and beyond. The land potentially can be developed and this potential will be restricted through this process.

Betsy Kielbala – asked what other agencies are involved. Brendan states the Commission makes recommendation to the Selectmen and they also seek input from various departments. Also included are the Assessor's office, Engineering, Town Counsel and Town Planner for findings in their specific areas to the Selectmen. Application goes to the State; if the Selectmen approve, the State makes official.

Betsy Kiebala – asked if the Finance Committee gets involved as there may be taxes involved. Brendan Mullaney said the Assessors will make their own determination.

Tom Ligor – asked what type of farm animals. Mark Robinson states there are mostly chickens and ducks with some sheep and pigs (not much room for cows and horses). Mr. Ligor's concern is with the waste from the sheep and if it would leach into the river. Mr. Robinson said there is a manure storage in a concrete area (contained area), however farming has been a long standing use of the property and it is a fairly flat property.

Mr. Mulvey – asked about reserved rights. Mr. Robinson said the property will not be taken off taxes. It is a residential zone with a small percentage of marsh land. The rest is buildable; how much of land is being protected is a major factor as the reserved rights are on the property which has different uses (the Back River estuary is an issue). Mr. Mulvey asked if the land is truly in perpetuity. Mr. Robinson said it will be recorded in perpetuity and is not a deed restriction.

Brendan Mullaney – any new conservation restriction approved in the Town of Bourne has to be perpetual, period.

A motion was made by Susan Weston and was seconded by Betsy Kiebala, the board unanimously voted to recommend to the Board of Selectmen to move forward with granting a Conservation Restriction at 85 Monument Neck Road in Gray Gables.

Update – 52 Baxendale Road Enforcement Order

Brendan Mullaney – met with Theresa Sprague at BlueFlax Design and put on tonight's agenda in case it is determined that the board needs to take any further action.

Chm. Gray – doesn't personally feel the board should enter into an Enforcement Order as it will drag out further. He feels the intent is to make property look like a natural bank as it was, or add vegetation with native plantings.

Susan Weston – she would like to see it look like its prior state.

Paul Lelito – asked what the date this issue was initially sited. Brendan Mullaney said the original Enforcement Order was sent on 5/29/12. Mr. Lelito asked if the board gave a deadline on filing. Brendan Mullaney said no as it is not a simple project and could not be turned around quickly. He assumed it would have moved faster.

Brendan Mullaney – Megansset side is flat/Squteague side is steep. With relation to erosion, there are some swales in two areas which may have eroded a little bit. Chm. Gray worried about the hurricane season and feels they will have to repair the bank.

Chm. Gray – the board can try to enforce the issue or send a letter from Town Counsel. Brendan Mullaney said a restoration plan will be submitted as part of the notice – needs approvals of the applicant’s attorney and the applicant. He recommends if there isn’t an application received by 10/4/12 meeting, the board can take action.

Paul Lelito – feels the board should send a message as they are dragging the feet and wondered if the board can order applicant to take out the deck immediately if they haven’t complied with the Enforcement Order.

Rob Palumbo – suggests putting on agenda for the next meeting and if no response, wait to the next meeting to make a determination.

Mr. Mulvey – at the end of the growing season, any attempt will have more raw, exposed areas. He suggested to enforce the areas showing erosion and put in hay bales in the winter.

Brendan Mullaney – hasn’t been out at the property since yesterday’s rains and is not sure if they had any erosion.

Letter of Support

Grant for storm water design. The parking lot and surrounding area on Buttermilk Way at the old Beachmoor has a discharge pipe. As the shellfish areas have been closed for years, the town has hired a consultant to design plans (MMA on board) and are possibly attempting coastal pollution remediation grant.

On a motion made by Susan Weston and seconded by Betsy Kiebala, the board unanimously voted to support the Buttermilk Way Stormwater Project and signed a letter stating such.

Vote excuse absent members

On a motion made by Rob Palumbo and seconded by Betsy Kiebala, the board voted unanimously to excuse Martha Craig Rheinhardt and Peter Holmes.

Approval of Minutes – 8/9/12

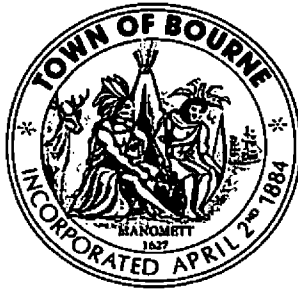
On a motion made by Susan Weston and seconded by Rob Palumbo, the board voted unanimously to approve minutes of 8/9/12. Betsy Kiebala abstained.

Chm. Gray may not be at the 9/20/12.

Adjournment

Betsy Kiebala moved and seconded by Rob Palumbo to adjourn. Meeting adjourned at 8:12 pm. Unanimous vote.

Respectfully submitted, Lisa Groezinger, sec.



2012 SEP 13 PM 2 47

CONSERVATION COMMISSION AGENDA

Thursday, September 20, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall
TOWN CLERK'S OFFICE
BOURNE, MASS

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Michael DelGrosso **File Number:** CC12-54
Representative: SAME
Project Address: 18A Thompson Road, Buzzards Bay (Hideaway Village)
Proposed Project: Construct an addition and deck within a VE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** National Grid **File Number:** CC12-55
Representative: Bradford Malo, Coastal Engineering Co., Inc.
Project Address: Along Winsor Road, Cataumet
Proposed Project: Install gas main extension and service connections within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

- 3) **Applicant:** National Grid **File Number:** CC12-56
Representative: Bradford Malo, Coastal Engineering Co., Inc.
Project Address: Along Chickadee Lane, Pocasset
Proposed Project: Install gas main extension and service connections within an AE Flood Zone
Hearing Under State Act Only

- 4) **Applicant:** John & Kathleen Lamb **File Number:** CC12-57
Representative: SAME
Project Address: 28 Hunters Ridge Road, Sagamore Beach
Proposed Project: Perform site work, including grading and landscaping, associated with new dwelling within 100 feet of a Wetland Resource Area
After-the-fact Filing

7:15) Notices of Intent:

- 1) **Applicant:** The Tobey Island Trust **DEP File Number:** SE7-1816
Representative: Holmes & McGrath, Inc.
Project Address: 124, 126 & 128 Emmons Road, Monument Beach
Proposed Project: Construct 220 linear feet of Coastal Bank Stabilization and construct beach access stairs within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Diane Ducey & **DEP File Number:** SE7-1815
 Beacon Point Association, Inc.
 Representative: Barbara Frappier, Warwick & Associates, Inc.
 Project Address: 0 & 24 Eastward Avenue, Pocasset
 Proposed Project: Rebuild and extend stone revetment and install beach access stairs, including
 grading and landscaping, within an AE Flood Zone, within a Wetland Resource
 Area and within 100 feet of a Wetland Resource Area
 (Continued from 9/23/2012)

Request for Certificate of Compliance:

- 1) **Applicant:** Eileen M. Flood **DEP File Number:** SE7- 239
 Representative: Dennis J. Conry, Esq.
 Project Address: 66 Academy Drive
 Proposed Project: Construct an addition within a VE Flood Zone and within 100 feet of a Wetland
 Resource Area

Other Business

- ▶ Update – 52 Baxendale Road Enforcement Order (Possible action and vote)
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – August 23, 2012
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

**Conservation Commission
Minutes of September 20, 2012
Bourne Town Hall, Lower Conference Room
Bourne, MA 02532**

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Members present: Vice Chairman Martha Craig Rheinhardt, Betsy Kiebala, Paul Ligor, Peter Holmes, 10/38
Palumbo and Susan Weston. Alternate member Thomas Ligor also present.

TOWN CLERK'S OFFICE
BOURNE, MASS

Member(s) absent: Chairman Bob Gray

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Barbara Frappier, Seth Lincoln, Robert Delahunt, Andrew Kiley, Bradford Malo, Carol Dunn, John Dunn, John & Kathy Lamb, Vin Hunt

Call to Order

V. Chm. Craig Rheinhardt called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: V. Chm. Craig Rheinhardt addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so. However, it must be known by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

Requests for Determination of Applicability

#1 - File Number: CC12-54

Applicant: Michael DelGrosso

Representative: SAME

Project Address: 18A Thompson Road, Buzzards Bay (Hideaway Village)

Proposed Project: Construct an addition and deck within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan Mullaney - all abutter notifications have been submitted. Mr. DelGrosso had a conflict and cannot attend tonight's meeting. Project is a small deck and addition which is in the Flood Zone and within 100 feet of a Wetland Resource Area. All proper documentation received. Hideaway Village application approved by the condo association subject to their regulations. Project has already been before the ZBA.

No board comments. No public comment.

On a motion made by Betsy Kiebala and seconded by Peter Holmes, the board voted unanimously to approve the project under a Negative 2 Determination. Susan Weston abstained.

#2 - File Number: CC12-55

Applicant: National Grid

Representative: Bradford Malo, Coastal Engineering Co., Inc.

Project Address: Along Winsor Road, Cataumet

Proposed Project: Install gas main extension and service connections within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

Mr. Malo representing: project is to serve the neighborhood along Windsor Road with natural gas. The gas main will be installed along the edge of existing paved road or road surface. At the end is a gravel driveway (house #25). Gas installation is approximately 12 to 18 inches wide with a excavation depth of 36 inches. Area will be restored to pre-installation conditions once work is completed.

Betsy Kielbala – asked if the whole neighborhood would be applying for the gas. Mr. Malo explained the order is part of one request, and all would be done at the same time.

Paul Lelito – tasked about the construction timeframe. Main will be completed first and will then go back for services at another time - one week for the main; services could be completed in a matter of hours with minimal disturbance.

Brendan Mullaney – homeowners approached the town regarding this issue and he informed them some houses are in conservation jurisdiction. There will be minimal disturbance, erosion controls down near the water if necessary.

No further board comments. No public comments.

On a motion made by Peter Holmes and seconded by Paul Lelito, the board voted unanimously to approve the project under a Negative 2 Determination.

#3 - File Number: CC12-56

Applicant: National Grid

Representative: Bradford Malo, Coastal Engineering Co., Inc.

Project Address: Along Chickadee Lane, Pocasset

Proposed Project: Install gas main extension and service connections within an AE Flood Zone
(Hearing Under State Act Only)

Mr. Malo representing: proposal to extend gas main along chickadee and service house #7 and #1. It is in the upland area, flood zone only with excavation of 36 inches depth. Area will be restored to conditions prior to installation.

Brendan Mullaney – project is in the flood zone only. No other jurisdictional resource areas within 100 feet of the proposed project. No other concerns with said project.

On a motion made by Peter Holmes and seconded by Paul Lelito, the board voted unanimously to approve the project under a Negative 2 Determination.

#4 - File Number: CC12-57

Applicant: John & Kathleen Lamb

Representative: SAME

Project Address: 28 Hunters Ridge Road, Sagamore Beach

Proposed Project: Perform site work, including grading and landscaping, associated with new dwelling within 100 feet of a Wetland Resource Area
(After-the-fact Filing)

Mr. Lamb representing: On the last day of excavation, a complaint was called in of bringing a lot of fill to the property– it was actually sand that was brought in for the septic. Most of the fill came from digging the foundation which was piled on the property. Area has been re-seeded. There is a stone wall extending

down the property which shows there was no grading of the property. On the slope wild grasses and flowers were planted. The slope will grow back wild.

Brendan Mullaney – the issue with the project was that the original plan submitted to the town stated no work was to be performed within the buffer zone. Property is above the flood zone, which comes down the middle of Marsh Road. He received a call well into the project regarding a disturbed area on the lot and grade changes involving fill material. The site required sand for the septic, and the excess material was taken out and piled next to the foundation and sloped down the road. There were some grade changes of 3-5 feet in some areas as you can see from the original plans and existing conditions on the foundation plan. Informed property owners that a filing with Conservation was necessary since area was disturbed and property needed to be brought into compliance. Sloped area has been reseeded and some vegetation has been planted.

Martha Craig Rheinhardt – for clarification, applicant's bought property, the lot had been partially cleared a couple of times prior and then cleared for new construction? Brendan states that from past aerials, it appears the lot had been cleared in the past and then again around the time the applicant's purchased, but it is hard to tell exactly when it was cleared.

Susan Weston – Brendan, do you feel the planting is adequate? Brendan states some additional vegetation would be beneficial on the slope, perhaps creeping juniper or another low shrub.

Kathy Lamb states they will plant additional vegetation on slope.

No further board comment. No public comment.

On a motion made by Peter Holmes and seconded by Paul Lelito, the board voted unanimously to approve the project under a Negative 2 Determination.

Notices of Intent

#1 - DEP File Number: SE7-1816

Applicant: The Tobey Island Trust

Representative: Holmes & McGrath, Inc.

Project Address: 124, 126 & 128 Emmons Road, Monument Beach

Proposed Project: Construct 220 linear feet of Coastal Bank Stabilization and construct beach access stairs within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

John Chuckran, representative: stabilization work proposed on the bank. There is a galvanized steel point bridge for gravel trucks on Emmons Rd. We will excavate as tight to the banking as possible.

Brendan Mullaney – coastal engineering structures are allowed to protect dwelling if constructed prior to 1978. Bank is well vegetated, project seems to be proactive to protect against a worst case scenario. There is a series of boulders on the shoreline in front of all the houses which is acting as a revetment now. Large rock revetment will remain untouched. Proposal is to build an additional revetment-like structure up gradient at the base of the bank

Paul Lelito – suggested some beach re-nourishment should there be a stone revetment. To qualify for a the 1978 timeframe, applicant need to demonstrate buildings are threatened.

Susan Weston – asked about the dune. Representative said after working on the dune it will be re-vegetated.

Peter Holmes – asked for clarification of removing dune area. Representative said there will be as little disturbance as possible and done only where the excavation is.

Brendan Mullaney – pointed out project on the plans and stated project is a combination of both dune work and stabilization.

Betsy Kiebala – asked about stairs. Representative states proposed work intends to cut them back where the excavation is, re-build and tie into the lower area.

Paul Lelito – Brendan, are the stairs elevated sufficiently to grow vegetation underneath?. Brendan Mullaney concurs and said the area adjacent should be raised another ½ foot. Existing stairs allow sunlight.

Brendan Mullaney commented on the construction access, saying it is well vegetated and suggested using jute netting or similar to stabilize area and replant. John Chuckran states Most of the area is rosa rugosa and is intrusive and that applicant is replanting whatever is disturbed.

Tom Ligor – this is a thick area and there could be nesting sites. Representative said if there are, it can be grown back by the end of the project. He plans to replant with rosa rugosa, sea grass, 2 or 3 cedars will be removed and replaced.

Paul Lelito – questions whether work can be permitted under the regulations in regards to Coastal Dune.

Brendan Mullaney – raised issue with shore line rip rap withhold a storm. Engineers who submitted filing believe it can be done in compliance with regards to regulations, but this would have to be addressed by them.

Susan Weston – asked if there is another way to access property at the top of the bank. Representative said it is too steep to put a crane up there.

Rob Palumbo – would feel more comfortable with a site visit. The consensus of the board to make a site visit. Applicant states this would be fine.

On a motion made by Paul Lelito and seconded by Peter Holmes, site visit will be scheduled for 9/27/12 at 3:00 pm.

#2 – DEP File Number: SE7-1815

Applicant: Diane Ducey & Beacon Point Association, Inc.

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 0 & 24 Eastward Avenue, Pocasset

Proposed Project: Rebuild and extend stone revetment and install beach access stairs, including grading and landscaping, within an AE Flood Zone, within a Wetland Resource

Area and within 100 feet of a Wetland Resource Area

(Continued from 9/23/2012)

Barbara Frappier representing – proposed work in original NOI is withdrawn from this application.

Proposed project is now solely at 24 Eastwood Avenue and will be different. Applicant looking to amend application description to removal of yard debris, installation of fencing, and planting of native shrubs at 24

Eastwood Avenue. Applicant proposing to install a fence around the perimeter of the property. The area at the top of the coastal bank has been used for yard waste. Said yard waste will be removed by hand and allowed to grow back. What doesn't grow back will be supplemented with native plants. There will be small stone work (some is eroded in areas and will be dry reset), stabilize portion of the bank that will entail filling of holes and planting with native grasses and shrubs. Along the top of coastal bank there is a little gradual slope and would like to re-grade at top of the coastal bank so no rainwater will run off contributing to erosion.

Paul Lelito – asked about the planting area. Ms. Frappier said there are limited plantings to a berm which will be at the top of the bank.

Peter Holmes – inquired about the cedar trees. Ms. Frappier said not removing any cedar trees but adding to where others exist.

No further board comments.

Brendan Mullaney – new project substantially reduced. Most of the work will be allowable under landscape policy which is minimal. The proposed fence digging is in proximity to the bank and may need a permit, but lot of work is maintenance of existing landscape area. Application is only for 24 Eastwood Avenue and NOI conditions will reflect as such. No other concerns with the project as proposed.

Seth Lincoln, abutter – asked what will happen on the beach below the coastal bank. Ms. Frappier said there will be nothing on the beach. Intent is to remove debris and put back some plantings, leaving as much intact as possible. No rock work, nothing added and no raising will be done. Project will refit some stones but not increase. The project could change over the winter depending on the weather.. Areas may be different at this moment and would be doing maintenance every year. Mr. Lincoln states his concern is impact seaward of the work.

Martha Craig Rheinhardt – project is an attempt remove any impact on the beach from this property.

Ms. Frappier – as far as solid fabrics, they are biodegradable, netting to pin down and hold in place until planting takes hold.

Andrew Kiley, abutter – asked if the picket fence will contain dogs as it is 36 inches - 40 inches high. Ms. Frappier said there will be dogs in the fence area.

Bob Delahunt, abutter – asked about equipment used for the berm. Ms. Frappier said equipment will be used to move material onto the driveway, there will be no equipment on the beach.

John Dunne – abutter – asked about fence and his view. Ms. Frappier said the fence may be a picket fence but cannot guarantee it, applicant has not decided type of fence at this time. There may be a fence in front. The goal is shrubbery dense enough so there is no need to run fence on top of the bank. The shrubbery will be as high as the sides of the fence. They will be installing cedar trees as well.

Jim Mulvey – the fence is a matter for the building inspector. Martha Craig Rheinhardt concurred and said the type of fence is outside the board's jurisdiction.

On a motion by Paul Lelito and was seconded by Peter Holmes, the board unanimously voted to close the hearing.

Brendan Mullaney – Draft Order includes all General Conditions, Special Conditions pursuant to MGL c.131, Section 40, numbers 1,2,3,9,12,13,16,17,19-24, Special Conditions pursuant to Town of Bourne Wetland Protection Bylaw Article 3.7, numbers 4,6-9. Special Conditions 20,24 and Bylaw Conditions 4, 6 shall continue in perpetuity.

On a motion made by Susan Weston and seconded by Peter Holmes, the board voted unanimously to move Draft Order to Final Order.

Request for Certificate of Compliance

#1 - DEP File Number: SE7- 239

Applicant: Eileen M. Flood

Representative: Dennis J. Conry, Esq.

Project Address: 66 Academy Drive

Proposed Project: Construct an addition within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan Mullaney – site visit was made and determined the project to be in compliance as originally approved and recommends the board grant compliance.

On a motion made by Rob Palumbo and seconded by Paul Lelito, the board voted unanimously to grant Certificate of Compliance.

Other Business

► Update – 52 Baxendale Road Enforcement Order (Possible action and vote)

Brendan Mullaney – met with one of the representatives and have assured the Town of submittal of NOI for hearing of 10/18/12.

On a motion made by Rob Palumbo and seconded by Peter Holmes, the board voted unanimously to have Conservation Agent add 52 Baxendale Road Enforcement Order on the next meeting's agenda in case no filing is received.

► Vote – Excuse Absent Members, if necessary

On a motion made by Rob Palumbo and seconded by Paul Lelito, the board voted unanimously to excuse Chm. Bob Gray from tonight's meeting.

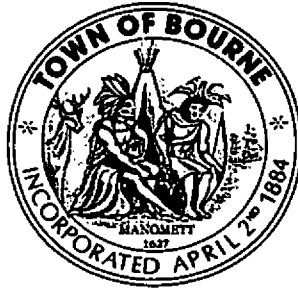
► Approval of Minutes – August 23, 2012

On a motion made by Paul Lelito and seconded by Susan Weston, the board voted unanimously to approve minutes of 8/23/12 as submitted. Martha Craig Rheinhardt abstained.

On a motion made by Rob Palumbo and seconded by Peter Holmes, the board unanimously voted to adjourn. Meeting adjourned at 8:07 pm.

Respectfully submitted,

Lisa Groezinger, sec.



CONSERVATION COMMISSION AGENDA

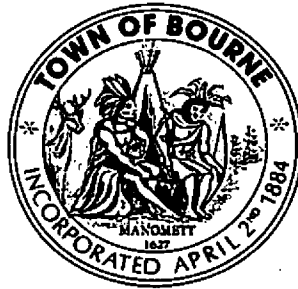
DATE: Thursday, September 27, 2012

TIME: 3:00 PM

LOCATION: 124, 126, 128 Emmons Road, Monument Beach

The Conservation Commission will meet to conduct a site visit for a proposed coastal bank stabilization project. The Commission will view the site and proposed construction access location in preparation for a Public Hearing on the matter on October 4, 2012 at 7:15PM in the Bourne Town Hall.

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TOWN CLERK'S OFFICE
BOURNE, MASS



2012 SEP 27 AM 9 29

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION AGENDA

Thursday, October 4, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Mark Nitschke **File Number:** CC12-58
Representative: SAME
Project Address: 181 Head of the Bay Road, Buzzards Bay
Proposed Project: Construct deck and retaining wall and install natural gas line within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Paul Alfano **File Number:** CC12-59
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 24 Salt Marsh Lane, Pocasset
Proposed Project: Upgrade to new Title V septic system
Hearing Under State Act Only

- 3) **Applicant:** Ryan Kerrigan **File Number:** CC12-60
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 7 Sylvan Road, Pocasset
Proposed Project: Replace existing failed septic system with new Title V system
Hearing Under State Act Only

- 4) **Applicant:** Robert Bleakney **File Number:** CC12-61
Representative: SAME
Project Address: 29 Wilson Avenue, Buzzards Bay
Proposed Project: Construct a deck and shed within an AE Flood Zone
Hearing Under State Act Only

7:15) Notices of Intent:

- 1) **Applicant:** Tadhg Sweeney **DEP File Number:** SE7-
Representative: Thomas Bunker, PLS, BSS Design, Inc.
Project Address: 29 South Road, Pocasset (Wings Neck)
Proposed Project: Tear down and reconstruct a single family dwelling and install new Title V septic system, including landscaping, grading, utilities, and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Noreen Michienzi, Trustee, **DEP File Number:** SE7-1817
One Trowbridge Road LLC
Representative: Holmes and McGrath, Inc.
Project Address: 1 & 11 Trowbridge Road, Bourne
Proposed Project: Demolish existing house, construct and maintain gravel parking lot including grading, drainage, retaining walls, and utilities within 100 feet of a Wetland Resource Area

- 3) **Applicant:** The Tobey Island Trust **DEP File Number:** SE7-1816
Representative: Holmes & McGrath, Inc.
Project Address: 124, 126 & 128 Emmons Road, Monument Beach
Proposed Project: Construct 220 linear feet of Coastal Bank Stabilization and construct beach access stairs within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area
(Continued from September 20, 2012)

Request for Certificate of Compliance:

- 1) **Applicant:** Kenneth & Betsey Cheinlin **DEP File Number:** SE7-1746
Representative: Bracken Engineering
Project Address: 485 Circuit Ave., Pocasset
Proposed Project: Renovate the existing single-family dwelling within a 100' of a Wetland Resource Area and within an AE Flood Zone.
- 2) **Applicant:** Gregory A. White **DEP File Number:** SE7-1783
Representative: Bracken Engineering, Inc.
Project Address: 28 Benedict Road, Gray Gables
Proposed Project: Construct wooden beach access stairs within a VE Flood Zone, within 100 feet of a Wetland Resource Area, and within a Wetland Resource Area (Coastal Bank)
- 3) **Applicant:** Richard Mastria **DEP File Number:** SE7- 1511
Representative: Daniel Aguiar
Project Address: 53 Wianno Road, Mashnee Island, Gray Gables
Proposed Project: Construct a single family dwelling, septic system and tennis court with associated grading and utilities within a VE flood zone
- 4) **Applicant:** Tom Cibotti **DEP File Number:** SE7-1754
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 394 Scraggy Neck Road
Proposed Project: Construct new single family dwelling. Work includes an in-ground swimming pool and accessories, Title V septic system, associated utilities, filling, grading, landscaping, paving and other appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

Other Business

- ▶ Update – 52 Baxendale Road Enforcement Order (Possible action and vote)
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – September 6, 2012
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

**Conservation Commission
Minutes of October 4, 2012
Bourne Town Hall, Lower Conference Room
Bourne, MA 02532**

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Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Betsy Kiebala and Peter Holmes, and alternate member Thomas Ligor

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TOWN CLERK'S OFFICE
BOURNE, MASS

Member(s) absent: Paul Lelito, Rob Palumbo and Susan Weston

Staff: Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Paul Gately, Barbara Frappier, Joe Agrillo, Jr., Raul Lizardi-Rivera, Noreen & Vinny Michienzi, Mark Nitschke

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be know by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

Requests for Determination of Applicability

#1 - File Number: CC12-58

Applicant – Mark Nitschke

Representative – SAME

Project Address – 181 Head of the Bay Road, Buzzards Bay

Proposed Project – Construct deck and retaining wall and install natural gas line within 100' of a Wetland Resource Area

Mr. Nitschke representing: Constructing a 12'x12' deck off of back of house which is the primary objective. In addition, he is also requesting to build 4' high retaining wall in front of where there is a slope. Existing retaining wall is starting to slump over. He also requests to put in a natural gas line coming from Head of the Bay Road to the downstairs to the furnace. The house is currently on oil, furnace is old and thought of replacing.

Brendan Mullaney – site visit was made property abuts abandoned cranberry bogs that are now owned by the town. It is a developed lot and has minimal concerns with the project.

No board comments. No public comment.

On a motion made by Betsy Kiebala and seconded by Peter Holmes, the board voted unanimously to approve the project under a Negative 2 Determination.

#2 - File Number: CC12-59

Applicant – Paul Alfano

Representative – Barbara Frappier, Warwick & Associates, Inc.

Project address – 24 Salt Marsh Lane, Pocasset

Proposed project – upgrade to a new Title V septic system

Hearing Under State Act Only

Ms. Frappier – Simple Title 5 upgrade of a failed septic system.

Brendan Mullaney – a flat, developed lot. Project is in AE Flood Zone only, no other jurisdictional resource areas within 100 feet of proposed project. Project is an improvement over existing conditions and has no other concerns with the project.

On a motion made by Peter Holmes and seconded by Betsy Kiebala, the board voted unanimously to approve the project under a Negative 2 Determination.

#3 - File Number: CC12-60

Applicant – Ryan Kerrigan

Representative – Barbara Frappier, Warwick & Associates, Inc.

Project address – 7 Sylvan Road, Pocasset

Proposed project – replace existing failed septic system with new Title V system.

Hearing Under State Act Only

Ms. Frappier – looking to replace failed system with a new Title V system.

Brendan Mullaney – simple upgrade in Flood Zone only, no other jurisdictional resource areas within 100 feet of proposed project. It is a developed lot and has no other concerns with the project.

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the board voted unanimously to approve the project under a Negative 2 Determination.

#4 - File Number: CC12-61

Applicant – Robert Bleakeny

Representative – SAME

Project address – 29 Wilson Avenue, Buzzards Bay

Proposed project – construct a deck and shed within an AE Flood Zone

Hearing Under State Act Only

Brendan Mullaney - applicant had a conflict and could not attend tonight's meeting, but did turn in his abutter notifications. Location is quite a far distance from any resource area besides the AE Flood Zone. Applicant is proposing to build deck and shed on the property. No concerns with the proposed project.

No board comment. No public comment.

On a motion made by Betsy Kiebala and seconded by Martha Craig Rheinhardt, the board voted unanimously to approve the project under a Negative 2 Determination.

Notices of Intent

#1 - DEP File Number: SE7-1818

Applicant – Tadgh Sweeney

Representative – Thomas Bunker, PLS, BSS Design, Inc.

Project address – 29 South Road, Pocasset (Wings Neck)

Proposed project – tear down and reconstruct a single-family dwelling and install a new Title V septic system, including landscaping, grading, utilities, and appurtenances within an AE Flood Zone and within 100 feet of a Wetland Resource Area.

Tabled until owner arrives. Applicant gives Mr. Bunker permission to move forward without him as he is caught in traffic.

Mr. Bunker – existing 2-bedroom house has a septic system and is proposing to take down and build a 5-bedroom house which is 88 feet to the wetland, the existing deck will be rebuilt in the same footprint, which is 77 feet from the wetland. Proposed house is getting longer paralleled to the wetland. Trees will be taken down for septic but not for the new house.

Brendan Mullaney – project is a standard raze and rebuild. New septic will be an improvement and meets all necessary setbacks. Wetlands defined clearly on property as shown in pictures. Property overall is nicely maintained and meets all criteria. No concerns with the proposal.

No further board comment. No public comment.

On a motion made by Betsy Kiebala and seconded by Peter Holmes, the board voted unanimously to close the public hearing.

Brendan Mullaney - Draft Order of Conditions as follows, All General Conditions, Special Conditions pursuant to MGL c.131 s.40, numbers 1-6, 9,12,13,16-24; Special Conditions pursuant Town of Bourne Wetland Protection Bylaw Article 3.7 numbers 4,6-9. Special conditions 20 & 24 and Bylaw conditions 4 & 6 shall continue in perpetuity.

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the board voted unanimously voted to move Draft Order of Conditions to Final.

#2 – DEP File Number: SE7-1817

Applicant - Noreen Michienzi, Trustee, One Trowbridge Road LLC

Representative – Holmes and McGrath, Inc.

Project address – 1 & 11 Trowbridge Road, Bourne

Proposed project – demolish existing house, construct and maintain gravel parking lot including grading, drainage, retaining walls, and utilities within 100 feet of a Wetland Resource Area

Mr. Raul Lizardi-Rivera representing – applicant seeking to tear down existing residential building and remove existing septic and to replace with 20 space parking gravel lot with an area of pavement connecting to existing parking at medical facility. Project is close to an isolated wetland, wooded swamp. Proposed retaining wall to compensate for change in grades.

Chairman Gray asks what is the status of this project with the Planning Board and the gravel for a surface in the parking lot. Brendan Mullaney states the Planning Board will review next week.

Chris Farrell, Chairman of the Planning Board – the Planning Board is ready to go with the gravel parking lot, aside from conservation issues.

Betsy Kiebala – asked how the parking lot be accessed. Mr. Lizardi-Rivera said a proposed paved area from the lower parking lot connecting to new gravel parking.

Mr. Lizardi-Rivera – explained there are two main grade areas. One is more in level with the existing State highway. Elevation is 34 and in the back is between 24-26. Proposed work connects elevation is between 20 to 23 and gradually slopes at 4% to meet retaining wall which they are proposing on the street side.

Peter Holmes – asked if the runoff is going into a catch basin. Mr. Lizardi-Rivera said a portion is not collected in a catch basin, but proposing a berm which will contain it. There will be a drainage system in the rear of the lot and a reduction of what currently goes in the road drainage system. There will be less run off and less impact on the overall system. Also proposing gravel which allows for less run off.

Chm. Gray – asked what kind of material will be used as gravel. Mr. Lizardi-Rivera said reclaimed and rolled material and there is 20 feet from the edge of the wetlands to the edge of the clearing.

Chm. Gray – applicant needs to supplement the existing vegetation that will become gravel, including the edge of the clearing. He asked if it is sufficiently vegetated now and was told most is fill material and debris and not typical shrubbery. Mr. Lizardi-Rivera said to increase vegetation is not practical; additional plantings closer to gravel parking lot may die being so close to the gravel. Applicant is not proposing any shrubs or trees in the rear, vegetation is proposed on the side to comply with the zoning bylaws between the village and residential districts.

Chm. Gray – asked what happens if the gravel parking lot doesn't work. Mr. Vincent Michienzi said he will pave. Chm. Gray said it looks like it would only affect three (3) parking spaces within the 50 foot setback to the wetland so that if applicant eventually paves, is there any way to get assurance the 50 foot buffer will remain unpaved? Mr. Michienzi said three (3) spaces closest will be left and no asphalt will be placed in the 50 foot zone.

Chm. Gray – asked Mr. Farrell if this is acceptable to the Planning Board. Mr. Farrell made a site visit today and said the slope is very well vegetated, but if came to that, applicant would have to come back before the Planning Board to receive approval for the pavement.

Betsy Kiebala – asked how will gravel parking lot be marked for spaces. Mr. Lizardi-Rivera said bumpers would identify spaces. Mr. Farrell said the Planning Board granted to prior cases and worked well.

Tom Ligor – asked what happens to overflow if the parking lot is plowed. Mr. Lizardi-Rivera said winter maintenance will be standard and the lot will be for employee parking. Ligor continued that if can't plow, where does the sand/salt go?

Chm. Gray – said you get more from the State highway that drains into this area.

Brendan Mullaney – the board should be aware that the project was initiated over the past weekend with land clearing without the benefit of a permit, including removal of large trees within Conservation jurisdiction. In addition, with regard to the transitional parking – the Notice of Intent states a possible expansion of medical center is planned for the future – if this is approved is this setting a precedent to allow a building within parking area and within 50 feet of the wetland? Additional erosion control and cleaning up the area should be required. Regarding regulatory requirements – storm water report prepared and stamped by engineers meets criteria for a commercial project and documented in the NOI. Members may want to visit the site since there was disturbance and work started without a permit.

Chm. Gray – asked if board members visited the site and are comfortable before taking a vote. The consensus was that the board is comfortable.

Mr. Michienzi – as far as erosion control, he plans to put in hay bales. He cleaned out the debris and asks permission to take sand out by hand in the swale from the State highway. He will need the go ahead to dig out debris and will do at his expense.

Chm. Gray – any plans for expansion of the building is not an issue at this time.

Mr. Joseph Agrillo, Jr. – if anything, it would be an expansion and not push out to the 50 foot mark.

Chm. Gray – area is already a developed lot with a proposal for gravel parking lot. The board would not look at it favorable if putting a building within 50 feet of the wetland.

Brendan Mullaney – if erosion controls are installed properly and if vegetated if debris is removed, no additional planting in the buffer zone would be required.

No further board comment. No public comment.

On a motion made by Betsy Kiebala and seconded by Peter Holmes, the board voted unanimously to close the public hearing.

Brendan Mullaney - Draft Order of Conditions as follows, All General Conditions, Special Conditions pursuant to MGL c.131 s.40, numbers 1-3,7,8,10,12,13,16-24; Special Conditions pursuant Town of Bourne Wetland Protection Bylaw Article 3.7 numbers 4-9. Additional Special Conditions:

ASC-1) Additional permitting is required if it is determined that the surface of the parking lot needs to be changed.

ASC-2) The silt and debris that has accumulated in the drainage swale from adjacent roadways draining onto the property can be removed.

ASC-3) The area between the parking lot and wetland must remain fully vegetated. Supplemental native vegetation must be planted in any bare areas to satisfy this condition.

Special conditions 20 & 24 and Bylaw conditions 4 & 6 shall continue in perpetuity.

On a motion made by Betsy Kiebala and seconded by Peter Homes, the board voted unanimously voted to move Draft Order of Conditions to Final.

#3 – DEP File Number: SE7-1816

Applicant – The Tobey Island Trust

Representative – Holmes & McGrath, Inc.

Project address – 124, 126 & 128 Emmons Road, Monument Beach

Proposed project – to construct 220 linear feet of Coastal Bank Stabilization and construct beach access stairs within a VE Flood Zone, within a Wetland Resource Area and within 100 feet of a Wetland Resource Area.

(Continued from 9/20/12)

Chm. Gray – stated most members attended a site visit the previous week and reviewed the project with project applicant and representatives.

Michael McGrath, Holmes & McGrath - Applicant seeking to place armor at the base of the bank as bank is slumping and possibility of catastrophic failure during storm event. They will reinforce to protect the slope.

Chm. Gray – asked how 5 ton of rocks are coming to the site. Mr. Chuckran explained he is staging an area on the parking lot and transporting with a loader after plating the bridge – this was done last year and worked. He injected the bridge with marine grout to stabilize and doesn't see failure.

Brendan Mullaney – asked Mr. Chuckran to sign waiver of liability to bring material over the bridge, therefor accepting full liability if the bridge fails. Mr. Chuckran responded yes.

Brendan Mullaney – applicant is using the same contractors as in the revetment.

No further board comment. No board comment.

On a motion made by Peter Holmes and seconded by Betsy Kiebala, the board voted unanimously to close the public hearing.

Brendan Mullaney - Draft Order of Conditions as follows, All General Conditions, Special Conditions pursuant to MGL c.131 s.40, numbers 1-3,9,10,12,13,16-22,24; Special Conditions pursuant Town of Bourne Wetland Protection Bylaw Article 3.7 numbers 7-9. Additional Special Conditions:

ASC-1) The narrative submitted with the Notice of Intent and the Construction Access Notes shown on the Plan of Record are incorporated into this Order of Conditions.

ASC-2) Upon completion of the proposed work, the construction access must be re-planted and restored in kind to pre-construction conditions.

On a motion made by Betsy Kiebala and seconded by Peter Homes, the board voted unanimously voted to move Draft Order of Conditions to Final.

Request for Certificate of Compliance

#1 - DEP File Number: SE7-1746

Applicant – Kenneth & Betsey Cheinlin

Representative – Bracken Engineering

Project address – 485 Circuit Avenue, Pocasset

Proposed project – renovate existing single-family dwelling within a 100 feet of a Wetland Resource Area and within an AE Flood Zone

Brendan Mullaney – a site visit has been made and has determined project is in compliance and recommends to grant Certificate.

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the board voted unanimously to grant Certificate of Compliance.

#2 – DEP File Number SE7-1783

Applicant – Gregory White

Representative – Bracken Engineering, Inc.

Project address – 28 Benedict Road, Gray Gables

Proposed project – construct wooden beach access stairs within a VE Flood Zone, within 100 feet of a Wetland Resource Area and within a Wetland Resource Area (Coastal Bank)

Brendan Mullaney – a site visit was made and has determined compliance with the orders set. He recommends to grant Certificate.

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the board voted unanimously to grant Certificate of Compliance.

#3 – DEP File Number: SE7-1511

Applicant – Richard Mastria

Representative – Daniel Aguiar

Project address – 53 Wianno Road, Mashee Island, Gray Gables

Brendan Mullaney - site visit was made and has determined some issues with approved Plan of Record. The issues were: 1) the plan shows an area labeled "Existing Vegetation to be Preserved" and a small portion of this area was cleared to provide a small parking area, not sure how much is actually on property and how much is in road layout, would need this info from engineer ; 2) other issue is not necessarily with compliance, but part of order stated the tennis court fence was to remain. It is in very bad shape and entangled with bittersweet and other vegetation – it may fall over within the next year or two, or possibly sooner. Believes the homeowner could address at that time - he felt necessary to bring to the attention of the board with the history of the property.

Chm. Gray – asked if was worth trying to get vegetated. Brendan Mullaney said it is all woodchips, basically; it is a small section and the boards' guidance was to deal with the outstanding permit – believes it would be prudent to let applicant come in and make own case to explain and resolve the situation.

Chm. Gray – the board will not act on the Certificate of Compliance tonight and have applicant come in before the board at the next meeting.

#4 – SE7-1754

Applicant – Tim Cibotti

Representative – Barbara Frappier, Warwick & Associates, Inc.

Project address – 394 Scraggy Neck Road

Proposed project – construct new single-family dwelling. Work includes an in-ground swimming pool and accessories, Title V septic system, associated utilities, filling, grading, landscaping, paving and other appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

Brendan Mullaney – COC was originally brought before the board two months ago. Outstanding issues – main one was drainage on side of property and size of retaining wall that was built. Ms. Frappier said applicant has a proposal and wanted feedback from board to get compliance.

Ms. Frappier – fencing not installed. Stone wall is taller and closer to the Black property. The concern was building the wall too close so applicant couldn't grade. Given the list of plantings in the jurisdictional area and will change out. Applicant does not want to redo the seaward facing wall – would like to leave as is. Down the side of the long wall, put in a bigger catch basin along the driveway with a gravel swale to run down.

Betsy Kiebala – asked if applicant has to move the wall. Ms. Frappier said to be in compliance they would have to rebuild the wall.

Chm. Gray – recalls that a butter was concerned and commission specifically addressed stormwater issues which were not met.

Ms. Frappier – in her opinion, this is a solution that both parties can live with – she hasn't run by it by Mr. Black and didn't engineer, but if there is no agreement, the applicant will have to revisit.

Chm. Gray – asked about the wall. Ms. Frappier said purpose of the wall was to bring in fill on both sides to make a plateau to put in a swimming pool.

Chm. Gray – commented on the seaward facing wall at the time. Ms. Frappier said one side was supposed to be sloped and rough faced. Per Brendan Mullaney, this is a 4 ½ feet - 5 feet wall. Ms. Frappier could ask why the wall was built the way it was.

Brendan Mullaney – nothing explicitly precludes you from building a sea wall in this manner, it is advisable not to. Main issue with compliance is the stormwater that was directed onto the neighbor's property needs to be mitigated. If the stormwater mitigation system is properly designed by an engineer, he feels the Commission could grant compliance - issues down the road would be between two property owners and the engineer who designed the system if there turns out to be problems.

Chm. Gray – get solution so both parties are happy, and the board can bring to compliance. Brendan Mullaney said to bring compliance they should submit an engineer's the design for the records stating the system will handle appropriate stormwater.

Other Business

► Update – 52 Baxendale Road Enforcement Order (Possible action and vote)
Brendan Mullaney – plans submitted and on the next meeting's agenda.

► Vote – Excuse Absent Members, if necessary

On a motion made by Peter Holmes and seconded by Martha Craig Rheinhardt, the board voted unanimously to excuse Paul Lelito, Rob Palumbo and Susan Weston from tonight's meeting.

► Approval of Minutes – 9/6 2012

On a motion made by Betsy Kiebal and seconded by Peter Holmes, the board voted unanimously to approve minutes of 9/6/12 as submitted.

► Any other business that may legally come before the Commission

Brendan Mullaney:

- Buttermilk Way Stormwater project was accepted.
- Monument Neck conservation restriction accepted.

► Report of the Conservation Agent

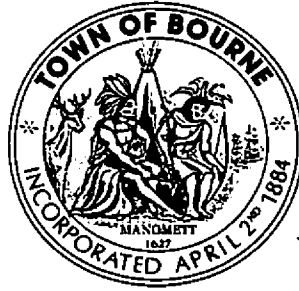
► Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

► Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Peter Holmes moved and was seconded by Martha Craig Rheinhardt to adjourn. Unanimous vote. Meeting adjourned at 8:21 pm.

Respectfully submitted,

Lisa Groezinger – Recording Secretary



2012 OCT 12 AM 11 16

TOWN CLERK'S OFFICE
BOURNE, MASS

CONSERVATION COMMISSION AGENDA

Thursday, October 18, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Vincent DiSangro **File Number:** CC12-62
Representative: SAME
Project Address: 3 Old Dam Road, Gray Gables
Proposed Project: Construct a two car detached garage within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 2) **Applicant:** Robert and Eleanor Noonan **File Number:** CC12-63
Representative: JC Engineering, Inc.
Project Address: 1 Lake Drive, Pocasset
Proposed Project: Upgrade an existing cesspool to new Title V septic system within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Herbert Landsman **File Number:** CC12-64
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 170 Wings Neck Road, Pocasset
Proposed Project: Install a stone wall, fence, and cobble the driveway apron within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

- 4) **Applicant:** Mark and Carla Emmons **File Number:** CC12-65
Representative: Dave Kilfoil
Project Address: 162 Tahanto Road, Pocasset
Proposed Project: Construct a deck within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) Notices of Intent:

- 1) **Applicant:** James and Laura Swent **DEP File Number:** SE7-
Representative: Theresa Sprague, Blue Flax Design
Project Address: 52 Baxendale Road, Cataumet
Proposed Project: Restore natural vegetation on a cleared Coastal Bank, remove wooden deck and granite steps on Coastal Bank, remove downspout discharge pipes, install drywells, remove driveway drain discharge, and repair existing wooden steps over Coastal Bank within a VE Flood Zone, within a Wetland Resource Area, and within 100 feet of a Wetland Resource Area

Request for Certificate of Compliance:

Applicant: Richard Mastria **DEP File Number:** SE7- 1511
Representative: Daniel Aguiar
Project Address: 53 Wianno Road, Mashnee Island, Gray Gables
Proposed Project: Construct a single family dwelling, septic system and tennis court with associated grading and utilities within a VE flood zone
(Continued from October 4, 2012)

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – September 20, 2012

- ▶ Any other business that may legally come before the Commission

- ▶ Report of the Conservation Agent
- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Conservation Commission
Minutes of October 18, 2012
Bourne Town Hall, Lower Conference Room
Bourne, MA 02532

2012 NOV 30 AM 10 35

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Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Betsy Kiebala, Paul Lelito, Peter Holmes, Rob Palumbo and Susan Weston, and alternate member Thomas Ligor.
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BOURNE, MASS

Member(s) absent: Betsy Kiebala, Paul Lelito

Staff: Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Barbara Frappier, Michael Pimental, Theresa Sprague, Amy Kwesell

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so, however, it must be know by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

Requests for Determination of Applicability

#1 - File Number: CC12-62

Applicant: Vincent DiSangro

Representative: SAME

Project Address: 3 Old Dam Road, Gray Gables

Proposed Project: Construct a two car detached garage within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Tabled until applicant arrived. Applicant arrived at 7:11 pm and turned in abutter notifications. Proposing a two-car garage with a carport attached to the side.

Brendan Mullaney – project has a small intrusion into the flood zone and buffer zone. The wetland boundary was verified during construction of the house. Applicant did not want to remove trees so filing was necessary because of small intrusion into jurisdictional areas. No concerns with the project.

No board comments. No public comment.

On a motion made by Peter Holmes and seconded by Susan Weston, the board voted unanimously to approve the project under a Negative 2 Determination.

#2 - File Number: CC12-63

Applicant: Robert and Eleanor Noonan

Representative: JC Engineering, Inc., - Michael Pimental

Project Address: 1 Lake Drive, Pocasset

Proposed Project: Upgrade an existing cesspool to new Title V septic system within 100 feet of a Wetland Resource Area

Chm. Gray recused himself from discussion and vote at this time, as he does work with representative.

Mr. Pimental – proposing a new 1500 gallon tank on the west side of the house. New leaching system will be in the front of the property. The maximum grade change for the leaching is just under 2 feet. This will be an improvement on the property due to the upgrade of a single cesspool and new leaching system.

Brendan Mullaney – simple upgrade and a vast improvement to the property. The cesspool is 10-15 feet from the Wetlands in back and is proposed as far as lot will allow. There will be some trees removed in front to accommodate the system, but project is a significant improvement over existing conditions.

No further board comments. No public comments.

On a motion made by Rob Palumbo and seconded by Susan Weston, the board voted unanimously to approve the project under a Negative 3 Determination.

#3 - File Number: CC12-64

Applicant: Herbert Landsman

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 170 Wings Neck Road, Pocasset

Proposed Project: Install a stone wall, fence and cobble the driveway apron within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

Ms. Frappier - the board recently conducted a review of the property for a small bump out addition. Intent of this project is to install a fence around the property with a gate - showing a probable fence location on plan handed to the board – but may be subject to change due to the proximity to the property line. Configuration may change due to sight line requirements for a corner lot. Cobble is already in, but is being included in this filing.

Brendan Mullaney – for clarification, the project is not a fence, but a stone wall with a fence on top. This is a simple project and straightforward. Project will have minimal impact as proposed.

No board comment. No public comments.

On a motion made by Rob Palumbo and seconded by Susan Weston, the board voted unanimously to approve the project under a Negative 2 Determination.

#4 - File Number: CC12-65

Applicant: Mark and Carla Emmons

Representative: Dave Kilfoil

Project Address: 162 Tahanto Road, Pocasset

Proposed Project: Construct a deck within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Brendan Mullaney – applicant unable to attend tonight's meeting, but has turned in all abutter card notifications. He handed out aerial photos and site plans – project consists of deck on existing dwelling. Project is within 70 feet of vegetated wetlands towards the rear of the property. In his opinion, wetland boundary is accurate.

No board comments. No public comments.

On a motion made by Peter Holmes and seconded by Susan Weston, the board voted unanimously to approve the project under a Negative 2 Determination.

Notice of Intent

#1 - DEP File Number: SE7-1819

Applicant: James and Laura Swent

Representative: Theresa Sprague, Blue Flax Design

Project Address: 52 Baxendale Road, Cataumet

Proposed Project: Restore natural vegetation on a cleared Coastal Bank, remove wooden deck and granite steps on Coastal Bank, remove downspout discharge pipes, install drywells, remove driveway drain discharge and repair existing wooden steps over Coastal Bank within a VE Flood Zone, with a Wetland Resource Area and within 100 feet of a Wetland Resource Area

Amy Kwesell represents the applicants (Swents), here with Theresa Sprague who has prepared the restoration and management plan. Ms. Sprague - was first introduced to applicants in late August. Property looked different in August compared to May when the Commission first viewed it. She has seen photos from May and understands concerns with the property. She walked through existing conditions.

South, north and west facing bank. Discovered south facing bank was mix of native and non invasive species. There are some intact oak and black cherry, rugosa rose, poison ivy with few beach plums near the sea wall. Previous cut oak and cherry with some sprouting from stumps. Shows recent pictures of existing conditions. In addition, discovered invasive species – bittersweet, honeysuckle, and some privet that came from hedge at top of the bank. Areas where trees cut still have healthy intact root systems, important on the south bank and especially on the steeper north bank. Large areas growing sumac and sassafras are indicative of what is happening on the non disturbed area. Oak and cedar trees, beach plums, sassafras trying to grow in, largely taken over by bittersweet at this time.

The west bank, which is a separate parcel is managed by rescue league of boston. Very stable due to regular mowing keeping bittersweet at bay. Different situation on north and south bank.

North bank includes a steep sloping bank. Images showed area closest to the Boston Animal Rescue League includes smart weed and poke weed. As move east towards the existing stairs, the plant community changes significantly; there is dense re-growth of native vegetation (bayberry, American hazelnut, summersweet) which is thickly growing back. It is critical to keep stable – plan to keep maple and cedar trees in tact with the re-sprouting oak and cedar tree stumps.

In putting together restoration, there was significant disturbance and proposing to leave existing stumps and not disturb soil and root systems. As head toward the stairs, vegetation is more degraded and more bittersweet until reaching areas of undisturbed summer sweet. On the north bank, underneath the stairs are proposing fiber rolls – very little vegetation in this area, water is coming over the bank and from the deck, washing soil away. Property owners are going to come back before the board to fix the existing deck and stairs; sauna tubes are leaning and need to be stabilized. Applicants are proposing adding fiber rolls, get stability of the bank, coming back before the board to repair stairs in the future.

Two issues of concern - virtually no ground layer covering and no deep rooted grass species with little shrubs. The restoration plan focuses on stabilizing the bank while meeting the interests of the Wetland Protection Act, provide storm damage protection and wildlife habitat. This is also an opportunity to restore the canopy layer. There are signs on the southern bank shows evidence of a cultivated area, perhaps many years ago, including day lilies, ornamental sages, and other species that were likely managed as a garden.

Applicant will remove the deck on southern bank and address the drainage and storm water runoff by bringing to a dry well. Applicants asked not to discuss the small cobble swale which direct run off water from driveway onto the southern bank – they will come back before the board to manage the stormwater so that the driveway is not flooded and not directing water onto the southern bank.

Groundcover will include switch grass, little blue stem which have deep root systems to hold the banks. Restore the shrub layer using high bush blueberry, summer sweet, beach plum and will restore the canopy with a mix of native species, oak, and pitch pine which will provide wildlife value. Opportunity to use re-sprouting trees. Expect faster growth (sprouts are already 3 feet tall) which will be managed back to a mature size which is important part of this plan.

Brendan Mullaney – restoration plan as proposed well thought out, thorough, ideal to the coastal setting, bank stability and wildlife. In the restoration plan there is seasonal directions until Spring 2015 with long-term management with regard to the banks. If followed as proposed, feels it will be very successful to restore both banks. Issues he brings to board's attention:

1. Applicant is not proposing to remove the granite steps on the bank leading to the wooden deck.
2. 58 trees are being proposed – is not a match for what was removed, but the need to not disturb the bank further may be something the board would be agreeable with.

Amy Kwesell - steps remaining are access to the bank for the planting, conduct activities within the restoration plan and is a request by the applicant to keep the steps in place. The deck is being removed.

Chm. Gray – asked if there is any intention for applicants to continue the steps down to the bank. Not to representative's knowledge.

Brendan Mullaney – granite steps on the coastal bank, done with no permit, sees the reasoning to access the site for a long-term management of the resource area itself – this decision is at the board's discretion (applicant keeps or removes steps). The steps look stable.

Chm. Gray – asked if the applicants wish to have access to the beach from this side of bank. Applicants only spoke of restoration of the bank. At this time the applicant doesn't have access and doesn't seem to be looking for access to the water. Chm. Gray said if applicants want to move in that direction, his preference would be an elevated set of stairs which are similar to what they have on the north side. Had applicants came before the board proposing to add these granite steps, the board would not have approved. Members of the board concur that this would not have been approved.

Theresa Sprague – regarding the discrepancy in caliper size of trees, applicant is proposing 1 ½ - 2 inch caliber trees, about 12 feet tall as work is able to be done with manpower and not requiring machines which would be needed to accommodate a larger caliper tree.

Chm. Gray – has no issues with proposal and added it was one of the best he has seen. He would not like to see pulling of stumps out of the coastal bank - it is counter-productive. Chm. Gray asked representatives why applicants did existing work without a permit. Representatives responded by saying they are not aware of the reasoning and will not make excuses for their client. They do know their client is taking responsibility, know what they did is wrong and are happy with the proposed restoration plan. They feel confident applicants will continue with the monitoring and management.

Tom Ligor – asked when the planting will begin. The proposed timeline is to remove the bittersweet, stabilize and get through the winter and the proposed 3-year management plan will begin. Proposed restoration plan will begin in the Spring, 2013. They will focus their efforts in winter on invasive species management.

Chm. Gray – asked how soon the board would have the deck and steps removed. Representatives said it is one of the first things to do - Fall, 2012.

Peter Holmes – asked when the granite steps are coming out. Representative said they will remove the deck first before removal of steps. The board concurred.

Martha Craig Rheinhardt – asked when the gravel swale was put in. Representative doesn't know, but had discussion with regard to it directing water onto the bank. Applicant's concern was that it is alleviating water issues on driveway. Applicant will have to come back before the board to deal with drainage. Chm. Gray suggested a sizable subsurface catching basin.

Barbara Frappier - they were asked to flag area showing signs of erosion that should be dealt with and said this should be eliminated as soon as possible. Representative will discuss with applicant to initiate contact with an engineer to include flagged area to be included in a second Notice of Intent.

Representatives asked for something wrapped in the conditions to include on-going management plans. They can draft up and forward to Conservation Agent, including the narrative.

No board comment. No public comment.

Brendan Mullaney – asked if representatives feel the applicant would like to defer decision until the board's requests regarding the project are reviewed. The applicant doesn't want to continue the hearing; they will come back for the deck, swale and elevated stairs. Applicant is ready to implement the land management plan.

On a motion by Peter Holmes and was seconded by Martha Craig Rheinhardt, the board unanimously voted to close the hearing.

Brendan Mullaney – Draft Order includes all General Conditions, Special Conditions pursuant to MGL c.131, Section 40, numbers 1-3,6,9,12,13,16-22,24, Special Conditions pursuant to Town of Bourne Wetland Protection Bylaw Article 3.7, numbers 4,7-9. Special Conditions 20,24 and Bylaw Conditions 4, 6 shall continue in perpetuity.

ASC-1) The Project Narrative and Land Management/Restoration Plan, both prepared by Blueflax Design and submitted with the NOI, are incorporated into this Order of Conditions

ASC-2) Annual monitoring reports detailing progress of restoration must be submitted until the project is granted a Certificate of Compliance.

ASC-3) The granite steps and deck on the Coastal Bank must be removed by December 1st, 2012

ASC-4) The swale that discharges stormwater must be removed and a separate application must be submitted that addresses and mitigates stormwater issues at the site

ASC-5) If any state-listed endangered species are encountered during the restoration project, appropriate officials, including MA NHESP and the Conservation Agent, must be notified immediately

On a motion made by Rob Palumbo and seconded by Peter Holmes, the board voted unanimously to move Draft Order to Final Order.

Request for Certificate of Compliance

#1 - DEP File Number: SE7- 1511

Applicant: Richard Mastria

Representative: Daniel Aguiar

Project Address: 53 Wianno road, Mashnee Island, Gray Gables

Proposed Project: Construct a single-family dwelling, septic system and tennis court with associated grading and utilities within a VE flood zone

(Continued from 10/4/12)

Brendan Mullaney – informed applicant that the board decided not to grant compliance due to outstanding issues on property. Applicant asked for continuance until next meeting.

On a motion made by Susan Weston and seconded by Peter Holmes, the board voted unanimously to continue the matter until 11/1/2012.

Other Business

- ▶ Vote – Excuse Absent Members, if necessary

On a motion made by Susan Weston and seconded by Peter Holmes, the board voted unanimously to excuse Betsy Kiebal and Paul Lelito from tonight's meeting.

- ▶ Approval of Minutes – 9/20/12

On a motion made by Susan Weston and seconded by Peter Holmes, the board voted unanimously to approve minutes of 9/20/12 as submitted.

- ▶ Any other business that may legally come before the Commission

None

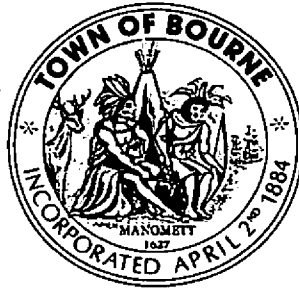
- ▶ Report of the Conservation Agent

- ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

- ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Rob Palumbo moved and seconded by Martha Craig Rheinhardt to adjourn meeting. Unanimous vote. Meeting adjourned at 8:10 pm.

Respectfully submitted – Lisa Groezinger, sec.



2012 OCT 26 AM 10 38

TOWN CLERK'S OFFICE
Bourne, MASS

CONSERVATION COMMISSION AGENDA

Thursday, November 1, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** National Grid **File Number:** CC12-66
Representative: Bradford Malo, Coastal Engineering Co., Inc.
Project Address: 1275 County Road, Cataumet
Proposed Project: Install new gas service connection within 100 feet of a Wetland Resource Area
- 2) **Applicant:** Douglas and Patricia Fay **File Number:** CC12-67
Representative: Shawn MacInnes, MacInnes Consulting
Project Address: 38 Center Street, Pocasset
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone
Hearing Under State Act Only

7:05) Notices of Intent:

- 1) **Applicant:** Geert Wijntjes **DEP File Number:** SE7-
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 27 Beverly Road, Pocasset
Proposed Project: Raze existing dwelling destroyed by fire and construct new 5 bedroom dwelling including new Title V septic system, grading, landscaping, utilities, and other appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Request for Certificate of Compliance:

- 1) **Applicant:** Tom Cibotti **DEP File Number:** SE7-1754
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 394 Scraggy Neck Road
Proposed Project: Construct new single family dwelling. Work includes an in-ground swimming pool and accessories, Title V septic system, associated utilities, filling, grading, landscaping, paving and other appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area
(Continued from October 4, 2012)

2) **Applicant:** Richard Mastria **DEP File Number:** SE7- 1511
Representative: Daniel Aguiar
Project Address: 53 Wianno Road, Mashnee Island, Gray Gables
Proposed Project: Construct a single family dwelling, septic system and tennis court with associated grading and utilities within a VE flood zone
(Continued from October 18, 2012)

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – October 4, 2012

- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Conservation Commission
Minutes of November 1, 2012

Bourne Town Hall, Lower Conference Room

2012 DEC 14 AM 9 56 Bourne, MA 02532

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Members present: Chairman Bob Gray, Betsy Kiebala, Paul Lelito, Peter Holmes, Rob Palumbo,
Susan Weston, and alternate member Thomas Ligor
TOWN CLERK'S OFFICE
BOURNE, MASS

Member(s) absent: Vice Chairman Martha Craig Rheinhardt

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Paul Gately, Bradford Malo, Barbara Frappier, Rick & Kelly Mastria,
Shawn MacInnes, Geert Wijntjes, Ben Scaife, Peter Coffin

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so. However, it must be know by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

Requests for Determination of Applicability:

#1 - File Number: CC12-66

Applicant: National Grid

Representative: Bradford Malo, Coastal Engineering Co., Inc.

Project Address: 1275 County Road, Cataumet

Proposed Project: Install new gas service connection within 100 feet of a Wetland Resource Area

Brad Malo representing: discussed proposed gas service, property contains a well defined ditch on the westerly side of County Road that runs underneath roadway. House lies in between proposed work and the resource area. Disturbed area will be restored to pre-construction state. There will be an open trench to the house. No trees removed. Disturbance will be at a depth of 3 feet with a width of 18-24 inches.

Brendan Mullaney – simple gas installation on a developed lot. No concerns with the project as proposed.

Paul Lelito – asked about the perennial stream as resource area. Brendan Mullaney stated the stream does show up as perennial on USGS Topo maps. Chm. Gray said it is not as clear cut as it

seem as the flow of water through this stream is controlled by the cranberry bog; it is stated in the regulations that if there is artificial control, it is considered perennial.

No further board questions. No public comment.

On a motion made by Peter Holmes and seconded by Paul Lelito, the board voted unanimously to approve the project under a Negative 3 Determination.

#2 - File Number: CC12-67

Applicant: Douglas and Patricia Fay

Representative: Shawn MacInnes, MacInnes Consulting

Project Address: 38 Center Street, Pocasset

Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone
(Hearing Under State Act Only)

Shawn MacInnes representing: upgrading existing septic system which is greater than 100 feet from title wall and neighbors in the AE flood zone.

Brendan Mullaney – this is a simple upgrade. There are no other jurisdictional resource areas within 100 feet of proposed project. This will be an improvement to the area. No concerns with the project.

No board comment. No public comments.

On a motion made by Peter Holmes and seconded by Susan Weston, the board voted unanimously to approve the project under a Negative 2 Determination.

Notices of Intent:

#1 – DEP File Number: SE7-1820

Applicant: Geert Wijntjes

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 27 Beverly Road, Pocasset

Proposed Project: Raze existing dwelling destroyed by fire and construct new 5 bedroom dwelling including new Title-V septic system, grading, landscaping, utilities, and other appurtenances within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Ms. Frappier representing: existing dwelling was destroyed by fire and has been sitting waiting to be torn down. Resource areas are velocity flood zone and coastal beach. Also influencing the project is a salt marsh and associated wetlands. Proposing to raze the existing house and to construct a new house on piers. New house on piers as will be in a velocity flood zone. Septic will be upgraded. New house will meet all applicable FEMA and construction codes. Due to the flat nature of the lot, haven't proposed much of siltation controls, except on the water side and will probably be putting in hay bales during construction.

Chm. Gray – asked about using siltation fence. Ms. Frappier explained the curtain cannot be secured for a period of time due to windy conditions, however, waddles will work.

Ms. Frappier – a slight re-grading to mitigate from the negative grade from the street to the garage; there is high ground water and when excavate for footings for the piers, may have to de-water. A sketch of the house showing a straw-built basin to filter water out will be included with the application.

Brendan Mullaney – aerial pictures the board is looking at are after the fire. Area left of the porch is a slab.

Betsy Kiebala – asked what supports are made of and how many. Ms. Frappier said concrete supports and a structural engineer designed; there won't be more than needed.

Paul Lelito – asked about a lawn. Mrs. Frappier said it will be a Cape Cod lawn.

Chm. Gray – two issues: 1) BBQ pit in the wetland; and 2) concrete shuffle board on the outside of straw bales in area that floods. He asked if it was possible to re-locate to a dryer section. Mr. Wijntjes said it is very likely.

Brendan Mullaney – photos show a substantial fire at the house. Property was before the board for a conservation restriction a couple of months ago. He did a site visit and it fared relatively well during the storm. The project will move the house further away and raised out of the flood zone. Flat lot, using straw waddles for erosion control. No other concerns with project.

Chm. Gray – asked about the two stone jetties. Ms. Frappier said one is on the property and one straddles the property line. Chm. Gray suggested licensing jetties if not licensed. Ms. Frappier said if they are not, the applicant will apply for a license.

No further question from the board. No public comment.

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the board voted unanimously to close the Public Hearing.

Brendan Mullaney – Draft order includes all General Conditions, Special Conditions Numbers 1-6, 9,10,12,13,16-24 and Bylaw Conditions Sections 4,6,7,8,9 and Special Conditions 20,24 and Bylaw Conditions 4, 6 shall continue in perpetuity. Additional Special Conditions:

ASC-1) Prior to the issuance of a Certificate of Compliance, proof of a Chapter 91 license for two stone jetty structures on the property must be submitted.

ASC-2) The "BBQ Pit" and "Concrete" slab shown on the Plan of Record must be removed. If relocated, structures must be placed at least 25 feet from the edge of the Wetland Resource Area.

On a motion made by Betsy Kiebala and seconded by Rob Palumbo, the board voted unanimously to move Draft Order to Final Order.

Request for Certificate of Compliance:

#1 – DEP File Number: SE7-1754

Applicant: Tom Cibotti

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 394 Scraggy Neck Road

Proposed Project: Construct new single family dwelling. Work includes an in-ground swimming pool and accessories, Title V septic system, associated utilities, filling, grading, landscaping, paving and other appurtenances within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

(Continued from October 4, 2012)

Brendan Mullaney – conducted site visit and found an issue with handling of stormwater, new system was installed to address this issue. Ms. Frappier said issue is with regard to grading; the swale is to direct driveway water runoff and the roof was taken care of by drainage systems. They have installed infiltration system to handle runoff and wants to determine if this will satisfy requirements

Brendan Mullaney – received letter stating such and he could put on as ongoing condition or leave in file as a reference.

Chm. Gray – would like to see the letter incorporated by reference in the COC for future boards and it will protect everyone's interest. Ms. Frappier added it is part of the drainage system.

Betsy Kiebala – asked if the wall was contested by Mr. Black for being too close. Ms. Frappier said it is on the Cibotti property, but can be there from the Building Department's point of view.

Brendan Mullaney – asked for guidance on how to include letter in the COC. Chm. Gray suggested putting in a note referencing the letter and keep letter in the file. Brendan Mullaney to add language "attached letter from Jack Landers-Cauley, PE must be recorded with COC."

On a motion made by Paul Lelito and seconded by Betsy Kiebala, the board voted unanimously to issue Certificate of Compliance

#2 – DEP File Number: SE7- 1511

Applicant: Richard Matria

Representative: Daniel Aguiar

Project Address: 53 Wianno Road, Mashnee Island, Gray Gables
Proposed Project: Construct a single family dwelling, septic system and tennis court with associated grading and utilities within a VE flood zone
(Continued from October 18, 2012)

Mr. Mastria representing as Mr. Aguiar had a prior engagement.
Brendan Mullaney – explained this application continued as there was discrepancy with the small area cleared in the area labeled “vegetation to be preserved” under original plan of records. Owners submitted letter explaining issue at hand and included plant plan of what was cleared.

Mr. Mastria – the issue is that was when original work was done, there was a history of a person parking a car in an area. The Garage is underneath, anytime a second car was in the driveway, to get in and out of garage had to move the vehicle. The road is 13 feet in width. This wasn't put on the original plan not realizing it was an issue and person continued to park there. The parking area is in a few parcels – lot 57 (no restrictions) and the highlighted is part on 53 Wianno Road as well as in the road layout. The fence (24 feet long) was to prevent driving and parking and the dumping of trash. The fence is allowed in resource area as long as animals can flow back and forth underneath; the fence is more than 10 inches high. The tennis court was built many years ago. There are two fences on the property. The one around the tennis court is constructed of wood with wire mesh which has decayed; sections have fallen and have been left alone. The area is full of vines and bittersweet. The fence will eventually fall down and become a safety issue. He is looking for the board's direction with regard to the fence.

Brendan Mullaney – this issue was on-going before he started working with the town and has been a long process for the permit. The fence is in dilapidated state with invasives growing up and around it; it is only a matter of time before it collapses.

Chm. Gray asked Mr. Mastria about the fence in relation to court proceedings – Mr. Mastria stated all property issues were resolved and there was no decision from the Court saying the fence had to stay.

Chm. Gray – asked what applicant's plans are if the fence is removed. Mr. Mastria said he was advised to get indigenous trees to re-establish the property; thought of tall trees for privacy and wildlife habitat and something not inundated with vines.

Chm. Gray – the board is not in concurrence of locking the fence to be preserved into the order of conditions. He said the applicant has to come up with something that serves the fence's purpose. He asked about the section of land which was encumbered by the order. Brendan Mullaney said the plans stated the area had to “preserve vegetation” – at the initial hearing on this matter the board wanted to hear the applicant's explanation; the applicant was not here at that time – the board is now hearing the explanation.

On a motion made by Paul Lelito and seconded by Rob Palumbo, the board voted unanimously to issue Certificate of Compliance

Chm. Gray – with regard to the fence, there is a policy governing a fence in flood zones and not other wetland resource areas, in his opinion if a fence can be put up in a flood zone it should be able to be taken down. Brendan Mullaney asked if for board's opinion if applicants can go forward to remove the fence. The board concurs that applicant doesn't need to file to take fence down.

Other Business

Vote – Excuse Absent Members, if necessary

On a motion made by Peter Holmes and seconded by Paul Lelito, the board voted unanimously to excuse absent members from tonight's meeting.

Approval of Minutes – October 4, 2012

On a motion made by Betsy Kiebala and seconded by Peter Holmes, the board voted to approve minutes of 9/20/12 as submitted. Abstentions from Paul Lelito and Susan Weston.

Any other business that may legally come before the Commission

Peter Holmes and Paul Lelito will not be at the next scheduled board meeting.

Report of the Conservation Agent

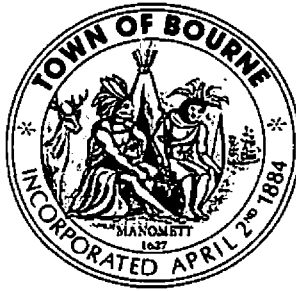
Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Adjournment

On a motion made by Betsy Kiebala and seconded by Rob Palumbo, the board voted unanimously to adjourn the meeting. Meeting adjourned at 7:51 pm.

Respectfully submitted,
Lisa Groezinger – sec.



2012 NOV 8 AM 8 30

TOWN CLERK'S OFFICE

CONSERVATION COMMISSION AGENDA

Thursday, November 15, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** Dick Buttrick **File Number:** CC12-68
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 31 Baxendale Road, Cataumet
Proposed Project: Perform repairs on existing stone seawall within a VE Flood Zone and within 100 feet of a Wetland Resource Area
- 2) **Applicant:** Peter Mottla **File Number:** CC12-69
Representative: SAME
Project Address: 176 Circuit Avenue, Pocasset
Proposed Project: Perform landscaping including installation of new driveway within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

7:05) Notices of Intent:

- 1) **Applicant:** Massachusetts Maritime Academy **DEP File Number:** SE7-
Representative: Baxter Nye Engineering & Surveying
Project Address: 101 Academy Drive, Buzzards Bay
Proposed Project: Construct dormitory expansion, including landscaping and stormwater management facilities within an AE Flood Zone and within 100 feet of a Wetland Resource Area
(Hearing Under State Act Only)
- 2) **Applicant:** Massachusetts Maritime Academy **DEP File Number:** SE7-
Representative: Baxter Nye Engineering & Surveying
Project Address: 101 Academy Drive, Buzzards Bay
Proposed Project: Construct drum filter building at waste water treatment plant within an AE Flood Zone
(Hearing Under State Act Only)

Other Business

- ▶ Violation - 9 Olde Forge Lane – Dumping of fill and construction debris adjacent to Wetland Resource Area and on Town of Bourne property
- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – October 18, 2012
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Conservation Commission
Minutes of November 15, 2012
Bourne Town Hall, Lower Conference Room
Bourne, MA 02532

2013 JAN 10 PM 2 55

.....
Members present: Chairman Bob Gray, Vice Chairman Martha Craig Rheinhardt, Betsy Kiebala,
Rob Palumbo and Thomas Ligor.

TOWN CLERK'S OFFICE
BOURNE, MASS

Member(s) absent: Peter Holmes, Paul Lelito and Susan Weston

Brendan Mullaney, Conservation Agent

Public present: Jim Mulvey, Barbara Frappier, Rick Gurnon, Paul O'Keefe, Karen Dubrovsky,
Matthew Eddy, Paul Forgione, Tim Hurdelbrink, Peter Mottla, Vincent Michienzi

Call to Order

Chm. Gray called meeting to order at 7:00 pm and explained the Commission's procedure pursuant to the Wetland Protection Act M.G.L. c. 131, s. 40 and the Bourne Wetland Protection Bylaw Article 3.7.

Note: Chm. Gray addresses the audience in regards to recording a public hearing. If anyone wishes to record a public meeting, they are free to do so. However, it must be know by the Board and the public. All cell phones are to be placed on vibrate or turned off during the meeting.

Requests for Determination of Applicability:

#1 - File Number: CC12-68

Applicant: Dick Buttrick

Representative: Barbara Frappier, Warwick & Associates, Inc.

Project Address: 31 Baxendale Road, Cataumet

Proposed Project: Perform repairs on existing stone seawall within a VE Flood Zone and within 100 feet of a Wetland Resource Area

Ms. Frappier representing: existing stone and concrete sea wall, applicant proposing to perform repairs by hand to fill cracks. No Chapter 91 License was filed, but will be pursued as applicant wishes to re-build the beach access stairs.

Brendan Mullaney – Advised applicant that filing would be required to bring property into compliance, appears majority of work has been completed. No Chapter 91 License has been filed. Project is a standard repair and filing should serve to bring property to compliance. No concerns with the project as proposed.

No further board questions. No public comment.

On a motion made by Rob Palumbo and seconded by Betsy Kiebala, the board voted unanimously to approve the project under a Negative 2 Determination.

#2 - File Number: CC12-69

Applicant: Peter Mottla

Representative: SAME

Project Address: 176 Circuit Avenue, Pocasset

Proposed Project: Perform landscaping including installation of new driveway within AE and VE Flood Zones and within 100 feet of a Wetland Resource Area

Mr. Mottla representing: driveway currently a combination of sand and fill. Driveway is within the flood zone and there is a hedge on the outside of the driveway. He seeks to landscape and remove hedge and replace with plantings, excavate existing driveway and install new.

Betsy Kiebala – asked what type of surface applicant plans to use on new driveway. Mr. Mottla responds either crushed stone or pavement.

Brendan Mullaney – existing driveway and applicant would need equipment to remove it, advised him to file application. The hedge is a privet hedge and has no concerns with removing. The driveway was paved at one time, but has deteriorated. Since there was pavement at one point, it could be applicant's discretion on how to install the new driveway; unless there is a problem with stormwater flow from the driveway to the beach area.

Martha Craig Rheinhardt – if the driveway is pitched toward the yard, she would have no concerns with the project.

No board comment. No public comment.

On a motion made by Rob Palumbo and seconded by Betsy Kiebala, the board voted unanimously to approve the project under a Negative 2 Determination

Notices of Intent:

#1 – DEP File Number: SE7-_____

Applicant: Massachusetts Maritime Academy

Representative: Baxter Nye Engineering & Surveying

Project Address: 101 Academy Drive, Buzzards Bay

Proposed Project: Construct dormitory expansion, including landscaping and stormwater management facilities within an AE Flood Zone and within 100 feet of a Wetland Resource Area
Hearing Under State Act Only.

Mr. Matthew Eddy representing: stated that Admiral Richard Gurnon and Ms. Karen Dubrovsky, architect were present tonight.

Admiral Gurnon – this proposed project is a continuation of dorm expansion we have undertaken in the past few years. The project will add an extra 220 rooms in this space.

Mr. Eddy – project will be done at 101 Academy Drive on the Northerly side of Taylor Point at the dorm called Company 4. Resources are a coastal dune within 100 feet with an associated buffer and the project is in the Flood Zone.

Site re-development was necessary; modifications to the plaza area to the South of Company 4 to include better pedestrian movement and for aesthetics. There will be a modification to existing sports court. As part of the additional reconfiguration, some interior work will happen throughout the campus; a new doorway to Company 5 (landing and stairs) and also will slightly increase the inside radius of Tower Lane for access around campus. Included in proposal is a new refuse compactor area; the existing dumpsters to be moved to an area that is screened which will be easier to maintain and keep clean.

Area associated with Company 4 is lawn and pavement currently, as well as with the plaza, court areas and the refuse area. Area of work extends from the ABS Information Commons Building to Company 5 which is approximately 2 ½ acres; major work is occurring at Company 4.

Included in the project was drainage and stormwater analysis. The overall watershed is 3.6 acres and of that study area, 1.9 acres is impervious; the rest will be lawn and landscape. This will be an increase of approximately 1,200 square feet to the impervious area.

The result of the stormwater management improvements is the reduction of runoff and discharge from the campus within the watershed area through the 100 Year Storm, exceeding DEP standards for re-development. This will be an 85% reduction for 2-Year Storm and up to 25-Year Storm is a 50% reduction of what is currently being discharged.

Chm. Gray – asked what the Flood Zone elevation was. The Flood Zone elevation is 16. 1st floor is being built at current floor level, which has variances for residential use.

Brendan Mullaney – project meets all applicable standards, and is consistent with all State regulations. Town Bylaws are not in effect since this is state property, so setbacks are not applicable. Overall, there is a limited amount of space on the campus. The planning has been done in a responsible, progressive manner. The reduction in stormwater impacts while adding all of the structure in the space allowed is commendable. This project serves the campus' needs and serves as an improvement over existing conditions. All material required on our end has been received, however no file number has been received and the board cannot issue a permit tonight.

No further board comment. No public comment.

Paul Gately, Bourne Courier – asked when work would begin. Admiral Gurnon states in the Spring 2013 through June 2014 which is the same timeframe as the last dorm expansion project.

Chm. Gray – at the applicant's request, we will continue hearing for File Number Only to 12/6/12. Applicant need not be present at that time, however they are welcome to attend.

#2 – DEP File Number: SE7- _____

Applicant: Massachusetts Maritime Academy

Representative: Baxter Nye Engineering & Surveying

Project Address: 101 Academy Drive, Buzzards Bay

Proposed Project: Construct drum filter building at wastewater treatment plant within an AE Flood Zone. Hearing Under State Act Only.

Mr. Eddy representing: The second NOI before the board is located solely within the 100 year flood zone. As part of improvements, applicant is seeking to upgrade wastewater treatment plant. Upgrade based on operational items to improve with significant reduction in nitrogen for the plant. Most improvements will be done within existing structures, but also proposed is a new 8'x20' shed building containing a drum screen filter to take out heavy matter out of flow stream before it enters the plant. This will be more efficient and expected discharge will be reduced by more than 50% of what it currently is.

Brendan Mullaney – project is in a Flood Zone only, no other jurisdictional resource areas within 100 feet of proposed project. It was applicant's decision to split project into two different notices. The shed is in flood zone. No concerns with the project as it will be an improvement with nitrogen reduction. As with the previous NOI, there is no file number at this time.

No board comment.

Mr. Mulvey – asked the dimensions of the drum. Mr. Eddy states it is a couple of feet in diameter.

No further public comment.

Chm. Gray – at the applicant's request, we will continue hearing for File Number Only to 12/6/12.

Other Business

Violation – 9 Old Forge Lane – dumping of fill and construction debris adjacent to Wetland Resource Area and on Town of Bourne property.

Brendan Mullaney – received a call of for a violation that someone was disposing of construction debris in a wetland. He spoke with Mr. Michienzi who didn't realize area was a wetland and agreed to remove the debris; it has since been removed, but there are still a couple of areas of fill that extend down to the banking adjacent to the wetland. In addition, the

wetland area and part of the slope is owned by the Town of Bourne, so even if it wasn't a wetland the property owner had no right to fill. Plans passed around to the board.

Mr. Michienzi – before doing work, he spoke with Mr. Roger Laporte and Mr. Joe Agrillo and didn't realize this was a wetland area. States it was good that the work was stopped when it was, there was many loads of fill coming behind the first one.

Chm. Gray – a plan was filed in 1988, and at that time the engineering company represented applicant, previous owner, David Sullivan. At that time the plan showed the area to the rear of the dwelling was a wetland. In addition, the area is shown on DEP aerial maps - a copy of the State map was given to Mr. Michienzi.

Mr. Michienzi – subdivision permit that was pulled didn't finish the drainage; it is a private road according to the town. Mr. Agrillo fixed the drainage and wants to add rip rap where pipe goes while seeding the banking. States there were piles of shingles and other debris that he removed from previous owner.

Chm. Gray – applicant to work with Brendan Mullaney to remove excess fill and stabilize the area after the fact - the previous owner was using back of house and town property as a dumping ground.

Betsy Kiebala – noted property abuts a cranberry bog. Brendan Mullaney – inactive bog adjacent to the property – active bogs off Old Dam Road.

No further board comments. No public comments.

Vote – Excuse Absent Members, if necessary

On a motion made by Rob Palumbo and seconded by Martha Craig Rheinhardt, the board voted unanimously to excuse absent members from tonight's meeting.

New violation – 349 Circuit Avenue; shrubs 8-10 feet high across the street were cut down and dragged across the street. Owner owns property on both sides of the street. Cutting was along the edge of a marsh. Brendan Mullaney – sent violation notifying property owner they will have to file a restoration plan with the board.

Approval of Minutes – October 18, 2012

Rob Palumbo MOVED and SECONDED by Martha Craig Rheinhardt to approve minutes of 10/18/12. Unanimous vote. Betsy Kiebala abstained.

On a motion made by Rob Palumbo and seconded by Martha Craig Rheinhardt, the board voted to approve minutes of 10/18/2012 as submitted. Betsy Kiebala abstained.

Any other business that may legally come before the Commission

Report of the Conservation Agent

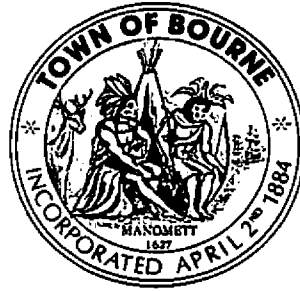
Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99

Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

Adjournment

On a motion made by Betsy Kiebala and seconded by Rob Palumbo, the board voted unanimously to adjourn the meeting. Meeting adjourned at 7:56 pm.

Respectfully submitted,
Lisa Groezinger, secretary



2012 NOV 30 AM 10 34

CONSERVATION COMMISSION AGENDA TOWN CLERK'S OFFICE
Thursday, December 6, 2012 ~ 7 pm ~ Lower Conference Room, Bourne Town Hall MASS

7:00) Requests for Determination of Applicability:

- 1) **Applicant:** William Ribich **File Number:** CC12-70
Representative: Barbara Frappier, Warwick & Associates, Inc.
Project Address: 143 Shore Road, Bourne
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone
Hearing Under State Act Only

- 2) **Applicant:** Thomas Cibotti **File Number:** CC12-71
Representative: SAME
Project Address: 394 Scraggy Neck Road, Cataumet
Proposed Project: Construct fieldstone wall, pergola, and expansion of existing patio within a VE Flood Zone and within 100 feet of a Wetland Resource Area

- 3) **Applicant:** Ruth Palo **File Number:** CC12-72
Representative: Jeffrey Ryther, PE, BSS Design, Inc.
Project Address: 25 Maple Street, Buzzards Bay
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

- 4) **Applicant:** Jack & Sandra Noble **File Number:** CC12-73
Representative: Shawn MacInnes, PE
Project Address: 439 Barlows Landing Road, Pocasset
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone
Hearing Under State Act Only

- 5) **Applicant:** Lewis Silveira **File Number:** CC12-74
Representative: Shawn MacInnes, PE
Project Address: 132 Wings Neck Road, Pocasset
Proposed Project: Upgrade to new Title V septic system within an AE Flood Zone and within 100 feet of a Wetland Resource Area

7:15) Notices of Intent:

- 1) **Applicant:** David & Elaine Lagasse **DEP File Number:** SE7-
Representative: Bracken Engineering, Inc.
Project Address: 18 Richmond Road, Pocasset
Proposed Project: Raze existing house and shed and abandon existing septic system, construct a new raised two bedroom dwelling with mounded septic system, including landscaping, utilities, and appurtenances within an AE Flood Zone
Hearing Under State Act Only

- 2) **Applicant:** Massachusetts Maritime Academy **DEP File Number:** SE7-
Representative: Baxter Nye Engineering & Surveying
Project Address: 101 Academy Drive, Buzzards Bay
Proposed Project: Construct dormitory expansion, including landscaping and stormwater management facilities within an AE Flood Zone and within 100 feet of a Wetland Resource Area
Hearing Under State Act Only
(Continued from 11/15/2012)
- 3) **Applicant:** Massachusetts Maritime Academy **DEP File Number:** SE7-
Representative: Baxter Nye Engineering & Surveying
Project Address: 101 Academy Drive. Buzzards Bay
Proposed Project: Construct drum filter building at waste water treatment plant within an AE Flood Zone
Hearing Under State Act Only
(Continued from 11/15/2012)

Request for Certificates of Compliance :

- 1) **Applicant:** Paul & Patricia Pompeo **DEP File Number:** SE7-1281
Representative: SAME
Project Address: 31 Harbor Drive, Pocasset
Proposed Project: Fill a portion of backyard, construct an addition and new deck, revegetate cleared area landward of salt marsh, remove wooden walkway, and remove stones within an AE Flood Zone and within 100 feet of a Wetland Resource Area

Other Business

- ▶ Vote – Excuse Absent Members, if necessary
- ▶ Approval of Minutes – November 1, 2012
- ▶ Any other business that may legally come before the Commission
 - ▶ Report of the Conservation Agent
 - ▶ Questions and Answers re: MGL Chapter 131 §40 and 310 CMR 10.00-10.99
 - ▶ Questions and Answers re: Town of Bourne Wetland Protection Bylaw (Article 3.7) and BWR 1.00-1.16

TOWN OF BOURNE

2013 JAN 15 AM 10 57

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING** TOWN CLERK'S OFFICE
BOURNE, MASS

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>
January 17, 2012	1:00 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

Town of Bourne By-Laws: (full text Chapter 2, Article 2.5)

Duties of the Council on Aging shall be to:

1. Identify the total needs of the community's elderly population.
2. Educate the community and enlist support participation of all citizens concerning these needs.
3. Design, promote and implement services to fill these needs and coordinate present existing services in the community.
4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. MY SENIOR CENTER presentation by Chris Hamilton
(A program/attendance tracking system.)
2. Minutes- Cheryl Gomes
3. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
 - d. Discussion of Policies and Procedures for COA Advisory Board
4. Emerging Issues to be put on next month's Agenda
5. Public Input

Notice of Special Meeting (include date, time and place)

Notice of Cancellation of Meeting (Specify meeting being cancelled.)

Signed: *Estelle Blake*

Estelle Blake

Title: Chair, Bourne Council on Aging

Date: January 15, 2013

cc: Town Clerk

TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING** 2012 JAN 13 AM 11 12

Schedule of Regular Meetings

TOWN CLERK'S OFFICE
BOURNE, MASS

<u>Date</u>	<u>Time</u>	<u>Place</u>
January 19, 2012	1:00 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

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4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. Director's Report- Mandi Speakman
3. Emerging Issues to be put on next month's Agenda

Notice of Special Meeting (include date, time and place)

Notice of Cancellation of Meeting (Specify meeting being cancelled.)

Signed: *Estelle Blake*

Estelle Blake
Title: Chair, Bourne Council on Aging
Date: January 17, 2011

cc: Town Clerk

**TOWN OF BOURNE
COUNCIL ON AGING BOARD OF DIRECTORS
BOURNE VETERANS MEMORIAL COMMUNITY CENTER/SENIOR CENTER
MINUTES OF JANUARY 19, 2012**

2012 FEB 17 PM 1 18

MEMBERS PRESENT: Estelle Blake, Mary Fuller, Monica Layton, Donald Morrissey, Elizabeth Songer, Dorothy Wilcox, Kathleen Donovan.

MEMBERS EXCUSED: Valerie Gudas, Marge McClung, and Lorraine Young.

ALSO PRESENT: Lois Carr, Mandi Speakman, Jacqueline Loring, Donald Pickard, Troye Thompson, Charles Noyes, Susan Quick, Linda Masson, Janis Guiney, Helen Sergi Hatch, Ted Hatch, Lisa Laine, Carol MacDonald, Richard Menkello, Patricia Morley, Debi Oliviere, Ann Marie Riley, Linda Silveira, and Karen Ross.

MINUTES: Upon a motion duly made by Bette Songer and seconded by Don Morrissey the minutes of December 15, 2011 were approved as written.

OUTREACH: Lois Carr highlighted on the Intergenerational Programs

- Letters have been exchanged between participants in the pen pal program
- Memory Share with fifth graders from Bourne School is scheduled for March 20. Anyone interested let Lois know.
- A meeting has been scheduled for March 7 with representatives from the library, school department and recreational department to plan a workshop on bullying.
- See attached report as written

DIRECTOR'S REPORT:

- Under Other on Mandi's Report she informed the Board that she had only submitted the Martap transportation grant for two new wheelchairs for the buses. She is unable to submit the MA EOEIA Service Incentive Grant due to a new grant requirement to create a Consortium and time constraints. We will have a year lead time for the next fiscal year.
- She informed the board her maternity leave will begin on Thursday, January 26, 2012. Lois Carr will be working full time as Acting Director

during her absence. Kari Leighton will be working an extra half day per week to alleviate both Outreach and Volunteer Coordinator needs.

- The position of Assistant Director will be posted during her leave and filled when she returns from maternity leave.

Board member Kay Donovan informed those in attendance that Comcast will be on the BOS agenda on Tuesday, January 31, 2012 @ 7 p. m. concerning the upcoming contract for the Town of Bourne. She recommended that if anyone has any complaints this is the time to voice it.

Friends Board Member Lisa Laine asked about fuel assistance and Lois told her that when a person tank goes to 1/8 of a tank emergency fuel is given. She also, asked about JOE-4-OIL and was informed that the demand is so great it is difficult to get through.

Lisa asked about where we stand with the Knox Boxes and Lois told her that we are OK. Lisa asked that the Friends Board be kept in the loop. Lois told her that if we run out that she will go to the Fire Department first as they have not purchased any in awhile.

Upon a motion duly made by Better Songer and seconded by Don Morrissey the board unanimously voted to adjourn the meeting at 1:12 p. m

Respectfully submitted

Cheryl J. Gomes
Administrative Secretary

To: Bourne COA Board Members
From: Lois Carr, Outreach Coordinator

February 2012 Report

Outreach- I participated in a case study roundtable discussion focused on elder mental health issues hosted by the Department of Mental Health in Hyannis. Participants included DMH staff and staff from various Cape COAs. These meetings will be held on a regular basis.

Elders At Risk – At the next Cape Consortium for At Risk Older Adults meeting, members will continue to discuss “what’s next” in terms of expansion of at risk categories, need for additional members, and development of new goals and objectives.

Grandparents as Parents- A workshop on “Tweens, Teens, Adolescents: What is the Recipe for Fostering a Positive Relationship with Your Grandchild” was held on February 15. Participants enjoyed the interactive program and are looking forward to additional parenting workshops scheduled for the upcoming months. I continue to get numerous calls from grandparent caregivers and agencies requesting information on our program, which is currently the only one on the Cape.

Fuel Assistance The demand for appointments has lessened. Kari will be doing fuel assistance on both days when Mandi is out on leave. I will still be available for emergency applications. Since October 3, a total of 101 applications were taken 43seniors, 58 non seniors.

Knox Boxes- One was installed this past month and currently there is no waiting list.

Intergenerational- Letters continue to be exchanged between participants in the new intergenerational pen pal program. The Intergenerational Memory Share with fifth graders from the Bourne Middle School is scheduled for March 20. Anyone who is interested in participating please let me know. Bourne Against Bullying will be held at the Bourne Library on March 7 from 7-9 p.m. Dr. Margaret Jones will lead an interactive audience on “Stand Up to Bullying: at School, Work, Church or Wherever People Gather”. Earlier in the day, Dr. Jones will do a program with the Seventh Grade at the Middle School. This is a cooperative program sponsored by the Library, School Dept., COA, and Police.

Human Services- The Bourne Human Services Committee is updating agency information in the “Bridge to Human Services” resource guide as well as working on a needs survey.

Other- Kari and I met with representatives from Beacon Hospice and the Mobile Dental Unit of the Community Health Center of Cape Cod to learn about their programs.

Respectfully submitted



To: Bourne COA Board Members

From: Kari Leighton, Outreach Worker

February 2012 Report

Outreach- I have continued to be busy with home and office visits. I have had a lot of people in need of services or financial assistance. We were able to get all of the Seniors Intergenerational letters back to the students at St. Margarets School. We have now received another letter to the Seniors from the students which we are in the process of distributing. The Seniors seem to be really enjoying this connection.

As you know, I have been taking over the Volunteer Coordinator duties until someone is hired. I have spent a lot of time familiarizing myself with the process and trying to develop my own system since I do not have a lot of time to spend on this position. I have met with 5 potential volunteers and run their CORIs. I have also been updating volunteer CORIs as needed to try and keep everything up to date.

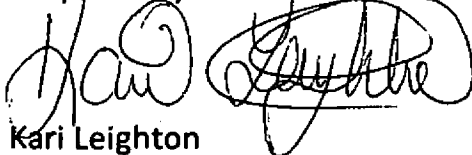
Elders at Risk- I continue to work closely with several community resources to support the at risk clients I work with.

Fuel Assistance- Fuel assistance is in full swing. We have been very busy completing applications for people. I completed 12 applications this month. I have also met with several people to help them complete the required recertification paperwork and as always we have had many emergencies which are people below 1/8 of a tank. I have been meeting with several clients who need to provide more information to fuel assistance.

Knox Boxes- I did not have any Knox boxes this month.

Human Services- We have received many calls from non-seniors regarding utilities, rent assistance and wanting information about the food pantry and/or food stamps.

Respectfully submitted,



Kari Leighton
Outreach Worker

February 16, 2012

To: Bourne COA Board Members

From: Lois Carr

Re: Acting Director Report

I have attended the following meetings:

Pantry Oversight Committee and walk through

Policy Committee

Senior Social Events Committee

COAST

BVMCB with Building Director, Recreation Director, and Human Resources

Town Administrator

Individual Staff Members

Newsletter articles and organization

Booking/scheduling COA special programs

I have also taken numerous calls and have met with individuals about future and current programs, as well as Tax Work Off program inquiries.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Lois Carr".

TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

Schedule of Regular Meetings

2012 FEB 14 AM 9 30

<u>Date</u>	<u>Time</u>	<u>Place</u>	TOWN CLERK'S OFFICE
February 16, 2012	1:00 P.M.	Bourne Veterans Memorial Community Center/ Senior Center	BOURNE, MASS

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

Town of Bourne By-Laws: (full text Chapter 2, Article 2.5)

Duties of the Council on Aging shall be to:

1. Identify the total needs of the community's elderly population.
2. Educate the community and enlist support participation of all citizens concerning these needs.
3. Design, promote and implement services to fill these needs and coordinate present existing services in the community.
4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Introduction of new Board member: Linda Masson- Estelle Blake
2. Minutes- Cheryl Gomes
3. COA Director's resignation- Estelle Blake
4. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. Acting Director's Report- Lois Carr
5. Emerging Issues to be put on next month's Agenda

Notice of Special Meeting (include date, time and place)

Notice of Cancellation of Meeting (Specify meeting being cancelled.)

Signed: *Estelle Blake*
ef

Estelle Blake
Title: Chair, Bourne Council on Aging
Date: February 13, 2011

cc: Town Clerk

TOWN OF BOURNE
COUNCIL ON AGING BOARD OF DIRECTORS
BOURNE VETERANS MEMORIAL COMMUNITY CENTER/SENIOR CENTER
MINUTES OF February 16, 2012

2012 Mar 19 PM 3:16
TOWN CLERK'S OFFICE
BOURNE, MASS

MEMBERS PRESENT: Estelle Blake, Mary Fuller, Valerie Gudas, Monica Layton, Marge McClung, Donald Morrissey, Bette Songer, Dorothy Wilcox, Lorraine Young, Kathleen Donovan, Linda Masson.

ALSO PRESENT: Marian Carpentino, Arnold Carr, Janis Guiney, Helen Sergi-Hatch, Ted Hatch, Lisa Laine, Carol A. MacDonald, Richard Menkello, Patricia Morley, Debi Oliviere, Ann Marie Riley, Linda Silveira.

Prior to the meeting being called to order Carol MacDonald read a Thank You card from Pat Houde the assistant Director of the COA that just retired.

The Chairman of the COA, Estelle Blake, introduced the newest member of the Board, Linda Mason.

Linda retired one and a half years ago after 24 years working for the Department of Mental Health. She has been a resident of Bourne for four years and has been volunteering in the COA office since her retirement.

MINUTES: Upon a motion duly made by Bette Songer and seconded by Donald Morrissey the minutes of January 19, 2012 were approved as written.

DISCUSSION: The Chair noted that everyone must have received the e-mail from Mandi concerning her resignation as the COA Director.

OUTREACH:

- Lois reminded the Board about the Memory Share program with the fifth graders from Bourne School.
- Also, that the workshop on bullying is scheduled for March 7, 2012.
- See attached report as written

ACTING DIRECTOR'S REPORT:

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- Lois has attended many meeting in Mandi's absence.
- Kari has assumed many of Pat Houde's duties and until the Director's position has been posted and a new Director has been appointed the Assistant Director position will be placed on hold.
- The Town Administrator, Tom Guerino, informed Lois that the position will be posted on Monday and then advertised in the MCOA, MMA Beacon and the newspapers. The target date for the new Director is June 1, 2012.
- See attached report as written

Upon a motion duly made by Bette Songer and seconded by Mary Fuller the meeting adjourned at 1:07 p. m.

Respectfully submitted,

Cheryl J. Gomes
Administrative Secretary

To: Bourne COA Board Members
From: Lois Carr, Outreach Coordinator

March 2012 Report

Outreach- Unfortunately, Outreach has suffered as Kari and I have had to take on additional responsibilities. We try to make as many home visits as our schedules allow and still receive numerous calls and drop ins.

Elders At Risk – At the next Cape Consortium for At Risk Older Adults meeting, members will continue to discuss “what’s next” in terms of expansion of at risk categories, need for additional members, and development of new goals and objectives.

Grandparents as Parents- The monthly group continues to grow with new grandparents at each meeting. A workshop on “Parenting Styles: Changes through Time” will be held on April 12 at 10:00 with Julie Sachetti, Certified Parent Educator. This program is open to all grandparents, not just those who are raising their grandchildren. Two workshops for May are in the planning stages.

Fuel Assistance The demand for appointments has lessened. Since October 3, a total of 108 applications were taken 47seniors, 61 non seniors.

Knox Boxes- Two were installed this past month and one returned. Recertification letters were mailed to some participants. These letters are sent biannually to make sure that participants are still residing in their homes and need the box.

Intergenerational- Letters continue to be exchanged between participants in the new intergenerational pen pal program. The Intergenerational Memory Share with fifth graders from the Bourne Middle School is scheduled for March 20. Anyone who is interested in participating please let me know. The Bourne Against Bullying program was well attended by grandparents, parents and children. This was a cooperative effort of the COA, Library and School Dept.

Human Services- The Bourne Human Services Committee is updating agency information in the “Bridge to Human Services” resource guide as well as continuing work on a needs survey.

Other- I met with a representative from Physician House Calls a home-based primary care for the housebound and a home-based support program for people who care for dementia patients.

Respectfully submitted



February 16, 2012

To: Bourne COA Board Members

From: Lois Carr

Re: Acting Director Report

I have attended the following meetings:

Pantry Oversight Committee and walk through

Policy Committee

Senior Social Events Committee

COAST

BVMCB with Building Director, Recreation Director, and Human Resources

Town Administrator

Individual Staff Members

Newsletter articles and organization

Booking/scheduling COA special programs

I have also taken numerous calls and have met with individuals about future and current programs, as well as Tax Work Off program inquiries.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Lois Carr".

To: Bourne COA Board Members
From: Lois Carr, Outreach Coordinator

February 2012 Report

Outreach- I participated in a case study roundtable discussion focused on elder mental health issues hosted by the Department of Mental Health in Hyannis. Participants included DMH staff and staff from various Cape COAs. These meetings will be held on a regular basis.

Elders At Risk – At the next Cape Consortium for At Risk Older Adults meeting, members will continue to discuss “what’s next” in terms of expansion of at risk categories, need for additional members, and development of new goals and objectives.

Grandparents as Parents- A workshop on “Tweens, Teens, Adolescents: What is the Recipe for Fostering a Positive Relationship with Your Grandchild” was held on February 15. Participants enjoyed the interactive program and are looking forward to additional parenting workshops scheduled for the upcoming months. I continue to get numerous calls from grandparent caregivers and agencies requesting information on our program, which is currently the only one on the Cape.

Fuel Assistance The demand for appointments has lessened. Kari will be doing fuel assistance on both days when Mandi is out on leave. I will still be available for emergency applications. Since October 3, a total of 101 applications were taken 43seniors, 58 non seniors.

Knox Boxes- One was installed this past month and currently there is no waiting list.

Intergenerational- Letters continue to be exchanged between participants in the new intergenerational pen pal program. The Intergenerational Memory Share with fifth graders from the Bourne Middle School is scheduled for March 20. Anyone who is interested in participating please let me know. Bourne Against Bullying will be held at the Bourne Library on March 7 from 7-9 p.m. Dr. Margaret Jones will lead an interactive audience on “Stand Up to Bullying: at School, Work, Church or Wherever People Gather”. Earlier in the day, Dr. Jones will do a program with the Seventh Grade at the Middle School. This is a cooperative program sponsored by the Library, School Dept., COA, and Police.

Human Services- The Bourne Human Services Committee is updating agency information in the “Bridge to Human Services” resource guide as well as working on a needs survey.

Other- Kari and I met with representatives from Beacon Hospice and the Mobile Dental Unit of the Community Health Center of Cape Cod to learn about their programs.

Respectfully submitted



To: Bourne COA Board Members

From: Kari Leighton, Outreach Worker

February 2012 Report

Outreach- I have continued to be busy with home and office visits. I have had a lot of people in need of services or financial assistance. We were able to get all of the Seniors Intergenerational letters back to the students at St. Margarets School. We have now received another letter to the Seniors from the students which we are in the process of distributing. The Seniors seem to be really enjoying this connection.

As you know, I have been taking over the Volunteer Coordinator duties until someone is hired. I have spent a lot of time familiarizing myself with the process and trying to develop my own system since I do not have a lot of time to spend on this position. I have met with 5 potential volunteers and run their CORIs. I have also been updating volunteer CORIs as needed to try and keep everything up to date.

Elders at Risk- I continue to work closely with several community resources to support the at risk clients I work with.

Fuel Assistance- Fuel assistance is in full swing. We have been very busy completing applications for people. I completed 12 applications this month. I have also met with several people to help them complete the required recertification paperwork and as always we have had many emergencies which are people below 1/8 of a tank. I have been meeting with several clients who need to provide more information to fuel assistance.

Knox Boxes- I did not have any Knox boxes this month.

Human Services- We have received many calls from non-seniors regarding utilities, rent assistance and wanting information about the food pantry and/or food stamps.

Respectfully submitted,



Kari Leighton
Outreach Worker

TOWN OF BOURNE

Board, Committee, or Commission: BOURNE COUNCIL ON AGING

Schedule of Regular Meetings

2012 MAR 13 AM 7 4

<u>Date</u>	<u>Time</u>	<u>Place</u>
March 15, 2012	1:00 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

TOWN CLERK'S OFFICE
BOURNE, MASS

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

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Duties of the Council on Aging shall be to:

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2. Educate the community and enlist support participation of all citizens concerning these needs.
3. Design, promote and implement services to fill these needs and coordinate present existing services in the community.
4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. Acting Director's Report- Lois Carr
3. Bourne Veteran's Memorial Community Center Mission Statement and Building Policies
4. COA Director search update
5. Emerging Issues to be put on next month's Agenda

Notice of Special Meeting (include date, time and place)

Notice of Cancellation of Meeting (Specify meeting being cancelled.)

Signed: Estelle Blake

Estelle Blake
Title: Chair, Bourne Council on Aging
Date: March 12, 2011

cc: Town Clerk

TOWN OF BOURNE
2012 APR 20 COUNCIL OF BRIDGING BOARD OF DIRECTORS
BOURNE VETERANS MEMORIAL COMMUNITY CENTER/SENIOR CENTER
TOWN CLERK'S OFFICE
MINUTES OF MARCH 15, 2012
BOURNE, MASS

MEMBERS PRESENT: Estelle Blake, Mary Fuller, Valerie Gudas, Marge McClung, Better Songer, Dorothy Wilcox, Lorraine Young, Kathleen Donovan, Linda Masson.

EXCUSED: Monica Layton and Don Morrissey.

ALSO PRESENT: Lois Carr, Karen Ross, Janis Guiney, Helen Sergi-Hatch, Lisa Laine, Carol A. MacDonald, Richard Menkello, Patricia Morley, Debi Oliviere, Ann Marie Riley, Linda Silveira, Marian Carpentino, and Jean Hill.

The meeting was called to order at 1 p. m. The Chair welcomed guest Patricia Favulli who is interested in the COA Director's position.

MINUTES: It was noted that Lois Carr's name was missing as attending the February 16, 2012. Upon a motion duly made by Valerie Gudas and seconded by Lorraine Young the minutes were accepted with the correction as noted.

ACTING DIRECTOR'S REPORT:

- The COA received the Helping Hand mini Grant for 697.50 to purchase two wheel chairs, one for each van.
- Updated the Board on the relocation of the Veteran's Agent from Town Hall to the Community Building.
- See attached report as written

OUTREACH:

- See attached report as written

OTHER BUSINESS:

Questions were raised regarding the Mission Statement from the Board of Trustees of the Bourne Veteran's Memorial Community Center on how it pertains to activities sponsored by the Friends.

Carol MacDonald, President of the Friends Board of Directors informed those in attendance that she is working on the office space for the permanent Friends' employee so as not to affect the Bridging the Years Program. Also, the matter of the sale of books in the hallway, Carol spoke to the Director of the building and informed her that the Friends are willing to pay for half the cost of the new bookshelves.

The Friends have a new mailing address, which is P. O. Box 144, Buzzards Bay, MA 02532, so the mail does not come to the Community Building. If the Town eliminates the office space for the Friends' employee it will have to be in writing. Lorraine Young questioned the legality of a non-profit working out of a municipal building. Carol informed the Board that she is working on it.

Lois spoke with Town Administrator Tom Guerino and was informed that the Revolving Accounts for the programs and adult day will be included in one Article at Town Meeting. She also informed the Board that interviews for the new Director will be completed prior to May 1st.

Upon a motion duly made by Bette Songer and seconded by Mary Fuller the meeting adjourned at 1:20 p. m.

Respectfully submitted,

Cheryl J. Gomes
Administrative Secretary

To: Bourne COA Board Members

From: Kari Leighton, Outreach Worker

March 2012 Report

Outreach- I have continued to be busy with home and office visits. I have had a lot of people in need of services or financial assistance. There are a lot of people really struggling right now and not enough agencies to help. There have been many calls and drop-ins looking for assistance or help filling out applications for different agencies.

This past month I met with 6 potential volunteers to discuss volunteer opportunities and run their CORIs. I have also been updating volunteer CORIs as needed to try and keep everything up to date.

Elders at Risk- I continue to work closely with several community resources to support the at risk clients I work with.

Fuel Assistance- Fuel assistance is in full swing. We have been very busy completing applications for people. I completed 12 applications this month. I have also met with several people to help them complete the required recertification paperwork and as always we have had many emergencies which are people below 1/8 of a tank. I have been meeting with several clients who need to provide more information to fuel assistance.

Knox Boxes- I had two Knox boxes this month.

Human Services- We have received many calls from non-seniors regarding utilities, rent assistance and wanting information about the food pantry and/or food stamps.

Respectfully submitted,

Kari Leighton
Outreach Worker

March 15, 2012

To: Bourne COA Board Members

From: Lois Carr

Re: Acting Director Report

- ✓ The Bourne COA received a MArtap (MA Rural Transit Assistance Program) Helping Hand Mini Grant for \$697.50 to be used towards the purchase of two wheelchairs, one for each van.
- ✓ The office of the Veteran's Agent will be relocating from Town Hall to the Community Building. Possible locations are the recreation office which Kari uses, the medical supply room adjacent to COA office and a supply closet. I am in the process of writing a letter stating what the negative impact on the COA would be if the medical supply room was given to the veteran's agent. This might be on the agenda for the next trustees meeting.

I have attended the following meetings:

Pantry Oversight Committee

Senior Social Events Committee

BVMCB with Building Director, Recreation Director, and Human Resources

Town Administrator

Chairman of Community Building Trustees

Individual Staff Members

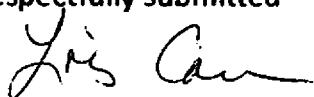
Newsletter articles and organization

Booking/scheduling COA special programs

Assisted with the planning of the Live Your Life Well program sponsored by COAST

I have also taken numerous calls and have met with individuals about future and current programs, as well as Tax Work Off program inquiries.

Respectfully submitted



TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>
April 19, 2012	1:00 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

2012 APR 17 AM 10 18
TOWN CLERK'S OFFICE
BOURNE, MASS

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

Town of Bourne By-Laws: (full text Chapter 2, Article 2.5)

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3. Design, promote and implement services to fill these needs and coordinate present existing services in the community.
4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Minutes- Cheryl Gomes
2. Mandi Speakman- Outgoing COA Director
3. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. Acting Director's Report- Lois Carr
4. COA Director search update- Estelle Blake
5. Changes in staff- Lois Carr
6. Emerging Issues to be put on next month's Agenda

Notice of Special Meeting (include date, time and place)

Notice of Cancellation of Meeting (Specify meeting being cancelled.)

Signed: Estelle Blake

Estelle Blake
Title: Chair, Bourne Council on Aging
Date: April 17, 2011

cc: Town Clerk

TOWN OF BOURNE
COUNCIL ON AGING BOARD OF DIRECTORS
BOURNE VETERANS MEMORIAL COMMUNITY CENTER/SENIOR CENTER
MINUTES OF APRIL 19, 2012

2012 MAY 18 11 57
TOWN CLERK'S OFFICE
BOURNE, MASS

MEMBERS PRESENT: Estelle Blake, Lorraine Young, Monica Layton, Kathleen Donovan, Betty Songer, Linda Masson, Valerie Gudas, Mary Fuller.

EXCUSED: Donald Morrissey and Marge McClung.

ALSO PRESENT: Mandi Speakman, Lois Carr, Jacqueline Loring, Arnold Carr, Mona Coombs, Janis Guiney, Helen Sergi-Hatch, Ted Hatch, Lisa Laine, Carol MacDonald, Richard Menkello, Linda Silveira, Patricia Morley, Debi Oliviere, Karen Ross, Marian Carpentino, Jean Hills, Charles Noyes.

The meeting was called to order at 1:07. The Chair welcomed Mandi Speakman and Charlie Noyes.

MINUTES: Upon a motion duly made by Mary Fuller and seconded by Valerie Gudas the minutes of March 15, 2012 were accepted as written.

Mandi Speakman officially resigned as the Director of the COA on April 27, 2012. She came in to say goodbye to the Board of Directors and Friends as she accepted the position of Director in the Town of Chatham. She thanked everyone for all their support and stated that it was an honor and pleasure to work in Bourne.

The Board wished her the best and will miss her.

OUTREACH:

- Lois Carr informed those present that the last Pen Pal letters were due April 23, 2012 also, that there will be a reception on May 15th, 11:00 a. m. at St. Margaret's School for all those who participated.

- See Outreach Report as written

ACTING DIRECTOR'S REPORT:

- **The volunteer appreciation day is scheduled for June first from 9:30 to 11:30. Guest speaker will be Representative David Vieira.**
- **The new COA Director is Grace Nadeau from Fairhaven will start on April 30, 2012. She held the Director's position there. The Board is looking forward to working with her. Mandi informed the Board that she will be working with her at the Coast Group which is all COA Directors on the Cape.**
- **Changes in staff: Kim Griffin is leaving to work at the Bourne Fire Department and Marie Meier will temporarily fill her position.**
- **The Veteran's Agent will be setting up an office in the room off the Café.**
- **See Report as written**

Upon a motion duly made by Betty Songer and seconded by Lorraine Young the meeting adjourned at 1:18.

Respectfully submitted,

**Linda Masson
Board Member**

April 19, 2012

To: Bourne COA Board Members

From: Lois Carr

Re: Acting Director Report

Two wheelchairs, one for each van, have been purchased for the MArtap (MA Rural Transit Assistance Program) Helping Hand Mini Grant.

The office of the Veteran's Agent will be located to the storage closet next to the Café. We need to have it cleaned out by the end of the month. Ann Marie and the crafters have been busy doing this.

I have attended the following meetings:

Interviews with COA Director candidates

Pantry Oversight Committee

Senior Social Events Committee

Friends Policy Committee

BVMCB with Building Director, Recreation Director, and Human Resources

Town Administrator

Community Building Trustees

Individual Staff Members

Newsletter articles and organization

Booking/scheduling COA special programs

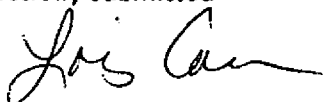
Dept. Head meeting

How to Live Your Life Well program

Planning for Volunteer Appreciation

I have also taken numerous calls and have met with individuals about future and current programs.

Respectfully submitted



To: Bourne COA Board Members
From: Lois Carr, Outreach Coordinator

April 2012 Report

Outreach- We continue to make as many home visits as our schedules allow and still receive numerous calls and drop ins.

Elders At Risk – The Cape Consortium for At Risk Older Adults and COAST members have been meeting with DMH representatives to discuss issues regarding Elders at Risk who have mental health issues.

Grandparents as Parents- The workshop on “Parenting Styles: Changes through Time” was well attended by interested grandparents. Two more workshops are scheduled- on May 10, “Home and School Interventions for You and Your Grandchild” and May 17, “How to Better Understand Your Grandchild’s Abandonment Issues”. These workshops are funded by a Title III grant from Elder Services of Cape Cod and the Islands.

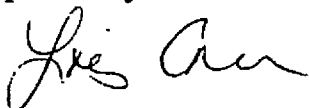
Fuel Assistance The season ends April 30. Since October 3, a total of 115 applications were taken 51 seniors, 64 non seniors.

Knox Boxes- Two were installed this past month and one returned. Currently there is no waiting list.

Intergenerational- The last round of letters will be exchanged between participants in the new intergenerational pen pal program. Pen pals will get to meet one another on May 15 from 10-11 at St. Margaret’s School. Twelve seniors participated in the Intergenerational Memory Share with fifth graders from the Bourne Middle School. The follow up session is scheduled for May 31.

Human Services- At the next The Bourne Human Services Committee meeting, guest speakers will be Heidi Nelson, Director of the Duffy Health Center and Karen Gardner, CEO of the Community Health Center of Cape Cod.

Respectfully submitted



To: Bourne COA Board Members

From: Kari Leighton, Outreach Worker

April 2012 Report

Outreach- I have continued to be busy with home and office visits. I have had a lot of people in need of services or financial assistance. There are a lot of people really struggling right now and not enough agencies to help. There have been many calls and drop-ins looking for assistance or help filling out applications for different agencies.

This past month I met with 4 potential volunteers to discuss volunteer opportunities and run their CORIs. I have also been updating volunteer CORIs as needed to try and keep everything up to date.

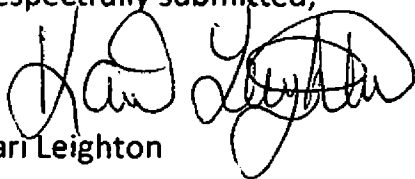
Elders at Risk- I continue to work closely with several community resources to support the at risk clients I work with.

Fuel Assistance- Fuel assistance is in full swing. We have been very busy completing applications for people. I completed 6 applications this month. I have also met with several people to help them complete the required recertification paperwork and as always we have had many emergencies which are people below 1/8 of a tank. I have been meeting with several clients who need to provide more information to fuel assistance.

Knox Boxes- I had one Knox box this month.

Human Services- We have received many calls from non-seniors regarding utilities, rent assistance and wanting information about the food pantry and/or food stamps.

Respectfully submitted,



Kari Leighton
Outreach Worker

TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>
May 17, 2012	1:00 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

2012 MAY 15 AM 9 09
TOWN CLERK'S OFFICE
BOURNE, MASS

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

Town of Bourne By-Laws: (full text Chapter 2, Article 2.5)

Duties of the Council on Aging shall be to:

1. Identify the total needs of the community's elderly population.
2. Educate the community and enlist support participation of all citizens concerning these needs.
3. Design, promote and implement services to fill these needs and coordinate present existing services in the community.
4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Minutes- Cheryl Gomes
2. Linda Marzelli, Finance Director
3. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. Acting Director's Report- Lois Carr
4. COA Director search update- Estelle Blake
5. Emerging Issues to be put on next month's Agenda

Notice of Special Meeting (include date, time and place)

Notice of Cancellation of Meeting (Specify meeting being cancelled.)

Signed: *Estelle Blake*

Estelle Blake
Title: Chair, Bourne Council on Aging
Date: May 14, 2011

cc: Town Clerk

**TOWN OF BOURNE
COUNCIL ON AGING BOARD OF DIRECTORS
BOURNE VETERANS MEMORIAL COMMUNITY CENTER/SENIOR CENTER
MINUTES OF MAY 17, 2012**

2012 JUN 21 PM 3 12
TOWN CLERK'S OFFICE
BOURNE, MASS

MEMBERS PRESENT: Estelle Blake, Monica Layton, Marjorie McClung, Bette Songer, Kathleen Donovan, Dorothy Wilcox, Lorraine Young, Linda Masson.

EXCUSED: Mary Fuller, Valerie Gudas and Donald Morrissey.

ALSO PRESENT: Lois Carr, Thomas Guerino, Town Administrator, Linda Marzelli, Finance Director, Charles Noyes, Trustee Community Building, Jacqueline Loring, Marian Carpentino, Jean Hills, Karen Ross, Debi Oliviere, Linda Silveira, Richard Menkello, Joan McCarthy, Carol MacDonald, Lisa Laine, Ted Hatch, Helen Sergi Hatch, Janis Guiney, Diane Bergeron, Arnold Carr, Ann Marie Riley, Mona Coombs.

Chairwoman Estelle Blake called the meeting to order at 1:05 p. m.

The Chair welcomed Town Administrator Tom Guerino and Linda Marzelli, the Finance Director to the meeting to ask and answer questions pertaining to the two Revolving Accounts approved at Town Meeting and the Town taking control of the Supportive Day Program.

MINUTES: Upon a motion duly made by Bette Songer and seconded by Lorraine Young the minutes of April 19, 2012 was accepted as written.

The Town of Bourne Finance Director, Linda Marzelli informed the Board that the Town is working toward a smooth transition regarding taking over the Supportive Day, Café and other programs. The Town Administrator, Tom Guerino, reinforced the Town's position for a seamless transition regarding the programs.

Debi the supportive day Director explained the billing cycle and reimbursement from Eider Services. President, Carol MacDonald, of the Friends group informed the Town that they will be keeping monies collected to date in the Friends account.

Arne Carr, Treasurer for the Friends of COA highlighted the Café profit and loss sheet (see attached). He informed those that were in attendance that the Chef is paid as a vendor and the Friends pay invoices. Questions arose concerning whether or not the Café would have to

go out to bid and the RFP specifications. It was noted by Jackie Loring that the inventory of the Café was part of the National Accreditation. All those present felt that the COA and Friends provide an important service to the seniors and that every attempt will be made to have a seamless transition with no break in services.

Lois will be coordinating a meeting with the program facilitators sometime in June on the changes in the way monies are collected and they are paid.

The Chair, Estelle Blake, thanked Linda and Tom for coming to the meeting and answering both boards' questions.

A get well card was signed by all and will be sent to board member Donald Morrissey.

OUTREACH:

- The pen pal program was so enjoyable that the school wants to continue the program
- See attached report

ACTING DIRECTOR'S REPORT

- Gave an update on the volunteer appreciation lunch
- Gave an update on the COA Director's search
- See attached report

Due to all the publicity concerning the hiring of Grace Nadeau as the COA Director, the Chair, Estelle Blake informed those present what actually happened and was willing to step down from the Board. Both Boards unanimously said no to her stepping down.

Estelle thanked Lois for her support at the Board of Selectmen's meeting and all the good work she and the staff have done.

Upon a motion duly made by Bette Songer and seconded by Kay Donovan the meeting adjourned at 2 p. m.

Respectfully submitted,
Cheryl Gomes, Administrative Assistant

May 17, 2012

To: Bourne COA Board Members

From: Lois Carr

Re: Acting Director Report

I have attended the following meetings:

Pantry Oversight Committee

Senior Social Events Committee

Friends Policy Committee

BVMCB with Building Director, Recreation Director, and Human Resources

Town Administrator

Community Building Trustees

Individual Staff Members

Newsletter articles and organization

Booking/scheduling COA special programs

Planning for Volunteer Appreciation

Cape Cod Consortium

Men's Breakfast with RTA Administrator Tom Cahir

I have also taken numerous calls and have met with individuals about future and current programs.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Lois Carr".

To: Bourne COA Board Members
From: Lois Carr, Outreach Coordinator

May 2012 Report

Outreach- I attended a recent meeting of the Outreach Coordinators of Cape Cod and the speaker was Karen Rowley, Director of Professional Relations of Physicians House Calls. This is a new program where physicians will make home visits to homebound clients of all ages. They will work with the patient's primary care doctor and can make up to eight visits which are covered by Medicare and Medicaid. The program will start in July.

Elders At Risk – The Cape Consortium for At Risk Older Adults and COAST members continue to meet with DMH representatives to discuss issues regarding Elders at Risk who have mental health issues.

Grandparents as Parents- The workshops and support group continue to be well attended. I will be attending a conference for supporters of grandparents raising grandchildren in Worcester in June.

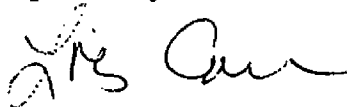
Fuel Assistance The season ended April 30. A total of 127 new applications were taken 53seniors, 74 non seniors.

Knox Boxes- One was installed this past month. Currently there is no waiting list.

Intergenerational- Pen pals met one another on May 15 at a breakfast sponsored by St. Margaret's School. Those in attendance really enjoyed meeting in person. Twelve seniors participated in the Intergenerational Memory Share with fifth graders from the Bourne Middle School. The follow up session is scheduled for May 31.

Human Services- The Bourne Human Services Committee has been updating information for the resource directory and hopes to have another printing.

Respectfully submitted



To: Bourne COA Board Members

From: Kari Leighton, Outreach Worker

May 2012 Report

Outreach- I have continued to be busy with home and office visits. I have had a lot of people in need of services or financial assistance. There are a lot of people really struggling right now and not enough agencies to help. There have been many calls and drop-ins looking for assistance or help filling out applications for different agencies.

This past month I met with 3 potential volunteers to discuss volunteer opportunities and run their CORIs. I have also been updating volunteer CORIs as needed to try and keep everything up to date.

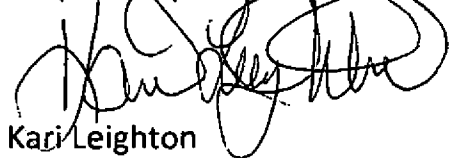
Elders at Risk- I continue to work closely with several community resources to support the at risk clients I work with.

Fuel Assistance- Fuel assistance is in full swing. We have been very busy completing applications for people. I completed 7 applications this month. Fuel assistance officially ended on April 30th. Since then, we have been dealing with people who have shut offs and helping them find community resources to help.

Knox Boxes- I did not have any Knox Boxes this month.

Human Services- We have received many calls from non-seniors regarding utilities, rent assistance and wanting information about the food pantry and/or food stamps.

Respectfully submitted,



Kari Leighton

Outreach Worker

9:38 AM
 05/17/12
 Accrual Basis

Friends of Bourne Council on Aging, Inc.
Profit & Loss by Class
 April 2012

	<u>Bridging the Years</u>	<u>Food Pantry</u>	<u>Unrestricted</u>	<u>TOTAL</u>
Ordinary Income/Expense				
Income				
4000 · Contributions	558.00	1,214.97	1,491.90	3,264.87
4010 · Bridging the Years	4,385.75	0.00	0.00	4,385.75
4200 · Miscellaneous Program Income	0.00	0.00	3,841.50	3,841.50
4250 · Interest Income	0.00	0.00	126.07	126.07
Total Income	<u>4,943.75</u>	<u>1,214.97</u>	<u>5,459.47</u>	<u>11,618.19</u>
Gross Profit	4,943.75	1,214.97	5,459.47	11,618.19
Expense				
6020 · Food Pantry Expenses	0.00	8,925.84	80.00	9,005.84
6300 · Miscellaneous Program Services	0.00	0.00	3,442.10	3,442.10
6400 · Management & General	0.00	0.00	4,414.59	4,414.59
6700 · Bridging the Years Program	6,881.40	0.00	0.00	6,881.40
6999 · Wages-Unrestricted	0.00	0.00	3,049.86	3,049.86
Total Expense	<u>6,881.40</u>	<u>8,925.84</u>	<u>10,986.55</u>	<u>26,793.79</u>
Net Ordinary Income	<u>-1,937.65</u>	<u>-7,710.87</u>	<u>-5,527.08</u>	<u>-15,175.60</u>
Net Income	<u>-1,937.65</u>	<u>-7,710.87</u>	<u>-5,527.08</u>	<u>-15,175.60</u>

COMMUNITY CAFE'
MONTHLY REPORT

Month	# To Go's	\$ To Go's	# Café	\$ Café	# SD Meals	\$ SD Meals	Total	Food Expense	Sub- Contract Fee	P/L
July-11	175	\$841.00	180	\$1,348.00	233	\$932.00	3,121.00	3,400.00	2,125.00	(2,404.00)
August-11	181	\$995.00	217	\$1,605.00	211	\$844.00	3,444.00	3,585.00	1,700.00	(1,841.00)
September-11	304	\$1,335.00	180	\$1,298.00	191	\$764.00	3,397.00	3,562.00	1,700.00	(1,865.00)
October-11	301	\$1,421.00	226	\$1,677.00	185	\$740.00	3,838.00	4,043.00	1,700.00	(1,905.00)
November-11	361	\$1,612.00	170	\$1,217.00	163	\$652.00	3,481.00	3,844.00	1,700.00	(2,063.00)
December-11	231	\$1,050.00	122	\$1,434.00	167	\$668.00	3,152.00	2,790.00	2,125.00	(1,763.00)
January-12	316	\$1,434.00	117	\$820.00	171	\$684.00	2,938.00	3,150.00	1,700.00	(1,912.00)
February-12	278	\$1,281.00	174	\$1,499.00	149	\$596.00	3,376.00	2,870.00	1,700.00	(1,194.00)
March-12	340	\$1,506.00	168	\$1,705.00	197	\$788.00	3,999.00	3,590.00	1,700.00	(1,291.00)
April-12	269	\$1,239.00	178	\$1,344.00	191	\$764.00	3,347.00	3,379.00	1,700.00	(1,732.00)
May-12										0.00
June-12										0.00
Totals	2756	\$12,714.00	1732	\$13,947.00	1858	\$7,432.00	34,093.00	34,213.00	17,850.00	(17,970.00)
Key:	To Go's		Lunches & Mealsite &	Special Days BTY Staff	Supportive Client	Day Meals				(17,970.00)

TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>
June 21, 2012	1:00 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

Town of Bourne By-Laws: (full text Chapter 2, Article 2.5)

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4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. Acting Director's Report- Lois Carr
3. COA Director search update-Bette Songer
4. Changes in staff- Lois Carr
5. Emerging Issues to be put on next month's Agenda

2012 JUN 18 PM 1 05
TOWN CLERK'S OFFICE
BOURNE, MASS

Notice of Special Meeting (include date, time and place)

Notice of Cancellation of Meeting (Specify meeting being cancelled.)

Signed: _____

Estelle Blake
Title: Chair, Bourne Council on Aging
Date: June 18, 2011

cc: Town Clerk

TOWN OF BOURNE
COUNCIL ON AGING BOARD OF DIRECTORS
BOURNE VETERANS MEMORIAL COMMUNITY CENTER/SENIOR CENTER
MINUTES OF JUNE 21, 2012

2012 JUN 17 PM 10:00
TOWN CLERK'S OFFICE
BOURNE, MASS

MEMBERS PRESENT: Estelle Blake, Bette Songer, Kathleen Donovan, Valerie Gudas, Monica Layton, Mary Fuller, Dorothy Wilcox, Lorraine Young, Linda Masson.

MEMBERS EXCUSED: Marge McClung and Don Morrissey.

ALSO PRESENT: Lois Carr, Diane Bergeron, Arnold Carr, Janis Guiney, Helen Sergi-Hatch, Ted Hatch, Lisa Laine, Carol MacDonald, Nancy Manley, Joan McCarthy, Richard Menkello, Linda Silveira, Patricia Morley, Debi Oliviere, Ann Marie Riley, Karen Ross, Marian Carpentino, Jackie Loring.

Chairman called the meeting to order at 1:35 p. m.

MINUTES:

Upon a motion duly made by Bette Songer and seconded by Mary Fuller the minutes of May 17, 2012 with the following correction: Ted Hatch and Helen Sergi-Hatch were not in attendance.

OUTREACH: see attached report as written

ACTING DIRECTOR'S REPORT: see attached report as written

COA Director Search update by Bette Songer: Interviews were done on Tuesday and Wednesday of this week. A decision will be made in a couple of weeks. No further information was given at this time.

CHANGES IN STAFF: Joyce Lindberg has resigned her position in the COA office because she would rather not be a Town of Bourne employee.

Upon a motion duly made by Bette Songer and seconded by Monica Layton the meeting adjourned at 1:40.

Respectfully submitted,
Cheryl J. Gomes
Administrative Secretary

To: COA Board Members
From: Lois Carr, Outreach Coordinator

June 2012 Report

Outreach- We continue to be busy with calls, referrals and drop in visits by seniors, concerned family members or friends as well as from other agencies. Kari, Debi and I met with a representative from Tufts Health Plan Medicare Preferred who is doing some market research for a SCO (Senior Care Options) proposal that they have applied for.

Elders At Risk – Bourne COA has been approved for funding for a series of Transition Workshops to be held in September. Funds are provided by the Cape Consortium for At Risk Older Adults.

Grandparents as Parents- I attended a conference for supporters of grandparents raising grandchildren in Worcester. Our group was recognized as one of the longest ongoing support groups in the state. I submitted a letter of intent to Elder Services for an application for a Title III grant for FY 2013.

Fuel Assistance - Even though the season is over, we still receive calls from residents who want to apply for assistance. They have to wait until the fall when the new applications are available.

Knox Boxes- Several were returned this past month and will be reinstalled at the homes of those seniors on the waiting list.

Intergenerational Programs: - Intergenerational Memory Share with fifth graders was held and once again the students and seniors enjoyed interacting with one another.

Human Services- Karen Gardner, CEO of the Community Health Center of Cape Cod was the guest speaker at the Bourne Human Services Committee meeting. The committee continues to update the Bridge to Human Services resource guide.

Other: The Veteran's Agent has moved into his office in the BVMCB. I have already made a referral to him and he has made one to me.

Respectfully submitted



June 21, 2012

To: Bourne COA Board Members

From: Lois Carr

Re: Acting Director Report

I have attended the following meetings:

Department Heads

BTY staff, Union Rep, Town Treasurer and Human Resources Director

Finance Director and Program Instructors

Finance Director and BTY Director

Pantry Oversight Committee

Friends Policy Committee

BVMCB Building Director

Office Staff

Individual Staff Members

Newsletter articles and organization

Booking/scheduling COA special programs

Planning for Volunteer Appreciation

Cape Cod Consortium

Veteran's Agent

Gateway Graphics

I have also taken numerous calls and have met with individuals about future and current programs.

Respectfully submitted



To: Bourne COA Board Members

From: Kari Leighton, Outreach Worker

June 2012 Report

Outreach- I have continued to be busy with home and office visits. I have had a lot of people in need of services or financial assistance. There are a lot of people really struggling right now and not enough agencies to help. There have been many calls and drop-ins looking for assistance or help filling out applications for different agencies.

This past month I met with 4 potential volunteers to discuss volunteer opportunities and run their CORIs. I have also been updating volunteer CORIs as needed to try and keep everything up to date.

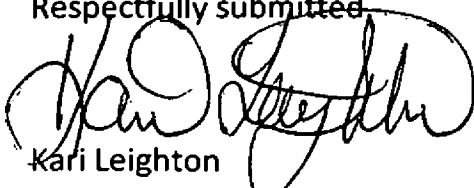
Elders at Risk- I continue to work closely with several community resources to support the at risk clients I work with.

Fuel Assistance- Fuel assistance has ended, even though we still get some random inquiries. Before we know it we will be getting calls from people needing help with re-certification paperwork.

Knox Boxes- I did not have any Knox Boxes this month.

Human Services- We have received many calls from non-seniors regarding utilities, rent assistance and wanting information about the food pantry and/or food stamps.

Respectfully submitted



Kari Leighton
Outreach Worker

TOWN OF BOURNE

2012 AUG 14 AM 10 24

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

TOWN CLERK'S OFFICE
BOURNE, MASS

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>
August 16, 2012	1:00 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

Town of Bourne By-Laws: (full text Chapter 2, Article 2.5)

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4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Minutes- Cheryl Gomes
2. Introduction of new COA Director, Felicita Monteiro- Estelle Blake, Chair
3. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach -- Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Acting Director's Report- Lois Carr
4. Emerging Issues to be put on next month's Agenda

Notice of Special Meeting (include date, time and place)

Notice of Cancellation of Meeting (Specify meeting being cancelled.)

Signed: *Estelle Blake*

Estelle Blake
Title: Chair, Bourne Council on Aging
Date: August 14, 2012

cc: Town Clerk

TOWN OF BOURNE
COUNCIL ON AGING BOARD OF DIRECTORS
BOURNE VETERANS MEMORIAL COMMUNITY CENTER/SENIOR CENTER

Minutes of August 16, 2012
TOWN CLERK'S OFFICE
BOURNE, MASS

MEMBERS PRESENT: Estelle Blake, Bette Songer, Kathleen Donovan, Valerie Gudas, Monica Layton, Marge McClung, Dorothy Wilcox, Lorraine Young.

MEMBERS EXCUSED: Don Morrissey, Linda Masson, and Mary Fuller.

ALSO PRESENT: Lois Carr, Felicita Monteiro, Debi Oliviere, Ann Marie Riley, Karen Ross, Jacqueline Loring, Patricia Morley, H. Arnold Carr, Janis Guiney, Helen Sergi-Hatch, Ted Hatch, Lisa Laine, Carol A. MacDonald.

Meeting called to order at 1 p. m.

The Chair introduced our newly appointed COA Director Felicita Monteiro. Everyone in attendance identified themselves and their position.

MINUTES:

Upon a motion duly made by Bette Songer and seconded by Monica Layton the minutes of June 21, 2012 was approved as written.

OUTREACH:

- See attached report

BRIDGING THE YEARS:

- Transition from a Friends Program to a Town Program has been seamless
- Evacuation of clients during a gas leak-Jackie Loring agreed to update the Evacuation Policy
- Purchase of laptop
- See attached report

ACTING DIRECTORS:

- **Transition going well with the Program Facilitators and the Café**
- **Received a two week extension on the Annual Report for the Formula Grant**

Upon a motion duly made by Bette Songer and seconded by Valerie Gudas the meeting adjourned at 1:20 p. m.

**Respectfully submitted,
Cheryl J. Gomes
Administrative Secretary**

To: COA Board Members
From: Lois Carr, Outreach Coordinator

August 2012 Report AM 10 43

Outreach- We have had an influx of new referrals this past month and continue to be busy with calls, and drop in visits by seniors, concerned family members or friends.

Elders At Risk – I have been working with the Bourne Fire and Police on a few elder at risk cases.

Grandparents as Parents- A Family Fun Bowling and Pizza event was held for grandparents and their grandchildren. All participants had a good time. I submitted a grant application to Elder Services for a Title III grant for workshops and an evening support group. I will hear in September if the grant was approved.

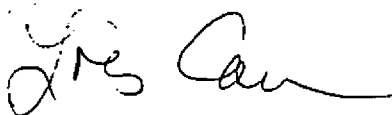
Fuel Assistance – We have been busy assisting with recertifications for fuel assistance. Kari and I will be attending training in September and will start to take new applications in October.

Knox Boxes- A few were returned and installed these past few months and there are still a few names on the waiting list.

Intergenerational Programs: - Intergenerational Ice Cream Social and Author Susan Bauer to talk about her book "The Turtle Sisters of Cape Cod.

Human Services- As a result of Karen Gardner, CEO of the Community Health Center of Cape Cod meeting with the Bourne Human Services Committee, there is an outreach worker from Duffy at the Food Pantry every Thursday to enroll clients in MassHealth and also to work with homeless or near homeless clients. Duffy received a seven month grant to provide this service.

Respectfully submitted



To: Bourne COA Board Members

From: Kari Leighton, Outreach Worker

2012 SEP 28 AM 10 44

TOWN CLERK'S OFFICE
BOURNE, MASS

August 2012 Report

Outreach- I have continued to be busy with home and office visits. I have had a lot of people in need of services or financial assistance. There are a lot of people really struggling right now and not enough agencies to help. There have been many calls and drop-ins looking for assistance or help filling out applications for different agencies.

This past month I met with 5 potential volunteers to discuss volunteer opportunities and run their CORIs. I have also been updating volunteer CORIs as needed to try and keep everything up to date.


Elders at Risk- I continue to work closely with several community resources to support the at risk clients I work with.

Fuel Assistance- I have been meeting with people who have received re-certification paperwork. I will be going to Fuel Assistance training on September 24th and will begin taking applications on November 1st.

Knox Boxes- I did not have any Knox Boxes this month.

Human Services- We have received many calls from non-seniors regarding utilities, rent assistance and wanting information about the food pantry and/or food stamps.

Respectfully submitted,


Kari Leighton
Outreach Worker



2012 SEP 28 AM 10 43

TOWN CLERK'S OFFICE
BOURNE, MASS

Date: August 6, 2012

To: Bourne Council on Aging Board of Directors
From: Debora Oliviere-Llanes, Program Director
Re: Bridging the Years Monthly Report

Attendance for the Month of July:

Total Clients that participated in the Program	24
Participants Returning from Previous Month	23
New Participants	0
Participants returning from Extended Leave	0
Participants on Medical/Extended Leave	0
Participants who were discharged	1
Participants who were Trials (No Charge for day)	1

There were 21 Service Days with a total attendance of 201 service days and 1 trial day.

Scheduled attendance was as follows:

- 5 days per week attendees: 1
- 4 days per week attendees: 1
- 3 days per week attendees: 8
- 2 days per week attendees: 12
- 1 day per week attendees: 1
- Daily attendance has varied due to illness.

Meetings/Events:

I am happy to report the transition to being a Town program has been seamless. We have set up new vendors, ordered supplies, changed the billing and payroll has been transferred.

On July 12, 2012 there was a gas leak on Main Street due to the road construction. BTY was in the Café at the time and had to be evacuated immediately. We had 9 clients that day, four of which had walkers, one in a wheelchair and a couple of folks with canes. We did not have a cell phone or any client information on us. When we got out to the parking lot it was about 85-90 degrees and fortunately, Eve Aseltine happened to pull up with the COA Bus with just enough seats to fit our clients and staff. We were directed to Town Hall where Mr. Guerino made the decision to open the Bournedale School for us. We took a couple of clients home that lived on this side of the bridge and then reported to the school where we were greeted by Mr. Guerino, Lois Carr and the School Principal. We were put in the Library/Media room where Lois had waters for everybody and restrooms were available. The RTA sent a bus about 2:45 and the remaining clients were driven home. Staff received the okay to go back to the building and Lois drove us back around 3:30 pm. I then proceeded to call all the caregivers and inform them of the incident. The next day Lois and I met with Charlie Noyes and we discussed how we could improve on procedures. We now bring a Client information clipboard and a staff cell phone to the café with us at lunchtime. This information includes: daily attendance, client addresses, telephone numbers, and names of the caregivers.

We have closed out our FY 2012 Billing and deposited all of June into the Friends of Bourne Council on Aging account.

In early spring of this year, I was contacted by Elder Services of Cape Cod and Islands to inform me there was a Salary Reserve that our program was eligible to apply for. This was a Salary Bonus for Fiscal Year 2012 for any employees who worked for a non-municipal program, who spent over 50% of their time with Elder Service Clients, and made less than \$40,000 per year. We were awarded \$623 which was deposited into the Friends Account and distributed to the BTY employees as according to the breakdown from Elder Services.

The Friends of Bourne Council on Aging have graciously decided to purchase a new laptop computer and printer for BTY. This computer will be used by the Program Assistant so she will be able to access new the billing software implemented by Elder Services that she is unable to do with her current computer.

Respectfully submitted,

Debora Oliviere-Llanes
Program Director

August 16 , 2012

To: Bourne COA Board Members

From: Lois Carr

Re: Acting Director Report

2012 SEP 28 AM 10 44

TOWN CLERK'S OFFICE
BOURNE, MASS

The transition of BTY and other COA programs from Friends to the Town has been going smoothly. There have been a few minor issues to be worked out, but nothing major. The program instructors who get paid for their services have received their checks on a timely basis and have had no complaints.

I have attended the following meetings:

Finance Director

Program Instructors

Pantry Oversight Committee

Friends Policy Committee

BVMCB Building Director

BVMCB Trustee Meetings

Office Staff

Individual Staff Members

Newsletter articles and organization

Booking/scheduling COA special programs

Cape Cod Consortium

COAST

Formula Grant Training

Veteran's Agent

I have also taken numerous calls and have met with individuals about future and current programs.

Respectfully submitted



TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>
September 18, 2012	1:00 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

Town of Bourne By-Laws: (full text Chapter 2, Article 2.5)

Duties of the Council on Aging shall be to:

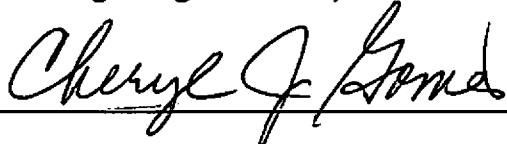
1. Identify the total needs of the community's elderly population.
2. Educate the community and enlist support participation of all citizens concerning these needs.
3. Design, promote and implement services to fill these needs and coordinate present existing services in the community.
4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
 - d. Discussion of Policies and Procedures for COA Advisory Board
3. Emerging Issues to be put on next month's Agenda

Notice of Special Meeting (include date, time and place)

Notice of Cancellation of Meeting (Specify meeting being cancelled.)

Signed: 

Estelle Blake
Title: Chair, Bourne Council on Aging
Date: August 14, 2012

2012 SEP 18 PM 12 09

cc: Town Clerk

TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

2012 SEP 18 PM 2 15

Schedule of Regular Meetings

TOWN CLERK'S OFFICE
BOURNE, MASS

<u>Date</u>	<u>Time</u>	<u>Place</u>
September 20, 2012	2:30 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

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Signed: *Estelle Blake*

Estelle Blake
Title: Chair, Bourne Council on Aging
Date: August 14, 2012

cc: Town Clerk

TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

2012 SEP 18 PM 2 11

Schedule of Regular Meetings

TOWN CLERK'S OFFICE
BOURNE, MASS

<u>Date</u>	<u>Time</u>	<u>Place</u>
September 20, 2012	2:30 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

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2013 OCT 2 AM 10 06
TOWN CLERK'S OFFICE
BOURNE, MASS

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Signed: Estelle Blake

Estelle Blake
Title: Chair, Bourne Council on Aging
Date: August 14, 2012

cc: Town Clerk

**TOWN OF BOURNE
COUNCIL ON AGING BOARD OF DIRECTORS
BOURNE VETERANS MEMORIAL COMMUNITY CENTER SENIOR CENTER 8 31
Minutes of September 20, 2012**

TOWN CLERK'S OFFICE
BOURNE, MASS

MEMBERS PRESENT: Estelle Blake, Mary Fuller, Monica Layton, Marge McClung, Bette Songer, Kathleen Donovan, Dorothy Wilcox, Lorraine Young, Valerie Gudas.

MEMBERS EXCUSED: Don Morrissey, Unda Masson.

OTHERS PRESENT: Felice Monteiro, Lois Carr, Debbie Oliviere-Llanes, Marian Carpentino, H. Arnold Carr, Jean Hills, Carol MacDonald, Patricia Morley, Unda Silveira and Richard Menkello.

Meeting was called to order at 2:30 p. m.

Estelle informed those present that the Food Pantry is in need of donations, specifically personal hygiene products for their clients.

MINUTES:

Upon a motion duly made by Bette Songer and seconded by Monica Layton the minutes of August 16, 2012 were approved as written.

OUTREACH – Highlights

- Lois and Kari have been assisting with the recertification for fuel assistance
- Kari and Lois will be attending a training session on September 24, 2012 and will start to take new applications in October.
- Reminder of Flu Shots scheduled for October 22, 2012 from 9 a.m. to 12 noon here in the community building and October 29, 2012 from 9 a. m. to 12 noon at St. John's Parish Hall.
- See attached report

BRIDGING THE YEARS – Highlights

- Debi updated the Board on the transition to a Town Department
- Supportive Day has two new clients and she has nine men participating
- See attached report

DIRECTOR'S REPORT – Highlights

- **The future of the Café**
- **Set up e-mail accounts through the Town's Data Office for Supportive Day and COA receptionist**
- **Obtained cell phones for the two transportation vans**
- **Met with office personnel to go over duties**
- **Also met with Building Director and Jackie Loring to go over Evacuation Policy for the Center**
- **See attached Report**

Lorraine Young commented on how nice it was that the Director of COA (Felice) met with the Program Facilitator.

Discussion on Policy and Procedures and setting up a sub-committee, Kay Donovan, Valerie Gudas, Mary Fuller, Bette Songer, Lorraine Young and Estelle Blake volunteer to work on this.

Upon a motion duly made by Bette Songer and seconded by Monica Layton the meeting adjourned at 2:54 p. m.

Respectfully submitted,

**Cheryl J. Gomes
Administrative Secretary**

To: COA Board Members
From: Lois Carr, Outreach Coordinator

September 2012 Report

Outreach- We continue to receive numerous new referrals as well as many calls and drop in visits by seniors, concerned family members or friends.

Elders At Risk – I continue to work with the Bourne Fire and Police on a few elder at risk cases. I attended a meeting of the Cape Cod Hoarding Task Force. The mission of this group is to raise awareness of compulsive hoarding and to provide education and support through referrals and resources.

Grandparents as Parents- The Family Fun Bowling and Pizza event was a big success. Attorney Kathleen Snow was a guest at the GAP group meeting. She brainstormed with the members about greater awareness of services needed for grandparent caregivers. On Sept. 27, there will be a workshop on “Success with School: Grade A Strategies to Help Your Grandchild Do His or Her Best” with Julie Sacchetti, Certified Parent Educator. We did receive another Title III grant for workshops and an evening support group.

Fuel Assistance – We have been busy assisting with recertifications for fuel assistance. I did 8 this past month. Kari and I will be attending a training session on September 24 and will start to take new applications in October.

Knox Boxes- Two were returned and two installed these past few months and there are currently no names on the waiting list.

Intergenerational Programs: - The Intergenerational Ice Cream Social and Book Event was well attended. The children and adults really enjoyed the “The Turtle Sisters of Cape Cod” and the ice cream that was generously provided by Royal Cape Cod Nursing and Rehab Center.

Human Services- Kari and I met with Arlene Crosby and Janet Mott from the Duffy Center. The case manager who goes to the Food Pantry will only be there once a month to enroll clients in Mass Health due to few clients meeting this need. We gave her a list of other agencies in Bourne that may be referral sources and she may possibly be at the community building in the near future.

Other- I completed my final responsibilities of Acting Director with submission of the EOEA Annual Report and the Report of the COA for the Annual Town Report.

Respectfully submitted



To: Bourne COA Board Members

From: Kari Leighton, Outreach Worker

September 2012 Report

Outreach- I have continued to be busy with home and office visits. I have had a lot of people in need of services or financial assistance. There are a lot of people really struggling right now and not enough agencies to help. There have been many calls and drop-ins looking for assistance or help filling out applications for different agencies.

This past month I met with 4 potential volunteers to discuss volunteer opportunities and run their CORIs. I have also been updating volunteer CORIs as needed to try and keep everything up to date.

Volunteer Coordinator- This past month I met with four potential volunteers to discuss volunteer opportunities and run their CORIs. I have also been updating CORIs as needed to try and keep everything up to date.

This month we had two tax work off meetings and had approximately 115 people apply. Since then I have met with 7 more people who were not able to attend the meeting to fill out tax work off and CORI paperwork. I am now in the process of completing CORIs on all of these applicants.

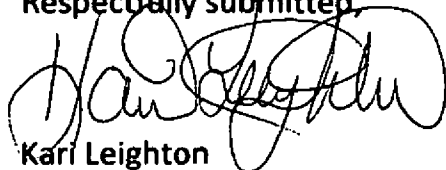
Elders at Risk- I continue to work closely with several community resources to support the at risk clients I work with.

Fuel Assistance- I met with 8 people to fill out re-certification paperwork. I will be going to Fuel Assistance training on September 24th and will begin taking applications on November 1st.

Knox Boxes- I did not have any Knox Boxes this month.

Human Services- We have received many calls from non-seniors regarding utilities, rent assistance and wanting information about the food pantry and/or food stamps.

Respectfully submitted,



Kari Leighton
Outreach Worker



Date: September 14, 2012

To: Bourne Council on Aging Board of Directors
From: Debora Oliviere-Llanes, Program Director
Re: Bridging the Years Monthly Report

Attendance for the Month of August:

Total Clients that participated in the Program	25
Participants Returning from Previous Month	22
New Participants	0
Participants returning from Extended Leave	0
Participants on Medical/Extended Leave	0
Participants who were discharged	1
Participants who were Trials (No Charge for day)	3

There were 23 Service Days with a total attendance of 219 service days and 3 trial days.
Scheduled attendance was as follows:

- 5 days per week attendees: 1
- 4 days per week attendees: 1
- 3 days per week attendees: 8
- 2 days per week attendees: 11
- 1 day per week attendees: 1
- Daily attendance has varied due to illness.

We had three trial days during the month of August and two out of three are set to join in September. This brings our total men in the program up to 9!

Meetings/Events:

8/2 Policy and Procedures Meeting

8/10 Social Events Committee Meeting

BTY's transition to being a town program continues, there have been a couple of accounting issues that have come up but we are meeting with Linda Marzelli and Karen Girourd and hopefully they will be resolved. Also, the staff is finally on a regular schedule and they have been trained in their new roles. We have also been assigned new email addresses and they are as follows:

Debi Oliviere-Llanes, Program Director
Sherrie Best, Activity Leader
Meghan LeRoy, Program Assistant
Sandy Novak, Program Aide

DOliviereLlanes@townofbourne.com
SBest@townofbourne.com
MLeroy@townofbourne.com
SNovak@townofbourne.com

BTY was awarded a new contract with Elder Services of Cape Cod and the Islands and they have accepted our proposed rate increase. We have asked for this in the past but have remained at the \$35 per day rate. We were approved for \$40 per day for Bourne Residents and \$48 per day for Non-Residents. This contract takes effect on October 1, 2012 and is good through 2015.

I will be attending the MCOA Conference in October this is always a good networking opportunity and various workshops to attend on Dementia and Depression, Family Caregiving, Elder Abuse, Older Adult Bullying, etc.

Respectfully submitted,

Debora Oliviere-Llanes

Program Director

**COUNCIL ON AGING MONTHLY REPORT
COA ADVISORY BOARD**

**Felice Monteiro, COA Director
AUGUST REPORT**

HOT SPOTS

- Café – Contract/Bid process- Chef unsure of the future state of the Café.

ACCOMPLISHMENTS

- Through the Town's Data Office we were able to set up
- Email for Supportive Day
- Email for COA Receptionist
- Meeting with office personnel-going over duties, hours, work days
- Obtained cell phones and adapters for the two transportation vans

MEETINGS ATTENDED THIS MONTH

- Coast Monthly Meeting- Chatham 8/27
- Intergen. Ice Cream Social- The Turtle Sisters of CC Pond-COA

MEETINGS I PLAN TO ATTEND NEXT MONTH

- COA Advisory Brd. Mtg.
- CIRCA-(Southcoast Regional Assoc. of COA's)

INTERDEPARTMENTAL COLLABORATION

- Met with Jackie Loring and set up a meeting with Bldg. Manager to go over Evacuation Policy for the building and to request it to be a priority, pending Jackie's leaving.

Other News: With regards to COA By-Laws vs. Policies and Procedures. By-Laws are voted at town meeting and since the Town has their own and we are included there is no need for us to have our own By-Laws. Policies and Procedures are set by the board as a blueprint for the council. These do not have to go to town meeting.

TOWN OF BOURNE 2012 OCT 16 AM 9 32

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING** TOWN CLERK'S OFFICE
BOURNE, MASS

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>
October 18, 2012	1:00 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

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Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
 - d. Discussion of Policies and Procedures for COA Advisory Board
3. Emerging Issues to be put on next month's Agenda
4. Public Input

Notice of Special Meeting (include date, time and place)

Notice of Cancellation of Meeting (Specify meeting being cancelled.)

Signed: 

Estelle Blake
Title: Chair, Bourne Council on Aging
Date: October 15, 2012

cc: Town Clerk

Town Clerk

**TOWN OF BOURNE
COUNCIL ON AGING BOARD OF DIRECTORS
BOURNE VETERANS MEMORIAL COMMUNITY CENTER/SENIOR CENTER
MINUTES OF OCTOBER 18, 2012**

MEMBERS PRESENT: Estelle Blake, Kay Donovan, Mary Fuller, Valerie Gudas, Bette Songer
Monica Layton, Marge McClung, Dorothy Wilcox.

MEMBERS EXCUSED: Lind Masson, Don Morrissey, and Lorraine Young.

OTHERS PRESENT: Nathan Carr, Glenn Galusha, Arnie Carr, Felice Monteiro, Debora Oliviere-
Llanes, Marian Carpentino, Janis Guiney, Helen Sergi-Hatch, Ted Hatch, Lisa Laine, Carol
MacDonald, Nancy Manley, Patricia Morley, Ann Marie Riley, Karen Ross, Linda Silveira, Lois
Carr.

MINUTES:

Upon a motion duly made by Valerie Gudas and seconded by Bette Songer the
minutes of September 20, 2012 were approved as written.

OUTREACH – Highlights

- We received a Title III grant from Elder Services of Cape Cod & the Islands
For Grandparents as Parents
- The Intergenerational Program – The students from St. Margaret's School
started the monthly after school Healthy Cooking class on October 18. The meals
were delivered to two homebound seniors.
- See attached Report

DIRECTOR'S REPORT – Highlights

- Data input clerk needed for COA office
- Administrative Assistant to Director for Programs (Jean Hills does not have enough
time
- Need for more volunteers in the office, and café
- See attached Report

SUPPORTIVE DAY – Highlights

- Twenty-two Clients this month
- Met with Town Treasurer Karen Girouard to go over issues with the Café and Meals
tax
- See attached Report

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TOWN CLERK'S OFFICE
BOURNE, MASS

Policy and Procedures met on Tuesday. Also, requested input from Board Members

Emerging issues: Café Report

Upon a motion duly made by Bette Songer and seconded by Valerie Gudas the meeting adjourned at 1:20 p. m.

Respectfully submitted,

**Cheryl J. Gomes
Administrative Secretary**

To: COA Board Members
From: Lois Carr, Outreach Coordinator

October 2012 Report

Outreach- I attended the monthly meeting of Cape Outreach Coordinators. Ellen McDonough, Director of Clinical Services of Elder Services updated us on their various programs and eligibility requirements.

Elders At Risk – I continue to work with the Bourne Fire, Police, Board of Health, hospitals and other agencies on some elder at risk cases. These cases can be very time consuming for all agencies involved.

Grandparents as Parents- Attorney Kathleen Snow will be available for private consultation with grandparents who are raising their grandchildren on October 22. This is in addition to the GAP group meeting. I have also been working on new workshops and an evening support group for which we have received funding from a Title III grant from Elder Services of Cape Cod & the Islands.

Fuel Assistance – We have been busy taking new applications as well as assisting with recertifications for fuel assistance. I did 5 recerts and 7 new applications this past month. The program runs from November 1 to April 30.

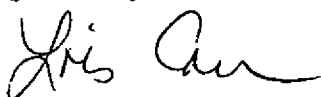
Knox Boxes- I am in the process of sending recertification letters and follow up calls to Knox Box recipients. Three were returned and two installed this past month and there are currently no names on the waiting list.

Intergenerational Programs: - The students from St. Margaret's School started the monthly after school Healthy Cooking class on October 18. Meals were delivered to two homebound seniors.

Human Services- The Human Services Committee is in the process of revising the Bridge to Human Services resource guide which was last published in 2010.

Other- I attended workshops on Community Needs Assessment, Sensitive Issues, Women Growing Older and Fighting Ageism at the MCOA conference. I also attended a Pantry Oversight Committee meeting.

Respectfully submitted



To: Bourne COA Board Members

From: Kari Leighton, Outreach Worker

October 2012 Report

Outreach- I have continued to be busy with home and office visits. I have had a lot of people in need of services or financial assistance. There are a lot of people really struggling right now and not enough agencies to help. There have been many calls and drop-ins looking for assistance or help filling out applications for different agencies.

Volunteer Coordinator- This past month I met with three potential volunteers to discuss volunteer opportunities and run their CORIs. I have also been updating CORIs as needed to try and keep everything up to date.

I have continued to process CORIs for the tax work off program as well.

Elders at Risk- I continue to work closely with several community resources to support the at risk clients I work with.

Fuel Assistance- I met with 2 people to fill out re-certification paperwork. I attended fuel assistance training on September 24th and I am now scheduling appointments for Wednesdays from 2-4pm. To date, I have completed 7 applications.

Knox Boxes- I did one Knox Boxes this month.

Human Services- We have received many calls from non-seniors regarding utilities, rent assistance and wanting information about the food pantry and/or food stamps.

Trainings- This month I attended fuel assistance training, the MCOA conference and one out of two sessions of a volunteer management training.

Respectfully submitted,



Kari Leighton

Outreach Worker

**COUNCIL ON AGING MONTHLY REPORT
COA ADVISORY BOARD**

**Felice Monteiro, COA Director
SEPTEMBER REPORT**

HOT SPOTS

- Data input clerk needed for COA office
- Administrative Assistant and Activities Coordinator (combination)

ACCOMPLISHMENTS

- Collaboration with staff and town dept. on new programs for the senior center for the fall/winter
- Reminisce group
- Friday social with music, entertainment, piano
- Bingo
- Singers and musicians to form a group
- Line dancing

MEETINGS ATTENDED THIS MONTH

- COA Adv.
- CIRCA
- Board and Friends
- Treasurer- Meal tax and COA
- Men's Breakfast-
- Bldg. Trustees Mtg.
- Town Administrator

MEETINGS I PLAN TO ATTEND NEXT MONTH

- COA Advisory Brd. Mtg.
- MCOA Conference
- Staff mtg.
- Ethics Seminar
- Bourne Enterprise
- Chamber
- Library
- Labor Relations mtg.

INTERDEPARTMENTAL COLLABORATION

Other News: I am getting comfortable and settled...know how the programs work and what we could do to stimulate the seniors for the fall/winter season, staff has been very helpful. Have had the pleasure of meeting more of our seniors and program instructors as well as some town depts. personnel that would like to collaborate with the COA on some programs.

Have gathered information for the Advisory Board's Policies & Procedures Manual.



Date: October 12, 2012

To: Bourne Council on Aging Board of Directors

From: Debora Oliviere-Llanes, Program Director

Re: Bridging the Years Monthly Report

Attendance for the Month of September:

Total Clients that participated in the Program	22
Participants Returning from Previous Month	21
New Participants	1
Participants returning from Extended Leave	0
Participants on Medical/Extended Leave	0
Participants who were discharged	0
Participants who were Trials (No Charge for day)	0

There were **19 Service Days** with a total attendance of **188 service days** and **0 trial days**.

Scheduled attendance was as follows:

- 5 days per week attendees: 1
- 4 days per week attendees: 1
- 3 days per week attendees: 9
- 2 days per week attendees: 9
- 1 day per week attendees: 2
- Daily attendance has varied due to illness.

Two inquiries were made regarding the program.

Meetings/Events:

9/12 – The group enjoyed the Air Force Brass Ensemble

9/18 – We met with Karen Girouard to go over accounting issues with the Café and Meals Tax

9/20 – BOD meeting

9/24 – I met with Humor Therapists John and Ann Murphy who will do a “Humor Workshop” for us in November.

9/26 – Dental Hygienist, Teresa Thompson came in to schedule an Oral Health Presentation that she will be doing for us on October 17th.

9/28 – The program went on a Fall Field Trip to Sandwich with Eve.

Our Annual Open House will be held on Wednesday, November 7th from 4:00-6:00 pm. If you know anyone who may benefit from a program like ours please pass the information along, all are welcome. I have flyers please feel free to take one.

Respectfully submitted,

Debora Oliviere-Llanes

Program Director

TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>
November 15, 2012	1:00 P.M.	Bourne Veterans Memorial Community Center/ Senior Center

2012 NOV 13 AM 8 52
TOWN CLERK'S OFFICE
BOURNE, MASS

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

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4. Public Input

Notice of Special Meeting (include date, time and place)

Notice of Cancellation of Meeting (Specify meeting being cancelled.)

Signed: Estelle Blake

Estelle Blake
Title: Chair, Bourne Council on Aging
Date: November 13, 2012

cc: Town Clerk

**TOWN OF BOURNE
COUNCIL ON AGING BOARD OF DIRECTORS
BOURNE VETERANS MEMORIAL COMMUNITY CENTER/SENIOR CENTER
MINUTES OF NOVEMBER 15, 2012**

MEMBERS PRESENT: Estelle Blake, Kathleen Donovan, Monica Layton, Linda Masson, Marge McClung, Bette Songer, Dorothy Wilcox and Lorraine Young.

MEMBERS EXCUSED: Mary Fuller, Valerie Gudas and Don Morrissey.

OTHERS PRESENT: Debora Oliviere-Llanes, Lois Carr, Diane Bergeron, Marian Carpentino, H. Arnold Carr, Janis Guiney, Lisa Laine, Richard Menkello, Karen Ross and Linda Silveira.

MINUTES: Upon a motion duly made by Bette Songer and seconded by Monica Layton the minutes of October 18, 2012 were accepted as written:

OUTREACH – Highlights

- Thanksgiving Meals
- Pantry baskets
- Elks Gift cards
- See attached report

Bridging the Years-Highlights

- Started an Intergenerational Story time with pre-schoolers
- Oral Health Presentation with a Dental Hygienist
- Attended an Open House at Barnstable Supportive Day
- Annual Halloween Costume Party
- See attached report

DIRECTOR'S REPORT – Highlights

- Need for additional staff
- Putting together the Ethics seminar for the Town
- Response of the Activities Survey
- See attached report

OTHER BUSINESS:

The Director made a request to the Friends for financial assistance for the MY SENIOR CENTER Program. After some questions and answers the Friends asked that the Company make a presentation at the next meeting.

COA Board Chair, Estelle, informed the Board that at the December meeting she will present the Policies and Procedures for the COA Board.

2013 OCT 2 AM 10 06
TOWN CLERK'S OFFICE
BOURNE, MASS

Upon a motion duly made by Bette Songer and seconded by Lorraine Young the meeting was adjourned at 1:39 p. m.

Respectfully submitted,

Cheryl J. Gomes
Administrative Secretary

TOWN OF BOURNE
COUNCIL ON AGING

MEMORANDUM

TO: COA Advisory Board

FROM: Felice Monteiro, Director

DATE: December 17, 2012

November was a busy month filling volunteer vacancies. We are especially delighted, We now have a volunteer data entry clerk working on Mondays from 9-11am and another will begin working Tuesdays, from 1-3pm. Thanks to Diane Bergeron and Kari Leighton.

The Contract for the Café has been finalized and will go to bid by the end of December. The electrical work has been completed for the freezer in the storage room and we are waiting for its arrival.

Staff attended Fairness and Respect trainings. The training was informative and topics that were discussed were: job related behaviors, consistency, and communication, making promises you can't keep and when in doubt, call the experts. Their main goal: "convey equality to avoid offensiveness".

The Budget for FY 14 was prepared and submitted, Town Administrator has asked all Department heads to carefully look over the budget as we do not know how we will be affected by the Fiscal Cliff.

I contacted Senator Murray's office for clarification on the affect this may have on the Formula Grant to the COA's---her office remains hopeful that the formula grant will not be affected---but uncertain about the Service Incentive Grant.

Other news: Our Account Clerk II, Marie Meier will have left our office by the time of this meeting. She will start her new job at the Clerk's office on Dec. 20th, we wish Marie the best of luck in her new job. Marie's replacement comes from the Clerk's office and will assume Marie's duties, in addition to helping out the transportation program.

Friday Socials – slow start but we're optimistic that it will take off .

Reminisce Group – Well received- Bourne Historical Society did an excellent presentation on the “Villages of Bourne”—great interaction with the seniors—slow start as well, but again, we’re optimistic after the holidays we may see a larger attendance.

Bingo - Will start sometime in January/February, someone has dropped off some bingo cards and hopefully she will be the lead on this program.

I worked with town Counsel on:

- ✚ Waiver and Release of Liability for both Volunteer Driver and Passenger.

To: COA Board Members
From: Lois Carr, Outreach Coordinator

December 2012 Report

Outreach- I have been invited to attend the quarterly tenant meeting at Continental Apartments. I will speak to the residents about the COA and all the services that we offer. There are many new residents at the senior housing facility that may not be aware of our services.

Elders At Risk – I continue to work with various agencies and families regarding elder at risk clients. These cases can be very time consuming for all involved.

Grandparents as Parents- The group continues to grow with new participants. I have been working on new workshops and an evening support group for which we have received funding from a Title III grant from Elder Services of Cape Cod & the Islands.

Fuel Assistance – I did 11 new applications this past month. We have taken a total of 56 applications since October, 27 seniors and 29 non seniors. We have also been busy with sending additional paper work for applicants.

Knox Boxes- Three were returned and three were installed this past month and there are currently no names on the waiting list.

Flu Shots- 211 shots were given at the two clinics.

Holiday Gifts- Christmas Stop&Shop gift cards from the Wareham Lodge of Elks #1548 were distributed to 22 needy seniors. Gifts from Home Instead's Be a Santa to a Senior program were also distributed to 15 seniors. Trowbridge Tavern delivered meals on Thanksgiving and also on Christmas Eve to 5 seniors who will be alone for the holiday.

Human Services- The Human Services Committee has a few new members. The committee will review funding proposals at its next meeting.

Other- I attended a Bourne Food Pantry oversight committee meeting.

Respectfully submitted



To: Bourne COA Board Members

From: Kari Leighton, Outreach Worker

December 2012 Report

Outreach- I have continued to be busy with home and office visits. I have had a lot of people in need of services or financial assistance. There are a lot of people really struggling right now and not enough agencies to help. There have been many calls and drop-ins looking for assistance or help filling out applications for different agencies.

I attended an information session regarding Navicare which is a new SCO or Senior Care Options program for individuals 65 or older who have standard MassHealth. This will be a great new option for some of our clients.

Volunteer Coordinator- This past month I met with nine potential volunteers to discuss volunteer opportunities and run their CORIs. I have also been updating CORIs as needed to try and keep everything up to date.

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Fuel Assistance- I meet with people every Wednesday from 2-4 to complete fuel assistance applications and meet with people as needed for emergencies. I completed 18 applications this month.

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Respectfully submitted,


Kari Leighton
Outreach Worker



Date: December 17, 2012
To: Bourne Council on Aging Board of Directors
From: Debora Oliviere-Llanes, Program Director
Re: Bridging the Years Monthly Report

Attendance for the Month of November:

Total Clients that participated in the Program	23
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There were 19 Service Days with a total attendance of 134 service days and 1 trial day.

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There were 4 inquiries made regarding the program.

Meetings/Events:

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We have implemented this program adding hand held weights, resistance bands, music and use of the Wii into our daily exercise program which has been a goal of ours this year. The participants have really responded to the change.
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Respectfully submitted,
Debora Oliviere-Llanes, Program Director

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BOURNE VETERANS MEMORIAL COMMUNITY/SENIOR CENTER
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OTHERS PRESENT: Felice Monteiro, Lois Carr, Debora Oliviere-Llanes, Nathan, H. Arnold Carr, Diane Bergeron, Marian Carpentino, Janis Guiney, Helen Sergi-Hatch, Ted Hatch, Carol A. MacDonald, Richard Menkello, Patricia Morley, Linda Silveira.

The meeting was called to order at 1:05 p. m.

MINTUES: Upon a motion duly made by Bette Songer and seconded by Monica Layton the minutes of November 15, 2012 were accepted as written.

Chairperson Blake informed the Board that the Director would give her report first as she would have to leave the meeting early due to another commitment.

DIRECTOR'S REPORT - Highlights

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2013 FEB 1 AM 11 18
TOWN CLERK'S OFFICE
BOURNE, MASS

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BRIDGING THE YEARS- Highlights

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- **We also lost 3 clients this past month one of which was our very first client.**
- **A new exercise program has been implemented**
- **See attached Report**

Estelle distributed the Policies and Procedures to be voted on at the next meeting.

Upon a motion duly made by Bette Songer and seconded by Valerie Gudas the meeting adjourned at 1:30.

Respectfully submitted,

**Cheryl J. Gomes
Administrative Secretary**

TOWN OF BOURNE
COUNCIL ON AGING

MEMORANDUM

TO: COA Advisory Board

FROM: Felice Monteiro, Director

DATE: December 17, 2012

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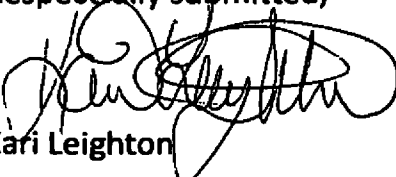
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Date: December 17, 2012
To: Bourne Council on Aging Board of Directors
From: Debora Oliviere-Llanes, Program Director
Re: Bridging the Years Monthly Report

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Respectfully submitted,
Debora Oliviere-Llanes, Program Director

TOWN OF BOURNE
BOURNE COUNCIL ON AGING ADVISORY BOARD
POLICIES AND PROCEDURES MANUAL

ARTICLE 1 – Establishment

The Bourne Council on Aging was established by the Town of Bourne in March 1969 in accordance with Chapter 40, Section 8B of the Massachusetts General Laws. Since that time, the dedicated work of staff members and volunteers has allowed the Council on Aging to continuously expand the scope of its programs and services.

ARTICLE II – MISSION

The Bourne Council on Aging plans, develops, implements and provides programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the Bourne Council on Aging will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

ARTICLE III – PURPOSE

The purpose of the Bourne Council on Aging is to maintain the center for the sixty and older population and to ensure that activities of the Director of the Council on Aging and any employees are in accordance with the mission of the Department and to set policies deemed necessary for the programmatic operations of the Council on Aging.

ARTICLE IV – DUTIES

The duties of the Bourne Council on Aging Advisory Board Chairman shall be:

- a. To provide leadership to the Council on Aging
- b. To call and preside at all regular and special meetings of the Council on Aging
- c. To appoint all members of standing committees or special committees and serve as an ex-officio member of all committees except the Nominating Committee
- d. To perform any other duties incumbent on the office or assigned by the Council on Aging Board
- e. To serve as an ex-officio (liaison) non-voting member of the Friends of Bourne COA

The role of the Vice-Chairman shall be:

- a. To assume the responsibilities of the Chairman in his/her absence
- b. To assume the duties of the unexpired term of the office of Chairman should it become vacant and succeed to the Chairman at the next election with the approval of the Council on Aging

The role of the Secretary shall be:

- a. To keep minutes of all meetings of the Council on Aging Board
- b. To notify all members of the Council on Aging and all other parties legally entitled to such notifications of the date and time of all meetings.
- c. To perform any other duties assigned by the Council on Aging Board

ARTICLE V - Membership

The Council on Aging Advisory Board shall consist of eleven (11) registered voters of this town appointed by the Town of Bourne Board of Selectmen for terms not to exceed four (4) years for any member. Said terms shall be staggered so that no more than three (3) appointments shall expire in any calendar year. Members can be reappointed.

ARTICLE VI – Officers

The officers of the Bourne Council on Aging shall consist of a Chairman, Vice-Chairman and Secretary.

The officers shall be elected by the members of the Council on Aging at the Annual Meeting in June and shall serve for a term of one (1) year.

The officers shall not serve in the same capacity for more than four (4) consecutive one (1) year terms. At the recommendation of the Nominating Committee, the Council on Aging Board may vote to waive this procedure.

ARTICLE VII – Committees

There should be the following standing committees: Nominating Committee and Policies and Procedures Committee. Each member of the Council on Aging Advisory Board is expected to serve on at least one Committee. Such Committees shall be activated as needed by the Chairman.

The Nominating Committee shall consist of three (3) members appointed at the April meeting. The slate of officers will be presented at the June meeting.

ARTICLE VIII – Meetings

- a. The Council on Aging Advisory Board shall meet on the third Thursday of each month at 1:00 p.m.
- b. The Council on Aging Advisory Board shall meet at 239 Main St, Buzzards Bay, MA 02532.
- c. The Council on Aging Advisory Board may, at its discretion, cancel or postpone meetings.
- d. The June meeting shall constitute the Annual Meeting for the purpose of electing officers.
- e. All Council on Aging Advisory Board meetings shall be in compliance with the Open Meeting Law.
- f. The Council on Aging Advisory Board meets eleven (11) months of the year. There is no meeting in July.
- g. A quorum shall consist of five (5) or more members for regular meetings. The annual meeting requires a quorum of six (6) or more members.

ARTICLE IX – Absenteeism

Regular attendance is expected of all members. In the event of any member being absent for three (3) consecutive meetings **without just cause**, the council may request the resignation of that member through the selectmen. Four (4) absences during any calendar year may constitute an automatic dismissal from the council. In the event that a member wishes to resign from the council, he/she shall notify the selectmen and the Council on Aging Board in writing.

ARTICLE X – Amendments

The Policies and Procedures may be amended by a two thirds (2/3) vote of the Council. Each member must receive a written notice of any and all proposed changes.

Adopted on this _____ day of _____ 2012

Policies and Procedures Committee

Estelle Blake _____

Kathleen Donovan _____

Mary Fuller _____

Valerie Gudas _____

Bette Songer _____

TOWN OF BOURNE

Board, Committee, or Commission: **BOURNE COUNCIL ON AGING**

2012 DEC 18 PM 12 04

Schedule of Regular Meetings

<u>Date</u>	<u>Time</u>	<u>Place</u>	TOWN CLERK'S OFFICE
December 20, 2012	1:00 P.M.	Bourne Veterans Memorial Community Center/ Senior Center	BOURNE, MASS

Mission: The Bourne COA is established to plan, develop, implement and provide programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the COA will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

Town of Bourne By-Laws: (full text Chapter 2, Article 2.5)

Duties of the Council on Aging shall be to:

1. Identify the total needs of the community's elderly population.
2. Educate the community and enlist support participation of all citizens concerning these needs.
3. Design, promote and implement services to fill these needs and coordinate present existing services in the community.
4. Promote and support programs designed to assist the elderly in the community.

Agenda Items

1. Minutes- Cheryl Gomes
2. Highlights of written reports to be incorporated into the Minutes
 - a. Outreach – Lois Carr
 - b. BTY Supportive Day Report- Debora Oliviere-Llanes
 - c. Director's Report- Felicita Monteiro
 - d. Discussion of Policies and Procedures for COA Advisory Board
3. Emerging Issues to be put on next month's Agenda
4. Public Input

Notice of Special Meeting (include date, time and place)

Notice of Cancellation of Meeting (Specify meeting being cancelled.)

Signed: *Estelle Blake*

Estelle Blake
Title: Chair, Bourne Council on Aging
Date: December 18, 2012

cc: Town Clerk

**TOWN OF BOURNE
COUNCIL ON AGING BOARD OF DIRECTORS
BOURNE VETERANS MEMORIAL COMMUNITY/SENIOR CENTER
MINUTES OF DECEMBER 20, 2012**

MEMBERS PRESENT: Estelle Blake, Kathleen Donovan, Mary Fuller, Valerie Gudas, Monica Layton, Linda Masson, Marge McClung, Bette Songer, Dorothy Wilcox.

MEMBERS EXCUSED: Lorraine Young and Donald Morrissey.

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TOWN CLERK'S OFFICE
BOURNE, MASS
2013 DEC 20 10:05 AM

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FROM: Felice Monteiro, Director

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I attended an information session regarding Navicare which is a new SCO or Senior Care Options program for individuals 65 or older who have standard MassHealth. This will be a great new option for some of our clients.

Volunteer Coordinator- This past month I met with nine potential volunteers to discuss volunteer opportunities and run their CORIs. I have also been updating CORIs as needed to try and keep everything up to date.

Elders at Risk- I continue to work closely with several community resources to support the at risk clients I work with.

Fuel Assistance- I meet with people every Wednesday from 2-4 to complete fuel assistance applications and meet with people as needed for emergencies. I completed 18 applications this month.

Knox Boxes- I did two Knox Boxes this month.

Human Services- We have received many calls from non-seniors regarding utilities, rent assistance and wanting information about the food pantry and/or food stamps.

Respectfully submitted,


Kari Leighton
Outreach Worker



Date: December 17, 2012

To: Bourne Council on Aging Board of Directors

From: Debora Oliviere-Llanes, Program Director

Re: Bridging the Years Monthly Report

Attendance for the Month of November:

Total Clients that participated in the Program	23
Participants Returning from Previous Month	20
New Participants	0
Participants returning from Extended Leave	3
Participants on Medical/Extended Leave	1
Participants who were discharged	3
Participants who were Trials (No Charge for day)	1

There were 19 Service Days with a total attendance of 134 service days and 1 trial day.

Scheduled attendance was as follows:

- 5 days per week attendees: 0
- 4 days per week attendees: 1
- 3 days per week attendees: 7
- 2 days per week attendees: 11
- 1 day per week attendees: 1
- Daily attendance has varied due to illness.

The Day Program was closed for three scheduled Holidays in the month of November. We also lost 3 clients this past month which was extremely difficult for the group. It was particularly difficult given the fact that our very first client passed away. She had been with us for eight years and will be sorely missed.

There were 4 inquiries made regarding the program.

Meetings/Events:

- 11/2 Stanley Steamer clean the carpets in the day program
- 11/6 Jim Enos from Royal Cape Cod Rehab came in and instructed an exercise class for staff and participants We have implemented this program adding hand held weights, resistance bands, music and use of the Wii into our daily exercise program which has been a goal of ours this year. The participants have really responded to the change.
- 11/14 Meghan LeRoy and I attended the Fairness and Respect workshop
- 11/14 Therapists John and Ann Murphy came and tickled our funny bone with a *Humor Workshop*
- 11/28 Annual Open House was rescheduled due to weather. It was very successful with about 20 folks stopping by, including: Clients, Caregivers, Representatives from Elder Services, Both COA and Friends Board of Directors, two of our Board of Selectman and our Town Administrator all came to show their support. We met with two potential clients and set up trial days with them in December.

Respectfully submitted,

Debora Oliviere-Llanes, Program Director

TOWN OF BOURNE
BOURNE COUNCIL ON AGING ADVISORY BOARD
POLICIES AND PROCEDURES MANUAL

ARTICLE 1 – Establishment

The Bourne Council on Aging was established by the Town of Bourne in March 1969 in accordance with Chapter 40, Section 8B of the Massachusetts General Laws. Since that time, the dedicated work of staff members and volunteers has allowed the Council on Aging to continuously expand the scope of its programs and services.

ARTICLE II – MISSION

The Bourne Council on Aging plans, develops, implements and provides programs and services that enhance the quality of life for residents of Bourne who have reached their 60th year of age and to advocate for programs and services that support seniors. Further, the Bourne Council on Aging will promote the well-being of Bourne residents of any age, by acting as the Human Services Agency for the Town of Bourne.

ARTICLE III – PURPOSE

The purpose of the Bourne Council on Aging is to maintain the center for the sixty and older population and to ensure that activities of the Director of the Council on Aging and any employees are in accordance with the mission of the Department and to set policies deemed necessary for the programmatic operations of the Council on Aging.

ARTICLE 1V – DUTIES

The duties of the Bourne Council on Aging Advisory Board Chairman shall be:

- a. To provide leadership to the Council on Aging
- b. To call and preside at all regular and special meetings of the Council on Aging
- c. To appoint all members of standing committees or special committees and serve as an ex-officio member of all committees except the Nominating Committee
- d. To perform any other duties incumbent on the office or assigned by the Council on Aging Board
- e. To serve as an ex-officio (liaison) non-voting member of the Friends of Bourne COA

The role of the Vice-Chairman shall be:

- a. To assume the responsibilities of the Chairman in his/her absence
- b. To assume the duties of the unexpired term of the office of Chairman should it become vacant and succeed to the Chairman at the next election with the approval of the Council on Aging

The role of the Secretary shall be:

- a. To keep minutes of all meetings of the Council on Aging Board
- b. To notify all members of the Council on Aging and all other parties legally entitled to such notifications of the date and time of all meetings.
- c. To perform any other duties assigned by the Council on Aging Board

ARTICLE V - Membership

The Council on Aging Advisory Board shall consist of eleven (11) registered voters of this town appointed by the Town of Bourne Board of Selectmen for terms not to exceed four (4) years for any member. Said terms shall be staggered so that no more than three (3) appointments shall expire in any calendar year. Members can be reappointed.

ARTICLE VI – Officers

The officers of the Bourne Council on Aging shall consist of a Chairman, Vice-Chairman and Secretary.

The officers shall be elected by the members of the Council on Aging at the Annual Meeting in June and shall serve for a term of one (1) year.

The officers shall not serve in the same capacity for more than four (4) consecutive one (1) year terms. At the recommendation of the Nominating Committee, the Council on Aging Board may vote to waive this procedure.

ARTICLE VII – Committees

There should be the following standing committees: Nominating Committee and Policies and Procedures Committee. Each member of the Council on Aging Advisory Board is expected to serve on at least one Committee. Such Committees shall be activated as needed by the Chairman.

The Nominating Committee shall consist of three (3) members appointed at the April meeting. The slate of officers will be presented at the June meeting.

ARTICLE VIII – Meetings

- a. The Council on Aging Advisory Board shall meet on the third Thursday of each month at 1:00 p.m.
- b. The Council on Aging Advisory Board shall meet at 239 Main St, Buzzards Bay, MA 02532.
- c. The Council on Aging Advisory Board may, at its discretion, cancel or postpone meetings.
- d. The June meeting shall constitute the Annual Meeting for the purpose of electing officers.
- e. All Council on Aging Advisory Board meetings shall be in compliance with the Open Meeting Law.
- f. The Council on Aging Advisory Board meets eleven (11) months of the year. There is no meeting in July.
- g. A quorum shall consist of five (5) or more members for regular meetings. The annual meeting requires a quorum of six (6) or more members.

ARTICLE IX – Absenteeism

Regular attendance is expected of all members. In the event of any member being absent for three (3) consecutive meetings **without just cause**, the council may request the resignation of that member through the selectmen. Four (4) absences during any calendar year may constitute an automatic dismissal from the council. In the event that a member wishes to resign from the council, he/she shall notify the selectmen and the Council on Aging Board in writing.

ARTICLE X – Amendments

The Policies and Procedures may be amended by a two thirds (2/3) vote of the Council. Each member must receive a written notice of any and all proposed changes.

Adopted on this _____ day of _____ 2012

Policies and Procedures Committee

Estelle Blake _____

Kathleen Donovan _____

Mary Fuller _____

Valerie Gudas _____

Bette Songer _____

Johnson, Barry

From: robin@robinpierson.com
Sent: Wednesday, September 05, 2012 1:19 PM
To: Johnson, Barry
Cc: Patti; pat cook; srcdmd@aol.com
Subject: bourne cultural council meeting September 18th

Barry - on the direction of Patti Parker I am sending you the following information so that you may post the meeting. Thank you.

"A public meeting of the Bourne Cultural Council will be held on Tuesday, September 18th at the Bourne Community Center from 7:00PM - 9:00PM. The purpose of this meeting to to educate the community on the Council, how it benefits our community and how you can get involved. All are welcome to join!"

Reflections by Robin
Decorative Window Art

Robin Pierson

Decorative Artist
508-944-4769
www.robinpierson.com

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TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Cultural Council

"A public meeting of the Bourne Cultural Council will be held on Tuesday, September 18th at the Bourne Community Center from 7:00PM - 9:00PM. The purpose of this meeting to to educate the community on the Council, how it benefits our community and how you can get involved. All are welcome to join!"

2012 SEP 6 AM 9 49
TOWN CLERK'S OFFICE
BOURNE, MASS

Sullivan, Tracy

From: Robin Pierson
[robinpiersonartist@gmail.com]
Sent: Monday, November 12, 2012 8:57 AM
To: Sullivan, Tracy
Subject: Bourne Cultural Council

Hi Tracy - per my voice mail message to you here are the specifics on the Bourne Cultural Council Meeting:

Monday, November 19th
6:00 pm
Bourne Community Center
Council on Aging Conference Room

Re: To review grant applications.

Please confirm receipt of this email. Thank you!

Robin Pierson
Interior Decorative Artist

www.robinpierson.com
508-944-4769

2012 NOV 13 AM 5 37
TOWN CLERK'S OFFICE
BOURNE, MASS